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State Bar Court of California Hearing Department San Francisco ACTUAL SUSPENSION		
Counsel For The State Bar Christina M. Lauridsen Deputy Trial Counsel 180 Howard Street San Francisco, CA 94150 (415) 538-2271 Bar # 255051	Case Number(s): 18-H-10648	For Court use only PUBLIC MATTER FILED  SEP 07 2018 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent Steven M. Ahlers 1127 Rincon Ave. Livermore, CA 94551-1913 (408) 506-3138 Bar # 251151	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: STEVEN M. AHLERS Bar # 251151 A Member of the State Bar of California (Respondent)		

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 **November 21, 2007**.
- (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 **11** 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".

(Effective July 1, 2015)



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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. (Check one option only):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is 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 **17-H-02177. (See page 8, Exhibit 1.)**
 - (b) Date prior discipline effective **April 13, 2018**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rule 1-110 [failure to comply with conditions of a reproof].**
 - (d) Degree of prior discipline **Six Month Actual Suspension.**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.

Prior case: 15-C-10697. See page 8, Exhibit 2.
Date prior discipline effective: February 23, 2016
Prior violations: Business and Professions Code sections 6101 and 6102 and rule 9.10 of the Rules of Court
Prior degree of discipline: Public Reproof
- (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.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See page 8.
- (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:

C. Mitigating Circumstances [see 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 his/her 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 his/her misconduct.
- (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 him/her.
- (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

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product of any illegal conduct by the member, 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 his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her 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 his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Prefiling Stipulation. See page 8.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **three (3) years**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:
- (b) The above-referenced suspension is stayed.
- (2) **Probation:**
- Respondent must be placed on probation for a period of **three (3) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3) **Actual Suspension:**
- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of **two (2) years**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and present learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
 No Ethics School recommended. Reason: .
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.

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- (10) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: STEVEN M. AHLERS

CASE NUMBER: 18-H-10648

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 18-H-10648

FACTS:

1. In State Bar case no. 15-C-10697, respondent entered into a stipulation for a public reproof with conditions for a period of three years. The reproof and conditions became effective February 23, 2016. The conditions included, amongst other things, the following requirements:

2. Respondent must submit written quarterly reports to Probation on each January 10, April 10, July 10 and October 10 of the condition period (three years), beginning April 10, 2016. Respondent failed to submit his quarterly report due on October 10, 2017 until May 10, 2018.

3. Respondent must report his compliance with the underlying criminal probation matter to Probation on a quarterly basis, beginning April 10, 2016. Although respondent failed to report compliance with the underlying criminal probation matter in his quarterly report due on October 10, 2017, he was in compliance with his underlying criminal probation and ultimately reported compliance in the quarterly report due May 10, 2018.

4. Respondent must obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at least once per month, and provide Probation with proof that he is compliant with treatment conditions on a quarterly basis, beginning April 10, 2016. Respondent failed to provide Probation with proof that he was compliant with treatment conditions in his quarterly report due October 10, 2017. Thereafter, respondent participated in five treatment sessions between November 30, 2017 and January 4, 2018, and provided proof of compliance in his quarterly report due January 10, 2018.

Respondent has since remained in compliance with the remainder of his reproof conditions.

CONCLUSIONS OF LAW:

5. By failing to timely submit a quarterly report due October 10, 2017, by failing to report compliance with his underlying criminal probation due October 10, 2017, and by failing to report compliance with his treatment conditions in his quarterly report due October 10, 2017, respondent failed

to comply with the conditions attached to his public reproof, in willful violation of the Rules of Professional Conduct, rule 1-110.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): In case no. 17-H-02177, respondent stipulated to a six-month actual suspension for violating seven conditions of his public reproof during the time period of April 2016 through April 2017 in case no. 15-C-10697. In aggravation, respondent stipulated to a prior record of misconduct, multiple acts of wrongdoing, and uncharged violations of failing to comply with the conditions of his reproof by failing to provide proof of treatment and compliance with other conditions due after the case was filed. In mitigation, the parties stipulated to credit for entering into a pretrial stipulation. The suspension became effective April 13, 2018.

In case no. 15-C-10697, respondent stipulated to a public reproof based on an April 16, 2015 conviction for violating Penal Code section 653(m)(b)[using telephone or electronic communication device with intent to annoy]. In aggravation, respondent stipulated to causing significant harm to two members of the public and multiple acts of wrongdoing. In mitigation, the parties stipulated to no prior record of discipline, good character, community service and credit for entering into a pretrial stipulation.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent violated four separate conditions of his public reproof, which constitutes multiple acts of wrongdoing.

MITIGATING CIRCUMSTANCES.

Prefiling Stipulation: By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaitth* (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].)

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, Standards for Attorney Sanctions for Prof. Misconduct, Standard 1.1. All further references to 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. (See Standard 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 Silverton* (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 low

end of a Standard, an explanation must be given as to how the recommendation was reached. (Standard 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Standard 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 profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Standard 1.7(b) and (c).)

Here, respondent failed to comply with four conditions attached to his public reproof. Standard 2.14 applies and provides: "Actual suspension is the presumed sanction for failing to comply with a condition of discipline. The degree of sanction depends on the nature of the condition violated and the member's unwillingness or inability to comply with disciplinary orders."

Additionally, Standard 1.8(b) applies because of respondent's prior records of discipline. Standard 1.8(b) provides: "If a member has two or more prior records of discipline, disbarment is appropriate in the following circumstances, unless the most compelling mitigating circumstances clearly predominate or the misconduct underlying the prior discipline occurred during the same time period as the current misconduct: (1) Actual suspension was ordered in any one of the prior disciplinary matters; (2) The prior disciplinary matters coupled with the current record demonstrate a pattern of misconduct; or (3) The prior disciplinary matters coupled with the current record demonstrate the member's unwillingness or inability to conform to ethical responsibilities."

