

PUBLIC MATTER

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STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of)	Case No.: 15-R-12881-PEM
)	
ROBERT WILLIAM ROLAND,)	
)	DECISION
Petitioner for Reinstatement.)	
_____)	

INTRODUCTION

Petitioner **Robert William Roland** seeks reinstatement to the practice of law after his summary disbarment in April 2007 for a felony conviction of possessing a controlled substance with intent to distribute.¹

The State Bar of California opposes the petition for reinstatement.

After carefully considering all of the evidence and arguments of the parties, this court concludes that petitioner has demonstrated, by clear and convincing evidence, that he has satisfied the requirements for reinstatement to the practice of law. Accordingly, this court recommends that he be reinstated to the practice of law upon the payment of all applicable fees and costs.

¹ Petitioner was convicted of other counts, but he was summarily disbarred based on one count of possession of a controlled substance with intent to distribute.



SIGNIFICANT PROCEDURAL HISTORY

Petitioner filed his first petition for reinstatement on September 20, 2013, case No. 13-R-15613, and voluntarily withdrew it on June 3, 2014.

Petitioner filed this second petition for reinstatement on June 12, 2015.

On October 19, 2015, the Office of the Chief Trial Counsel of the State Bar of California (State Bar) filed an opposition to the petition.

On January 25, 2016, the parties filed a joint stipulation as to facts and admission of documents. The court approved the joint stipulation.

A four-day trial was held on February 2, 3, 4, and 9, 2016. Attorney Joanna P. Sheridan represented petitioner. Supervising Senior Trial Counsel Susan Chan represented the State Bar. Following the filing of closing briefs on February 19, 2016, the matter was submitted for decision.

REQUIREMENTS FOR REINSTATEMENT

Rule 5.445 of the Rules of Procedure of the State Bar provides that petitioners for reinstatement, who previously had been disbarred or resigned with charges pending, must:

1. Pass a professional responsibility examination within one year prior to filing the petition;
2. Establish their rehabilitation;
3. Establish present moral qualifications for reinstatement; and
4. Establish present ability and learning in the general law by providing proof that they have taken and passed the Attorneys' Examination by the Committee of Bar Examiners within three years prior to the filing of the petition.

FINDINGS OF FACT

The following findings of fact are based on the parties' stipulation, the petition for reinstatement, and the evidence and testimony admitted at this proceeding.

A. State Bar Membership

Petitioner was admitted to the practice of law in California on December 2, 1999, and was a member of the State Bar until he was summarily disbarred by the Supreme Court in order No. S148500 (State Bar Court case No. 05-C-02767), filed on March 28, 2007, and effective April 27, 2007.

B. Background and Conduct Leading to Summary Disbarment

1. History of Substance Abuse

Petitioner grew up in Los Gatos, California. At the age of 15 he fathered a child. In order to support his daughter, he worked in high school. During his high school years petitioner smoked marijuana at least three times a week. He attended West Valley Junior College and then transferred to San Jose State University. By then, petitioner smoked marijuana nearly every day, as well as imbibing in methamphetamines and MDMA² (ecstasy). He continued his studies at the University of San Francisco Law School and graduated in 1999. While in law school, petitioner worked as a certified law student at the Office of the District Attorney for the County of San Francisco (DA's office). At the same time, he was using more and more drugs.

After he was admitted to the practice of law, petitioner was a volunteer attorney with the DA's office for eight months before he was hired as a full-time assistant district attorney (ADA) in 2002. By then, he was addicted to methamphetamines and MDMA. Soon he led a double life.

Petitioner lived in a world with prosecutors and another world with drug sellers and users. He bought his drugs from so-called friends, in particular a childhood friend from high school named Eric Shaw (Shaw). Shaw, a small time drug seller, purchased his drugs from Ryan Nyberg (Nyberg).

² Methylenedioxymethamphetamine, also known as "ecstasy."

2. Conflict of Interest as an Assistant District Attorney

Eventually petitioner's two worlds collided. In 2002, Shaw was arrested for felony drug possession with intent to sell MDMA. Shaw's case was calendared for arraignment on June 28, 2002. Petitioner reviewed all of the files for the new cases set for arraignment in his department that day and saw that Shaw's case had been assigned to his courtroom. Petitioner did not disclose to the court, the district attorney's office, or Shaw's attorney that Shaw was petitioner's friend and drug dealer. Because he was afraid that it would negatively impact his reputation, he did not declare a conflict of interest or remove himself from the case. Shaw's case was then assigned to petitioner.

