

<p>Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL - ENFORCEMENT RIZAMARI C. SITTON, No. 138319 1149 So. Hill Street Los Angeles, CA 90015-2299 Telephone: (213) 765-1000</p>	<p>Case number(s) 02-0-10287 02-0-12459 02-0-13942 03-0-00402</p> <p>kwiktag® 031 974 580</p>  <p>LLP</p>	<p>(for Court's use)</p> <p>PUBLIC MATTER</p> <p>FILED</p> <p>SEP 05 2003 <i>loc</i></p> <p>STATE BAR COURT CLERKS OFFICE LOS ANGELES</p>
<p>Counsel for Respondent Robert L. Banfield, Esq. LAUGHLIN FALBO LEVY & MORESI, 200 S. Los Robles Ave., #500 Pasadena, CA 91101-2431 Telephone: (626) 568-9700</p>	<p>Submitted to <input type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge <input checked="" type="checkbox"/> ENEC JUDGE</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of GLEN E. YOUNG</p> <p>Bar # 183905</p> <p>A Member of the State Bar of California (Respondent)</p>		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 2, 1996
(date)
- (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 and order consist of 27 pages.
- (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."
- (6) 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.
- (7) 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 284, Rules of Procedure.
 - costs to be paid in equal amounts prior to February 1 for the following membership years:
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth under "Partial Waiver of Costs"
 - costs entirely waived

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

In the Matter of **GLEN E. YOUNG**

A Member of the State Bar

Case Number(s):

**02-0-10287; 02-0-12459;
02-0-13942; 03-0-00402**

NOLO CONTENDERE PLEA TO STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

Bus. & Prof. Code §6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a notice of disciplinary charges or other pleading which initiates a disciplinary proceeding against a member:

(a) Admission of culpability.

(b) Denial of culpability.

(c) **Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere shall be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court shall find the member culpable. The legal effect of such a plea shall be the same as that of an admission of culpability for all purposes, except that the plea and any admissions required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based. (Added by Stats. 1996, ch. 1104.) (emphasis supplied)**

RULE 133, Rules of Procedure of the State Bar of California STIPULATIONS AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

(a) A proposed stipulation as to facts, conclusions of law, and disposition shall set forth each of the following: . . .

(5) a statement that respondent either

(i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or

(ii) **pleads nolo contendere to those facts and violations. If the respondent pleads nolo contendere, the stipulation shall include each of the following:**

(a) an acknowledgment that the respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation; and

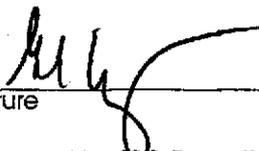
(b) If requested by the Court, a statement by the deputy trial counsel that the factual stipulations are supported by evidence obtained in the State Bar investigation of the matter. (emphasis supplied)

I, the Respondent in this matter, have read the applicable provisions of Bus. & Prof. Code §6085.5 and rule 133(a)(5) of the Rules of Procedure of the State Bar of California. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea shall be considered the same as an admission of culpability except as stated in Business and Professions Code section 6085.5(c).

Date

8/27/03

Signature



GLEN E. YOUNG

print name

(Nolo Contendere Plea form approved by SBC Executive Committee 10/22/97)

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b).] Facts supporting aggravating circumstances are required.

(1) Prior record of discipline [see standard 1.2(f)]

(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 under "Prior Discipline".

(2) Dishonesty: Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

(3) 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.

(4) Harm: Respondent's misconduct harmed significantly a client, the public or the administration of justice.

(5) Indifference: Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

(6) Lack of Cooperation: Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

(7) Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.

(8) No aggravating circumstances are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances (see standard 1.2(e).) 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 deemed serious.
- (2) No Harm: Respondent did not harm the client or person who was the object of the misconduct.
- (3) Candor/Cooperation: Respondent displayed spontaneous candor and cooperation to the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) Remorse: Respondent promptly took objective steps spontaneously demonstrating 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 in good faith.
- (8) Emotional/Physical Difficulties: At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical 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 Respondent no longer suffers from such difficulties or disabilities.
- (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 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:

D. Discipline

1. Stayed Suspension.

A. Respondent shall 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 present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution to _____ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of _____, plus 10% per annum accruing from _____ and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
- iii. and until Respondent does the following: _____

B. The above-referenced suspension shall be stayed.

2. Probation.

Respondent shall be placed on probation for a period of Two (2) years. which shall commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.)