Although actual suspension was ordered in one of respondent's prior disciplinary matters, there is no evidence of a pattern of misconduct in this case or an unwillingness or inability for respondent to conform to ethical responsibilities since respondent has now come into compliance with the conditions of his reproof and has since been fully compliant with his reproof conditions (see *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138, 150; *In the Matter of Rose* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 646 [belated compliance with probation conditions may be considered in mitigation when determining the level of discipline].) Therefore, there is good cause to deviate from Standard 1.8(b).

In aggravation, respondent has two prior records of discipline and committed multiple acts of misconduct. In mitigation, respondent is entitled to credit for entering into a pre-filing stipulation. Based on the serious nature of respondent's misconduct, aggravation and minimal mitigation, a long actual suspension is warranted under the standards.

Case law is instructive. In *In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244, the attorney failed to comply with the conditions of his probation, but later came into compliance. The Court considered Carr's subsequent reports in mitigation and imposed a two-year actual suspension. Similarly, in this matter, respondent failed to submit quarterly reports, failed to report compliance with the criminal matter, and failed to report compliance with psychological treatment, but later provided proof of compliance, including filing quarterly reports in January 2018 and April 2018 and belatedly providing proof of compliance with treatment conditions between November 2017 and January 2018.

On balance, a two-year actual suspension with a three-year probationary period will serve the purposes of attorney discipline.

GLOBAL RESOLUTION

Respondent recently pled guilty to a misdemeanor of Penal Code 166 [contempt of court for violating a restraining order in his domestic violence case] in the misdemeanor that is the subject of State Bar Case No. 17-C-04235. The parties stipulate that respondent will waive finality of this conviction, and that this stipulation will constitute a global resolution of Case Nos. 18-H-10648 and 17-C-04235.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of May 14, 2018, the discipline costs in this matter are \$2,518. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT

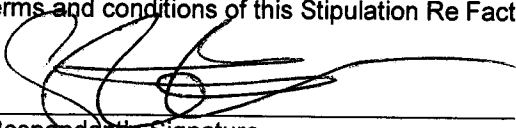
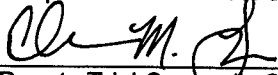
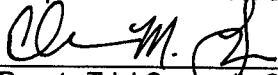
Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: STEVEN M. AHLERS	Case number(s): 18-H-10648
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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>8/30/18</u> Date	 Respondent's Signature	<u>Steven M. Ahlers</u> Print Name
<u>8/30/18</u> Date	 Respondent's Counsel Signature	<u>N/A</u> Print Name
<u>8/30/18</u> Date	 Deputy Trial Counsel's Signature	<u>Christina M. Lauridsen</u> Print Name

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In the Matter of: STEVEN M. AHLERS	Case Number(s): 18-H-10648
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ACTUAL SUSPENSION ORDER

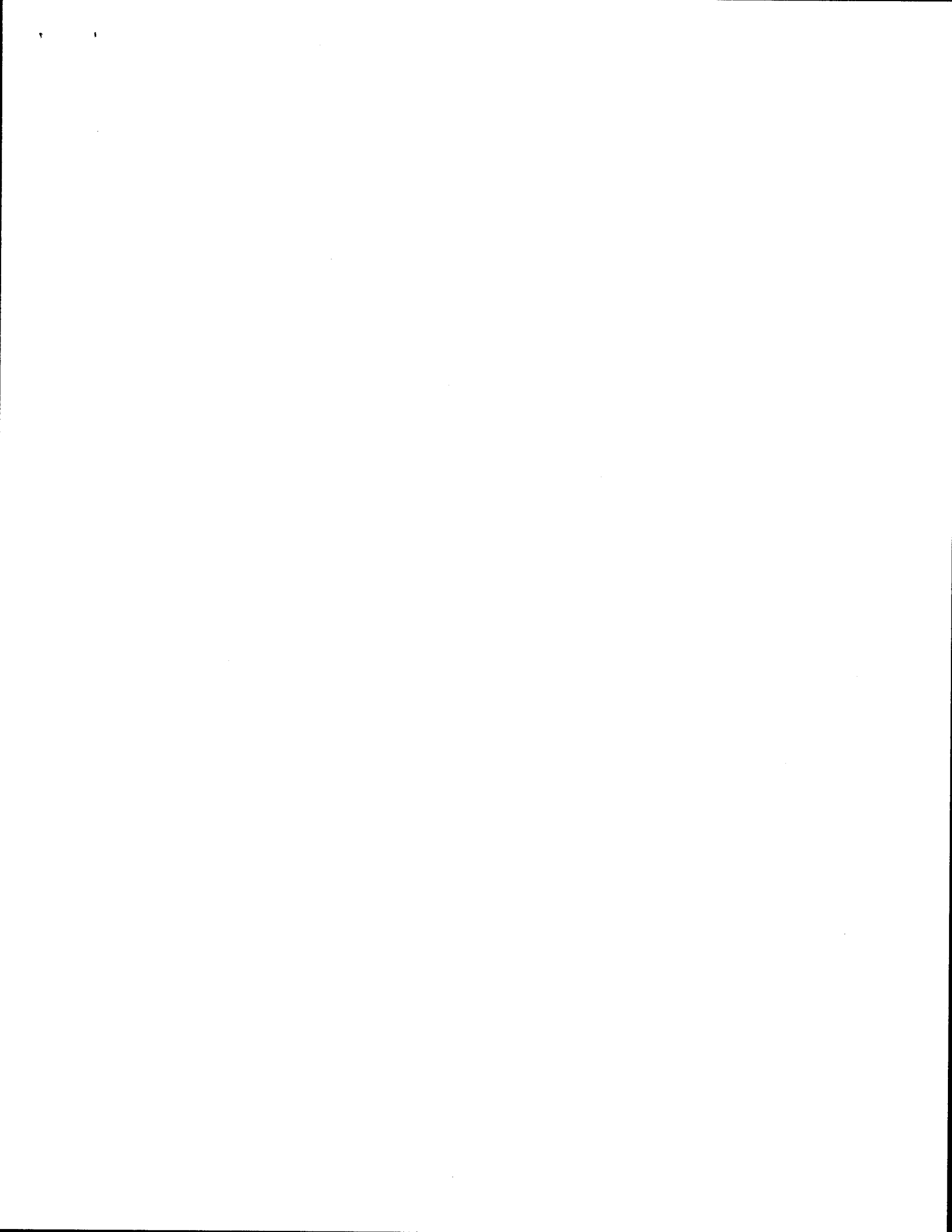
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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.

