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OCT 15 2003

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCOSTATE BAR COURT
HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of

MEREDITH M. CHANG,
No. 148986,

A Member of the State Bar.

Case Nos. 02-O-12588, et al.

**ORDER APPROVING STIPULATION
AS TO FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
DISPOSITION**

On June 20, 2003, this court conducted a settlement conference between Respondent Meredith M. Chang and the Office of the Chief Trial Counsel of the State Bar (State Bar), represented by Deputy Trial Counsel Wonder Liang. At the conclusion of this settlement conference, the parties reached a final agreement on all issues, including findings of fact, conclusions of law and a proposed degree of discipline to be recommended to the California Supreme Court.

The specific terms of the agreement between the parties were thereafter expressly placed on the record. Both parties confirmed that the information placed on the record constituted their full and final agreement.

The only remaining issue was whether the stipulation would include other open investigation matters. Respondent was required to provide certain documentation to the State Bar by June 23, 2003, in order for the State Bar to make a determination whether those



1 matters could be included. However, all parties agreed that regardless of whether the open
2 investigations were included in the stipulation or not, the parties had reached a final
3 agreement as to those issues specifically addressed at the settlement conference and placed
4 on the record.

5 The court ordered the parties to prepare a written stipulation memorializing their
6 agreement and to submit the stipulation to the court no later than July 3, 2003.

7 Based upon the final agreement reached by the parties at the June 20, 2003 settlement
8 conference, the pretrial conference and the trial in the matter, which had been scheduled for
9 July 24-25, 2003, were taken off calendar.

10 Respondent failed to provide the required documentation to the State Bar by June 23,
11 2003, or anytime thereafter. Accordingly, the State Bar prepared a proposed stipulation to
12 Respondent which memorialized the agreement reached by the parties without the inclusion
13 of the additional investigation matters. Respondent failed to sign the stipulation. The State
14 Bar had no further communication with Respondent.

15 On July 31, 2003, the State Bar filed a motion requesting an order approving
16 stipulation as to findings of fact, conclusions of law and disposition. Attached to the motion
17 was a proposed written Stipulation Re Facts, Conclusions of Law and Disposition, which the
18 State Bar contends accurately reflects the agreement the parties reached on June 20, 2003.
19 Respondent has failed to file any response to the motion.

20 Because this court conducted the settlement conference at which the full and final
21 agreement in this matter was reached, it is appropriate that the undersigned judge review the
22 stipulation submitted by the State Bar to confirm that it is in conformity with the agreement
23 that was placed on the record at the conclusion of the June 20, 2003 settlement conference.

24 After carefully reviewing the stipulation, this court finds that its terms are entirely
25 consistent with the terms of the oral agreement reached by the parties and placed on the
26 record. The court also concludes that the terms of the stipulation may properly be enforced
27

1 against Respondent notwithstanding his apparent refusal to execute the written stipulation.

2 In *In the Matter of Chen* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 571, 577, the
3 Review Department rejected the State Bar's contention in that case that no final agreement
4 had been reached unless and until the parties had executed a formal written stipulation. In
5 addressing the law relating to the enforcement of an oral agreement, the Review Department
6 stated as follows:

7 "Parties may engage in preliminary negotiations, oral or
8 written, in order to reach an agreement. These negotiations
9 ordinarily result in a binding contract when all of the terms are
10 definitely understood, even though the parties intended that a
11 formal writing embodying these terms shall be executed later.'
12 (1 Witkin, Summary of Cal. Law (9th ed. 1987) Contracts, § 136,
13 pp. 159-160, and cases cited therein.) It is also 'well settled that
14 an agreement definite in its essential elements is not rendered
15 unenforceable by reason of uncertainty in some minor,
16 nonessential detail. Hence, it is common practice to provide that
17 such details be left to further agreement of the parties.' (*Id.*, §
18 155, p. 176.)"

19 (*In the Matter of Chen, supra*, 2 Cal. State Bar Ct. Rptr. at p. 577.)

20 In the present case, all of the essential terms of the stipulation were orally agreed upon
21 at the conclusion of the June 20, 2003 settlement conference and the terms of the agreement
22 were thereafter placed on the record. The only issue left to be resolved was regarding a
23 request by Respondent that he be permitted to submit documentation in an attempt to include
24 additional investigation matters in the stipulation. However, the pending investigation
25 matters were discussed by the court and the parties during the settlement conference, and the
26 parties agreed that even if those matters could not be resolved, there still would be a final
27 settlement as to all other issues as stated on the record.

