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PUBLIC MATTER

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THE STATE BAR COURT

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In the Matter of
ROBERT MICHAEL WILLIAMS,
Member No. 69540,
A Member of the State Bar.

Case No(s). 02-O-11121-PEM
DECISION

I. INTRODUCTION

In this disciplinary proceeding, Respondent Robert M. Williams is charged with two acts of misconduct in a single client matter wherein he represented a husband and wife. The charges against Respondent include failure to perform legal services with competence and failure to inform the clients of significant developments in their legal matter and to respond to the clients' status inquiries.

For the reasons stated below, this Court finds Respondent culpable, by clear and convincing evidence, of the charged misconduct. Based upon the misconduct found, and the mitigating and aggravating factors present in this matter, including Respondent's prior record of discipline, the Court recommends that Respondent be suspended from the practice of law for two years, that execution of said suspension be stayed and that Respondent be placed on probation for two years with conditions, including an actual suspension of 30 days.

II. PROCEDURAL HISTORY

On March 5, 2003, the Office of Chief Trial Counsel of the State Bar of California ("State Bar") filed and properly served upon Respondent a Notice of Disciplinary Charges in State Bar Court Case No. 02-O-11121. On March 24, 2003, Respondent filed a response to the Notice of

1 Disciplinary Charges.

2 On August 4, 2003, the State Bar filed a Notice of and a Motion to Amend the Notice of
3 Disciplinary Charges. On September 17, 2003, the Court granted the State Bar's motion and the
4 First Amended Notice of Disciplinary Charges ("NDC") attached to the subject motion became the
5 operative charging document in this matter.

6 At the pretrial conference conducted on January 5, 2004, the parties stipulated to many of the
7 facts underlying the State Bar's charges. The Court filed a copy of the stipulation on January
8 20, 2004.

9 A one day trial was held on January 20, 2004. The State Bar was represented in this
10 proceeding by Deputy Trial Counsel Maria Oropeza. Respondent represented himself in propria
11 persona.

12 The Court took this proceeding under submission on January 20, 2004

13 **III. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

14 The following finding of facts are based on the parties' stipulation of facts, filed on January
15 20, 2004, and the evidence introduced at trial.

16 **A. Jurisdiction**

17 Respondent was admitted to the practice of law in the State of California on June 23, 1976,
18 and has been a member of the State Bar of California at all time since that date.

19 **B. Findings of Fact**

20 In May 2001, Aimee and Albert Shaw ("the Shaws") were renting and living in a house in
21 Stockton, California. When the Shaws initially took possession of the house, they paid last month's
22 rent and a security deposit. The house was later sold, and the day the ownership transferred, the
23 Shaws received from the new landlord /owner, Patricia Bonnifield ("Bonnifield"), a thirty-day
24 notice to vacate the premises. After receiving the thirty-day notice to vacate, the Shaws stopped
25 paying rent because they were afraid that they would lose their last month's rent and security deposit.

26 On June 20, 2001, Bonnifield caused an unlawful detainer action to be filed against the
27 Shaws, *Bonnifield v. Shaw*, San Joquin Superior Court, Case No. SV 230621.

28 On June 29, 2001, the Shaws met with Respondent and hired him to represent them in the

1 unlawful detainer action. The Shaws paid Respondent \$250 in advanced attorney's fees and \$90
2 to cover the fee for filing their answer to the unlawful detainer action. On June 29, 2001, the Shaws
3 received a receipt from Respondent's office, acknowledging payment of \$340. The receipt listed the
4 Shaws address and telephone numbers, including Albert Shaw's cell phone number.

5 At the time the Shaws hired Respondent, they informed him that they intended to move from
6 the rental house in Stockton to Bakersfield, California, and that they did not wish to return from
7 Bakersfield for the trial in the unlawful detainer action. However, they wanted an attorney present
8 at the trial so there would be no judgment for possession if they had already vacated the property,
9 and no money judgment against them for more than what they owed. They hired Respondent to
10 make sure they did not end up with a money judgment recorded against them.

11 Respondent told the Shaws that the late Honorable Sandra Smith, who was the judge who
12 presided over unlawful detainer actions in San Joaquin County, would occasionally, upon request
13 by defendants in an unlawful detainer matter, allow a short period of time (30-60 days), in which to
14 pay a money judgment to the landlord in order to avoid the entry of the judgment. Respondent told
15 the Shaws that he would request such an extension to pay any money judgment that might be
16 awarded against them, but that he could not guarantee to them that the judge would grant the
17 extension.

