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State Bar Court of California
Hearing Department
Los Angeles
PROBATION VIOLATION

 ORIGINAL

<p>Counsel for the State Bar</p> <p>Terrie Goldade Supervising Attorney, Office of Probation 845 S. Figueroa St. Los Angeles, CA 90017</p> <p>Bar # 155348</p>	<p>Case Number(s): 18-PM-14571</p> <p>FILED SEP 13 2018  STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p>PUBLIC MATTER</p>	<p>For Court use only</p>
<p>Counsel For Respondent</p> <p>David Cameron Carr 600 W Broadway, Ste 700 San Diego, CA 92101-3370</p> <p>Bar # 124510</p>	<p>Submitted to: Settlement Judge</p>	
<p>In the Matter of: Chelsea Halpine-Berger</p> <p>Bar # 298527</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>PROBATION VIOLATION—"PM" PROCEEDING</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **October 16, 2014**.
- (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 **15** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."



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- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. It is recommended that (check one option only):
- Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a member who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.
- Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with Respondent's membership fees for each of the following years: 2020 and 2021.
- If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance will be due and payable immediately.
- Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs."
- Costs are entirely waived.

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

- (1) **Prior record of discipline:**
- (a) State Bar Court case # of prior case: **16-C-12496; 16-C-12628 (S244655)**
- (b) Date prior discipline effective: **January 28, 2018**
- (c) Rules of Professional Conduct/ State Bar Act violations: **Business and Professions Code sections 6101 and 6102**
- (d) Degree of prior discipline: **one year stayed, two years probation**
- (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4) **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (5) **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.

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- (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.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of Respondent's misconduct.
- (10) **Lack of Candor/Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. **Respondent violated multiple conditions of her probation.**
- (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 [Standards 1.2(i) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of Respondent's misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of Respondent's misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced Respondent.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.

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- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct, Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by Respondent, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond Respondent's control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in Respondent's personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of Respondent's misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances: See attachment.

D. Recommended Discipline (choose only one):

- (1) **Probation Extended:** Respondent's probation imposed in Supreme Court matter (State Bar Court case No.) is extended for with the following conditions set forth in section E.
- (2) **Probation Revoked; Probation Reinstated; Actual Suspension:** Respondent's probation imposed in Supreme Court matter **S244655** (State Bar Court case No. **16-C-12496; 16-C-12628**) is revoked, the stay of the previously stayed suspension is lifted, and Respondent is suspended from the practice of law for **two years**, the execution of that suspension is stayed, and Respondent is placed on probation for **three years** with the following conditions.
- Respondent must be suspended from the practice of law for the first **sixty days** of the period of Respondent's probation.
- (3) **Probation Revoked; Probation Reinstated; No Actual Suspension:** Respondent's probation imposed in Supreme Court matter (State Bar Court case No.) is revoked, the stay of the previously stayed suspension is lifted, and Respondent is suspended from the practice of law for , the execution of that suspension is stayed, and Respondent is placed on probation for with the following conditions set forth in section E.
- (4) **Probation Revoked; Probation Not Reinstated; Actual Suspension:** Respondent's probation imposed in Supreme Court matter (State Bar Court case No.) is revoked, the stay of the previously stayed suspension is lifted, and Respondent is actually suspended from the practice of law for .
- (5) **Probation Revoked; Probation Reinstated; Actual Suspension "And Until" Rehabilitation:** Respondent's probation imposed in Supreme Court matter (State Bar Court case No.) is revoked, the stay of the previously stayed suspension is lifted, and Respondent is suspended from the practice of law for , the execution of that suspension is stayed, and Respondent is placed on probation for with the following conditions.
- Respondent must be suspended from the practice of law for a minimum of the first of Respondent's probation and until Respondent provides proof to the State Bar Court of Respondent's

rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(6) **Probation Revoked; Probation Reinstated; Actual Suspension "And Until" Restitution (Single Payee) and Rehabilitation:** Respondent's probation imposed in Supreme Court matter (State Bar Court case No.) is revoked, the stay of the previously stayed suspension is lifted, and Respondent is suspended from the practice of law for , the execution of that suspension is stayed, and Respondent is placed on probation for with the following conditions.