28 In summary, the court concludes that (a) a full and final agreement was reached by the
29 parties on June 20, 2003; (b) the terms of that agreement were placed on the record on that
30 date; (c) the attached written Stipulation Re Facts, Conclusions of Law and Disposition
31 presented by the State Bar is in conformity with the oral agreement reached by the parties;

1 and (d) Respondent has not presented any evidence or legal argument that would justify
2 relieving him from either facts, legal conclusions or proposed disposition to which he
3 previously stipulated.

4 In light of the foregoing,

5 **IT IS HEREBY ORDERED** that the Stipulation Re Facts, Conclusions of Law and
6 Disposition, affixed hereto as Attachment A, is **APPROVED AS MODIFIED** as set forth
7 below, and the stipulated degree of disciplined is **RECOMMENDED** to the Supreme Court.

8 The Stipulation Re Facts, Conclusions of Law and Disposition shall be modified as
9 follows:

- 10 1. On page 1, under section A(7), the "2004" shall be deleted and "2006" shall
11 be inserted. Respondent shall pay disciplinary costs in equal amounts prior to
12 February 1 for the membership years of 2005 and 2006.
- 13 2. On page 17, attachment page 11, in the last paragraph under "Conclusions of
14 Law: Count Three," the reference to case number "02-O-14074" shall be
15 deleted and replaced with case number "03-O-00757."

16
17
18 Dated: October 15, 2003


JOANN M. REMKE
Judge of the State Bar Court

State Bar Court of the State Bar of California
Hearing Department ☐ Los Angeles ☒ San Francisco

Counsel for the State Bar Office of the Chief Trial Counsel Enforcement Wonder J. Liang SBN 184357 180 Howard Street San Francisco, California 94105 (415) 538-2372	Case number(s) 02-H-13002 [02-O-12588] 02-O-14074 [Not Consolidated] 03-O-00757 [Not Filed] 03-O-01108 [Not Filed]	(for Court's use)
Counsel for Respondent In Pro Per Meredith Mantell Chang SBN 148986 117 J Street, #203 Sacramento, California 95814 (916) 429-9456	Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of MEREDITH MANTELL CHANG Bar # 148986 A Member of the State Bar of California (Respondent)		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 5, 1990.
(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 21 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:
2004 and 2005
 (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

ATTACHMENT A

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."

(Stipulation form approved by SAC Executive Committee 10/1/88)

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 99-0-11618

(b) ☒ date prior discipline effective November 9, 2000

(c) ☒ Rules of Professional Conduct/ State Bar Act violations: Rules of Professional Conduct rules 3-110(A), 3-700(A)(1), 3-700(A)(2) and Business and Professions Code section 6068(m)

(d) ☒ degree of prior discipline Private Reproval

(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: Pays the fine of \$500.00 pursuant to the Findings, Order, and Judgment of Contempt in People v. Dreher, Sacramento County Superior Court case number 00T06024 filed on April 8, 2002.

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 ONE HUNDRED AND FIFTY (150) 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: Pays the Fine of \$500.00 pursuant to the Findings, Order, and Judgment of Contempt in People v. Dreher, Sacramento County Superior Court Casenumber 00T06024 filed on April 8, 2002.

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 quarter date, and cover the extended period.

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

- (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. (As required in prior State Bar Court case number 99-0-11618.)
☐ 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 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. (As required in prior State Bar Court case number 99-0-11618.)
☐ 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

Case Number(s):

MEREDITH M. CHANG, SBN 148986

02-H-13002, et al.

A Member of the State Bar

Financial Conditions

- a. ☐ Respondent shall pay restitution to _____ [payee(s)] (or the Client Security Fund, if appropriate), in the amount(s) of _____, plus 10% interest per annum accruing from _____, and provide proof thereof to the Probation Unit, Office of the Chief Trial Counsel,
- ☐ no later than _____
- 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.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Meredith Mantell Chang, SBN 148986

CASE NUMBER(S): 02-H-13002 [02-O-12588];
 02-O-14074 [Not Consolidated];
 03-O-00757 [Not Filed];
 03-O-01108 [Not Filed].