3. Actual Suspension.

A. Respondent shall be actually suspended from the practice of law in the State of California for a period of Thirty (30) days.

- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution to _____ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of _____, plus 10% per annum accruing from _____ and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
- 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 shall remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent shall report to the Membership Records Office of the State Bar and to the Probation Unit, 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) Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent shall 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. If the first report would cover less than 30 days, that report shall be submitted on the next quarterly 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.

- (5) Respondent shall be assigned a probation monitor. Respondent shall 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 shall furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the probation monitor.
- (6) Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel 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.
- (7) Within one (1) year of the effective date of the discipline herein, respondent shall provide to the Probation Unit 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.
- (8) Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Probation Unit.
- (9) The following conditions are attached hereto and incorporated:
- | | |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> Financial Conditions |
- (10) Other conditions negotiated by the parties:
- Multistate Professional Responsibility Examination: Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit of the Office of the Chief Trial Counsel 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 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.
- No MPRE recommended.
- Rule 955, California Rules of Court: Respondent shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.
- Conditional Rule 955, California Rules of Court: If Respondent remains actually suspended for 90 days or more, he/she shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 120 and 130 days, respectively, from the effective date of the Supreme Court order herein.
- Credit for Interim Suspension [conviction referral cases only]: Respondent shall be credited for the period of his/her interim suspension toward the stipulated period of actual suspension.

In the Matter of

GLEN E. YOUNG

Case Number(s):

02-0-10287; 02-0-12459;
02-0-13942; 03-0-00402

A Member of the State Bar

Financial Conditions

- a. Respondent shall pay restitution to ZYGMONT PIWOWARSKI [payee(s)] (or the Client Security Fund, if appropriate), in the amount(s) of \$5,000.00, plus 10% interest per annum accruing from the effective date of discipline and provide proof thereof to the Probation Unit, Office of the Chief Trial Counsel, herein
- no later than one (1) year from the effective date of discipline
or
 on the payment schedule set forth on the attachment under "Financial Conditions, Restitution."
- b. 1. If respondent possesses client funds at any time during the period covered by a required quarterly report, respondent shall file with each required report a certificate from respondent and/or a certified public accountant or other financial professional approved by the Probation Unit, certifying that:
- a. respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";
 - b. respondent has kept and maintained the following:
 - i. a written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
 - ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
 - iii. all bank statements and cancelled checks for each client trust account; and,
 - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
 - c. respondent has maintained a written journal of securities or other properties held for clients that specifies:
 - i. each item of security and property held;
 - ii. the person on whose behalf the security or property is held;
 - iii. the date of receipt of the security or property;
 - iv. the date of distribution of the security or property; and,
 - v. the person to whom the security or property was distributed.
2. If respondent does not possess any client funds, property or securities during the entire period covered by a report, respondent must so state under penalty of perjury in the report filed with the Probation Unit for that reporting period. In this circumstance, respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.
- c. Within one (1) year of the effective date of the discipline herein, respondent shall supply to the Probation Unit satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

(Financial Conditions form approved by SBC Executive Committee 10/16/00)

In the Matter of **GLEN E. YOUNG**
A Member of the State Bar

Case Number(s):
02-0-10287; 02-0-12459;
02-0-13942; 03-0-00402

Law Office Management Conditions

- a. Within ___ days/ ___ months/ ___ years of the effective date of the discipline herein, Respondent shall develop a law office management/ organization plan, which must be approved by respondent's probation monitor, or, if no monitor is assigned, by the Probation Unit. This plan must include procedures to send periodic reports to clients; the documentation of telephone messages received and sent; file maintenance; the meeting of deadlines; the establishment of procedures to withdraw as attorney, whether of record or not, when clients cannot be contacted or located; and, for the training and supervision of support personnel.
- b. Within ___ days/ ___ months 2 years of the effective date of the discipline herein, respondent shall submit to the Probation Unit satisfactory evidence of completion of no less than 6 hours of MCLE approved courses in law office management, attorney client relations and/ or general legal ethics. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent shall not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.) Respondent shall complete at least three (3) hours of courses during each of the two (2) years of probation herein.
- c. Within 30 days of the effective date of the discipline, respondent shall join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for _____ year(s). Respondent shall furnish satisfactory evidence of membership in the section to the Probation Unit of the Office of Chief Trial Counsel in the first report required.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: GLEN E. YOUNG

CASE NUMBER(S): 02-O-10287
 02-O-12459
 02-O-13942
 03-O-00402

FACTS AND CONCLUSIONS OF LAW.

