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**State Bar Court of California
Hearing Department
San Francisco
STAYED SUSPENSION**

<p>Counsel for the State Bar</p> <p>Charles A. Murray Special Deputy Trial Counsel P.O. Box 5101 Orange, CA 92863</p> <p>Bar # 146069</p>	<p>Case Number(s): 16-C-10885-LMA</p>	<p>For Court use only PUBLIC MATTER</p> <p>FILED</p> <p>AUG 21 2018 <i>W</i></p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p>Wonder Jen-Hwa Liang 875A Island Drive, #389 Alameda, CA 94502</p> <p>Bar # 184357</p>	<p>Submitted to: Assigned Judge</p>	
<p>In the Matter of: Wonder Jen-Hwa Liang</p> <p>Bar # 184357</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **December 3, 1996**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **14** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."



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- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. It is recommended that (check one option only):
- Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.
 - Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. **SELECT ONE** of the costs must be paid with Respondent's membership fees for each of the following years:

If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance will be due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs."
 - Costs are entirely waived.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline:**
- (a) State Bar Court case # of prior case:
 - (b) Date prior discipline effective:
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline:
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4) **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (5) **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.
- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.

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- (7) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. **Respondent caused \$2,000 damage to a parked car and damaged 170 feet of chain link fencing.**
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of Respondent's misconduct.
- (10) **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing.
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) **Restitution:** Respondent failed to make restitution.
- (14) **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

Position of Higher Expectation, Awareness and Responsibility: Prior to committing the misconduct described herein, Respondent held a position of higher expectation, awareness and responsibility due to his previous employment with the State Bar of California for over ten years as a deputy trial counsel handling cases of attorney misconduct. (See, *Seide v. State Bar* (1989) 49 Cal.3d 933, 938 [applicant's conduct surrounding his conviction was more egregious due to prior law enforcement background]; In the Matter of Moriarty (Review Dept. 1990) 1 Cal. State Bar Court Rptr. 245, 251 [prior employment as a deputy district attorney and FBI agent aggravated tax fraud conviction]; In the Matter of Anderson (Review Dept. 1992) 2 Cal. State Bar Court Rptr. 208, 216 [prior professional, prosecutorial experience due to his special awareness of the requirements of the law aggravated drunk driving conviction surrounded by altercation with police officer and refusal to cooperate with law enforcement].)

C. Mitigating Circumstances [Standards 1.2(i) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of Respondent's misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of Respondent's misconduct.

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- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced Respondent.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct, Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by Respondent, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond Respondent's control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in Respondent's personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of Respondent's misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

No prior record of discipline: Respondent practiced law for over 18 years with no record of discipline prior to his April 1, 2015 arrest for the incidents described in this Stipulation. (*Hawes v. State Bar* (1990) 51 Cal.3d 587, 598 [over 10 years without a prior record of discipline entitle to significant weight in mitigation]; In the Matter of Riordan (Review Dept. 2007) 5 Cal. State Bar Court Rptr. 41, 49 [significant mitigation for 17 years of discipline-free practice].)

Pretrial Stipulation: By entering into this stipulation agreeing to a resolution of all issues in this matter, Respondent has acknowledged his misconduct and is entitled to mitigation for his recognition of his wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [mitigation given for entering into a stipulation as to facts and culpability]; In the Matter of Spaith (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

Candor/Cooperation: Respondent displayed spontaneous candor and cooperation with the State Bar during these disciplinary proceedings. (Std. 1.6(e).)

Community Service: Volunteer Legal Services Corporation of the Alameda County Bar Association gave Respondent a certificate recognizing him as a 2017 Outstanding Volunteer. (*Calvert v. State Bar* (1991) 54 Cal.3d 765 785 [legal and community service activities are mitigating circumstances].)

D. Recommended Discipline:

Stayed Suspension:

Respondent is suspended from the practice of law for **one (1) year**, the execution of that suspension is stayed, and Respondent is placed on probation for **one (1) year** with the following conditions.