FACTS AND CONCLUSIONS OF LAW.

State Bar Court case numbers 02-H-13002 [02-O-12588]:

Facts: Count Two: Case Number 02-H-13002, et al.:

1. In State Bar Court case number 99-O-11618, respondent was privately reprovred by Decision and Order filed on or about October 18, 2000, effective on or about November 16, 2000.

2. Attached to the private reproval were conditions: a) one year probation; b) compliance with the provisions of the State Bar Act and the Rules of Professional Conduct; c) prompt reporting to the Membership Records Office of the State Bar and the Probation Unit, Office of the Chief Trial Counsel, Los Angeles all changes of information including current office and other address for State Bar purposes as prescribed by section 6002.1 of the Business and Professions Code; d) attendance at the State Bar Ethics School within one year from the effective date of the private reproval; e) take and pass the Multi-state Professional Responsibility Examination within one year from the effective date of the public reproval; f) submit quarterly reports to the Probation Unit of the Office of the Chief Trial Counsel on each January 10, April 10, July 10 and October 10 of the period of probation with submission of a final report on November 16, 2001 and answer truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel relating to whether respondent is complying or has compiled with the conditions attached to the reproval.

3. On or about October 27, 2000, a Case Coordinator of the State Bar Court sent the Decision and Order to respondent by first class mail, postage prepaid, at his official membership records address at the State Bar.

4. To date, respondent has not attended the State Bar Ethics School.
5. To date, respondent has not taken and passed the Multi-state Professional Responsibility Examination.
6. To date, respondent has not submitted quarterly reports nor a final report to the Probation Unit of the Office of the Chief Trial Counsel.
7. By letter dated June 7, 2002, State Bar Supervising Trial Counsel Dane C. Dauphine ("Dauphine") informed respondent of his non-compliance and he was asked to respond. Dauphine's letter to respondent was placed in a sealed envelope correctly addressed to respondent at his official membership records address at the State Bar. Dauphine's letter was properly mailed by first class mail, postage pre-paid, by depositing for collection by the United States Postal Service in the ordinary course of business. Dauphine's letter was not returned by the United States Postal Service as undeliverable nor for any other reason.
8. To date, respondent has not responded to Dauphine's June 7, 2002 letter.
9. By the foregoing conduct, respondent disobeyed an order of the State Bar Court.

Conclusions of Law: Count Two: Case Number 02-H-13002, et al.:

By failing to comply with conditions of reproof, respondent wilfully disobeyed and violated an order of the court requiring him to do acts connected with and in the course of respondent's profession which he ought in good faith to do, in violation of Business and Professions Code section 6103.

Facts: Count Three: Case Number 02-H-13002, et al.:

10. Respondent represented Mr. Ed Dreher ("Dreher") in a misdemeanor jury trial in *People v. Dreher*, Sacramento County Superior Court, Department 11, case number 00T06024. On May 18, 2001, following a guilty verdict, the court set the matter for a Judgment and Sentencing hearing ("Sentencing Hearing") for June 1, 2001, at 9:00 a.m. Respondent was present in court when the court set the hearing date. After Dreher testified during said jury trial, respondent requested the court to excuse Dreher's personal presence pursuant to Penal Code section 977. Said request was granted; the court informed Dreher, "your presence is excused for the remainder of these proceedings".

11. On June 1, 2001, respondent failed to timely appear in Sacramento County Superior Court, Department 11, at 9:00 a.m. due to the fact that he was in Department 4 conducting a

restitution hearing. Respondent did not notify Department 11 nor opposing counsel of his scheduling conflict.

12. On June 15, 2001, with respondent present, the court continued the Sentencing Hearing to June 22, 2001. The court ordered respondent to appear on that date.

13. On June 22, 2001, respondent was at a rehabilitation facility at 9:00 a.m. on a client matter instead of being in Department 11. Respondent's first attempt in contacting the court regarding his inability to attend the 9:00 a.m. hearing was at 9:04 a.m. At 9:18 a.m., respondent reached the court by telephone and informed the court that he was at a rehabilitation facility attempting to have a declaration signed by a witness. A declaration that respondent was to have sent to the court and to opposing counsel by June 18, 2001. Upon respondent's arrival to court, the court was off the bench and in chambers, and respondent was informed off the record by the clerk of the existence of an OSC for respondent's failure to appear.