COUNT ONE
Case No. 02-O-10287
Business and Professions Code, section 6106
[Moral Turpitude]

1. Respondent, by engaging in conduct amounting to gross negligence, violated Business and Professions Code section 6106, by committing an act involving moral turpitude.
2. On September 5, 1997, Zigmont Piwowski ("Piwowski") was involved in an automobile accident with a vehicle owned and operated by the City of Los Angeles ("City").
3. In or about September 1997, Piwowski employed the services of attorney Alan J. Schultz to represent him in a personal injury claim ("Piwowski's claim) against the City.
4. While attending law school in or about 1996, Respondent worked as a law clerk for Schultz.

5. Between in or about 1997 and in or about 1998, inclusive, as Respondent was developing his own law practice as a new admittee to the State Bar of California, Respondent was periodically receiving work referrals from Schultz, including court appearances and small litigation matters.
6. On or about May 14, 1998, Schultz was enrolled as an inactive member of the State Bar of California. He continued to be an inactive member until he ultimately resigned from bar membership, with disciplinary charges pending, effective on or about September 18, 1999.
7. Sometime prior to September 1998, Schultz transferred, and Respondent assumed, the role and the responsibilities as the attorney handling the Piwowski's claim. Respondent did not inform Piwowski about the transfer.
8. On or about September 8, 1998, Respondent filed a lawsuit entitled, *Zygmunt Piwowski vs. City of Los Angeles, et al.*, case no. LC046274 ("lawsuit"), in the Los Angeles Superior Court. Respondent was the attorney of record in the lawsuit at all times pertinent herein.
9. On or about April 26, 2000, Respondent settled Piwowski's lawsuit with the City, and he executed a written agreement memorializing the settlement ("settlement agreement"). The agreement contained a signature purporting to be Piwowski's signature.
10. Piwowski did not have prior knowledge about the settlement agreement; and, he never signed the settlement agreement.

11. On or about May 23, 2000, Respondent received a settlement check dated May 9, 2000, from the City, in the amount of \$5000, payable to "Zigmont Piwowarski & to the Law Offices of Glen Young."
12. On or about May 23, 2000, Respondent endorsed the settlement check by affixing a signature purporting to be that of Piwowarski's signature.
13. Piwowarski had not seen nor signed the check, and he did not know that Respondent endorsed or presented it for payment on his behalf.
14. In or about May 2000, Respondent delivered the proceeds of the settlement check to Schultz, and purportedly entrusted Schultz with the proper disbursement of the proceeds.
15. At no time did Respondent disburse the settlement proceeds, or any part thereof, to Piwowarski, or to otherwise make payments on Piwowarski's behalf.
16. To date, Piwowarski has not received any part of the settlement proceeds, or otherwise received the benefit of the settlement proceeds.

Conclusion of Law:

17. By entrusting Schultz with the settlement proceeds belonging to Piwowarski, and by relinquishing possession and control of funds belonging to Piwowarski, Respondent breached his fiduciary duty to safeguard his client's funds. By breaching his fiduciary duty to his client, Respondent committed an act involving moral turpitude, based on gross negligence, in violation of Business and Professions Code section 6106.

COUNT TWO

Case No. 02-O-10287

Business and Professions Code, section 6104

[Appearing for Party without Authority]

18. Respondent wilfully violated Business and Professions Code, section 6104, by corruptly or wilfully and without authority appearing as attorney for a party to an action or proceeding, as follows:
19. Paragraphs 2 through 8 are incorporated herein by reference.
20. Respondent did not inform Piwowski about the filing of the lawsuit.
21. On or about February 10, 1999, the City filed and served its Answer to the lawsuit.
22. On or about March 16, 1999, Respondent appeared in court on behalf of Piwowski at a Status Conference, at which time a jury trial was calendared to begin on or about April 13, 2000.
23. In the course of litigation, Piwowski's deposition was scheduled sometime between March 16, 1999 and February 2, 2000.
24. Respondent appeared at Piwowski's deposition, held sometime between March 16, 1999 and February 2, 2000. Shortly before the deposition, Respondent informed Piwowski, for the first time, that he had taken over the handling of his case, and that he will be representing Piwowski at his deposition.
25. Piwowski acquiesced to Respondent's substitution and representation because he believed that he had no other choice but to proceed with his deposition, and that he

needed an attorney.