During the appearance, petitioner agreed to a disposition of Shaw's matter wherein the felony drug charges were dismissed in lieu of a guilty plea to the lesser included misdemeanor offense of possession of MDMA, with a sentence of three years' probation and 10 days in jail servable through the Sheriffs Work Alternative Program.

After the arraignment, while Shaw was on probation following his June 28 plea, petitioner continued to solicit drugs from Shaw.

In June 2003, Nyberg was arraigned on felony drug possession and sales in San Francisco Superior Court. Prior to Nyberg's arraignment, Shaw called and asked petitioner if there was anything he could do to help Nyberg. Petitioner told Shaw there was nothing he could do about Nyberg's arrest and that he, in fact, did not even know which court Nyberg's case would be assigned. Unfortunately for petitioner, Nyberg's case was assigned to petitioner's court. Although petitioner was uncomfortable when Nyberg appeared in this court because petitioner had numerous phone calls with Nyberg, petitioner did not disclose that he had a conflict. Petitioner was afraid the disclosure would lead to the revelation that he was a drug user, especially because petitioner continued to buy methamphetamines and ecstasy from Shaw and

Nyberg. The court released Nyberg on his own recognizance after the arraignment without objection from petitioner.

Between September and October 18, 2003, petitioner and Nyberg had multiple contacts with each other. On October 17, 2003, petitioner solicited drugs (MDMA) from Nyberg.

In 2002, petitioner met Jean Kang (Jean) another ADA in his office. They started dating. As that relationship became more serious, petitioner began to withdraw from his friends who were drug users. He also began to develop healthier relationships with his co-workers and use less drugs. Around 2003-2005, Jean and petitioner began discussing marriage and having a family.

3. Felony Criminal Convictions for Drug Possession and Distribution

But in 2005, petitioner's world collapsed. On January 14, 2005, the FBI questioned petitioner about his drug use and his relationship with Shaw and Nyberg. Petitioner at first denied drug use and remembering working on Shaw's and Nyberg's cases. He falsely told FBI agents that he had not used drugs since becoming an ADA, though before the end of the interview he admitted to using marijuana and possessing marijuana in his home. But petitioner did not disclose that he had used MDMA or any other drug.

On June 9, 2005, a Superseding Indictment was filed in U.S. District Court, criminal case No. 04-0309-06, alleging that petitioner conspired with Eric Shaw to extort property under color of official right, a violation of 18 U.S.C. section 1951(a), as well as made false statements in a matter within the jurisdiction of the executive branch in violation of 18 U.S.C. section 1001(a). This indictment brought petitioner into a case that was already pending against Nyberg and Shaw, among others, for MDMA distribution.

On February 8, 2006, a Superseding Information was filed alleging that petitioner possessed MDMA with the intent to distribute, or give it away, a felony violation of 21 U.S.C.

section 841(a)(1), that he used the telephone to accomplish that felony, in violation of 21 U.S.C. section 843(b), as well as two misdemeanor offenses for possessing MDMA, in violation of 21 U.S.C. section 844(a). Petitioner pled guilty to each offense in the Superseding Information.

As part of the petitioner's February 8, 2006 plea agreement, petitioner admitted that:

"On or about October 17, 2003, Nyberg delivered eight pills of MDMA to me at my house. I knowingly possessed MDMA with the intent to share it with my friends. In addition, on or about October 17, 2003, I knowingly and intentionally used my telephone to communicate with Nyberg so that I could obtain the MDMA from Nyberg and share it with friends. At the time, I received the MDMA from Nyberg, I knew that Nyberg was a defendant in the above described felony drug cases (which were still pending in Superior Court) and that he was still represented by counsel."

At the time of petitioner's guilty plea on February 8, 2006, the United States informed the court that the following two charges of the superseding indictment, to which petitioner did not admit guilt, were not readily provable and should not be considered by the court at sentencing: conspiracy to extort property under color of official right (18 U.S.C. section 1951(a), "Hobbs Act"); and making false statements in a matter within the jurisdiction of the Executive Branch (18 U.S.C. section 1001(a)).