- (1) **Review Rules of Professional Conduct:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must (1) read the California Rules of Professional Conduct (Rules of Professional Conduct) and Business and Professions Code sections 6067, 6068, and 6103 through 6126, and (2) provide a declaration, under penalty of perjury, attesting to Respondent's compliance with this requirement, to the State Bar's Office of Probation in Los Angeles (Office of Probation) with Respondent's first quarterly report.
- (2) **Comply with State Bar Act, Rules of Professional Conduct, and Probation Conditions:** Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all conditions of Respondent's probation.
- (3) **Maintain Valid Official Membership Address and Other Required Contact Information:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must make certain that the State Bar Attorney Regulation and Consumer Resources Office (ARCR) has Respondent's current office address, email address, and telephone number. If Respondent does not maintain an office, Respondent must provide the mailing address, email address, and telephone number to be used for State Bar purposes. Respondent must report, in writing, any change in the above information to ARCR, within ten (10) days after such change, in the manner required by that office.
- (4) **Meet and Cooperate with Office of Probation:** Within 15 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must schedule a meeting with Respondent's assigned probation case specialist to discuss the terms and conditions of Respondent's discipline and, within 30 days after the effective date of the court's order, must participate in such meeting. Unless otherwise instructed by the Office of Probation, Respondent may meet with the probation case specialist in person or by telephone. During the probation period, Respondent must promptly meet with representatives of the Office of Probation as requested by it and, subject to the assertion of applicable privileges, must fully, promptly, and truthfully answer any inquiries by it and provide to it any other information requested by it.
- (5) **State Bar Court Retains Jurisdiction/Appear Before and Cooperate with State Bar Court:** During Respondent's probation period, the State Bar Court retains jurisdiction over Respondent to address issues concerning compliance with probation conditions. During this period, Respondent must appear before the State Bar Court as required by the court or by the Office of Probation after written notice mailed to Respondent's official membership address, as provided above. Subject to the assertion of applicable privileges, Respondent must fully, promptly, and truthfully answer any inquiries by the court and must provide any other information the court requests.
- (6) **Quarterly and Final Reports:**
 - a. **Deadlines for Reports.** Respondent must submit written quarterly reports to the Office of Probation no later than each January 10 (covering October 1 through December 31 of the prior year), April 10 (covering January 1 through March 31), July 10 (covering April 1 through June 30), and October 10 (covering July 1 through September 30) within the period of probation. If the first report would cover less than 30 days, that report must be submitted on the next quarter date and cover the extended deadline. In addition to all quarterly reports, Respondent must submit a final report no earlier than ten (10) days before the last day of the probation period and no later than the last day of the probation period.
 - b. **Contents of Reports.** Respondent must answer, under penalty of perjury, all inquiries contained in the quarterly report form provided by the Office of Probation, including stating whether Respondent has complied with the State Bar Act and the Rules of Professional Conduct during the applicable quarter or period. All reports must be: (1) submitted on the form provided by the Office of Probation; (2) signed and dated after the completion of the period for which the report is being submitted (except for the final

report); (3) filled out completely and signed under penalty of perjury; and (4) submitted to the Office of Probation on or before each report's due date.

- c. **Submission of Reports.** All reports must be submitted by: (1) fax or email to the Office of Probation; (2) personal delivery to the Office of Probation; (3) certified mail, return receipt requested, to the Office of Probation (postmarked on or before the due date); or (4) other tracked-service provider, such as Federal Express or United Parcel Service, etc. (physically delivered to such provider on or before the due date).
- d. **Proof of Compliance.** Respondent is directed to maintain proof of Respondent's compliance with the above requirements for each such report for a minimum of one year after either the period of probation or the period of Respondent's actual suspension has ended, whichever is longer. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.

- (7) **State Bar Ethics School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Ethics School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (8) **State Bar Ethics School Not Recommended:** It is not recommended that Respondent be ordered to attend the State Bar Ethics School because
- (9) **State Bar Client Trust Accounting School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Client Trust Accounting School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Client Trust Accounting School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (10) **Minimum Continuing Legal Education (MCLE) Courses – California Legal Ethics [Alternative to State Bar Ethics School for Out-of-State Residents]:** Because Respondent resides outside of California, within _____ after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must either submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session or, in the alternative, complete _____ hours of California Minimum Continuing Legal Education-approved participatory activity in California legal ethics and provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the Ethics School or the hours of legal education described above, completed after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (11) **Criminal Probation:** Respondent must comply with all probation conditions imposed in the underlying criminal matter and must report such compliance under penalty of perjury in all quarterly and final reports submitted to the Office of Probation covering any portion of the period of the criminal probation. In each quarterly and final report, if Respondent has an assigned criminal probation officer, Respondent must provide the name and current contact information for that criminal probation officer. If the criminal probation was successfully completed during the period covered by a quarterly or final report, that fact must be reported by Respondent in such report and satisfactory evidence of such fact must be provided

with it. If, at any time before or during the period of probation, Respondent's criminal probation is revoked, Respondent is sanctioned by the criminal court, or Respondent's status is otherwise changed due to any alleged violation of the criminal probation conditions by Respondent, Respondent must submit the criminal court records regarding any such action with Respondent's next quarterly or final report.