26. Respondent did not inform Piwowarski, until after March 16, 1999, that he had assumed the role as the attorney handling his case.

Conclusion of Law:

27. By filing the lawsuit, and by making court appearances prior to informing Piwowarski that he had assumed the role as the attorney handling of his personal injury claim, Respondent corruptly or wilfully and without authority appeared as attorney for a party to an action, in wilful violation of Business and Professions Code section 6104.

COUNT THREE

Case No. 02-O-10287

Rules of Professional Conduct, rule 4-100(B)(1)
[Failure to Notify of Receipt of Client Funds]

28. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(B)(1), by failing to notify a client promptly of the receipt of the client's funds, securities, or other properties, as follows:
29. Paragraphs 2 through 16, inclusive, are incorporated by reference herein.

Conclusion of Law:

30. By not notifying Piwowarski that he had received the settlement check, nor that he had received the proceeds of the settlement check, Respondent failed to promptly notify his

client of the receipt of the client's funds, in wilful violation of Rules of Professional Conduct, rule 4-100(B)(1).

COUNT FOUR

Case No. 02-O-10287

Rules of Professional Conduct, rule 4-100(A)
[Failure to Deposit Client Funds in Trust Account]

31. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(A), by failing to deposit funds received for the benefit of a client in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, as follows:
32. Paragraphs 2 through 16, inclusive, are incorporated herein by reference.
33. The proceeds of the settlement check were not deposited in an identifiable bank account labeled "Trust Account", "Client's Funds Account" or words of similar import, maintained in the State of California.

Conclusion of Law:

34. By not depositing the proceeds of the settlement check in an identifiable bank account labeled "Trust Account", "Client's Funds Account" or words of similar import, Respondent wilfully violated Rules of Professional Conduct, rule 4-100(A).

COUNT FIVE

Case No. 02-O-10287

Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

35. Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), by

intentionally, recklessly, or repeatedly failing to perform legal services with competence, as follows:

36. Paragraphs 2 through 16, inclusive, are incorporated herein by reference.
37. On or about September 9, 1997, Schultz referred Piwowski to Dr. Steven M. Wexler, D.C. ("Dr. Wexler"), for treatment of injuries related to Piwowski's claim against the City.
38. On or about September 9, 1997, Piwowski and Schultz executed a medical lien ("Dr. Wexler's lien"), for the benefit of Dr. Wexler, against the proceeds of any settlement, judgment or verdict which may be paid as a result of the injuries treated by Dr. Wexler.
39. On or about February 2, 1998, Dr. Wexler sent Schultz his final statement of fees which totaled approximately \$4027.
40. When Respondent assumed the role and responsibilities as the attorney handling Piwowski's claim, Respondent was informed of Dr. Wexler's lien.
41. At the time Respondent settled the lawsuit, he was aware that Piwowski had received medical treatment for his personal injuries, or that he was otherwise aware of Dr. Wexler's lien.
42. In or about November 2001, Dr. Wexler or a member of his staff, telephoned Respondent, at least nine (9) times; on each telephone call, Dr. Wexler requested payment of the medical lien, and asked Respondent to call back. Respondent did not return any of the telephone calls.

43. On or about January 10, 2002, Dr. Wexler sent Respondent a letter by certified mail, demanding full payment of the medical lien in the approximate amount of \$4027 by January 31, 2002, and notifying Respondent that formal legal remedies will be pursued if payment is not received. Respondent did not reply to the letter.
44. To date, Respondent has not made any payment to Dr. Wexler for the medical services provided to Piwowarski in connection with his personal injury claim.