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 rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Sept. 7, 2018
Date


LUCY ARMENDARIZ
Judge of the State Bar Court



(State Bar Court No. 17-H-02177)

S246279

IN THE SUPREME COURT OF CALIFORNIA

**SUPREME COURT
FILED**

En Banc

MAR 14 2018

In re STEVEN M. AHLERS on Discipline

Jorge Navarrete Clerk

The court orders that Steven M. Ahlers, State Bar Number 251151, is Deputy suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. Steven M. Ahlers is suspended from the practice of law for the first six months of probation;
2. Steven M. Ahlers must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 6, 2017; and
3. At the expiration of the period of probation, if Steven M. Ahlers has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Steven M. Ahlers must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Steven M. Ahlers must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are 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.

I, Jorge Navarrete, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

14 day of March 20 18

By:  Deputy


CANTIL-SAKAUYE
Chief Justice

EXHIBIT

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State Bar Court of California Hearing Department San Francisco ACTUAL SUSPENSION		
Counsel For The State Bar Carla L. Cheung Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 638-2291 Bar # 291562	Case Number(s): 17-H-02177-LMA	For Court use only PUBLIC MATTER FILED  NOV 06 2017 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
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 - (b) Date prior discipline effective **February 23, 2016**
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- (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. **See attachment, p. 9.**
- (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.

(Do not write above this line.)

- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See attachment, at p. 9.
- (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:

N/A.

C. Mitigating Circumstances [see 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 his/her 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 his/her misconduct.
- (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 him/her.
- (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 the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

(Do not write above this line.)

- (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 his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her 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 his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pretrial Stipulation. See attachment, p. 10.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **Two (2) years**.

- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

(b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of **Two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

(a) Respondent must be actually suspended from the practice of law in the State of California for a period of **Six (6) months**.

- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

(Do not write above this line.)

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and present learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
 - No Ethics School recommended. Reason: .
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
 - Substance Abuse Conditions
 - Law Office Management Conditions

(Do not write above this line.)

Medical Conditions

Financial Conditions

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason: .
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: .
- (5) **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: STEVEN M. AHLERS

CASE NUMBER: 17-H-02177-LMA

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 17-H-02177 (Public Repeval Violation)

FACTS:

1. Respondent entered into a stipulation for a public reprovral for a period of three years with conditions in State Bar case number 15-C-10697, filed with the State Bar Court on February 2, 2016. The reprovral and conditions became effective February 23, 2016.

2. On February 22, 2016, the Office of Probation ("Probation") mailed a letter to respondent at his membership records address, outlining all the probation conditions and reminding respondent of the various deadlines associated with his reprovral conditions.

3. On March 9, 2016, Probation Deputy Maricruz Farfan held a required meeting with respondent over the telephone, and discussed the reprovral conditions. The conditions included, amongst other things, the following requirements:

	Condition	Compliance Deadline	Actual Compliance
1	Respondent must cause a licensed medical lab to provide Probation with a screening report, showing that respondent has abstained from alcohol/drugs, on or before the 10 th day of each month of the condition period.	October 10, 2016 April 10, 2017 May 10, 2017 June 10, 2017	October 13, 2016 (3 days late) No Compliance No Compliance June 12, 2017 (2 days late)
2	Respondent must attend at least four meetings of an Alcoholics Anonymous self-help group meeting per month, and provide Probation with proof of attendance on a monthly basis, beginning April 10, 2016.	April 10, 2017 May 10, 2017 June 10, 2017	No Compliance May 11, 2017 (1 day late) June 14, 2017 (4 days late)

3	Respondent must submit written quarterly reports to Probation on each January 10, April 10, July 10 and October 10 of the condition period (three years), beginning April 10, 2016.	April 10, 2017	No Compliance
4	Respondent must report his compliance with the underlying criminal probation matter to Probation on a quarterly basis, beginning April 10, 2016.	April 10, 2017	No Compliance
5	Respondent must obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at least once per month, and provide Probation with proof that he is compliant with treatment conditions on a quarterly basis, beginning April 10, 2016.	April 10, 2016 July 10, 2016 April 10, 2017	No Compliance No Compliance No Compliance
6	Within one year of the effective date of the reproof, respondent must provide Probation with satisfactory proof of attendance at a session of State Bar Ethics School, and passage of the test given at the end of that session.	February 23, 2017	No compliance
7	Within one year of the effective date of the reproof, respondent must provide Probation with proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners.	February 23, 2017	No compliance

CONCLUSIONS OF LAW:

4. Respondent failed to comply with the conditions attached to his public reproof, in willful violation of the Rules of Professional Conduct, rule 1-110, as follows: by failing to cause a licensed medical lab to provide Probation with a screening report, showing that respondent has abstained from alcohol/drugs, on or before the 10th day of each month of the condition period; by failing to provide Probation with proof of attendance of at least four meetings per month of an Alcoholics Anonymous self-help group meeting, on or before the 10th day of each month of the condition period; by failing to submit a quarterly report for the period of January-March 2017 to Probation by its due date of April 10, 2017; by failing to report compliance with the underlying criminal Probation by April 10, 2017; by failing to submit a compliant quarterly mental health report to Probation by April 10, 2016, July 10, 2016, and April 10, 2017; by failing to submit proof of attendance at a session of State Bar Ethics School, and successful completion of the test given at that session, to Probation by its due date of February 23, 2017; and by failing to submit proof of passage of the Multistate Professional Responsibility Examination, administered by the National Conference of Bar Examiners, to Probation by its due date of February 23, 2017.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent stipulated to a public reproof for State Bar case no. 15-C-10697. In the underlying criminal matter, respondent was convicted of violating Penal Code section 653(m)(b) [using telephone or electronic communication device with intent to annoy], based upon his plea of *nolo contendere*. In mitigation, respondent received credit for no prior record of State Bar discipline and for entering into a pre-trial stipulation. In addition he received credit for good character and community service. In aggravation, respondent committed multiple acts of misconduct and caused significant harm.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent violated seven conditions of his public reproof, which constitutes multiple acts of wrongdoing.

