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**STATE BAR COURT
HEARING DEPARTMENT - SAN FRANCISCO**

In the Matter of

**JOHN MEEKER,
No. 95878**

A Member of the State Bar.

Case No. 02-PM-13802-PEM

**ORDER GRANTING MOTION TO
REVOKE PROBATION AND FOR
INVOLUNTARY INACTIVE
ENROLLMENT**

INTRODUCTION

In this probation revocation proceeding, Respondent John Meeker is charged with multiple violations of the conditions of his probation imposed by the Supreme Court in its minute orders filed February 22, 2002, in Case No. S068106 (State Bar Court Case No. 01-PM-01665).

For the reasons stated below, this Court finds, by a preponderance of the evidence, that Respondent wilfully failed to comply with the terms of his disciplinary probation in the above-referenced case. (See Bus. & Prof. Code, § 6093, subd. (c).) As a result, this Court grants the State Bar's motion to revoke Respondent's probation and its motion to involuntarily enroll Respondent as an inactive member of the State Bar pursuant to Business and Professions Code section 6007, subdivision (d). The Court recommends, among other things, that Respondent's probation in the above-referenced proceeding be revoked, that the previously-ordered stay be lifted and that Respondent be actually suspended from the practice of law in the State of California for a period of two (2) years and until he provides proof satisfactory to the State Bar Court of his rehabilitation,



1 fitness to practice and present learning and ability in the general law pursuant to Standard 1.4(c)(ii)
2 of the Standards for Attorney Sanctions for Professional Misconduct.

3 **PROCEDURAL HISTORY**

4 This probation revocation proceeding was initiated by the filing of a Notice of Motion and
5 Motion to Revoke Probation ("Motion to Revoke Probation") by the Office of the Chief Trial
6 Counsel of the State Bar of California ("State Bar") on June 16, 2003. The Motion to Revoke
7 Probation was properly served upon Respondent on June 16, 2003, by certified mail, return receipt
8 requested, addressed to Respondent's official membership address ("official address") pursuant to
9 Business and Professions Code section 6002.1, subdivision (c) and rule 60 of the Rules of Procedure
10 of the State Bar ("Rules of Procedure").¹

11 Pursuant to rule 563(b)(1) of the Rules of Procedure, Respondent's response to the Motion
12 to Revoke Probation was due to be filed twenty (20) days after service of the motion. Respondent
13 has not filed any response to the Motion to Revoke Probation and has not requested a hearing. As
14 a result, pursuant to rule 563(b)(3) of the Rules of Procedure, Respondent has waived his right to
15 request a hearing. Moreover, his failure to file a response to the Motion to Revoke Probation
16 constitutes an admission of the factual allegations contained in the motion and its supporting
17 documents.²

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20 ¹ At all times since October 21, 2002, Respondent's official address has been 1500 W. El
21 Camino Avenue, # 414, Sacramento, California 95833.

22 ² On June 27, 2003, the Court noticed a telephonic status conference for July 14, 2003, in order
23 to warn Respondent that he needed to file a response to the probation revocation motion. When
24 Respondent failed to participate in the status conference, the Court set this matter for a hearing, hoping to
25 attract Respondent's attention. Meanwhile, Respondent also failed to appear for a settlement conference
26 that had been scheduled in two other unrelated cases. As a result, the Court noticed a status conference
27 in this matter for July 29, 2003. Respondent appeared telephonically at the status conference but had still
28 not filed a response. Based upon his failure to file a response to the revocation motion, the Court vacated
the hearing and decided to proceed without a hearing pursuant to rule 563(b)(3). Although the Court
invited Respondent to file a motion for relief from its order vacating the hearing and disallowing him to
file any declarations, he has not done so.

1 In its Motion to Revoke Probation, the State Bar did not request a hearing. In light of
2 Respondent's failure to file a response, this matter was taken under submission without a hearing
3 on July 30, 2003. The State Bar was represented in this proceeding by Deputy Trial Counsel Robin
4 Haffner. Respondent represented himself in this matter.

5 **FINDINGS OF FACT**

6 **A. Jurisdiction**

7 Respondent was admitted to the practice of law in California on December 16, 1980, and
8 has been a member of the State Bar of California since that time.

9 **B. Probation Violations**

10 As previously indicated, pursuant to rule 563(b)(3) of the Rules of Procedure, Respondent's
11 failure to file a timely response to the State Bar's Motion to Revoke Probation constitutes an
12 admission of the factual allegations contained in the motion and in its supporting documents. The
13 following findings of fact are based upon the evidence submitted with the Motion to Revoke
14 Probation and upon the Court's own records in this proceeding.