4. Summary Disbarment for Criminal Conviction

As a result of petitioner's conviction, petitioner was placed on interim suspension effective April 10, 2006. On October 16, 2006, the State Bar Court's Review Department recommended that petitioner be summarily disbarred under Business and Professions Code section 6102, subdivision (c), based upon his conviction for possessing a controlled substance with the intent to deliver it to another person. Petitioner's offense was a felony and involved moral turpitude. He was disbarred effective April 27, 2007 (Supreme Court order No. S148500; State Bar Court case No. 05-C-02767).

C. Life After Summary Disbarment

1. Marriage and Life in Prison

Petitioner and Jean Kang married on May 21, 2006, while petitioner was awaiting sentencing. He was incarcerated on August 1, 2006, for a period of six months. Because petitioner was a former ADA, for his protection he was sent to Florence, Colorado, to serve his time. His wife visited him in prison at least once a month. Prison was very hard for petitioner; he lost a lot of friends and was away from his wife and the rest of his family. But petitioner used his time in prison wisely. He began to think about what he had done, how he lost himself, and why he had to move forward.

2. Compliance with Probation Conditions After Incarceration

After six months in prison, petitioner was then placed on supervised release for three years. As part of petitioner's supervised release, he was required to undergo drug testing and counseling until it was no longer deemed necessary by his probation officer, submit his person, residence, office and vehicle to search by a U.S. probation officer, and perform 150 hours of community service.

On February 2, 2007, petitioner sought treatment with Sharper Future, a social rehabilitation and relapse prevention program. While in that program petitioner consistently tested negative for substance abuse. He also started to attend Narcotics Anonymous meetings. By April 24, 2007, petitioner had completed 10 drug counseling sessions over a two-month period from Sharper Future. Petitioner was successfully discharged from the program as he had reached a point where additional counseling was no longer deemed necessary.

Petitioner performed 150 hours of community service work by making sandwiches at Glide Memorial Church, helping to build a community garden in Walnut Creek, and digging ditches at a zoo.

On July 7, 2009, petitioner moved for an order terminating his supervised release. The U.S. Attorney's Office filed a written non-opposition to his request, which was granted on July 9, 2009.

D. Rehabilitation and Moral Character

1. Employment

Once petitioner was released from prison he took an entry level position at a medical device manufacturing company testing used medical devices. After that company relocated back East, respondent became a document control specialist at Cardiva Medical where he is presently employed. He has been promoted twice and is currently a senior quality assurance and compliance specialist. His job is to make sure that Cardiva Medical produces a safe device for patients.

2. Family Life

In 2009 after a very high risk pregnancy, petitioner's wife gave birth to a son. In 2010 after another high risk pregnancy, she gave birth to a second son. Petitioner has spent the past six years caring for his wife through the two high risk pregnancies and his two young children. He has fully embraced fatherhood.

3. Recovery from Drug Use

By the time petitioner was an ADA, he was addicted to methamphetamines and MDMA and he frequently smoked marijuana. After petitioner was arrested in 2005, he was subject to random drug testing while on pretrial release and there was no dirty test. In 2006, while in federal prison in Colorado, petitioner took part in drug education classes. Upon his release from prison, he was again subject to random drug testing for a year and assigned to Sharper Future. Petitioner completed five sessions with a psychotherapist. As previously noted, he was discharged from the program because he had consistently tested negative for substance abuse.

On March 27, 2014, petitioner submitted to an independent medical evaluation by Dr. Paul Abramson, board certified in addiction medicine. After examining petitioner, Dr.

Abramson concluded the following:

- that petitioner has good insight into his past issues regarding substance abuse and their adverse consequences;
- petitioner has no identified risk factors for future use;
- there is no need for further monitoring or treatment; and
- petitioner is psychologically stable and fit to practice law without further delay.

Furthermore, petitioner testified that he has not used illegal drugs since his arrest in 2005. Numerous character witnesses testified that they have seen no evidence that petitioner was using drugs after his arrest in 2005. This court finds petitioner's testimony credible in terms of his rehabilitation from drug use. Petitioner has successfully abstained from methamphetamines and MDMA use for over 11 years.