Uncharged Violations (Std. 1.5(h)): Since the filing of the Notice of Disciplinary Charges, respondent has continued to violate conditions of his public reproof as follows:

- Respondent is responsible for causing a licensed medical lab, at his expense, to provide Probation with a screening report on or before the 10th day of each month of the condition period showing that respondent has abstained from alcohol/drugs. Probation received respondent's report for the month of July 2017 on July 17, 2017. Consequently, respondent was seven days late in complying with the condition that the report be received by July 10, 2017;
- Respondent must attend at least four meetings of an Alcoholics Anonymous self-help group meeting per month, and provide Probation with proof of attendance on a monthly basis, beginning April 10, 2016. Respondent did not provide Probation with proof of attendance for the months of July, August, and September. Therefore, respondent failed to comply with the condition that he provide proof of attendance by July 10, 2017, August 10, 2017, or September 10, 2017;
- Respondent must submit written quarterly reports to Probation, beginning April 10, 2016. Respondent failed to submit a quarterly report by July 10, 2017, for the period of April-June 2017. Consequently, respondent has failed to comply with the condition that he submit a quarterly report by July 10, 2017;
- Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with Probation, beginning April 10, 2016. Respondent failed to report his compliance with his criminal probation for the period of April-June 2017. Consequently, respondent has failed to comply with the condition that he submit this declaration by July 10, 2017; and
- Respondent must obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at least once per month, and provide Probation with proof that he is compliant with treatment conditions on a quarterly basis, beginning April 10, 2016. Respondent failed to provide Probation with a mental health report by July 10, 2017 for the period of April-June 2017. Consequently, respondent has failed to comply with the condition that he submit a compliant mental health report to Probation by July 10, 2017.

MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was 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].)

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 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. (See 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 Silverton* (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 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 profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

Here, respondent failed to comply with seven conditions attached to his public reproof. Standard 2.14 provides: “Actual suspension is the presumed sanction for failing to comply with a condition of discipline. The degree of sanction depends on the nature of the condition violated and the member's unwillingness or inability to comply with disciplinary orders.”

Although respondent's failure to comply with the Ethics School and MPRE requirements are of serious concern, it is particularly troubling that respondent has failed to comply with the conditions designed to manage his addiction to alcohol, which was apparently a contributing factor in respondent's underlying criminal conduct. Respondent's continuing failure to comply with the conditions of his reproof, even after the commencement of these proceedings demonstrate that he is unwilling or unable to comply with disciplinary orders.

In this matter, Standard 1.8(a) also applies because of respondent's prior record of discipline. Standard 1.8(a) provides: "If a member has a single prior record of discipline, the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust."

Respondent's previous misconduct was serious and resulted in a criminal conviction. The misconduct occurred in 2014, and is therefore not remote in time. Therefore, the level of respondent's discipline in this matter should be greater than his previously imposed discipline, in accordance with Standard 1.8(a). Pursuant to the Standards, a period of actual suspension is warranted.

Case law is instructive. In *In the Matter of Carver* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 348, 356, the Court noted that the discipline for probation violations ranges from an actual suspension of 90 days to one year. In *Carver*, the attorney failed to comply with the terms of his public reproof by failing to timely contact his probation officer, failing to file the required quarterly reports, and failing to report his compliance with the probation conditions in his underlying criminal matter. The attorney defaulted in this matter so he was precluded from offering evidence in mitigation. The court found in aggravation that he acted with dishonesty in his efforts to set aside the default. The attorney was actually suspended for 90 days.

In this matter, respondent's misconduct is more egregious than the attorney in *Carver*, in that respondent has committed several additional acts of misconduct, including failure to take Ethics School, failure to obtain satisfactory mental health treatment, failure to comply with reporting requirements for alcohol/drug testing and self-help meetings.

In light of the foregoing, a six-month actual suspension is warranted.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of October 17, 2017, the discipline costs in this matter are \$2,518. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT

Respondent may not receive MCLE credit for completion of State Bar Ethics School and/or any other educational course(s) to be ordered as a condition of reproof or suspension. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of:
STEVEN M. AHLERS

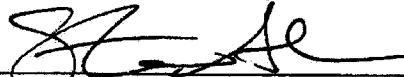
Case number(s):
17-H-02177-LMA

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.

10/20/17

Date



Respondent's Signature

STEVEN M. AHLERS
Print Name

Date

Respondent's Counsel Signature

N/A
Print Name

10/23/17

Date



Deputy Trial Counsel's Signature

CARLA L. CHEUNG
Print Name

(Do not write above this line.)

In the Matter of: STEVEN M. AHLERS	Case Number(s): 17-H-02177-LMA
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ACTUAL 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.