- Respondent must be suspended from the practice of law for a minimum of the first of Respondent's probation, and Respondent will remain suspended until both of the following requirements are satisfied:
 - a. Respondent makes restitution to in the amount of \$ plus 10 percent interest per year from (or reimburses the Client Security Fund to the extent of any payment from the Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
 - b. Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(7) **Probation Revoked; Probation Reinstated; Actual Suspension "And Until" Restitution (Multiple Payees) and Rehabilitation:** Respondent's probation imposed in Supreme Court matter (State Bar Court case No.) is revoked, the stay of the previously stayed suspension is lifted, and Respondent is suspended from the practice of law for , the execution of that suspension is stayed, and Respondent is placed on probation for with the following conditions.

- Respondent must be suspended from the practice of law for a minimum of the first of Respondent's probation, and Respondent will remain suspended until both of the following requirements are satisfied:
 - a. Respondent must make restitution, including the principal amount plus 10 percent interest per year (and furnish satisfactory proof of such restitution to the Office of Probation), to each of the following payees (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

<i>Payee</i>	<i>Principal Amount</i>	<i>Interest Accrues From</i>

- b. Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(8) **Probation Revoked; Probation Reinstated; Actual Suspension "And Until" Restitution (Single Payee) with Conditional Std. 1.2(c)(1) Requirement:** Respondent's probation imposed in Supreme Court

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matter (State Bar Court case No.) is revoked, the stay of the previously stayed suspension is lifted, and Respondent is suspended from the practice of law for , the execution of that suspension is stayed, and Respondent is placed on probation for with the following conditions.

- Respondent must be suspended from the practice of law for a minimum for the first of Respondent's probation, and Respondent will remain suspended until the following requirements are satisfied:
 - a. Respondent makes restitution to in the amount of \$ plus 10 percent interest per year from (or reimburses the Client Security Fund to the extent of any payment from the Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and,
 - b. If Respondent remains suspended for two years or longer, Respondent must provide proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(9) **Probation Revoked; Probation Reinstated; Actual Suspension "And Until" Restitution (Multiple Payees) with Conditional Std. 1.2(c)(1) Requirement:** Respondent's probation imposed in Supreme Court matter (State Bar Court case No.) is revoked, the stay of the previously stayed suspension is lifted, and Respondent is suspended from the practice of law for , the execution of that suspension is stayed, and Respondent is placed on probation for with the following conditions.

- Respondent must be suspended from the practice of law for a minimum for the first of Respondent's probation, and Respondent will remain suspended until the following requirements are satisfied:
 - a. Respondent must make restitution, including the principal amount plus 10 percent interest per year (and furnish satisfactory proof of such restitution to the Office of Probation), to each of the following payees (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

<i>Payee</i>	<i>Principal Amount</i>	<i>Interest Accrues From</i>

- b. If Respondent remains suspended for two years or longer, Respondent must provide proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

E. In addition to any probation conditions set forth in section D. of this stipulation, the following probation conditions are also recommended:

(1) **Review Rules of Professional Conduct:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must (1) read the California Rules of Professional

Conduct (Rules of Professional Conduct) and Business and Professions Code sections 6067, 6068, and 6103 through 6126, and (2) provide a declaration, under penalty of perjury, attesting to Respondent's compliance with this requirement, to the State Bar's Office of Probation in Los Angeles (Office of Probation) with Respondent's first quarterly report.

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

of Probation (postmarked on or before the due date); or (4) other tracked-service provider, such as Federal Express or United Parcel Service, etc. (physically delivered to such provider on or before the due date).

d. Proof of Compliance. Respondent is directed to maintain proof of Respondent's compliance with the above requirements for each such report for a minimum of one year after either the period of probation or the period of Respondent's actual suspension has ended, whichever is longer. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.

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

(12) **Minimum Continuing Legal Education (MCLE):** Within _____ after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must complete _____ hour(s) of California Minimum Continuing Legal Education-approved participatory activity in **SELECT ONE** _____ and must provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the hours of legal education described above, completed after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.

(13) **Other:** Respondent must also comply with the following additional conditions of probation:
LAWYER ASSISTANCE PROGRAM:

1. During the probation period, Respondent must continually participate in the Lawyer Assistance Program ("LAP"), and comply with all participation conditions of LAP, including Respondent's Monitoring Plan, including any modification to such plan ("Plan"). Respondent must pay the expenses of LAP participation and all conditions required by her Plan. Voluntary or involuntary termination from LAP constitutes a violation of this probation.