14. On June 27, 2001, the Sacramento County Superior Court issued an OSC against respondent for his failures to appear on June 1, 2001, and June 22, 2001. The OSC hearing was set for July 13, 2001.

15. On June 30, 2001, Dreher was arrested on the bench warrant and placed in custody.

16. From June 23, 2001 through June 29, 2001, respondent never placed Dreher's matter back on calendar to recall the bench warrant from June 22, 2001.

17. On July 6, 2001, at the Sentencing Hearing where respondent was present with Dreher, the court sentenced Dreher but stayed imposition of the sentence pending an appeal that respondent represented that he was to file on behalf of Dreher. The court continued the matter to January 14, 2002, to determine the status of Dreher's appeal.

18. On or about July 10, 2001, respondent filed a Notice of Appeal in *People v. Dreher*, Sacramento County Superior Court case number 00T06024. In or around July 2001, the Appellate Division of the Sacramento County Superior Court ("Appellate Division") notified all parties that the opening brief was due on September 10, 2001 and the hearing was set for January 18, 2002.

19. On July 13, 2001, at the OSC hearing regarding respondent's failures to appear on June 1, 2001 and June 22, 2001, respondent requested a continuance to July 27, 2001. The court granted respondent's request and set the OSC hearing for July 27, 2001.

20. On July 27, 2001, the court held the OSC hearing. On August 2, 2001, the court

issued its Judgment and Order of Contempt ("Contempt Order"). In its August 2, 2001 Contempt Order, the court found beyond a reasonable doubt that respondent was guilty of contempt of court in violation of section 1209(a)(5) of the Code of Civil Procedure¹ based on the following: respondent had knowledge of the orders requiring respondent to appear in Department 11 on June 1, 2001, at 9:00 a.m. and on June 22, 2001, at 9:00 a.m.; he was able to comply; and he willfully failed to do so. Accordingly, the court sentenced respondent to pay a fine to the court in the sum of \$500.00, payable to the clerk of the superior court, and stayed the sentence for five days.

21. On September 10, 2001, respondent had not filed an opening brief with the Appellate Division in *People v. Dreher*, Sacramento County Superior Court case number 00T06024.

22. On December 17, 2001, the Appellate Division served respondent with a Notice of Default on Appeal and of Intention to Dismiss in *People v. Dreher*, Sacramento County Superior Court case number 00T06024, for respondent's failure to file an opening brief. Furthermore, the Notice of December 17, 2001 stated that the appeal would be dismissed unless a written request for relief from default was filed by January 2, 2002.

23. On January 2, 2002, respondent had not filed with the Appellate Division an opening brief nor a motion requesting relief from default in *People v. Dreher*, Sacramento County Superior Court case number 00T06024.

24. At the hearing on January 14, 2002 to determine the status of the appeal, respondent was granted a continuance to February 1, 2002, to file a motion for relief from default in Dreher's appeal. When confronted with the failure to pay the \$500.00 contempt sanction, respondent declined to have the sanction referred to the Department of Revenue Recovery to set up a payment plan. Instead, respondent requested an additional thirty days to pay the contempt sanction. The court granted respondent's request.

25. By January 16, 2002, respondent had not filed a request for relief from default on appeal nor did he file an opening brief with the Appellate Division in *People v. Dreher*, Sacramento County Superior Court case number 00T06024.

26. On January 17, 2002, the Appellate Division served respondent with an Appeal From A Limited Case - Notice of Dismissal of Appeal in *People v. Dreher*, Sacramento County Superior Court case number 00T06024.

¹ Section 1209, subdivision (a)(5), provides:

Disobedience of any lawful judgment, order, or process of court.

27. On or about February 1, 2002, respondent arrived fifty minutes late to the scheduled hearing and represented that his tardiness was due to a death in the family. Respondent requested another continuance to file a motion to recall the remittitur in Dreher's appeal. The court denied the request due to the fact that respondent was given approximately six months from July 6, 2001, to file the appeal. At the hearing, Dreher requested that respondent be relieved as his attorney of record. The court granted Dreher's request and gave him an additional forty-five days to find a new attorney.

28. From July 10, 2001, through February 1, 2002, respondent did not file an opening brief nor a motion seeking relief from the default on appeal with the Appellate Division in *People v. Dreher*, Sacramento County Superior Court case number 00T06024.