18 On July 2, 2001, Respondent filed an answer to the unlawful detainer on behalf of the Shaws.
19 On July 12, 2001, Respondent received a notice that a hearing was set for July 23, 2001.¹
20 Respondent had his secretary send the notice of hearing to the Shaws at their Stockton address. The
21 notice was not returned by the postal service as undeliverable, however, the Shaws never received
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28 ¹See exhibit J, page 16—a copy of the Notice of Court Trial.

1 said notice.²

2 On July 15, 2001, the Shaws vacated the Stockton premises. On July 16, 2001, they wrote
3 a letter to Bonnifield informing her that they had vacated the property on July 15, 2001.³

4 On July 17, 2001, the Shaws went to Respondent's office to leave a copy of the letter sent
5 to Bonnifield on July 16, 2001, and to give Respondent their new address and telephone number in
6 Bakersfield. However, when they dropped by Respondent's office, he was in the office, so they met
7 with him.⁴ They gave Respondent a copy of their letter to Bonnifield and provided him with their
8 new address. At that meeting, the Shaws were not informed of the July 23, 2001, trial date in the
9 unlawful detainer matter.

10 On July 23, 2001, a hearing was held in the *Bonnifield v. Shaw* matter. Respondent was
11 present at the hearing and presented evidence on behalf the Shaws. Respondent, on behalf of the
12 Shaws, entered into a stipulation that required the Shaws to pay \$746.56 on or before August 27,
13 2001. In other words, the Shaws were given until August 27, 2001 to pay, and if they paid the
14 \$746.56 by that date, there would be no money judgment entered against them.⁵

15 Respondent never informed the Shaws of the outcome of the July 23, 2001, hearing,
16 specifically, that they had to pay \$746.56 to Bonnifield on or before August 27, 2001, in order to

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18 ² Respondent testified that he had his secretary send the notice of hearing to the clients.
19 The Shaws testified that they never received any notice of hearing. The Court notes that the
20 Shaws vacated the rental property on July 15, 2001, which may explain why the Shaws did not
21 receive the notice of hearing, if Respondent sent the notice to them sometime around July 12,
22 2001. Since all reasonable doubt must be resolved in favor of the accused attorney (*Himmel v.*
23 *State Bar* 4 Cal.3d 784, 793-794), the Court finds that Respondent sent the notice of the hearing
24 to the Shaws, but they never received the said notice.

25 ³ See exhibit 8—a copy of the July 16,2001 letter from the Shaws to Patricia Bonnifield.

26 ⁴Respondent has no recollection of meeting with the Shaws on July 17, 2001. The Court
27 believes that the July 17 meeting took place and also believes that Respondent has no
28 recollection of the meeting.

⁵ See exhibit 3—copy of the July 23 minute order. Respondent denies that he stipulated to the
judgment, but agrees that the judge did grant his request for a thirty (30) day extension in which
the Shaws could pay the money judgment without an unlawful detainer judgment being entered.
However, the Court is convinced that Respondent did, in fact, enter into a stipulated judgment
for payment of \$746.56, by August 27, 2001.

1 avoid the entry of a money judgment against them. He never made any attempt to reach them on
2 their cell phone because the office receipt with their cell phone number was not put in his case file,
3 so he did not have that number.⁶ In fact, Respondent admitted at the disciplinary trial that he made
4 no effort to contact the Shaws from July 28 through September 28, 2001.⁷

5 As a result of Respondent's failure to notify the Shaws of the outcome of the hearing, the
6 Shaws did not pay the judgment by August 27, 2001, as ordered by the court. On August 28, 2001,
7 Bonnifield appeared in the San Joaquin County Superior Court and informed the Court that she had
8 not received any money from the Shaws. Neither the Shaws nor the Respondent were present in
9 court on August 28, 2001.⁸ The judge entered a judgment against the Shaws in the amount of
10 \$746.56, which judgment was signed by the judge on September 4, 2001.⁹

11 From August 2001 through September 26, 2001, the Shaws placed at least 12 telephone calls
12 to Respondent's office, inquiring about the status of their unlawful detainer case. Respondent did
13 not return any of the Shaw's phone calls.