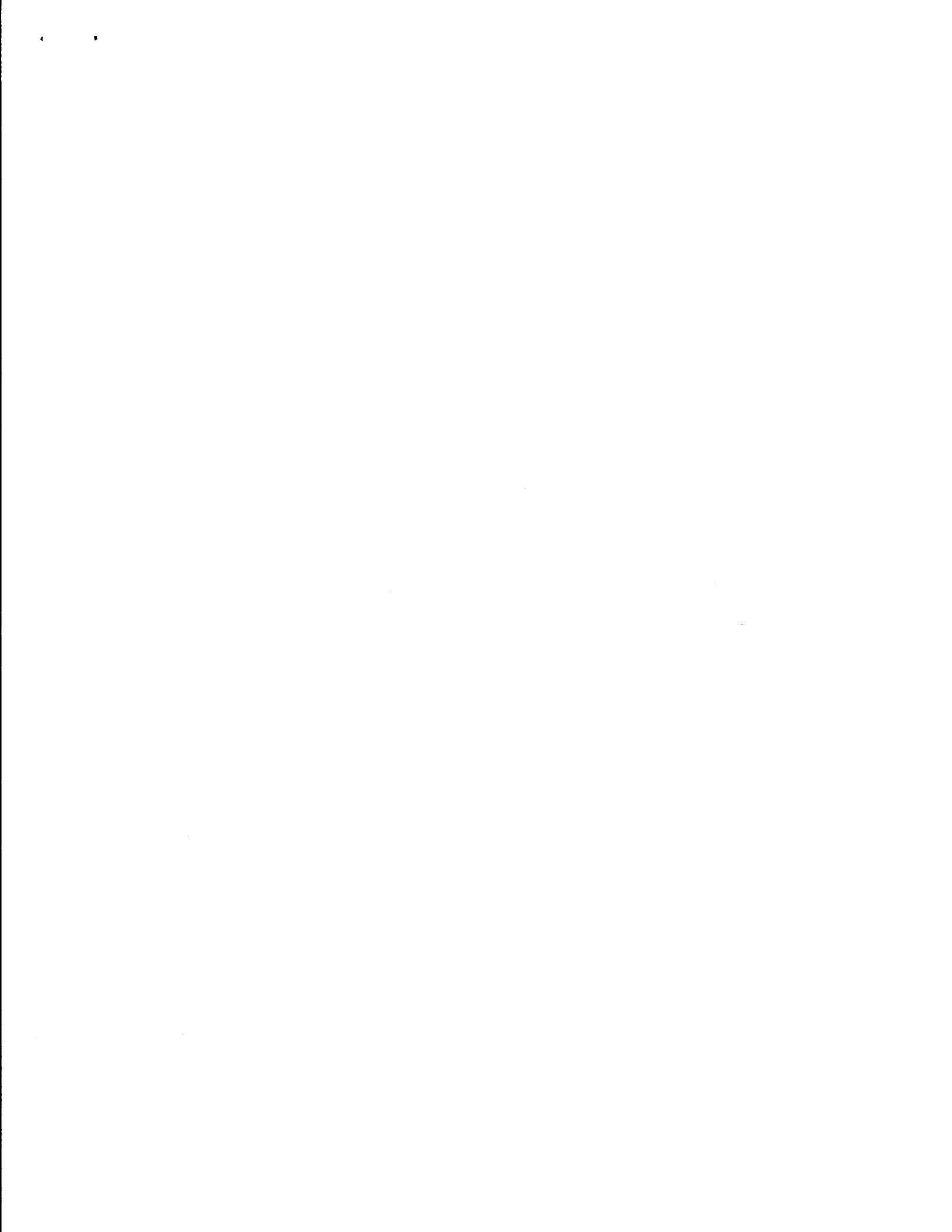
The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective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

Date

November 6, 2017

Judge of the State Bar Court

Pat Mc Elroy



(Do not write above this line.)

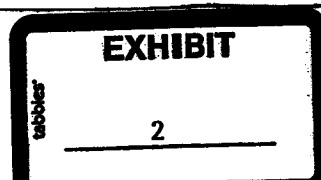
State Bar Court of California Hearing Department San Francisco REPROVAL		
Counsel For The State Bar Susan I. Kagan Senior Trial Counsel 180 Howard St. San Francisco, CA 94105 (415) 538-2037 Bar # 214209	Case Number(s): 15-C-10697-LMA	For Court use only PUBLIC MATTER FILED FEB - 2 2016 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel For Respondent Margaret M. Schneck PO Box 1701 San Jose, CA 95109 (408) 753-1117 Bar # 151695	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PUBLIC REPROVAL <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: STEVEN M. AHLERS Bar # 251151 A Member of the State Bar of California (Respondent)		

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 **November 21, 2007**.
- (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 13 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."

(Effective July 1, 2015)



(Do not write above this line.)

- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (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. (Check one option only):
- Costs are added to membership fee for calendar year following effective date of discipline (public reproof).
 - Case ineligible for costs (private reproof).
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: 2017 and 2018. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is 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.
- (9) The parties understand that:
- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
 - (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
 - (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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 or a separate attachment entitled "Prior Discipline".

(Do not write above this line.)

- (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.
- (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. See Attachment at p. 10.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See Attachment at p. 10.
- (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:

C. Mitigating Circumstances [see standards 1.2(l) & 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 his/her misconduct or to the State Bar during disciplinary investigations and proceedings.

(Do not write above this line.)

- (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 his/her misconduct.
- (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 him/her.
- (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 the member, 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 his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her 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 his/her misconduct. See Attachment at p. 10.
- (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. See Attachment at p. 10.

Community Service. See Attachment at p. 10.

Pretrial Stipulation. See Attachment at p. 11.

D. Discipline:

- (1) **Private reproof (check applicable conditions, if any, below)**
- (a) Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).
- or
- (2) **Public reproof (Check applicable conditions, if any, below)**

E. Conditions Attached to Reproval:

(Effective July 1, 2015)

Reproval

(Do not write above this line.)

- (1) Respondent must comply with the conditions attached to the reproof for a period of three (3) years.
- (2) During the condition period attached to the reproof, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the condition period attached to the reproof. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of the reproof during the preceding calendar quarter. Respondent must also state in each report whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 (thirty) days, that report must be submitted on the next following quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the condition period and no later than the last day of the condition period.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the conditions attached to the reproof.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
 No Ethics School recommended. Reason: .
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year of the effective date of the reproof.

(Do not write above this line.)

No MPRE recommended. Reason:

(11) The following conditions are attached hereto and incorporated:

Substance Abuse Conditions

Law Office Management Conditions

Medical Conditions

Financial Conditions

F. Other Conditions Negotiated by the Parties:

(Do not write above this line.)