- (12) **Minimum Continuing Legal Education (MCLE):** Within _____ after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must complete _____ hour(s) of California Minimum Continuing Legal Education-approved participatory activity in SELECT ONE _____ and must provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the hours of legal education described above, completed after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (13) **Other:** Respondent must also comply with the following additional conditions of probation:
Respondent recognizes that driving with an extremely high blood alcohol concentration (.25%) with his nine year-old son as a passenger, causing two accidents resulting in significant property damage and not stopping, and being obnoxious, non-cooperative and physically aggressive with police officers investigating these incidents, suggests an alcohol problem that needs to be addressed before it affects Respondent's practice of law. Respondent agrees to take the steps necessary to address his use of alcohol such that it will not affect his practice of law in the future. Respondent's agreement to the following as a condition of his discipline is part of his efforts to address such concerns.

During the period of probation ordered by the Supreme Court imposing discipline in this matter Respondent must attend a minimum of four (4) meetings per month of any abstinence-based self-help group of Respondent's choosing, including without limitation Alcoholics Anonymous, LifeRing, S.M.A.R.T., S.O.S., or other similar self-help maintenance program that includes a subculture to support recovery, including abstinence-based group meetings. (See O'Conner v. Calif. (C.D. Calif. 1994) 855 F.Supp 303 [no First Amendment violation where probationer given a choice between spiritual-based and secular programs.] The Modification Management program is not acceptable because it does not meet these criteria.

Respondent must contact the Office of Probation and obtain written approval for the program he selects prior to attending the first self-help group meeting. If Respondent wants to change programs, he must first obtain written approval of that new program from the Office of Probation prior to attending a group meeting with the new program.

Respondent must provide the Office of Probation with satisfactory proof of attendance of the approved program meetings described above with each Quarterly Report or Final Report submitted to the Office of Probation pursuant to the terms of reporting set forth above in this stipulation. Respondent may not sign the verification of his attendance of these meetings.

Respondent must not drive any vehicle with a measurable amount of alcohol or drugs in his blood, breath or urine, or refuse to submit to any alcohol or drug detection test requested by a peace officer.

Respondent is encouraged but not required to participate in the State Bar's Lawyer Assistance Program; to abstain from the use of alcohol or other drugs not taken according to the prescription of a licensed medical provider; and, to undergo structured random alcohol and drug testing to compliment abstinence..

- (14) **Proof of Compliance with Rule 9.20 Obligations:** Respondent is directed to maintain, for a minimum of one year after commencement of probation, proof of compliance with the Supreme Court's order that Respondent comply with the requirements of California Rules of Court, rule 9.20, subdivisions (a) and (c).

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Such proof must include: the names and addresses of all individuals and entities to whom Respondent sent notification pursuant to rule 9.20; a copy of each notification letter sent to each recipient; the original receipt or postal authority tracking document for each notification sent; the originals of all returned receipts and notifications of non-delivery; and a copy of the completed compliance affidavit filed by Respondent with the State Bar Court. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.

(15) **The following conditions are attached hereto and incorporated:**

- Financial Conditions Medical Conditions
 Substance Abuse Conditions

The period of probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. At the expiration of the probation period, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

E. Other Requirements Negotiated by the Parties (Not Probation Conditions):

- (1) **Multistate Professional Responsibility Examination Within One Year:** Respondent must take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of the Supreme Court order imposing discipline in this matter and to provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) If Respondent provides satisfactory evidence of the taking and passage of the above examination after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this requirement.
- (2) **Multistate Professional Responsibility Examination Requirement Not Recommended:** It is not recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination because
- (3) **Other Requirements:** It is further recommended that Respondent be ordered to comply with the following additional requirements:

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Wonder Jen-Hwa Liang

CASE NUMBER: 16-C-10885-LMA

FACTS AND CONCLUSIONS OF LAW:

Respondent admits that the following facts are true and that the facts and circumstances surrounding the offense for which he was convicted involve other misconduct warranting discipline.