Conclusion of Law:

45. By not paying Dr. Wexler for the medical services provided to Piwowarski in connection with his personal injury claim against the City, and by not otherwise satisfying the medical lien, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence, in wilful violation of Business and Professions Code section 3-110(A).

COUNT SIX

Case No. 02-O-10287

Rules of Professional Conduct, rule 4-100(B)(4)
[Failure to Pay Client Funds Promptly]

46. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(B)(4), by failing to pay promptly, as requested by a client, any funds in Respondent's possession which the client is entitled to receive, as follows:
47. Paragraphs 2 through 16, inclusive, are incorporated herein by reference.

48. In or about November 2001, Piwowarski employed the services of another attorney, Laurence H. Mandell ("Mandell"), to collect his settlement monies from Respondent.
49. On or about November 13, 2001, Mandell wrote Respondent a letter demanding payment on behalf of Piwowarski. Respondent did not respond to the letter.
50. To date, Respondent has not paid any amount of the settlement monies to Piwowarski.

Conclusion of Law:

51. By not paying Piwowarski the settlement funds, and by not otherwise responding to his demands for payment of the funds, Respondent failed to promptly pay, as requested by his client, funds in his possession which the client is entitled to receive, in wilful violation of Rules of Professional Conduct, rule 4-100(B)(4).

COUNT SEVEN

Case No. 02-O-13942

Rules of Professional Conduct, rule 3-110(A)

[Failure to Perform with Competence]

52. Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), by intentionally, recklessly, or repeatedly failing to perform legal services with competence, as follows:
53. On or about February 29, 2000, Stephon Macey ("Macey") allegedly sustained physical injuries while incarcerated at the Chino State Prison in California.

///

54. After he was released from prison in or about June 2000, Macey contacted Attorney Alan Schultz by telephone about pursuing a personal injury claim ("Macey's personal injury case") against the California Department of Corrections for his alleged injuries. A personal meeting between Macey and Schultz was scheduled for sometime in or about July 2000.
55. At the time Macey first contact Schultz about his personal injury case against the Department of Corrections, Schultz was no longer licensed to practice law in California as he had resigned, with charges pending, his membership in the State Bar of California, effective on or about September 18, 1999.
56. In or about July 2000, Macey met with Schultz at the law offices located at 400 S. Beverly Drive, #318, Los Angeles, California, which was Respondent's address of record with the State Bar of California. At the same meeting, Macey met Respondent, who was introduced as the attorney having the primary responsibility for handling Macey's personal injury case.
57. In or about July 2000, Respondent referred Macey to Dr. Jerome Tepperman ("Dr. Tepperman") for medical consultation and treatment.
58. Between on or about July 17, 2000, and on or about August 20, 2000, Dr. Tepperman provided a medical services to Macey.
59. On or about August 20, 2000, Respondent signed a medical lien ("medical lien") in connection to Macey's personal injury case, for the benefit of Dr. Tepperman.

60. After August 20, 2000, Dr. Tepperman never heard from or saw Respondent again.
61. Between September 2000 and April 2002, inclusive, Dr. Tepperman made several telephone calls to Respondent's law office, and repeatedly left messages for Respondent to call him back. Respondent did not return any of his calls.
62. On or about April 4, 2002, Dr. Tepperman sent Respondent a letter demanding satisfaction of the medical lien. The letter was not returned as undeliverable or unclaimed. Respondent did not pay the lien nor otherwise respond to the letter.
63. In or about May 2002, Dr. Tepperman hired an attorney, Benni H. Freund ("Freund"), to pursue the medical lien.
64. On or about June 4, 2002, Freund contacted Respondent, and Respondent informed him that he was no longer representing Macey, and that Macey's personal injury case was not settled during Respondent's representation.
65. On or about June 4, 2002, Freund sent Respondent a letter requesting the name and address of the attorney to whom Respondent transferred Macey's personal injury case. The letter was not returned as undeliverable or unclaimed. Respondent did not provide the requested information, nor otherwise respond to the letter.
66. Respondent did not file a lawsuit on behalf of Macey, and he did not otherwise pursue Macey's personal injury case.

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Conclusion of Law:

67. By not filing a lawsuit or otherwise pursuing Macey's personal injury case, and by not responding to the medical provider's requests for information about the purported transfer of the case to another attorney, Respondent abandoned Macey's personal injury case, and intentionally, recklessly or repeatedly failed to perform legal services with competence, in wilful violation of Business and Professions Code section 3-110(A).