4. Good Character Witnesses

Fourteen witnesses testified and five additional character witnesses submitted letters in support of his good character, including deputy district attorneys, law enforcement officers, family members, employer, and friends. Many of them had previously worked with petitioner in the DA's office. Favorable character testimony from employers and attorneys are entitled to considerable weight. (*Feinstein v. State Bar* (1952) 39 Cal.2d 541, 547). Because judges and attorneys have a "strong interest in maintaining the honest administration of justice" (*In the Matter of Brown* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 309, 319), "[t]estimony of members of the bar . . . is entitled to great consideration." (*Tardiff v. State Bar* (1980) 27 Cal.3d 395, 403.) They were aware of petitioner's summary disbarment, the misconduct that led to it, his imprisonment, and his underlying substance abuse. They have known petitioner for many

years and uniformly attested to his good moral character. They have had regular dealings with him, both personally and professionally. They testified favorably regarding petitioner's remorse for his conduct, honesty, integrity, trustworthiness, kindness, dedication, rehabilitation, and legal knowledge and skills.

For example, Daniel Goins has known petitioner since the first grade. He testified that petitioner is not the man he once was, that petitioner has rebuilt his life with dignity focusing on being a father and a husband, and that petitioner is remorseful and embarrassed about his time in prison. He believes that petitioner has learned from his prison experience and has changed to become an individual of good moral character who no longer uses illegal drugs since he got out of prison.

Jerry Coleman, an ADA since 1979, supervised petitioner for almost three years when petitioner was an ADA in San Francisco. He testified that petitioner performed exemplary service at the DA's office and that petitioner was hardworking, loyal, helpful, and a team player. When he found out that petitioner was using drugs, he was shocked. He has kept in touch with petitioner over the entire period of his fall from grace. He testified that petitioner has suffered enough for his admitted mistake. He opined that petitioner has become more mature, more reflective, thoughtful, and conscious of how his acts affect others. He believes that petitioner has so much to offer to the legal community and that he is honorable and fair.

Linda Klee, a retired ADA for 35 years, knew petitioner when he was being investigated by the FBI. When the federal agents came to her, she reviewed the files and confirmed that the dispositions that petitioner gave his friends, Shaw and Nyberg, in their criminal matters were nothing out of the ordinary and that they were in line with office policy. She believes that people make mistakes and that petitioner is on the right track.

Jean Roland, petitioner's wife and an ADA for 15 years (currently head of the juvenile division), testified that in and around 2002 she could tell that petitioner was using drugs and confronted him. He took a look at his life and tried to shed that juvenile behavior. He wanted to change. She saw that changes were happening in 2003; he was a different person. By 2004, petitioner stopped using hard drugs. He was indicted in 2005 but she did not walk away from him. She believes that he was a genuinely good person, a kind person. She knew that he had an addiction issue; she stayed with him because she did not want him to go back into his addiction. In 2005, they were engaged and he went to prison. He always owned his issue and he felt horrible he was putting me through it. He never blamed anyone. She further testified that petitioner is now a very responsible parent, taking care of their two young sons. He has started volunteering at a legal aid clinic and speaking at law school ethics classes. He genuinely wants to share his experience with other law students so that others can learn from it. She testified that petitioner is now a completely different person; his priorities are so different.

Dennis Chow, an assistant U.S. attorney and a former ADA, has known petitioner over 13 years. He testified that petitioner has rehabilitated from drug use. He also wrote, "What [petitioner] was able to achieve over the subsequent years amazes" him in that petitioner started a new career in the medical device industry, has become the primary caregiver to his teenage daughter, and is fully committed to his family. He opined that petitioner is still the same caring and generous person that he first met, but there is a maturation and strength about him that was not present before. He believes that petitioner has learned from his mistakes and has grown from his experiences.

Tony Flores, a sergeant inspector with the San Francisco Police Department since 1982, believes that petitioner has now picked up the pieces and strived to better himself and is a loving, devoted, loyal husband and a very caring, nurturing father. He wrote: "When [petitioner] lost

everything, including a profession that he loved, he pulled himself back up to a position where his friends and family respect and admire him. His is a true success story of rehabilitation."

Jeffrey Ross, an ADA for more than 30 years, testified that petitioner has paid his debt to society and redeemed himself for his wrongs. He believes that petitioner's life truly is a story of redemption.