15 On February 22, 2002, the Supreme Court filed its final disciplinary order in the proceeding
16 entitled *In re John Ingraham Meeker on Discipline*, Supreme Court Case No. S068106 (State Bar
17 Case No. 01-PM-01665). In that order, the Supreme Court extended the disciplinary probation
18 previously imposed upon Respondent in its July 18, 2000 order in State Bar Court Case No. 99-PM-
19 11242, by three years and ordered Respondent to comply with the conditions of probation
20 recommended by the State Bar Court Hearing Department in its order approving the stipulation filed
21 October 29, 2001, as modified by its order filed November 30, 2001. Among the conditions
22 recommended by the State Bar Court and imposed by the Supreme Court in State Bar Court Case
23 No. 01-PM-01665 were the following:

- 24 1. That Respondent comply with the provisions of the State Bar Act and Rules of Professional
25 Conduct during the period of probation;

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- 1 2. That Respondent submit written quarterly reports to the Probation Unit not later than January
2 10, April 10, July 10 and October 10 of each year or part thereof during which the probation
3 is in effect, certifying by affidavit or under penalty of perjury, that he has complied with all
4 of the provisions of the State Bar Act and of the Rules of Professional Conduct;
- 5 3. That Respondent fully cooperate with his assigned probation monitor³ by meeting with him
6 and promptly reviewing the terms and conditions of probation to establish a manner and
7 schedule of compliance;
- 8 4. That, during the period of probation, Respondent will furnish to the assigned probation
9 monitor such reports as may be requested, in addition to the quarterly reports required to be
10 submitted to the Probation Unit;
- 11 5. That Respondent develop a law office management/organization plan that meets with the
12 approval of his probation monitor within one hundred twenty (120) days of the Supreme
13 Court's final disciplinary order;
- 14 6. That if Respondent possesses any client funds at any time during the period covered by a
15 required quarterly report, Respondent shall file with each required report a certificate from
16 Respondent and/or a certified public accountant or other financial professional approved by
17 the Probation Unit certifying that Respondent used proper trust account practices, as more
18 fully described in the Stipulation re Facts, Conclusions of Law and Disposition dated
19 October 29, 2001;
- 20 7. That Respondent shall obtain psychiatric or psychological help or treatment from a duly
21 licensed psychiatrist, psychologist or clinical social worker at Respondent's own expense a
22 minimum of twice per month. Respondent shall also furnish evidence to the Probation Unit,
23 including his probation monitor, that he is complying with this medical condition; and
- 24 8. That Respondent shall provide the Probation Unit with medical waivers and access to all of
25 his medical records,

27 ³ Respondent's assigned probation monitor was Norm Turley.

1 The California Supreme Court's final disciplinary order in Supreme Court Case No. S068106
2 became effective on March 24, 2002.⁴ (Calif. Rules of Ct., rule 953(a).)

3 By letter dated April 11, 2002, Probation Deputy Eddie Esqueda reminded Respondent of
4 the Supreme Court's final disciplinary order filed February 22, 2002, and of the terms and conditions
5 of probation imposed by the Court. Among other things, Probation Deputy Esqueda specifically
6 notified Respondent that (1) his first written quarterly probation report was due on or before July 10,
7 2002; (2) that his evidence of compliance with the psychiatric conditions was due on or before July
8 10, 2002; (3) that the certified public accountant report was due on or before July 10, 2002; and (4)
9 that he was required to submit a law office management plan by July 22, 2002. Probation Deputy
10 Esqueda enclosed with his April 11, 2002, letter (a) a copy of the Supreme Court's February 22,
11 2002 final disciplinary order; (b) a copy of the terms and conditions of Respondent's probation; and
12 (c) a quarterly probation report form and instructions. Moreover, Probation Deputy Esqueda gave
13 Respondent the name and address of his assigned probation monitor.

14 Probation Deputy Esqueda properly mailed the April 11, 2002 letter and its enclosures to
15 Respondent, addressed to him at his then-current official membership address. The letter was not
16 returned as undeliverable by the U.S. Postal Service. Respondent subsequently failed to submit his
17 July 10, 2002, October 10, 2002, January 10, 2003, and April 10, 2003, written quarterly probation
18 reports to the Probation Unit and failed to provide reports on his compliance with psychological/
19 psychiatric conditions of probation. Respondent also failed to cooperate with his probation monitor⁵

21 ⁴ While no proof was offered that the Clerk of the Supreme Court served the Court's February
22 22, 2002, final disciplinary order upon Respondent, rule 24(a) of the California Rules of Court requires
23 clerks of reviewing courts to immediately transmit a copy of all decisions of those courts to the parties
24 upon filing. Moreover, it is presumed that official duties have been regularly performed. (See Evid.
Code, § 664; *In re Linda D.* (1970) 3 Cal.App.3d 567, 571.) Therefore, in the absence of evidence to the
contrary, this Court finds that the Clerk of the Supreme Court performed his duty and transmitted a copy
of the Supreme Court's February 22, 2002, order to Respondent immediately after the order was filed.