COUNT EIGHT

Case No. 02-O-13942
Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal From Employment]

68. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(A)(2), by failing, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client, as follows:

69. Paragraphs 53 through 66 are incorporated by reference herein.

70. Respondent never informed Macey that he had withdrawn from his case nor that he had transferred his case to another attorney.

Conclusion of Law:

71. By not notifying Macey that he discontinued representing him, and by not timely filing a personal injury action on Macey's behalf or otherwise taking any other steps to preserve Macey's legal rights prior to the expiration of the applicable statute of limitations,

Respondent withdrew from employment without taking reasonable steps to avoid reasonably foreseeable prejudice to the rights of the client, in wilful violation of Rules of Professional Conduct, rule 3-700(A)(2).

COUNT NINE

Case No. 03-O-00402
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

72. Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), by intentionally, recklessly, or repeatedly failing to perform legal services with competence, as follows:
73. On or about February 26, 1999, Robert H. Sison ("Sison") was involved in an automobile accident ("accident").
74. On or about March 10, 1999, Sison employed Respondent's services on a contingency fee basis to represent him in a personal injury action arising from the accident. On or about March 10, 1999, Sison paid Respondent approximately \$200 as advanced costs for filing and process service.
75. Sison did not hear from or see Respondent again after March 10, 1999.
76. On or about March 10, 2000, Respondent executed a medical lien ("Dr. Wilkerson's medical lien"), for the benefit of Dr. C.M. Wilkerson, D. C. ("Dr. Wilkerson"), in connection with Sison's personal injury action. In executing Dr. Wilkerson's medical lien, Respondent agreed, inter alia, to:

“[T]o withhold such sums in trust from any payments, proceeds, dispositions, settlements, judgments, or verdicts as ay be necessary to adequately protect said Chiropractor....[T]o notify said Chiropractor in writing, at such time as this patient’s case is surrendered to the patient/client or is transferred to a new attorney....That after receiving [settlement] monies to send payment to said Chiropractor within thirty (30) days or be charged an additional finance charge at the highest interest rate permitted by the law for every month that the suit has been settled....”

77. In or about April 2000, Sison began calling Respondent repeatedly for several months. On each call, Sison was connected to an answering machine; and each time, he left a message for Respondent to call him back. Respondent did not return any of Sison’s calls.
78. In or about February 2002, Sison discovered that Respondent had not timely filed a personal injury lawsuit on his behalf. The statute of limitations on Sison’s personal injury claim had expired by that time.
79. Up until approximately February 2002, Sison believed that Respondent was his attorney and was handling his personal injury action.
80. At no time did Respondent file or otherwise pursue a personal injury action on behalf of Sison.
81. On or about April 2, 2003, after a conference with a State Bar Investigator about the allegations herein, Respondent sent a check for \$200 to Sison as a refund of the advanced

costs paid to Respondent.

Conclusion of Law:

82. By not filing or otherwise pursuing Sison's personal injury action, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence, in wilful violation of Business and Professions Code section 3-110(A).

COUNT TEN

Case No. 03-O-00402
Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal From Employment]

83. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(A)(2), by failing, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client, as follows:
84. Paragraphs 73 through 80 are incorporated by reference herein.
85. At no time did Respondent inform Sison that he did not file or otherwise pursue his personal injury action.
86. At no time did Respondent inform Sison that he had withdrawn as his attorney.

Conclusion of Law:

87. By not notifying Sison that he discontinued representing him, and by not timely filing a

personal injury action on Sison's behalf or otherwise taking any other steps to preserve Sison's legal rights prior to the expiration of the applicable statute of limitations, Respondent withdrew from employment without taking reasonable steps to avoid reasonably foreseeable prejudice to the rights of the client, in wilful violation of Rules of Professional Conduct, rule 3-700(A)(2).

COUNT ELEVEN

Case No. 03-O-00402
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

88. Respondent wilfully violated Business and Professions Code, section 6068(m), by failing to respond promptly to reasonable status inquiries of a client, in a matter in which Respondent had agreed to provide legal services, as follows:
89. Paragraphs 73 through 75, and 77 are incorporated by reference herein.