In the Matter of: STEVEN M. AHLERS	Case Number(s): 15-C-10697-LMA
---------------------------------------	-----------------------------------

Substance Abuse Conditions

a. Respondent must abstain from use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.

b. Respondent must attend at least four (4) meetings per month of:

Alcoholics Anonymous

Narcotics Anonymous

The Other Bar

Other program

As a separate reporting requirement, Respondent must provide to the Office of Probation satisfactory proof of attendance during each month, on or before the tenth (10th) day of the following month, during the condition or probation period.

c. Respondent must select a license medical laboratory approved by the Office of Probation. Respondent must furnish to the laboratory blood and/or urine samples as may be required to show that Respondent has abstained from alcohol and/or drugs. The samples must be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent must cause the laboratory to provide to the Office of Probation, at the Respondent's expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of Respondent's blood and/or urine obtained not more than ten (10) days previously.

d. Respondent must maintain with the Office of Probation a current address and a current telephone number at which Respondent can be reached. Respondent must return any call from the Office of Probation concerning testing of Respondent's blood or urine within twelve (12) hours. For good cause, the Office of Probation may require Respondent to deliver Respondent's urine and/or blood sample(s) for additional reports to the laboratory described above no later than six hours after actual notice to Respondent that the Office of Probation requires an additional screening report.

e. Upon the request of the Office of Probation, Respondent must provide the Office of Probation with medical waivers and access to all of Respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:

(Do not write above this line.)

In the Matter of: STEVEN M. AHLERS	Case Number(s): 15-C-10697-LMA
--	--

Medical Conditions

- a. Unless Respondent has been terminated from the Lawyer Assistance Program ("LAP") prior to respondent's successful completion of the LAP, respondent must comply with all provisions and conditions of respondent's Participation Agreement with the LAP and must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and respondent's compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. However, if respondent has successfully completed the LAP, respondent need not comply with this condition.
- b. Respondent must obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at respondent's own expense a minimum of one (1) times per month and must furnish evidence to the Office of Probation that respondent is so complying with each quarterly report. Help/treatment should commence immediately, and in any event, no later than thirty (30) days after the effective date of the discipline in this matter. Treatment must continue for _____ days or _____ months or three (3) years or, the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If the treating psychiatrist, psychologist, or clinical social worker determines that there has been a substantial change in respondent's condition, respondent or Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 5.300 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist, or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.

- c. Upon the request of the Office of Probation, respondent must provide the Office of Probation with medical waivers and access to all of respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: STEVEN M. AHLERS

CASE NUMBER: 15-C-10697-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 involved other misconduct warranting discipline.

Case No. 15-C-10697-LMA (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.
2. On November 18, 2014, a criminal complaint was filed in the Santa Clara County Superior Court, Case No. 141127108, charging respondent with three counts of violating the Penal Code, as follows: Count One- violation of section 653m(b) [using telephone or electronic communication device with intent to annoy] as to his domestic partner ("KK"), a misdemeanor; Count Two- violation of section 166(c)(1) [violation of a protective order], a misdemeanor; and Count Three- violation of section 653m(a) [obscene language or threat to injury, by telephone or means of an electronic communication device] as to the family's nanny ("SS"), a misdemeanor.
3. On April 16, 2015, the court entered respondent's plea of nolo contendere to a violation of Count One- Penal Code section 653m(b) [using telephone or electronic communication device with intent to annoy] as to KK, and based thereon, the court found respondent guilty of that violation. The court dismissed the remaining counts.
4. On April 16, 2015, the court suspended the imposition of sentence and placed respondent on probation for a period of three years. The court ordered that respondent, among other things, complete 104 hours of counseling with a private therapist.
5. On September 25, 2015, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

6. Prior to October 2014, respondent and KK had been living together at KK's residence with a live-in nanny, SS. SS is in her early 20's and not a U.S. citizen.

7. For two years prior to October 2014, respondent made several unwelcomed sexual advances toward SS, in person and via text message. SS did not tell KK about respondent's conduct because she was afraid of losing her job and being forced to move out of the residence.

8. On October 2, 2014, respondent sent SS further unwelcomed text messages. On October 3, 2014, SS told KK about respondent's conduct and showed her proof of the conduct. On the same date, KK asked respondent to move out of the residence. When respondent refused to move out, KK left the residence and retreated to a safe location. KK then sent a text message to respondent notifying him that she knew about his conduct toward SS and terminating their relationship.

9. On October 3, 2014, SS received several text messages from respondent in which he called her a "whore" and threatened to have her deported. Between October 3 and October 5, 2014, KK received over 100 text messages and telephone calls from respondent. Respondent sent two text messages, stating: "I will destroy everything important to you in front of family and a work audience;" and "Come home or I will go nuclear." Both KK and SS stated they were afraid of respondent. On October 5, 2014, KK obtained an emergency temporary restraining order against respondent.

CONCLUSIONS OF LAW:

10. The facts and circumstances surrounding the above-described violation(s) did not involve moral turpitude but did involve other misconduct warranting discipline.

AGGRAVATING CIRCUMSTANCES.

Harm (Std. 1.5(f)): Respondent's unwelcomed conduct toward SS over a two-year period and his harassing text messages to SS caused her significant harm. Respondent's harassing text messages and telephone calls to KK caused significant harm and reportedly made her feel threatened.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent's repeated unwelcomed contact with KK and SS represent multiple acts of misconduct.

MITIGATING CIRCUMSTANCES.

Good Character (Std. 1.6(f)): Respondent submitted 11 character letters from people aware of the full extent of respondent's misconduct and attest to his good character. The reference letters are from attorneys, friends and family.

No Prior Discipline: Although the misconduct is serious, respondent is entitled to mitigation for having practice law since 2007 without discipline. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49.) Such mitigation is only entitled to nominal weight, however, since respondent's misconduct began five years after admission. (See *In the Matter of Duxbury* (Review Dept. 1999) 4 Cal. State Bar Ct. Rptr. 61, 67 [five years entitled to nominal weight, not relevant or substantial].)