29. From August 2, 2001, through February 28, 2002, respondent did not pay the \$500.00 sanction.

30. On February 28, 2002, the court issued a second OSC regarding contempt against respondent for not paying the \$500.00 sanction as ordered. The court ordered respondent to appear at a hearing set for March 18, 2002, at 8:30 a.m.

31. On March 18, 2002, respondent arrived forty-five minutes late for the scheduled hearing and told the court that he did not have the \$500.00 to pay for the sanction. The court arraigned respondent for the contempt of court for failure to pay the sanction. Respondent entered a not guilty plea. The court continued the hearing to April 5, 2002, at 9:00 a.m. for respondent to provide documentation establishing his inability to pay.

32. On April 5, 2002, the court held an OSC hearing against respondent for his failure to pay the \$500.00 sanction imposed on August 2, 2001. Respondent represented himself. Respondent chose not to testify on his own behalf. In his defense to show that he did not have the ability to pay the sanction, respondent submitted a Notice of Proposed Assessment from the Franchise Tax Board dated February 11, 2002 ("FTB Notice"). The FTB Notice stated that respondent did not file a 1999 California personal income tax return and the total assessed tax, penalties, interest and fees were \$8,710.80. The tax assessment was payable by April 12, 2002. Respondent did not submit any additional evidence in his own defense.

33. On April 5, 2002, following a recess, the court issued an oral decision finding beyond a reasonable doubt that respondent was guilty of contempt of court for the wilful failure to pay the duly imposed fine of \$500.00.

34. On April 8, 2002, the court issued its written Findings, Order and Judgment of

Contempt in *People v. Dreher*, Sacramento County Superior Court case number 00T06024. The court found beyond a reasonable doubt that respondent was guilty of contempt in violation of section 1209, subdivision (a)(5), of the Code of Civil Procedure for the act of willful disobedience of the court's lawful order that he pay a fine in the amount of \$500. Respondent was sentenced to five days in county jail, stayed until April 12, 2002, and ordered that his fine be referred to the Department of Revenue Recovery for payment or establishment of a payment schedule.

Conclusions of Law: Count Three: Case Number 02-H-13002, et al.:

By failing to timely file Dreher's appeal and by failing to file a request for relief from default in Dreher's appeal, respondent recklessly failed to perform legal services with competence in violation of Rules of Professional Conduct rule 3-110(A).

Facts: Count Five: Case Number 02-H-13002, et al.:

35. The allegations contained in Count Three are incorporated by reference as if set forth in full herein.

Conclusions of Law: Count Five: Case Number 02-H-13002, et al.:

By failing to pay the \$500 sanction by February 13, 2002, respondent wilfully disobeyed and violated an order of the court requiring him to do an act connected with respondent's profession which he ought in good faith to do, in violation of Business and Professions Code section 6103.

Facts: Count Six: Case Number 02-H-13002, et al.:

36. The allegations contained in Count Three are incorporated by reference as if set forth in full herein.

37. On or about May 22, 2002, the State Bar opened an investigation, case number 02-O-12588 ("SBI matter") regarding respondent's conduct in *People v. Dreher*, Sacramento County Superior Court case number 00T06024.

38. On or about June 4, 2002, State Bar Investigator J.D. Pickering wrote to respondent regarding the SBI matter. The letter was placed in a sealed envelope correctly addressed to respondent at his official membership records address at the State Bar. The letter was properly mailed by first class mail, postage pre-paid, by depositing for collection by the United States Postal Service in the ordinary course of business. The United States Postal Service did not return the investigator's letter as undeliverable nor for any other reason.

39. To date, respondent has not provided a written response to the investigator's letter.

Conclusions of Law: Count Six: Case Number 02-H-13002, et al.:

By failing to provide a written response to the investigator's letter or otherwise participating in the investigation of the SBI Matter, respondent failed to cooperate in a disciplinary investigation in violation of Business and Professions Code section 6068(i).

State Bar Court case number 02-O-14074 [Not Consolidated]:

Facts: Count Two: Case Number 02-O-14074:

40. Beginning on March 4, 2002 and continuing until about September 30, 2002, respondent maintained an attorney-client trust account at Wells Fargo Bank, account no. 036-2047920, converted to account no. 101-0975892 on May 13, 2002, hereinafter the "trust account."