Conclusion of Law:

90. By not returning any of Sison's repeated telephone calls over a period of several months, Respondent failed to respond promptly to reasonable status inquiries of a client, in a matter in which Respondent had agreed to provide legal services, in wilful violation of Business and Professions Code, section 6068(m).

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COUNT TWELVE

Case No. 03-O-00402
Business and Professions Code, section 6068(o)(2)
[Failure to Report Judgment]

91. Respondent wilfully violated Business and Professions Code, section 6068(o)(2), by failing to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the entry of judgment against Respondent in any civil action for fraud, misrepresentation, breach of fiduciary duty, or gross negligence committed in a professional capacity, as follows:
92. Paragraphs 73 through 75, and 77 through 80 are incorporated by reference herein.
93. In or about February 2002, Sison hired a new attorney, Joseph R. Baer ("Baer"), to pursue a malpractice action against Respondent.
94. After several futile attempts to reach Respondent by telephone, on or about February 22, 2002, Baer spoke by telephone with Respondent. During that conversation, Respondent indicated he had substituted out of Sison's case, and that he had transferred the case to Attorney Alan Schultz.
95. On or about February 22, 2002, Baer telephoned Schultz, and Schultz indicated he did not take over the Sison case, and he did not have the Sison client file.
96. In or about May 2002, Baer requested from Respondent a copy of his purported letter of withdrawal of representation of Sison. Respondent did not provide a copy of the letter, nor otherwise reply to Baer's request.

97. On or about May 23, 2002, on behalf of Sison, Baer filed a lawsuit against Respondent entitled, *Robert Sisson vs. Glen e. Young, The Law Offices of Glen Young et. al.*, Case no. BC274445, in the Los Angeles Superior Court (“malpractice action”), for breach of contract, negligence, fraud, negligent misrepresentation and violation of the consumer legal remedies act.
98. After proper notice and opportunity to be heard, Respondent’s default was entered on or about August 6, 2002 in the malpractice action.
99. Prior to August 6, 2002, Respondent had received information that the malpractice action was filed, and he was aware that the action was pending.
100. On or about November 22, 2002, a judgment (“Judgment”) in the malpractice action was rendered against Respondent, decreeing that Sison is entitled to recover from Respondent the principal sum of \$35,001.03, attorney’s fees in the sum of \$11,665.84, and costs in the sum of \$283.00.
101. Respondent was duly served with a notice of the Judgment.
102. To date, Respondent has not set aside his default, nor appealed the Judgment.
103. To date, Respondent has not paid any amount of the Judgment.
104. Respondent did not report the Judgment to the State Bar of California.

Conclusion of Law:

105. By not reporting the Judgment to the State Bar of California, Respondent failed to report

to the agency charged with attorney discipline, in writing, within 30 days of the time the attorney has knowledge of the entry of judgment against him in a civil action of fraud, misrepresentation, breach of fiduciary duty, or gross negligence committed in a professional capacity, in wilful violation of Business and Professions Code section 6068(o)(2).

H:\Work\Misc. Attys\Stipulations\Glen Young Stip. Attach. - Riza Sitton.wpd

Date 8/27/03

[Signature]
Respondent's signature

GLEN E. YOUNG
print name

Date August 27, 2003

Robert L. Banfield
Respondent's Counsel's signature

ROBERT L. BANFIELD
print name

Date 8/27/03

[Signature]
Deputy Trial Counsel's signature

RIZAMARI C. SITTON
print name

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.

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 135(b), 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 953(a), California Rules of Court.)

Date 9/4/03

[Signature]
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. 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 5, 2003, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING, filed September 5, 2003**

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

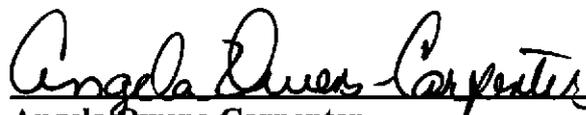
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ROBERT L BANFIELD ESQ
LAUGHLIN FALBO LEVY & MORESI LLP
200 S LOS ROBLES AVENUE #500
PASADENA CA 91101-2431**

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

RIZAMARI SITTON, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 5, 2003.



**Angela Owens-Carpenter
Case Administrator
State Bar Court**