14 On September 26, 2001, because Bonnifield had not been able to get in contact with
15 Respondent, she wrote a letter to the Shaws informing them of the entry of judgment. Bonnifield
16 included a copy of the judgment with the letter and indicated that she was sending a copy of the

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18 ⁶According to the testimony of Albert Shaw, they had the same cell phone number until
19 October 2001.

20 ⁷Respondent claims that the Shaws did not provide him with their new address, and that
21 he assumed that since his address did not change, they would contact him with their new
22 address. However, the Court finds they provided him with their new address on July 17, 2001,
23 when they dropped by his office and met with him. Furthermore, whether they provided him
24 with their new address at that meeting is irrelevant, given that he made no attempts to locate
25 them.

26 ⁸Bonnifield testified that she appeared in court on August 28, 2001, because at the hearing
27 on July 23, 2001, the judge stated that if Bonnifield did not receive payment on or before August
28 27, 2001, she was to appear in the judge's courtroom the following day, August 28, 2001.
Respondent has no recollection of the court telling Bonnifield to appear in court on August 28,
2001, if she did not receive payment. Respondent contends that there was no court date set after
29 July 23, 2001.

30 ⁹See exhibit 4—copy of the Judgment in *Bonnifield v. Shaw*, signed by the judge on September 4,
2001.

1 judgment because Respondent may not have notified the Shaws of the judgment.¹⁰

2 Shortly after the Shaws received the September 26 letter from Bonnifield, they reached
3 Respondent and told him that they had learned that a money judgment had been entered against
4 them in the unlawful detainer action. Respondent told the Shaws he would look into the matter.
5 Respondent then went and reviewed the court file in the *Bonnifield v. Shaw* matter and confirmed
6 that a judgment had been entered against the Shaws in the amount of \$746.56.¹¹

7 On October 15, 2001, Respondent wrote a letter to the Shaws advising them of the entry of
8 judgment against them in the amount of \$746.56, which included plaintiff's costs and unpaid rent
9 for the period held over after the expiration of the 30-day period of the notice to vacate. In that
10 letter, Respondent wrote the following salient facts as it relates to the allegations of misconduct
11 against him:

12 After the July trial, no judgment was entered for the unlawful
13 detainer, but a judgment amount of \$746.56 was awarded.

14 Apparently the judge gave you 30 days to pay that without a
15 judgment being entered. And it was the 30 day period I either
16 didn't hear or understand....

17 And two, I didn't understand you had 30 days to
18 pay the \$746.56, and therefore you didn't know. Although, in
19 looking at my file, I don't I had a new address for you until I
20 talked to Mr. Shaw recently.

21 In any case, I don't like screwed up cases. I am therefore the
22 \$250.00 attorney fee you paid and another \$123.28 because I
23 did not catch the 30 day time limit.¹²

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25 ¹⁰See exhibit 9—copy of the September 26, letter. Bonnifield testified at the disciplinary trial
26 that she called Respondent on numerous occasions in August and September in an attempt to get the
27 Shaw's new address, but Respondent did not return any of her calls. She was able to obtain an address
28 for the Shaws by searching the internet, where an Aimee and Albert Shaw were listed together
for Bakersfield.

¹¹Respondent testified that he nearly "fell off his seat" when he reviewed the court file
and found there was an August 28 hearing in the matter.

¹²See exhibit 5—copy of the October 15, letter. While Respondent clearly acknowledges
that the Shaws were not told of the judgment and the deadline for paying the same, the only
explanation offered is a reference to not having the new address for the Shaws until a recent
conversation with Mr. Shaw. The Court finds that Respondent did not to inform the Shaws of
the outcome of the trial but not because of a lack of information as to how to contact them.
Respondent had the cell phone number of Mr. Shaw, and the Shaws gave Respondent their
Bakersfield address and telephone number on July 17, 2001, when they stopped by his office.

1 Respondent included with his letter to the Shaws a refund in the amount of \$373.28,
2 representing the \$250 paid as advanced fees and an additional \$123.28, which he acknowledged that
3 he was sending because of the entry judgment against the Shaws as a result of his failure to inform
4 them of said judgment. In addition, Respondent included with the said letter, a motion to make
5 monthly payments on the money judgment. He recommended that the Shaws pay the judgment in
6 full, but indicated that if they were unable to do so, they could seek the permission of the court to
7 make monthly payments. He cautioned them that he was not certain the court would grant such a
8 motion. He asked them to let him know if they wanted him to file the motion for monthly payments.