Community Service: From 2007 to present, respondent has been involved in events and fundraisers for Fresh Lifelines for Youth. In 2008, respondent participated in a mock DUI trial for high school students in San Jose. While employed with the Santa Clara Public Defender's Office, respondent volunteered time and contributed funds to providing holiday meals for in-custody children. From 2015 to present, respondent has performed pro bono work for an indigent client. (*In the Matter of*

Respondent K (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 335, 359 [civic service and charitable work considered as evidence of good character].)

Pretrial Stipulation: Respondent is entitled to mitigation for entering into a stipulation with the Office of Chief Trial Counsel prior to trial in the above referenced disciplinary matter, thereby saving State Bar Court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed are "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession." (*In re Morse* (1995) 11 Cal.4th 184, 205; std 1.3.)

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.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

From 2012 through 2014, respondent made unwelcomed sexual advances to SS. In October 2014, respondent sent harassing text messages to SS and KK and made harassing telephone calls to KK. Respondent was convicted of violating Penal Code section 653m(b) [using telephone or electronic communication device with intent to annoy], a misdemeanor. Respondent's offenses did not involve moral turpitude, but did involve other misconduct warranting discipline. Therefore, standard 2.16(b) applies. Standard 2.16(b) provides: "Suspension or reproof is the presumed sanction for final conviction of a misdemeanor not involving moral turpitude but involving other misconduct warranting discipline."

To determine the appropriate level of discipline, consideration must also be given to the aggravating and mitigating circumstances. In aggravation, respondent committed multiple acts of misconduct and significantly harmed the victims of his misconduct. In mitigation, respondent is entitled to credit for no prior record of discipline, good character, community service and for entering into a pretrial stipulation. The mitigation outweighs the factors in aggravation. On balance, a Public Reproof is appropriate under the standards.

Case law is instructive. This matter is similar to *In the Matter of Elkins* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 160. In *Elkins*, the attorney left 53 threatening and abusive voicemail messages to the administrator of his father's estate and an attorney and judge involved in the probate of his father's estate. In the voicemail messages, the attorney was verbally abusive and threatened bodily harm to the victims. The court recommended a 90-day actual suspension based on violations of Business and

Professions Code sections 6106 [moral turpitude] and 6068(b) [failing to maintain respect to the court] and Rules of Professional Conduct, rule 5-100(A) [threatening to gain an advantage in a civil suit]. In aggravation, the court found multiple acts of misconduct, significant harm to the administration of justice and a lack of remorse. In mitigation, the court found no prior discipline in 24 years of practice.

Respondent's misconduct is much less egregious than that found in *Elkins* and there is less aggravation and more mitigation. Therefore, less discipline than imposed in *Elkins* is appropriate.

In light of the foregoing, a Public Reprimand, with substance abuse and medical conditions for the period of three years will serve the purposes of attorney discipline.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of January 20, 2016, the prosecution costs in this matter are \$2,507. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

EXCLUSION FROM MCLE CREDIT




Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: STEVEN M. AHLERS	Case number(s): 16-C-10697-LMA
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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>2/21/16</u> Date	 Respondent's Signature	<u>Steven M. Ahlers</u> Print Name
<u>2/21/2016</u> Date	 Respondent's Counsel Signature	<u>Margaret M. Schreck</u> Print Name
<u>1/21/16</u> Date	 Deputy Trial Counsel's Signature	<u>Susan I. Kagan</u> Print Name

(Do not write above this line.)

In the Matter of: STEVEN M. AHLERS	Case Number(s): 15-C-10697
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REPROVAL ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

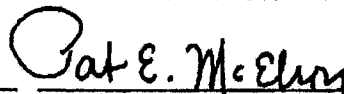
- The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department are vacated.

On p. 13 (Signature of the Parties), the dates "2/21/16" next to Respondent's Signature and Respondent's Counsel Signature are hereby corrected to read "1/21/16."

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 rule 5.58(E) & (F), Rules of Procedure.) Otherwise the stipulation shall be effective 15 days after service of this order.

Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

Feb 2, 2016
Date


PAT E. 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 February 2, 2016, 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:

MARGARET M. SCHNECK
LAW OFFICES OF MARGARET M. SCHNECK
PO BOX 1701
SAN JOSE, CA 95109

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

SUSAN I. KAGAN, Enforcement, San Francisco
TERRIE GOLDADE, Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on February 2, 2016.



Mazie Yip
Case Administrator
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 November 6, 2017, 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:

STEVEN M. AHLERS
1127 RINCON AVE
LIVERMORE, CA 94551 - 1913

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

CARLA L. CHEUNG, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on November 6, 2017.



Bernadette Molina
Case Administrator
State Bar Court

FILED

AUG 11 2017

1 LAW OFFICES OF STEVEN M. AHLERS

2 STEVEN M. AHLERS, # 251151
3 1127 Rincon Ave.
4 Livermore, CA 94551
5 Telephone: (408) 506-3138

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

6 In Pro Per

7
8 **STATE BAR COURT OF CALIFORNIA**
9

10 IN THE MATTER OF:

CASE NO: 17-H-02177-LMA

11 STEVEN AHLERS (251151),

RESPONDENT STEVE AHLERS'S
ANSWER TO THE CALIFORNIA STATE
BAR'S NOTICE OF DISCIPLINARY
CHARGES

12
13 A MEMBER OF THE STATE BAR
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17
18 Respondent, Steven Ahlers (hereinafter "Respondent"), answers the State
19 Bar of California Notice of Disciplinary Charges.
20

21 **DENIAL**
22

23 Pursuant to Code of Civil Procedure Section 431.30(d), Respondent hereby
24 answers the Notice of Disciplinary Charges by denying the allegations contained in
25 each paragraph of the Notice and denies that the alleged actions should result in
26 further disciplinary action at this time.
27

1 **AFFIRMATIVE DEFENSES TO DISCIPLINARY CHARGES**

2 As separate and distinct affirmative defenses to the State Bar of California's
3 Notice of Disciplinary Charges, Respondent alleges as follows:

4 **FIRST AFFIRMATIVE DEFENSE**

5
6 As a FIRST AFFIRMATIVE DEFENSE, Respondent's actions, and failures
7 to act, if any, were in good faith.