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

1. This is a proceeding pursuant to section 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

2. On April 21, 2015, the District Attorney of the County of Alameda, California, filed a six count misdemeanor complaint charging that on April 1, 2015, in the County of Alameda, Respondent drove under the influence of alcohol and with a blood alcohol level of .08 or more [Vehicle Code section 23152(a) & (b), enhanced by having a passenger under age 14 and driving with a blood alcohol of .15 or more]; cruelty to a nine year-old child by endangering health [Penal Code section 273a(b)]; two counts of hit-run driving [Vehicle Code section 20002(a)]; and, resisting, obstructing and delaying a police officer [Penal Code section 148(a)(1)].

3. On January 12, 2016, Respondent pled no contest to and was convicted of:

- Count 2 – violation of Vehicle Code section 23152(b) - DRIVING WHILE HAVING A BLOOD ALCOHOL OF .08 PERCENT OR MORE, with enhancements for having a passenger under the age of 14 and driving with a concentration of alcohol in his blood of .15 percent or more; and,
- Count 6 – violation of Penal Code section 148(a)(1) – RESISTING, OBSTRUCTING, DELAYING A PEACE OFFICER OR EMT in that Respondent willfully and unlawfully did resist, delay and obstruct a peace officer attempting to discharge the duties of his office and employment.

The District Attorney dismissed the remaining counts as part of the plea negotiation.

4. The Criminal Court immediately imposed a conditional sentence that included probation for 3 years, completion of 45 days in a Sheriff's alternative work program, completion of a 26 week parenting program, completion of a 9 month DUI school program, and a prohibition on drinking alcohol to excess.

5. On August 16, 2016, a Restitution Hearing determined Respondent pay \$2,000 for property damages to a parked car resulting from one of the accidents he caused.

6. The records of Respondent's conviction were filed with the Review Department of the State Bar Court on May 29, 2018. On June 22, 2018 the Review Department found Respondent's convictions were final and referred this matter to the Hearing Department to recommend the discipline to be imposed in the event it finds the facts and circumstances surrounding the misdemeanor violations of which Respondent was convicted, involved moral turpitude or other misconduct warranting discipline.

FACTS:

7. On April 1, 2015, at approximately 8:00 p.m., Respondent was driving his vehicle while extremely intoxicated with his nine year-old son as a passenger. Respondent's vehicle struck and damaged a 170 foot section of chain link fence on the right side of the roadway. The fencing affixed to the front of Respondent's vehicle. Respondent continued driving without stopping.

8. Respondent continued driving toward his home, approximately two miles away. As Respondent approached his home, the fencing affixed to his vehicle struck and damaged his neighbor's parked vehicle. Respondent proceeded to drive and entered his garage a few houses away, parked his vehicle and went inside his house.

9. Alameda police officers responded to calls about the accidents. Upon arriving at the location of the second accident the police officers observed Respondent's vehicle parked in his garage. The chain link fence trailed from Respondent's car in the direction of the neighbor's parked car.

10. Respondent walked out of the residence to talk to the police officers. Respondent admitted he was the driver of the vehicle involved in both accidents. As Respondent spoke, the police officer observed Respondent display objective symptoms of alcohol intoxication, including red watery eyes, slurred speech, unsteady gait and an odor of alcohol coming from his breath. Respondent admitted to consuming alcohol. As the police officer continued to talk with Respondent, Respondent became belligerent and would not follow the officer's instructions. The police officers placed Respondent's hands in handcuffs. Respondent yelled profanities and physically resisted the police officers. When Respondent continued to obstruct and physically resist the police officers, the police officers placed Respondent in a physical restraint.

11. The police officers transported Respondent to the hospital for a medical evaluation. While at the hospital, a sample of Respondent's blood was taken at 11:21 p.m. to test The blood alcohol in Respondent's system. Respondent's blood alcohol concentration was .25 percent.

12. Respondent has timely satisfied probation terms of his conditional sentencing that required he complete a 45 day Sheriff's alternative work program, a 9 month DUI school, and a 26 week parenting class program. His 3 year period of probation is still in effect and is scheduled to terminate on January 19, 2019.

13. On April 20, 2015, three weeks after his April 1, 2015 arrest, Respondent enrolled in a Kaiser Permanente Medical Group, Chemical Dependency Recovery Program. Respondent completed the six week Early Recovery phase of that outpatient program, including attendance at program group meetings, 12-step recovery group meetings outside of the program (to wit: "Life Ring"), and random urinalysis with all tests negative. Respondent continued in a treatment level of care phase of that program for a period of time. There is no documentation or verification of recovery activities after January 10, 2016. Respondent is not abstinent.