41. Beginning on March 4, 2002 and continuing until on or about September 30, 2002, respondent issued at least eleven (11) checks from the trust account for personal and non-client related expenses.

42. Between March 3, 2002 and September 30, 2002, respondent conducted one hundred and sixty-five (165) transactions involving cash and ATM withdrawals, Check Card Purchases, Point of Sale (POS) purchases, and other improper withdrawals from the trust account, and used the funds for his own use and purpose.

43. On or about June 25, 2002, respondent made a customer directed debit from the trust account payable to AT&S Bus in the amount of \$186.58. At the time respondent made the customer directed debit from the trust account, he knew or should have known that there were insufficient funds in the trust account to pay AT&S Bus the amount of \$186.58.

44. On or about June 25, 2002, Wells Fargo Bank paid \$186.58 to AT&S Bus. On June 26, 2002, Wells Fargo Bank sent an Insufficient Funds Notice to respondent informing him that they had paid \$186.58 to AT&S Bus, and requested respondent to deposit \$186.58 and their fee of \$18 to cover the paid item and fees immediately. The balance in respondent's trust account on June 23, 2002 was \$17.40.

45. On June 25, 2002, the balance in respondent's trust account was minus \$169.18.

From on or about June 25, 2002 until on or about July 2, 2002, the balance in respondent's trust account was at a minus balance.

46. On July 25, 2002, respondent made a Check Card purchase with his trust account Check Card, payable to Shell, in the amount of \$18.44. At the time respondent made the Check Card purchase from the trust account, he knew or should have known that there were insufficient funds in the account to pay Shell the amount of \$18.44. The balance in respondent's trust account on July 25, 2002 was \$5.83.

47. On or about July 29, 2002, Wells Fargo Bank paid \$18.44 to Shell. On July 30, 2002, Wells Fargo Bank sent an Insufficient Funds Notice to respondent informing him that they had paid \$18.44 to Shell, and requested respondent to deposit \$18.44 to cover the paid item.

48. On or about July 29, 2002, respondent made an ATM withdrawal in the amount of \$81.50 from the trust account. At the time respondent withdrew \$81.50 from the trust account, he knew or should have known there were insufficient funds in the account to pay \$81.50 from the account. At the time of withdrawing \$81.50 from the trust account, respondent knew or should have known the balance in the trust account was \$78.94.

49. On July 31, 2002, Wells Fargo Bank sent an Insufficient Funds Notice to respondent informing him that they had paid \$81.50, and requested respondent to deposit \$81.50 and their fee of \$24 immediately to the account. The balance in the trust account on July 29, 2002 was \$79.94. On July 30, 2002, the balance in the trust account was minus \$2.56. On July 31, 2002, the balance in the trust account was minus \$28.56.

Conclusions of Law: Count Two: Case Number 02-O-14074:

By making ATM withdrawals when he knew or should have known there were insufficient funds in the trust account with which to pay the amounts withdrawn and by making Check Card purchases, as referenced above, when he knew or should have known there were insufficient funds in the account with which to pay the amount of the purchases, respondent violated Business and Professions Code section 6106.

Facts: Count Three: Case Number 02-O-14074:

50. The allegations contained in Count Two are incorporated by reference as if set forth in full herein.

51. On or about August 13, 2002, the State Bar opened an investigation, case no. 02-O-14074, pursuant to reportable actions received by the State Bar from Wells Fargo Bank informing

the State Bar that funds were paid by the Bank on respondent's trust account against non-sufficient funds in the trust account ("Reportable Action").

52. On September 3, 2002, State Bar Investigator J.D. Pickering wrote to respondent regarding the Reportable Action received from Wells Fargo Bank regarding insufficient funds in the trust account. Mr. Pickering's letter was placed in a sealed envelope correctly addressed to respondent at his official membership records address. The letter was properly mailed by first class mail, postage prepaid, by depositing for collecting by the U.S. Postal Service in the ordinary course of business. The U.S. Postal Service did not return the investigator's letter as undelivered or for any other reason.

53. Investigator Pickering's letter dated September 3, 2002 requested that respondent respond in writing to specific allegations of misconduct being investigated by the State Bar in the Reportable Action matter. Respondent did not respond to the letter dated September 3, 2002.