8 **SECOND AFFIRMATIVE DEFENSE**

9 As a SECOND AFFIRMATIVE DEFENSE, the STATE BAR has failed to
10 state sufficient facts to support any violations or to support any disciplinary action
11 or any other action against Respondent.

12 WHEREFORE, Respondent prays for judgment as follows:

- 13
14 1. That the State Bar take no further action at this time.

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16 Dated: 8/9/17

Steven M. Ahlers

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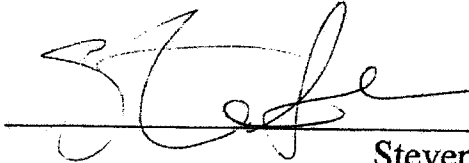
CERTIFICATE OF SERVICE

I, Steven Ahlers, am an attorney at law in the state of California, over the age of 18 years old. Pursuant to the standard Court practice in the City and County of San Francisco, on August 10, 2017, I deposited a true and correct copy of the following document:

ANSWER TO NOTICE OF DICIPLINARY CHARGES

for service on the date as follows: 8/10/17. *By personal Service*
Carla Cheng
180 Howard St.
San Francisco, CA
94105

I hereby certify that the foregoing is true and correct. Executed In San Jose, CA, on August 10, 2017.



Steven M. Ahlers
In Pro Per

PUBLIC MATTER

FILED

JUN 30 2017

**STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO**

1 STATE BAR OF CALIFORNIA
2 OFFICE OF CHIEF TRIAL COUNSEL
3 STEVEN J. MOAWAD, No. 190358
4 CHIEF TRIAL COUNSEL
5 GREGORY DRESSER, No. 136532
6 DEPUTY CHIEF TRIAL COUNSEL
7 SUSAN CHAN, No. 233229
8 ASSISTANT CHIEF TRIAL COUNSEL
9 SUSAN I. KAGAN, No. 214209
10 SUPERVISING ATTORNEY
11 CARLA L. CHEUNG, No. 291562
12 DEPUTY TRIAL COUNSEL
13 180 Howard Street
14 San Francisco, California 94105-1639
15 Telephone: (415) 538-2291

STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of:

) Case No. 17-H-02177

13 STEVEN M. AHLERS,
14 No. 251151,

) NOTICE OF DISCIPLINARY CHARGES

15
16 A Member of the State Bar

NOTICE - FAILURE TO RESPOND!

17
18 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
19 WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
20 THE STATE BAR COURT TRIAL:**

- 21 (1) **YOUR DEFAULT WILL BE ENTERED;**
22 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
23 WILL NOT BE PERMITTED TO PRACTICE LAW;**
24 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
25 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
26 AND THE DEFAULT IS SET ASIDE, AND;**
27 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
28 SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

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The State Bar of California alleges:

JURISDICTION

1. Steven M. Ahlers ("respondent") was admitted to the practice of law in the State of California on November 21, 2007, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE

Case No. 17-H-02177
Rules of Professional Conduct, Rule 1-110
[Fail to Comply with Repeval Conditions]

2. Respondent failed to comply with conditions attached to the public reprovral administered to Respondent by the State Bar in case no. 15-C-10697 as follows, in willful violation of Rules of Professional Conduct, rule 1-110:

- (A) Failing to cause a licensed medical lab to provide the State Bar Office of Probation ("Probation") with a screening report, showing that respondent has abstained from alcohol and/or drugs, on or before its due date on the 10th day of each month of the condition period;
- (B) Failing to provide Probation with proof of attendance of at least four meetings per month of attending an Alcoholics Anonymous self-help group meeting, on or before its due date on the 10th day of each month of the condition period;
- (C) Failing to submit a quarterly report for the period of January-March 2017 to Probation by its due date of April 10, 2017;
- (D) Failing to report compliance with the underlying criminal probation to Probation by its due date of April 10, 2017;
- (E) Failing to submit a compliant, quarterly mental health report to Probation by their due dates of April 10, 2016, July 10, 2016 and April 10, 2017;

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- (F) Failing to submit proof of attendance at a session of State Bar Ethics School, and successful completion of the exam given at that session, to Probation by its due date of February 23, 2017; and
- (G) Failing to submit proof of passage of the Multistate Professional Responsibility Examination, administered by the National Conference of Bar Examiners, to Probation by its due date of February 23, 2017.

NOTICE - INACTIVE ENROLLMENT!

YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.

NOTICE - COST ASSESSMENT!

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATED: June 30, 2017

By: 
Carla L. Cheung
Deputy Trial Counsel

DECLARATION OF SERVICE

by
U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): **17-H-02177**

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

- By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))**
- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco.
- By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))**
- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service (UPS).
- By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))**
- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service (UPS).
- By Fax Transmission: (CCP §§ 1013(e) and 1013(f))**
Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.
- By Electronic Service: (CCP § 1010.6)**
Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- (for U.S. First-Class Mail)* in a sealed envelope placed for collection and mailing at San Francisco, addressed to: *(see below)*
- (for Certified Mail)* in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: **9414 7266 9904 2069 9467 99** at San Francisco, addressed to: *(see below)*
- (for Overnight Delivery)* together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking No.: _____ addressed to: *(see below)*

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
Steven M. Ahlers, Respondent	Steven M. Ahlers 1127 Rincon Ave Livermore, CA 94551-1913	Electronic Address	

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service (UPS). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: **June 30, 2017**

SIGNED: 
Meagan McGowan
Declarant



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST May 3, 2018

State Bar Court, State Bar of California,
Los Angeles

By
Clerk

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 September 7, 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:

STEVEN M. AHLERS
1127 RINCON AVE
LIVERMORE, CA 94551 - 1913

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

CHRISTINA M. LAURIDSEN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on September 7, 2018.



Bernadette Molina
Court Specialist
State Bar Court