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9 STATE BAR COURT  
10 HEARING DEPARTMENT – SAN FRANCISCO  
11 ALTERNATIVE DISCIPLINE PROGRAM  
12

13 **CONFIDENTIAL FILING**  
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16 In the matter of:  
17 CHARLES DODGSON,  
18 No. 999999,  
19 A Member of the State Bar.  
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Case No. 13-O-1778506

RESPONDENT'S REPLY IN SUPPORT  
OF MOTION FOR EARLY  
COMPLETION OF ALTERNATIVE  
DISCIPLINE PROGRAM

1 In support of Respondent Charles Dodgson's Motion for Early Completion  
2 of the Alternative Discipline Program ("ADP"), Respondent provides the  
3 following reply brief.

4 Put simply, ADP has served its purpose as to Respondent. Over the past  
5 two years, ADP (and LAP for the past two and a half years) has been a support  
6 system for Respondent in his achievements at rebuilding his life. Having  
7 succeeded in the very aim it espouses as its fundamental purpose and mission,  
8 its perpetuation would have a perverse and contradictory effect as it now stands  
9 as the single impediment to his moving forward with his life and career and  
10 continuing the progression of his rehabilitation.

11 It is no overstatement to say that ADP is singlehandedly holding  
12 Respondent back from moving forward in his life. This discipline matter is the  
13 only thing that prevents Respondent from accepting a new job, packing his  
14 things, and moving to Chicago. His Motion should be granted and he should be  
15 permitted to fully realize the goal of ADP – true rehabilitation.

16 **I. THIS MOTION CANNOT BE RESOLVED BY STIPULATION**

17 Despite the Court's January 2, 2016 direction to the parties to work out a  
18 stipulation under which Respondent can be released from ADP and move  
19 forward with his personal and professional life, there has been no resolution and  
20 none can be reached. As set forth in Respondent's accompanying declaration, all  
21 attempts to meet and confer have been made and the parties cannot reach a  
22 stipulation.

23 Thus, Respondent asks the Court to exercise its discretion and release him  
24 from ADP at this time. Respondent explicitly asks this Court for a ruling on his  
25 Motion and no additional time to meet and confer with the State Bar, as  
26 Respondent does not believe any resolution will come from additional time to  
27 meet and confer.

28 Respondent supports the State Bar's proposal that this Motion be heard on

1 January 26, 2016 at the scheduled status conference and has arranged to appear  
2 in person. However, Respondent objects to Director of LAP Richard Carlton  
3 being called to testify. State Bar counsel has not provided any indication as to  
4 the anticipated contents of Mr. Carlton's testimony, Mr. Carlton himself has been  
5 unable to identify any areas on which he might testify, and LAP has already  
6 provided the Court with up-to-date compliance records. There is no further  
7 testimony which can be offered by Mr. Carlton which would not violate  
8 confidentiality provisions of the program.

9 This is a simple motion with a simple correct resolution. Respondent has  
10 earned this Court's consideration of his early termination from ADP, and the  
11 Court should exercise its discretion to release him; he has gotten all of the  
12 possible benefits from LAP and ADP, and denying his termination from ADP at  
13 this time imposes massive negative consequences that contradict the purpose of  
14 LAP, ADP and the attorney discipline system as a whole, plus dramatically  
15 outweigh the underlying misconduct.

## 16 **II. RESPONDENT HAS EARNED THIS COURT'S CONSIDERATION OF** 17 **EARLY TERMINATION**

18 The only prerequisites to this Court exercising its discretion to release  
19 Respondent from ADP are that he have served a minimum of 18 months in the  
20 program and that he have a one-year compliance certificate from LAP. Rule of  
21 Procedure of the State Bar Court 5.385. Respondent has met these prerequisites.

22 Respondent was admitted to ADP in March 2014. At this time, he has  
23 been in ADP for 22 months. He has attended LAP and complied with the terms  
24 of her LAP Participation Plan for 27 months. The underlying DUI which led to  
25 this disciplinary matter was November 18, 2011 – more than four years ago; it  
26 was expunged on June 26, 2015. See State Bar Opposition at Exhibit 6.

27 On December 30, 2015, LAP issued Respondent his one-year certificate. A  
28 copy of this certificate was filed with the State Bar's Opposition at Exhibit 2.