54. On November 27, 2002, Mr. Pickering wrote to respondent regarding the Reportable Action. Mr. Pickering's letter was placed in a sealed envelope correctly addressed to respondent at his official membership records address. The letter was properly mailed by first class mail, postage prepaid, by depositing for collecting by the U.S. Postal Service in the ordinary course of business. The U.S. Postal Service did not return the investigator's letter as undelivered or for any other reason.

55. Mr. Pickering's letter dated November 27, 2002 requested that respondent respond in writing to specific allegations of misconduct being investigated by the State Bar with respect to the Reportable Action. Respondent did not respond to the letter dated November 27, 2002.

Conclusions of Law: Count Three: Case Number 02-O-14074:

By not providing a written response to Mr. Pickering's letters of September 3, 2002, and November 27, 2002, or otherwise participating in the investigation of the Reportable Action matter, respondent failed to cooperate in a disciplinary investigation in violation of Business and Professions Code section 6068(i).

State Bar case number 03-O-00757 [Not Filed]:

Facts: Count One: Case Number 03-O-00757:

56. Beginning on or about March 4, 2002 and continuing until on or about February 6, 2003, respondent maintained an attorney-client trust account at Wells Fargo Bank, account no.

036-2047920, converted to account no. 101-0975892 on May 13, 2002, hereinafter the "trust account."

57. Between October 4, 2002 and February 6, 2003, respondent conducted improper withdrawals from the trust account.

58. On or about October 4, 2002, Wells Fargo Bank sent an Insufficient Funds Notice to respondent informing him that they had paid \$6.80.

59. On or about October 8, 2002, Wells Fargo Bank sent an Insufficient Funds Notice to respondent informing him that they had paid \$18.22.

60. On or about October 8, 2002, Wells Fargo Bank sent an Insufficient Funds Notice to respondent informing him that they had paid \$12.00.

61. On or about November 4, 2002, Wells Fargo Bank sent an Insufficient Funds Notice to respondent informing him that they had paid \$51.48.

62. On or about December 12, 2002, Wells Fargo Bank sent an Insufficient Funds Notice to respondent informing him that they had paid \$40.00.

63. On or about December 13, 2002, Wells Fargo Bank sent an Insufficient Funds Notice to respondent informing him that they had paid \$10.00.

64. On or about December 20, 2002, Wells Fargo Bank sent an Insufficient Funds Notice to respondent informing him that they had paid \$90.00.

65. On or about January 30, 2003, Wells Fargo Bank sent an Insufficient Funds Notice to respondent informing him that they had paid \$53.86.

66. On or about February 4, 2003, Wells Fargo Bank sent an Insufficient Funds Notice to respondent informing him that they had returned check 2033 in the amount of \$250.00.

67. On or about February 5, 2003, Wells Fargo Bank sent an Insufficient Funds Notice to respondent informing him that they had paid \$22.74.

68. On or about February 6, 2003, Wells Fargo Bank sent an Insufficient Funds Notice to respondent informing him that they had paid \$16.63.

Conclusions of Law: Count One: Case Number: 03-O-00757:

By making withdrawals when he knew or should have known there were insufficient funds in the trust account with which to pay the amounts withdrawn as referenced above, respondent violated Business and Professions Code section 6106.

Facts: Count Two: Case Number 03-O-00757:

69. The allegations contained in Count One are incorporated by reference as if set forth in full herein.

70. On or about March 15, 2003, the State Bar opened an investigation, case no. 03-O-00757, pursuant to reportable actions received by the State Bar from Wells Fargo Bank informing the State Bar that funds were paid by the Bank on respondent's trust account against non-sufficient funds in the trust account ("Reportable Action").

71. On March 21, 2003, State Bar Investigator J.D. Pickering wrote to respondent regarding the Reportable Action received from Wells Fargo Bank regarding insufficient funds in the trust account. Mr. Pickering's letter was placed in a sealed envelope correctly addressed to respondent at his official membership records address. The letter was properly mailed by first class mail, postage prepaid, by depositing for collecting by the U.S. Postal Service in the ordinary course of business. The U.S. Postal Service did not return the investigator's letter as undelivered or for any other reason.

72. Investigator Pickering's letter dated March 21, 2003, requested that respondent respond in writing to specific allegations of misconduct being investigated by the State Bar in the Reportable Action matter. Respondent did not respond to the letter dated March 21, 2003.