9 **1. Count One (Rule 3-110(A), Rules of Professional Conduct)**

10 Respondent is charged in Count One of the NDC with a violation of rule 3-110(A) of the
11 Rules of Professional Conduct, which provides that a member shall not intentionally, or recklessly
12 or repeatedly fail to perform legal services in a competent matter.

13 The Shaws hired Respondent to represent them in an unlawful detainer matter. At the time
14 they hired Respondent, they explained their plans to move to Bakersfield, and they specifically told
15 Respondent that they would not return for the trial, but they wanted him to represent them at the trial,
16 to ensure that they did not have a money judgment against them. Respondent appeared at the trial
17 on July 23, 2001, on behalf of the Shaw. The court ordered the Shaws to pay Bonnifield \$746.56.
18 Respondent obtained an extension for payment of the money owed by the Shaws, specifically, that
19 the Shaws had until August 27, 2001, to pay the \$746.56, otherwise a money judgment would be
20 entered against them. Respondent did not inform the clients about the payment that had to be made
21 by August 27, 2001. In fact, Respondent did not follow up with the clients until after a judgment
22 had been entered against them, and they had learned of that judgment from the plaintiff, and then
23 contacted Respondent about the judgment. Respondent should have notified the clients of the
24 payment to be made to Bonnifield, and Respondent should have been present at the August 28, 2001
25 hearing. While Respondent claims he had no knowledge of the subject hearing, the plaintiff heard
26 the judge tell her to come back on that date if payment had not been made by the Shaws. The fact
27 that the August 28, 2001, hearing is not reflected in the court minutes is of little importance.
28 Respondent knew some action would take place if the money was not paid, and in all likelihood,

1 that would be the entry of a money judgment, followed by efforts to collect on the judgment.
2 Respondent could not sit by and do nothing. In other words, Respondent failed to complete the legal
3 services for which he was retained.

4 Respondent's failure to inform the Shaws of the outcome of the hearing on July 23, 2001,
5 specifically, that they had 30 days to pay \$746.56 before a judgment would be entered, and
6 Respondent's failure to follow up in connection with that payment, including but not limited to, his
7 failure to appear in court on August 28, 2001, as instructed by the court, constitutes a failure to
8 perform legal services, in wilful violation of rule 3-110(A).

9 **2. Business and Professions Code Section 6068(m)**

10 Respondent is charged in Count Two of the NDC with a violation of Business and
11 Professions Code section 6068(m), which provides that it is the duty of an attorney to respond
12 promptly to reasonable status inquiries of clients and to keep clients reasonably informed of
13 significant developments in matters with regard to which the attorney has agreed to provide legal
14 services.

15 Respondent did not inform the Shaws of the outcome of the trial, specifically that they had
16 until August 27, 2001, to pay the plaintiff, otherwise a judgment would be entered against them. The
17 Court has found Respondent's failure to inform the Shaws of the outcome of the trial to support a
18 conclusion of a failure to competently perform legal services, in violation of rule 3-110(A). It would
19 be duplicative to find the same inaction violative of the statute which requires attorneys to inform
20 clients of significant developments in their cases. However, Respondent did not respond to the
21 status inquiries of the Shaws, who repeatedly called his office in an effort to find out about their
22 unlawful detainer case. Therefore, the Court finds, by clear and convincing evidence, that
23 Respondent failed to respond to the reasonable status inquiries of the Shaws, in violation of section
24 6068 (m).

25 **IV. MITIGATION AND AGGRAVATION**

26 Factors in mitigation and aggravation, like findings of culpability, must be supported by clear
27 and convincing evidence. (*In the Matter of Respondent E* (Review Dept. 1991) 1 Cal. State Bar Ct.
28 Rptr. 732, 735; Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, stds.

1 1.2(b) and (e) (“standards”).)

2 **A. Mitigation**

3 Respondent’s misconduct was followed by a demonstration of good faith. (Standard
4 1.2(e)(ii).) Long before the State Bar complaint in this matter, Respondent returned the advanced
5 attorney fee of \$250, and paid additional monies to the clients because he was aware that he was
6 responsible for the entry of the judgment against the clients. He recognized that he failed to tell the
7 clients they had to pay the plaintiff by August 27, 2001, or have a judgment entered against them, and
8 he tried made an effort to rectify the problem. In total, he sent the clients \$373.28, which is was half
9 of the money owed by the clients.