CONCLUSIONS OF LAW:

The facts and circumstances surrounding the above-described convictions do not involve moral turpitude but do involve other misconduct warranting discipline.

AUTHORITIES SUPPORTING DISCIPLINE:

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. Of State Bar, tit. IV, Stds. For Atty. Sanctions for Prof. Misconduct, Std. 1.1. [all further references to "standard" or "standards" are to this source].) The standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and, preservation of public confidence in the legal profession. (Std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or the low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure. (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public legal system or professions was harmed; and the member's willingness and ability to conform to the ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In this matter, Respondent was convicted of two misdemeanors where the facts and circumstances surrounding the offense do not involve moral turpitude, but do involve misconduct warranting discipline. (See, *In re Kelley* (1990) 52 Cal.3d 487 [misdemeanor DUI conviction]; *In the Matter of Stewart* (Review Dept. 1994) 3 Cal. State Bar Court Rptr. 52

[battery on a police officer]; *In re Hickey* (1990) 50 Cal.3d 571 [demonstrated pattern of violent abuse , including beating wife and assault]; *In re Jensen* (Review Sept. 2013) 5 Cal. State Bar Court Rptr. 283 [child endangerment by abandonment in a hotel room for 40 minutes].)

Standard 2.16(b) applies here and provides that “Suspension or reproof is the presumed sanction for final conviction of a misdemeanor not involving moral turpitude but involving other misconduct warranting discipline.”

Respondent was convicted of resisting, obstructing and delaying the police officer. He was extremely intoxicated, obnoxious, non-cooperative and physically aggressive towards the police officers. The discipline system is responsible for preserving the integrity of the legal profession as well as public protection. (*In the Matter of Burns* (Review Dept. 1995) 3 Cal. State Bar Court Rptr. 406, 416.) Respondent’s aggression toward the officers and disregard for the public safety violated that integrity and exhibited his disrespect for law enforcement authority. Respondent’s conduct during the investigation and arrest, described herein, reflects poorly on his judgment and fitness to practice and on the legal profession in general. (Std. 1.1.) Therefore, suspension is warranted.

Respondent’s second conviction was driving with a blood alcohol level of .08 or more, with enhancement clauses for having a passenger under the age of 14 and driving with an alcohol concentration of .15 percent or more. More specifically, the facts surrounding this conviction are that Respondent’s blood alcohol level was an extremely high, over three times the legal limit, and he drove with his nine year-old son as his passenger. This demonstrates a significant lack of judgment and a reckless disregard for our laws and the safety of others. (See, *In re Kelley* (1990) 52 Cal.3d 487 [public reproof imposed for drunk driving where the surrounding circumstances indicated disregard for the public safety, willingness to harm others, disregard for the law, or alcohol abuse issues].) Drunk driving at such an extreme blood alcohol level as Respondent while endangering the health, safety and welfare of a nine year-old child exacerbates the facts and circumstances surrounding Respondent’s drunk driving conviction, and the sanction that should be imposed. Additionally, while driving drunk Respondent caused two accidents, each resulting in significant property damage, but neither time did Respondent stop to identify himself and perform his duties as a driver. This further demonstrates a disrespect for the law and reflects poorly on Respondent’s judgment and on the legal profession.

Given the totality of the circumstances surrounding these two convictions a suspension, a sanction greater than a reproof at the lowest end of the sanction range provided for under standard 2.16(b), is supported by and within the standards.

In mitigation, Respondent had no record of discipline in over 18 years of practice prior to this misconduct. Though there are no known further incidents of misconduct in the three years since his April 1, 2015 arrest, Respondent has been under criminal proceedings or on probation that entire time. Respondent remains on probation at this time. Mitigation is appropriate for Respondent’s candor and cooperation with the State Bar and for entering into a full stipulation acknowledging his misconduct at an early stage of these disciplinary proceedings. Respondent has also performed volunteer activity with the Volunteer Legal Services Corporation of the Alameda County Bar Association and received 2017 Outstanding Volunteer recognition. In

aggravation, there is significant harm found in the property damages to the 170 feet of chainlink fencing in the first accident and the \$2,000 to the parked car in the second accident. Further aggravating these convictions is Respondent's disregard for the law despite his over 10 years experience as a deputy trial counsel for the State Bar of California handling attorney misconduct cases.

Overall, weighing the aggravating and mitigating circumstances, the net effect on the sanction to be imposed under standard 2.16(b) is the imposition of stayed suspension.

Case law supports a stayed suspension sanction.