In sum, these and all of the other witnesses expressed confidence in petitioner's rehabilitation and urged his reinstatement, stating that petitioner is remorseful and committed to his family. They praised petitioner's integrity, honesty and dedication. Moreover, they credited his wife, Jean, for her steadfast support for his complete transformation, rehabilitation and redemption.

The State Bar did not rebut any of the evidence submitted.

5. Recognition of Wrongdoing and Remorse

Petitioner has at all times acknowledged his wrongdoing and is remorseful. He blames no one for his transgressions. He speaks at several ethics and professional responsibility law school classes. At the trial in this matter, he readily admitted that what he did was dishonorable, consequently causing damage to his office and the criminal justice system. He did not minimize his misconduct. Through the support of his friends and family, particularly his wife, petitioner has changed and rebuilt his life.

6. Community Service

Petitioner's community activities provide evidence of exemplary conduct and must be considered when evaluating his rehabilitation. From August 2014 through November 2015, petitioner volunteered one Saturday each month at the Bar Association of San Francisco's Justice & Diversity Center's Legal Advice and Referral Clinic in the Bayview neighborhood. The center assists more than 9,000 low-income and homeless clients through legal representation and

related social services in various areas of law. Volunteers also provide students with counseling, coaching and mentoring in efforts to increase diversity in the legal field. Petitioner spends between five to six hours setting up the clinic, conducting client intakes, facilitating client flow, and training new volunteers on the clinic procedures. In May 2015, petitioner was selected as an outstanding volunteer in 2014 for his work at the center. Again, in January 2016, petitioner was selected as an outstanding volunteer for the year 2015 for his work.

Moreover, beginning in April 2014, petitioner volunteered as an unpaid guest lecturer in ethics/professional responsibility classes presenting at U.C. Berkeley School of Law and University of San Francisco School of Law, regarding his own ethical transgressions and the consequences to his life and career. Petitioner has given a total of eight presentations since 2014.

E. MPRE and Present Ability and Learning in the Law

Petitioner passed the Multistate Professional Responsibility Examination (MPRE) on August 9, 2014, within one year prior to the filing of the petition for reinstatement, and passed the July 2012 California State Bar Attorneys' Examination, which was within three years of the filing of his petition.

F. Restitution and Discipline Costs

Petitioner has never been the subject of a claim with the Client Security Fund (CSF) and does not owe the CSF any reimbursement. He has paid all discipline costs assessed against him.

CONCLUSIONS OF LAW AND DISCUSSION

Petitioner has the heavy burden of establishing by clear and convincing evidence that he has passed a professional responsibility examination, has present ability and learning in the general law, has been rehabilitated, and has the present moral qualifications for admission. (*In the Matter of Giddens* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 25, 30.)

The burden of proving rehabilitation rests with an attorney seeking reinstatement. (*Feinstein v. State Bar* (1952) 39 Cal.2d 541, 546.) In reinstatement proceedings, a petitioner “must show by the most clear and convincing evidence that efforts made toward rehabilitation have been successful.” (*Id.* at pp. 546-547.) Although he need not demonstrate perfection, “overwhelming proof of reform” is necessary. (*Id.* at p. 546.)

Reinstatement proceedings are not pro forma exercises to reverse disbarment; they are to determine a petitioner’s fitness for readmission. (*In the Matter of Ainsworth* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 894, 901.) Proof of rehabilitation must include a lengthy period of unblemished conduct, and, in that respect, actions speak louder than words. (*In re Menna* (1995) 11 Cal.4th 975, 988-990.) The Supreme Court holds that the burden of showing good moral character is substantially more rigorous for an attorney seeking reinstatement than for a first time applicant. (*Id.* at p. 986.)

In determining whether the burden has been met, the evidence of present character must be considered in light of the moral shortcomings which resulted in the imposition of discipline or the petitioner’s resignation with disciplinary charges pending. (*Roth v. State Bar* (1953) 40 Cal.2d 307, 313.) The showing of rehabilitation needed is commensurate with the nature and seriousness of the underlying misconduct. (*In re Menna, supra*, 11 Cal.4th at p. 986.)

It is also equally well established that “[t]he law looks with favor upon the regeneration of erring attorneys and should not place unnecessary burdens upon them.” (*Resner v. State Bar* (1967) 67 Cal.2d 799, 811.) “There can, of course, be no absolute guarantee that petitioner will never engage in misconduct again. But if such a guarantee were required for reinstatement none could qualify. All [this court] can require is a showing of rehabilitation and of present moral fitness.” (*Ibid.*) In short, petitioner is not required to show perfection. (*In the Matter of Giddens, supra*, 1 Cal. State Bar Ct. Rptr. at p. 37.)