2. Within 10 days of signing this stipulation, respondent must provide a complete copy of this stipulation to LAP and written confirmation from LAP acknowledging its receipt of the stipulation. Respondent must cause LAP to provide such written confirmation to the Office of Probation within 30 days of signing of this stipulation.

3. On August 22, 2018, Respondent provided the Office of Probation with an LAP waiver. Revocation of the LAP waiver constitutes a violation of probation.

4. Within five days of occurrence, respondent shall notify the Office of Probation of any of the following:

- (a) that the Plan has been modified, in which case respondent shall simultaneously provide the Office of Probation a copy of the modified Plan;**
- (b) that respondent has violated any of the terms and conditions of the Plan;**
- (c) that respondent has revoked the LAP waiver; and**
- (d) that respondent has been voluntarily or involuntarily terminated from the LAP.**

5. With each quarterly and final report (see paragraph E. 6.), Respondent must report whether she complied with all conditions of her Plan. If she did not comply, she must specify the conditions with which she did not comply and how she did not comply.

6. Respondent must cause LAP to submit a written quarterly and final report to the Office of Probation on her behalf regarding her compliance with her Plan. Respondent must request such report each quarter (and for the final report) in writing with enough notice to LAP so that the report covers the entire reporting period and is timely received by the Office of Probation, with a copy of each request to the Office of Probation to be received no later than the quarterly and final report deadline.

7. The probation period is negotiated to be three years so that Respondent's rehabilitation can be monitored; however, the Office of Probation does not determine the length of time Respondent will be in LAP on her Plan. If Respondent successfully completes LAP in less than three years, and has otherwise completed her other disciplinary conditions, the Office of Probation will not oppose a motion to terminate early her probation.

- (14) **Proof of Compliance with Rule 9.20 Obligations:** Respondent is directed to maintain, for a minimum of one year after commencement of probation, proof of compliance with the Supreme Court's order that Respondent comply with the requirements of California Rules of Court, rule 9.20, subdivisions (a) and (c). Such proof must include: the names and addresses of all individuals and entities to whom Respondent sent notification pursuant to rule 9.20; a copy of each notification letter sent to each recipient; the original receipt or postal authority tracking document for each notification sent; the originals of all returned receipts and notifications of non-delivery; and a copy of the completed compliance affidavit filed by Respondent with the State Bar Court. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.
- (15) **The following conditions are attached hereto and incorporated:**
- Financial Conditions Medical Conditions
- Substance Abuse Conditions

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

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

- (1) **California Rules of Court, Rule 9.20:** Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (2) **California Rules of Court, Rule 9.20 – Conditional Requirement:** If Respondent remains suspended for 90 days or longer, Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (3) **California Rules of Court, Rule 9.20, Requirement Not Recommended:** It is not recommended that Respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20, because

(Do not write above this line.)

- (4) **Other Requirements:** It is further recommended that Respondent be ordered to comply with the following additional requirements:

Attachment language (if any):

Respondent admits that the following facts are true and that she is culpable of the specified violations:

1. On August 1, 2017, the State Bar Court filed and served upon Respondent a Stipulation re Facts, Conclusions of Law and Disposition and Order Approving Stayed Suspension; No Actual Suspension in State Bar Court Case Nos. 16-C-12496 and 16-C-12628 ("Order Approving Stipulation").
2. On December 29, 2017, the California Supreme Court filed and transmitted Order No. S244655 (State Bar Court Case Nos. 16-C-12496 and 16-C-12628) which ordered that Respondent be suspended from the practice of law for a period of one year, that execution of suspension be stayed and that Respondent be placed on probation for a period of two years, and that she be subject to the conditions of probation as recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 1, 2017.
3. Respondent was ordered to comply with certain conditions of probation, but failed to do so as set forth below:
 - Respondent was ordered to comply with the State Bar Act and Rules of Professional Conduct and to report such compliance in writing under penalty of perjury to the Office of Probation each January 10, April 10, July 10, and October 10 ("quarterly reports"). Respondent filed her first two quarterly reports due April 10 and July 10, 2018 late, on August 1, 2018.
 - Respondent was ordered to comply with all conditions of probation imposed in her underlying criminal matters and declare such under penalty of perjury in conjunction with her quarterly reports ("underlying criminal matter reports"). Respondent has not complied in that she filed her first two underlying criminal matter reports due April 10 and July 10, 2018 late, on August 1, 2018.
 - Respondent was ordered to furnish to a licensed medical laboratory approved by the Office of Probation a blood and/or urine sample to show she abstained from alcohol and/or drugs; Respondent was ordered to cause the laboratory to provide to the Office of Probation, at her expense, a screening report on or before the tenth day of each month containing an analysis of her blood and/or urine obtained not more than ten days previously. Respondent has not complied in that she failed to furnish a urine sample, and has failed to submit a screening report to the Office of Probation, for five months of her probation—February, March, June, July, and August 2018. For April 2018, Respondent was not compliant with her testing requirement because she tested late on April 18, 2018 and, as a result, the test results were received late. (During residential and out-patient treatment, Respondent was apparently compliant with all random urine drug screens from July 7-30, 2018 and was subject to "at-minimum weekly, random urine drug screens" through August 24, 2018. However, none of those test results have been submitted to the Office of Probation, so the frequency/number of tests and substances tested are unknown to it.)
 - Respondent was ordered to attend a minimum of two meetings per month of any abstinence-based self-help group, which could include, e.g., Alcoholics Anonymous, and provide to the Office of Probation satisfactory proof of attendance of the meetings with each quarterly report submitted to the Office of Probation. Respondent has not complied in that she has not provided proof of attending any meetings in March through June, 2018. (On March 30, 2018, Respondent timely provided proof of attendance at 2 meetings in February 2018; on August 1, 2018, Respondent provided late proof of attendance of 2 meetings in May 2018.)
4. On July 11, 2018, the Office of Probation filed a motion to revoke Respondent's probation.
5. On August 1, 2018, Respondent served her response to the motion to revoke probation and began providing the Office of Probation with additional documentation including as set forth above.

Legal Conclusion: By failing to comply with probation conditions, as set forth above, Respondent willfully violated Business and Professions Code, section 6068(k).

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OTHER CIRCUMSTANCES WHICH WERE CONSIDERED IN THE RESOLUTION OF THIS MATTER.

Respondent's original discipline was in relation to criminal convictions regarding driving under the influence. Respondent did not submit expert testimony establishing that extreme emotional difficulties or physical or mental disabilities suffered were directly responsible for her misconduct (violating State Bar of California disciplinary probation conditions) and that the difficulties or disabilities no longer pose a risk that she will commit misconduct. However, Respondent has provided informaiton, including a letter from a licensed marriage and family therapist, which supports an assertion that Respondent's health problems and her attempts to address them (including four hospitalizations for alcohol withdrawal from April to July 2018; obtaining residential treatment for addiction in July 2018 paid for by her boyfriend; and obtaining treatment in an intensive outpatient follow-up program into August 2018) contributed to at least some of her failures to complete her State Bar of California disciplinary probation conditions. As an additional step to address her problems, Respondent has contacted the Lawyer Assistance Program ("LAP") and will continue with LAP.

Respondent is attempting to complete previously ordered conditions in a timely manner: she has registered to take the November 2018 MPRE and the State Bar of California Ethics School December 4, 2018. Both have due dates of January 28, 2019.

Since being fired from her job as an attorney as a result of her February 2016 arrest, Respondent has struggled financially. After her incarceration, and later exhaustion of unemployment benefits, she began working as a manager of a bar and restaurant in January 2018 where she was surrounded by alcohol and its consumption; she asserts that she no longer works at that establishment and will avoid such employment in the future. Respondent understands these circumstances do not excuse her lapses, but asserts they assist in explaining her lapses.

Respondent submitted 3 declarations as character evidence from attorneys. Although not a wide range of references from the legal and general communities, the declarants were aware of the full and specific extent of her misconduct, and Respondent is entitled to some weight in mitigation. In the Matter of Kreitenberg (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 469.

Respondent has been cooperative with the Office of Probation in settling this matter; she admits that she failed to comply with her probation conditions and understood that she would receive additional discipline for such noncompliance. Respondent now understands that she needs to comply with each condition on a timely basis and that, even if she experiences other problems, she must successfully serve and file a motion for modification at her earliest opportunity if she will be unable to timely complete her conditions and continue to comply with her conditions until an order is filed modifying her conditions.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was August 29, 2018.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.14 states that 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. Standard 1.8 (a) states that 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.