1           **III. THIS COURT SHOULD EXERCISE ITS DISCRETION TO RELEASE**  
2                           **RESPONDENT FROM ADP AND CONCLUDE HIS DISCIPLINE**  
3                           **MATTER**

4           Absent the Court exercising its discretion and concluding Respondent's  
5 discipline matter by ordering ADP completed and releasing him, Respondent  
6 cannot move out of state, cannot accept career opportunities awaiting him in  
7 Chicago, and cannot move on with his healthy life. Any opportunity  
8 Respondent has to move outside of California and take a new career opportunity  
9 will require him to be admitted to new jurisdictions; he cannot be admitted while  
10 his disciplinary matter is pending.

11           Respondent has presented to the court in his Motion and through his  
12 declaration (attached to the State Bar's Opposition as Exhibit 1)<sup>1</sup> the fact that he  
13 has job opportunities outside the State of California that he would like to pursue.  
14 Respondent is admitted to practice only in the District of Columbia and  
15 California. The job opportunities would require his admittance in additional  
16 jurisdictions. Respondent is aware of no jurisdiction that will admit him to  
17 practice while this discipline matter is pending. (Respondent is willing to testify  
18 about his research on this point if the Court so requires.) Thus, without being  
19 released from ADP, Respondent will be foreclosed from employment outside of  
20 California or D.C.

21           In fact, beyond his inability to get admitted in another state, it is not  
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23           <sup>1</sup> The State Bar knew, as is stated in Paragraph 3 of Respondent's declaration,  
24 that this document was for the Office of Chief Trial Counsel's eyes only for  
25 the express purpose of attempting to come to a stipulation to release  
26 Respondent from ADP; it was not to be filed with the Court. It was also  
27 discussed in open court on January 11, 2016 and in the transmitting email  
28 from Respondent that the declaration would not be filed in court. The  
decision of whether to ultimately file the declaration remained Respondent's  
due to the sensitive nature of the information contained therein.  
Nevertheless, the State Bar unilaterally filed the declaration, without any  
notice to Respondent. It now being on the record despite these  
circumstances, Respondent directs the Court to its contents in support of his  
Motion.

1 possible for Respondent to leave the State of California without facing  
2 disbarment. Whether Respondent remains in ADP for another 14 months or self-  
3 terminates and takes the high end of his discipline (which includes two years of  
4 monitored probation), he is subject to substance abuse testing under California  
5 rules. *See* ADP Contract. Respondent's experience with testing while traveling  
6 outside California is detailed in his Declaration; in short, it is cumbersome,  
7 costly, and inadequate to be considered a reasonable solution. Thus, whether in  
8 ADP or on probation, Respondent will inevitably fall out of compliance due to  
9 the logistical impossibility of being tested; he would then face disbarment.

10 These severe consequences are not the intent of the ADP program nor the  
11 attorney discipline system as a whole, and they dramatically outweigh the  
12 underlying misconduct of an expunged DUI. Moreover, the consequences  
13 undermine the stated purpose of ADP to rehabilitate in that Respondent would  
14 be forced to forego the benefit of his recovery, of his participation in ADP/LAP  
15 for more than the minimum (and already two-thirds of the typical maximum)  
16 participation time, and to ultimately face disbarment after already rehabilitating  
17 herself through the ADP/LAP system.

18 Given that Respondent has earned this Court's consideration of his early  
19 completion of ADP, and in light of the circumstances presented in Respondent's  
20 Motion and Declaration, Respondent respectfully requests that this Court  
21 exercise its discretion and conclude his disciplinary matter with an order  
22 releasing him from ADP and all attendant conditions.

#### 23 IV. CONCLUSION

24 Respondent having met the requirements for early release, and this Court  
25 having received testimony by way of Declaration from Respondent as to the  
26 hardship he faces if not released from ADP, Respondent respectfully requests  
27 that the following take place immediately, effective January 26, 2016, by order of  
28 the State Bar Court:

1 Termination of all obligations under the LAP Participation Agreement,  
2 including obligations to pay for monthly services, attend weekly meetings and  
3 check in for random testing;

4 Respondent be deemed to have successfully completed the ADP;

5 An admonition be imposed; and

6 All State Bar Court case-related documents currently posted on  
7 Respondent's State Bar Profile on the website of the State Bar of California be  
8 immediately removed.

9 Respectfully submitted,

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12 Dated: January 15, 2017

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14 Charles Dodgson  
15 Respondent  
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