A. California Rules of Court, Rule 9.10(f); Rule 5.445(A) of the Rules of Procedure

In this matter, the evidence is uncontradicted, the parties stipulated, and this court finds that petitioner: (1) passed the Multistate Professional Responsibility Examination (MPRE) on August 9, 2014, within one year prior to the filing of the petition for reinstatement; (2) passed the July 2012 California State Bar Attorneys' Examination, which was within three years of the filing of his petition; (3) has never been the subject of a claim with the CSF and does not owe the CSF any reimbursement; and (4) has paid all discipline costs. (Cal. Rules of Court, rule 9.10(f); Rules of Proc. of State Bar, rule 5.445(A).)

Thus, the only disputed issues in this matter are whether petitioner has sustained his burden of proving that he is rehabilitated and has the present moral qualifications for reinstatement.

B. Rehabilitation

An applicant for reinstatement must show, by clear and convincing evidence, that he or she is successfully rehabilitated. Proof of that rehabilitation must include a lengthy period of unblemished and exemplary conduct. (*In re Menna, supra*, 11 Cal.4th at p. 989.)

The State Bar argues that while petitioner has made a good effort toward rehabilitation, petitioner's volunteer activities, beginning in April 2014 to the date he filed his petition in July 2015, are inadequate in both quantity and quality to demonstrate sustained exemplary conduct over an extended period of time.

This court disagrees as it does not take into account the misconduct for which he was disbarred and the efforts he has made toward rehabilitation in terms of the actual misconduct.

"[O]ur concern . . . is not just in counting the correct number of years for measuring petitioner's rehabilitation, but more importantly, to assess the quality of petitioner's showing in light of his very serious misconduct." (*In the Matter of Bodell* (Review Dept. 2003) 4 Cal. State

Bar Ct. Rptr. 459, 464 [showing of rehabilitation sufficient during four years of unsupervised good conduct].)

Here, petitioner has demonstrated by clear and convincing evidence that he has turned his life around. The serious misconduct that resulted in petitioner's summary disbarment occurred between 11 to 14 years ago and is attributable to petitioner's substance abuse. He has not used illegal drugs since 2005. He quit once he was arrested and never looked back.

Petitioner was disbarred because he was a drug addict and when two of the people from whom he bought drugs appeared in his courtroom as defendants, he did not disclose to the court, the district attorney's office, or the friends' attorneys that the defendants were his drug dealers. Originally the U.S. Attorney's Office alleged that he used his position as a DA to fix the criminal cases of the people from whom he bought drugs in exchange for drugs. This turned out to be untrue. Two supervising ADAs testified that the dispositions received by the people he bought drugs from were totally within the range of what any defendant charged with their crime would have received. In fact, Ms. Klee testified that the dispositions were nothing out of the ordinary and that they were in line with office policy. As a result, petitioner was charged with one count of possession of a controlled substance with intent to distribute and the charge that he misused his position as a DA was dropped.

The term "distribute" sounds like a person is wheeling and dealing. But here, petitioner was guilty of possessing eight pills of MDMA with the intent to share them with his friends, not wheeling and dealing. Another act of misconduct was his failure to disclose to the FBI in January 2005 that he had used MDMA and methamphetamines and not just marijuana. He was a drug addict who lied. His action was inexcusable but not surprising.

Petitioner has been clean since 2005 after being routinely tested for nearly three years. He was incarcerated for six months, had two children born, and works full time. Once his

children reach school age, he spends his limited free time to do volunteer work in the past two years. This is sustained exemplary behavior. He is no longer the person he was at the time of the misconduct. He is committed to public service; he is a dedicated father and husband; and he no longer associates with drug dealers/users.

A critical area of rehabilitation is the concrete showing of acts designed to rectify past wrongdoing. (*In re Menna, supra*, 11 Cal.4th at pp. 987-988.) Petitioner has devoted a significant amount of his time sharing with law students about his past transgressions so that they could learn from his mistakes. His work through the Justice & Diversity Center also shows his rehabilitation. "Postmisconduct pro bono work and community service are factors evidencing rehabilitation and present moral qualifications." (*In the Matter of Miller* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 423, 430.)