An attorney who violated his probation by failing to timely complete restitution and by failing to timely attend Ethics School, received two years' probation with a condition that he was to be actually suspended for the first 30 days. In the Matter of Gorman (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 567. Neither bad purpose nor intentional evil is required to establish willful violations of disciplinary probation. *Id.* at 572. An attorney's cooperation in stipulating to facts warrants some mitigative consideration. *Id.* More serious sanctions are assigned to probation violations closely related to reasons for imposition of previous discipline or to rehabilitation. *Id.* at 573-574. Because Respondent violated more conditions, her period of actual suspension should be longer than that imposed in Gorman.

The probation conditions violated were related to her original misconduct, important for her rehabilitation, and were intended to assist the State Bar in monitoring Respondent's rehabilitation. However, in light of Respondent's

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circumstances (set forth above), it is agreed that the degree of discipline set forth in this stipulation is appropriate in relation to standard 2.14 based upon Respondent's stipulation to her violations, and her agreement to reinstate her probation in order to demonstrate her ability and willingness to prove her rehabilitation.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Probation has informed respondent that as of August 29, 2018, the prosecution costs in this matter are \$2,585. 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.

WAIVER OF ANY VARIANCES

The parties stipulate to waive any variance in the language, allegations, and conclusions of law between this stipulation and the Notice of Motion and Motion to Revoke Probation filed on July 11, 2018. Respondent acknowledges that this stipulation contains language, allegations, and a conclusion of law which may differ from the language, allegations, and conclusion of law contained in the Notice of Motion and Motion to Revoke Probation filed on July 11, 2018. The parties further stipulate to waive the right to have any amendment to the Notice of Motion and Motion to Revoke Probation.

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In the Matter of: Chelsea Halpine-Berger	Case Number(s): 18-PM-14571
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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	<u>Chelsea Halpine-Berger</u> Respondent's Signature	<u>Chelsea Halpine-Berger</u> Print Name
<u>8/30/18</u> Date	<u>David C. Carr</u> Respondent's Counsel Signature	<u>David Cameron Carr</u> Print Name
<u>8.31.18</u> Date	<u>Terrie Goldade</u> Deputy Trial Counsel's Signature Supervising Attorney's	<u>Terrie Goldade</u> Print Name

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In the Matter of: Chelsea Halpine-Berger	Case Number(s): 18-PM-14571
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PROBATION VIOLATION 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 Rules Proc. of State Bar, rule 5.58(E) & (F).) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after the filed date of the Supreme Court order.** (See Cal. Rules of Court, rule 9.18(a).)

September 13, 2018
Date

Rebecca Meyer Rosenberg
REBECCA MEYER ROSENBERG, JUDGE PRO TEM
Judge of the State Bar Court

DECLARATION OF SERVICE BY REGULAR MAIL

CASE NUMBER(s): 18-PM-14571 ROLAND

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 S. Figueroa Street, Los Angeles, California 90017-2515, declare that I am not a party to the within action; that 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; that 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; that I am aware that on motion of 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; and that 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 Los Angeles, on the date shown below, a true copy of the within

PROBATION VIOLATION-"PM" PROCEEDING

in a sealed envelope placed for collection and mailing at Los Angeles, on the date shown below, addressed to:

By United States Mail	
David C. Carr Law Ofc of David C. Carr 600 W Broadway Ste 700 San Diego, CA 92101 3370	

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

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

DATED: September 4, 2018

SIGNED:

Mia Hibler
Declarant

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 Los Angeles, on September 13, 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:

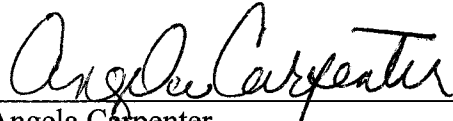
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DAVID C. CARR
LAW OFFICE OF DAVID C. CARR
600 W BROADWAY
STE 700
SAN DIEGO, CA 92101 - 3370

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

Terrie L. Goldade, Office of Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 13, 2018.



Angela Carpenter
Court Specialist
State Bar Court