

**STATE BAR OF CALIFORNIA  
DISCIPLINE STANDARDS TASK FORCE**

DATE: OCTOBER 23, 2014

TO: KAREN GOODMAN, CHAIR  
DISCIPLINE STANDARDS TASK FORCE, MEMBERS

FROM: WORKING GROUP III (Judith Sklar, James Fox, James Heiting, David George)

SUBJECT: REPORT AND RECOMMENDATIONS CONCERNING THE AGGRAVATING AND  
MITIGATION CIRCUMSTANCES

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After a discussion at the last meeting on what if any changes should be made to the section on mitigating and aggravating circumstances in the Disciplinary Standards, it was agreed that additional aggravating circumstances should include (1) a consideration of the vulnerability of a victim to include an elder adult or dependent adult, someone who is or needs to be conserved and (2) conflict of interest situations. No agreement was reached on whether or not to consider youth and inexperience as a mitigating factor listed in the Standards, although those who wanted it included referenced Supreme Court cases recognizing that factor as a mitigator.

In sum, it is recommended that we adopt the edits to Standards 1.5 and 1.6 as noted in the Draft Standards Combined Part A and B with the following edits.