25 ⁵ Probation Deputy Esqueda's April 11, 2002, letter directed Respondent to contact his
26 probation officer, Norm Turley, within ten days of the date of Esqueda's letter. Respondent failed to
27 contact Turley, although he ultimately met with Turley on May 30, 2002, after Turley called Respondent
28 at least twice. After the May 30, 2002 meeting, however, Respondent failed to return multiple calls
placed to him by Turley.

1 and failed to submit a law office management plan.

2 As of June 16, 2003, the date upon which the State Bar's Motion to Revoke Probation in this
3 proceeding was filed, the Probation Unit has still not received from Respondent any of the written
4 quarterly probation reports that were required by the conditions of his probation. Respondent has
5 yet to submit a law office management plan. The last contact Respondent had with his probation
6 monitor was May 30, 2002, more than fourteen (14) months ago. Because there is no evidence that
7 Respondent was in possession of any client funds, the Court does not find a violation of the
8 probation condition requiring him to submit a certified public accountant's certificate.

9 **CONCLUSIONS OF LAW**

10 Bad faith is not a requirement for a finding of culpability in a probation revocation
11 proceeding. Instead, a "general purpose or willingness" to commit an act or permit an omission is
12 sufficient. (*In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525, 536.)

13 Pursuant to Business and Professions Code sections 6093, subdivisions (b) and (c) and rule
14 561 of the Rules of Procedure, the Court concludes that the State Bar has demonstrated by a
15 preponderance of the evidence that Respondent wilfully violated the conditions of probation ordered
16 by the Supreme Court in its February 22, 2002 order in that he failed to file the written quarterly
17 probation reports with the Probation Unit that were due on or before July 10, 2002, October 10,
18 2002, January 10, 2003 and April 2003, failed to cooperate with his probation monitor and failed to
19 comply with the psychiatric/psychological conditions of his probation.

20 As a result, the revocation of Respondent's probation in Case No. S068106 is fully
21 warranted.

22 **MITIGATING CIRCUMSTANCES**

23 Since Respondent did not file a response to the probation revocation motion, no evidence in
24 mitigation was presented and none is apparent from the record. (Standard 1.2(e), Standards for
25 Attorney Sanctions for Professional Misconduct.)

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1 Respondent's current violation is neither technical nor minor. Although he specifically stipulated
2 to the terms and conditions of his probation in State Bar Court Case No. 01-PM-01665, Respondent
3 has essentially ignored each and every one of those probation conditions. He has not filed a single
4 written quarterly probation report since the Supreme Court's final disciplinary order became
5 effective on March 24, 2002. He has not provided evidence of his attendance at a single session with
6 a psychiatrist or psychologist, although he is required to attend two such sessions per month. He has
7 failed to respond to the telephone calls from his assigned probation monitor and he has failed to
8 submit the law office management plan that was due more than one year ago. Respondent is clearly
9 not amenable to probation.

10 Accordingly, the Court finds good cause for granting the State Bar's Motion to Revoke
11 Probation. The Court concludes that the entire amount of the stayed suspension should be imposed.
12 (Rule 562, Rules Proc. of State Bar.) Thus, the Court recommends that Respondent's probation in
13 Supreme Court Case No. S068106 (State Bar Court Case No. 01-PM-01665) be revoked, that the
14 previously-ordered stay of suspension be lifted and that Respondent be actually suspended from the
15 practice of law for a period of two (2) years as set forth in more detail below.

16 **RECOMMENDED DISCIPLINE**

17 The Court recommends that the probation of Respondent **JOHN INGRAHAM MEEKER**
18 be revoked, that the previously-ordered stay of suspension in Supreme Court Case No. S068106
19 (State Bar Court Case No. 01-PM-01665) be lifted, and that Respondent be actually suspended from
20 the practice of law for a period of two years and until he has shown proof satisfactory to the State
21 Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant
22 to Standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct.

23 It is also recommended that the Supreme Court order Respondent to comply with rule 955(a)
24 of the California Rules of Court within 30 calendar days of the effective date of the Supreme Court
25 order in this matter and to file the compliance affidavit required by rule 955(c) within 40 days of the
26 effective date of the Court's order.

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 August 6, 2003, I deposited a true copy of the following document(s):

**ORDER GRANTING MOTION TO REVOKE PROBATION AND FOR
INVOLUNTARY INACTIVE ENROLLMENT**

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

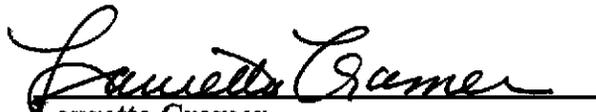
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**JOHN INGRAHAM MEEKER
LAW OFC JOHN I MEEKER
1500 W EL CAMINO AVE #414
SACRAMENTO CA 95833**

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

ROBIN HAFFNER, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **August 6, 2003**.


Laretta Cramer
Case Administrator
State Bar Court