In *In re Hickey, supra*, 50 Cal.3d 571, an attorney who demonstrated a pattern of violent abuse, including spousal beating and assault that was related to alcohol abuse, was actually suspended for 30 days. Here, though Respondent's belligerence and physical aggression toward law enforcement while under extreme intoxication clearly crossed the line, there was no similar pattern of physical violence. Thus, stayed suspension, a lesser sanction than actual suspension, is appropriate under the totality of circumstances in this matter.

In *In re Kelley, supra*, 52 Cal.3d 487, an attorney was twice convicted of drunk driving within a 31 month period. In the first incident, she ran her car into an embankment and was arrested at the scene. Her blood alcohol was .10 percent. In the second incident, while on probation for her first DUI conviction, she was stopped by police while driving home and arrested after failing sobriety tests and showing signs of intoxication. Her blood alcohol tested .16 and .17 percent. She became agitated and disagreeable with the police but she did not become physically aggressive or resist arrest. There was no child endangerment and she caused no significant property damage. She had no prior record of discipline. The court in *Kelley* imposed a public reproof with probation conditions related to alcohol. A sanction greater than the public reproof imposed in *Kelley* is appropriate here where Respondent drove with an extremely high .25 percent blood alcohol, endangered his nine year-old son who was a passenger in his car, caused two accidents and left without stopping or taking responsibility, and became obnoxious and physically aggressive with law enforcement in resisting arrest. Stayed suspension is supported by case law.

Respondent's misconduct demonstrates a serious disregard for the law and the safety of others by an attorney of specialized experience and awareness. However, the misconduct this is Respondent's first disciplinary sanction after many years of practice. The conditions attached to this discipline, if complied with, should minimize the likelihood of Respondent engaging in similar misconduct in the future. Therefore, a discipline within the range of standard 2.16(b), but not at its lowest point, that is consistent with case law is sufficient to achieve the purposes of discipline expressed in standard 1.1, including the protection of the public.

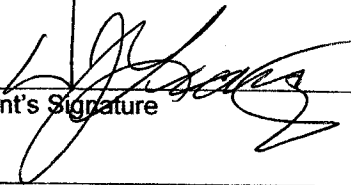
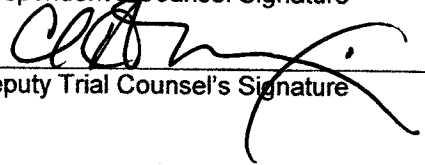
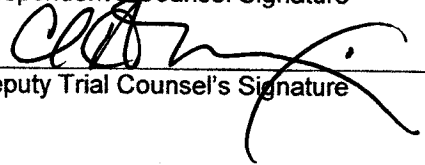
Accordingly, imposition of a one (1) year period of stayed suspension and a one (1) year period of probation with conditions as set forth in this stipulation is appropriate.

(Do not write above this line.)

In the Matter of: Wonder Jen-Hwa Liang	Case Number(s): 16-C-10885
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

<u>8/3/18</u> Date	 Respondent's Signature	<u>Wonder Jen-Hwa Liang</u> Print Name
<u>8/6/2018</u> Date	 Respondent's Counsel Signature	<u>Charles A. Murray</u> Print Name
<u>8/6/2018</u> Date	 Deputy Trial Counsel's Signature	<u>Charles A. Murray</u> Print Name

(Do not write above this line.)

In the Matter of: Wonder Jen-Hwa Liang	Case Number(s): 16-C-10885
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STAYED SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

On page 1 of the stipulation, in the heading of the stipulation, the text "Submitted to: Assigned Judge" is CORRECTED and CHANGED to: "Submitted to: Settlement Judge."

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See Rules Proc. of State Bar, rule 5.58(E) & (F).) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after the filed date of the Supreme Court order. (See Cal. Rules of Court, rule 9.18(a).)**

Date

August 21, 2018


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 Court Specialist 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 August 21, 2018, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

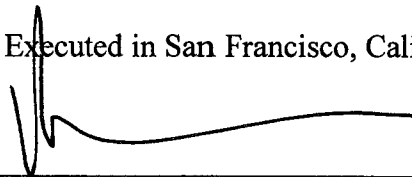
in a sealed envelope for collection and mailing on that date as follows:

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

WONDER J. LIANG
875A ISLAND DR #389
ALAMEDA, CA 94502

CHARLES A. MURRAY
PO BOX 5101
ORANGE, CA 92683-5101

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on August 21, 2018.



Vincent Au
Court Specialist
State Bar Court