This court concludes that petitioner has clearly and convincingly demonstrated his rehabilitation from the circumstances that were once present in petitioner's life at the time of his misconduct. Petitioner's presentation of favorable character evidence, and evidence of remorse and acceptance of the responsibility for misconduct leading to the summary disbarment are adequate to show sustained exemplary conduct and demonstrate moral reform. (*In the Matter of Kirwan* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 692.)

The evidence shows that petitioner has taken responsibility for his life and past misconduct, and he has resurrected himself into an honest, trustworthy and productive member of the community. (*In the Matter of Miller, supra*, 2 Cal. State Bar Ct. Rptr. 423.) He has been forthright and honest in his description of his misconduct and has expressed sincere remorse for it. (*In the Matter of Rudman* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 546, 554.) Petitioner has demonstrated an acceptable appreciation for his professional responsibilities and a proper attitude towards his misconduct. (*In the Matter of Miller, supra*, 2 Cal. State Bar Ct.

Rptr. at p. 431.)

Petitioner's rehabilitation is most compelling and impressive. Thus, he has conducted himself in an exemplary manner.

The State Bar did not present evidence sufficient to undercut the evidence presented in support of his reinstatement.

C. Moral Qualifications

As to moral qualifications, the question before the court is "whether petitioner is a fit and proper person to practice law at this time." (*Pacheco v. State Bar* (1987) 43 Cal.3d 1041, 1051.) Petitioner has proven by clear and convincing evidence the requisite good moral character for reinstatement to the practice of law. He has demonstrated that he is fit to practice law in California.

Petitioner presented many credible character witnesses who attested to his high moral character. The character testimony is a strong consideration as factors supporting petitioner's reinstatement. Their opinion and knowledge of petitioner are that he is of good moral character and this court agrees.

Moreover, "[l]etters of recommendation and the favorable testimony, especially that of employers and attorneys, are entitled to considerable weight. [Citations.]" (*Feinstein v. State Bar, supra*, 39 Cal.2d at p. 547.) Petitioner presented very credible evidence from many attorneys, including former colleagues and supervisors in the DA's office, all of whom urged his reinstatement based on their assessment of his character and legal knowledge and skills.

Therefore, petitioner has demonstrated that he is fit to practice law in California in view of his lengthy period of being drug-free and has proven by clear and convincing evidence the requisite good moral character for reinstatement to the practice of law.

D. Present Ability and Learning in the General Law

As noted, the un rebutted evidence supports a finding that petitioner has made a sufficient showing of present ability and learning in the general law required for reinstatement. (Rules Proc. of State Bar, rule 5.445(A)(4).) Petitioner has successfully taken and passed the Attorney's Examination by the Committee of Bar Examiners within three years prior to the filing of this petition.

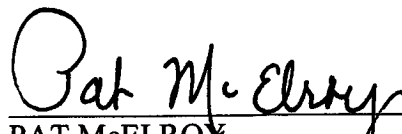
RECOMMENDATION

After careful consideration of the facts and the law, the court concludes that petitioner's reinstatement to the practice of law at this time is fully warranted. He has clearly provided a compelling demonstration of moral rehabilitation, comprising "overwhelming, proof of reform ... which we could with confidence lay before the world in justification of a judgment again installing him in the profession." (*In re Menna, supra*, 11 Cal.4th at p. 989.)

Petitioner has sustained his burden by clear and convincing evidence to demonstrate that he is rehabilitated and thus possesses the present moral qualifications and has met the other requirements for reinstatement to the practice of law in California.

Accordingly, it is recommended that the petition for reinstatement be **GRANTED** and that petitioner **Robert William Roland** be reinstated to the practice of law in California upon payment of all applicable fees and costs.

Dated: May 3, 2016


PAT McELROY
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, On May 3, 2016, I deposited a true copy of the following document(s):

DECISION

in a sealed envelope for collection and mailing on that date as follows:


- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

DOUGLAS L. RAPPAPORT
LAW OFC DOUGLAS L RAPPAPORT
260 CALIFORNIA ST #1002
SAN FRANCISCO, CA 94111

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

SUSAN CHAN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on May 3, 2016.



Laurretta Cramer
Case Administrator
State Bar Court