Conclusions of Law: Count Three: Case Number 02-O-14074:

By not providing a written response to Mr. Pickering's letter of March 21, 2003, or otherwise participating in the investigation of the Reportable Action matter, respondent failed to cooperate in a disciplinary investigation in violation of Business and Professions Code section 6068(i).

State Bar case number 03-O-01108 [Not Filed]:

Facts: Count One: Case Number 03-O-01108:

73. In State Bar Court case number 02-O-12588-PEM [02-H-13002-PEM], respondent was ordered enrolled inactive under section 6007(e)(1) of the Business and Professions Code for his failure to file a timely response to the Notice of Disciplinary Charges pursuant to rule 200 of the Rules of Procedure of the State Bar of California. The order placing respondent on involuntary inactive enrollment was effective on November 4, 2002.²

74. On November 12, 2002, while not entitled to practice law, respondent appeared as counsel for Randell Otis Anderson in *People v. Anderson*, Yolo County Superior Court case number 020002601. Before the Honorable Stephen Mock, respondent represented his client in entering a felony plea.

75. On December 2, 2002, the State Bar Court filed its Order Granting Respondent's Motion to Set Aside Default. On the same day, respondent was placed on active enrollment.

Conclusions of Law: Count One: Case Number 03-O-01108:

By holding himself out as a licensed attorney in Yolo County Superior Court on November 12, 2002, while not authorized to practice law, respondent held himself out as entitled to practice law and actually practiced law when he was not an active member of the State Bar in wilful violation of Business and Professions Code, sections 6125, 6126(b) and 6127(b), and thereby failed to support the laws of the State of California, as required under Business and Professions Code, section 6068(a).

Facts: Count Two: Case Number 03-O-01108:

76. The allegations contained in Count One are incorporated by reference as if set forth in full herein.

77. On or about March 17, 2003, the State Bar opened an investigation, case no. 03-O-00757, pursuant to a complaint filed by Randell Otis Anderson ("Anderson Matter").

78. On May 15, 2003, State Bar Investigator J.D. Pickering wrote to respondent regarding the Anderson Matter. Mr. Pickering's letter was placed in a sealed envelope correctly

² Respondent asserts he did not open his mail and did not have actual notice. Nevertheless, for purposes of violation of said Business and Professions Code sections, respondent still acted "wilfully".

addressed to respondent at his official membership records address. The letter was properly mailed by first class mail, postage prepaid, by depositing for collecting by the U.S. Postal Service in the ordinary course of business. The U.S. Postal Service did not return the investigator's letter as undelivered or for any other reason.

79. Investigator Pickering's letter dated May 15, 2003, requested that respondent respond in writing to specific allegations of misconduct being investigated by the State Bar in the Anderson Matter. Respondent did not respond to the letter dated May 15, 2003.

Conclusions of Law: Count Two: Case Number 03-O-01108:

By not providing a written response to Mr. Pickering's letter of May 15, 2003, or otherwise participating in the investigation of the Anderson Matter, respondent failed to cooperate in a disciplinary investigation in violation of Business and Professions Code section 6068(i).

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
02-H-13002 [02-O-12588]	One Four	Rules of Professional Conduct rule 1-110 Business and Professions Code section 6068(b)
02-O-14074	One	Rules of Professional Conduct rule 4-100(A)

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was June 24, 2003.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of June 24, 2003, the estimated prosecution costs in this matter are approximately \$3,826.00. Respondent acknowledges that this figure is an estimate only and that it does not include State

Bar Court costs which will be included in any final cost assessment. 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.

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

Date _____

Respondent's signature _____

MEREDITH M. CHANG
print name

Date _____

N/A
Respondent's Counsel's signature

N/A
print name

Date _____

Deputy Trial Counsel's signature _____

WONDER J. LIANG
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 _____

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 San Francisco, on October 15, 2003, I deposited a true copy of the following document(s):

**ORDER APPROVING STIPULATION AS TO FINDINGS OF FACTS,
CONCLUSIONS OF LAW AND DISPOSITION**

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

- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**MEREDITH M. CHANG
117 J ST #203
SACRAMENTO CA 95814**

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

WONDER LIANG, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **October 15, 2003.**



Bernadette C. O. Molina
Case Administrator
State Bar Court