10 Respondent presented two witnesses, who attested to Respondent’s good character. (Standard
11 1.2(e)(vi).) The Court gives little mitigating weight to their testimony because they were not aware
12 of Respondent’s misconduct.

13 Respondent contends that as to the Shaw matter, the Court should consider in mitigation the
14 excessive delay in conducting disciplinary proceedings, which delay is not attributable to the member
15 and which delay prejudiced the member. (Standard 1.2(e)(1x).) Respondent’s contention of
16 prejudice is based on the fact that the misconduct found in the instant matter occurred at or near the
17 same time as the misconduct found in a matter that is currently pending before the Review
18 Department, Case Nos. 99-O-12604 and 01-O-02353 (“the earlier case”). Respondent’s argument
19 is that the Shaw matter should have been included in the earlier case since Respondent’s response to
20 the Shaw complaint was provided to the State Bar investigator on April 11, 2002, and the hearing in
21 the earlier case did not take place until November 12 and 13, 2002, It is difficult, if not impossible,
22 for the Court to determine whether the Shaw matter could have been included as part of the earlier
23 case. However, the Court notes that from the time of Respondent’s response to the Shaw complaint
24 on April 11, 2002, until the filing of the charges on May 3, 2003, is approximately a one-year period.
25 Therefore, there was no excessive delay to warrant mitigation.

26 **B. Aggravation**

27 Respondent’s prior record of discipline is an aggravating factor. (Standard 1.2(b)(i).) In
28 Supreme Court Case no. S048024 (State Bar Court Case nos. 92-O-11297; 92-O-11953; 93-O-17444;

1 93-O-18498; 93-O-14926; 94-O-10233; 94-O-15865; 94-O-17499; 94-O-17643; 94-O-18489 (Cons.)),
2 filed on October 4, 1995, it was ordered that Respondent be suspended from the practice of law for
3 six months, execution stayed, and that he be placed on probation for two years subject to the
4 conditions of probation, including restitution. In seven different client matters, Respondent was
5 found culpable of nine violations, including four violations of rule 3-110(A) for failing to perform
6 competently.

7 On February 11, 2003, in Case Nos. 99-O-13604; 01-O-02353, a judge of the State Bar
8 Court recommended a thirty-day actual suspension, among other things.¹³ In two client matters,
9 Respondent was found culpable of a total of four offenses, including failure to perform with
10 competence; failure to notify client of the receipt of funds and pay fund promptly; and failure to
11 respond to client inquiries. The matter is currently on appeal, and therefore, is not final.
12 Nevertheless, it is considered a prior record of discipline. (Rule 216, Rules of Procedure of the State
13 Bar.) However, the Court gives less weight to that matter as a prior because the misconduct in the
14 instant matter occurred contemporaneous with the misconduct in the earlier matter. (*In the Matter of*
15 *Burckhardt* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 343, 351 [aggravating force of prior
16 disciplinary record was diminished by fact that it involved misconduct occurring at same time as that
17 in subsequent matter, and therefore did not constitute prior warning to attorney of the wrongful nature
18 and possible disciplinary consequences of his conduct].)

19 V. DISCUSSION

20 The purpose of the State Bar disciplinary proceedings is not to punish the attorney but to
21 protect the public, to preserve public confidence in the profession and to maintain the highest possible
22 professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; *Cooper v.*
23 *State Bar* (1987) 43 Cal.3d 1016, 1025; Standard 1.3.)

24 The standards applicable to this proceeding are standard 1.7(a) [effect of prior discipline];
25 standard 2.4(b) [offenses involving wilful failure to communicate with clients or to competently
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28 ¹³Pursuant to Evidence Code §452, the Court takes judicial notice of the decision and
other pleadings in that matter.

1 perform legal services]; and standard 2.6(a) [offenses involving violation of specified sections of the
2 Business and Professions Code].

3 Standard 1.6(a) provides that if two or more acts of professional misconduct are found and
4 different sanctions are prescribed by the standards for those acts, the sanction imposed shall be the
5 most severe of the different applicable standards. In the present case, the most severe of the
6 applicable standards is standard 2.6(a) which provides for disbarment or suspension depending on the
7 gravity of the offense or the harm, if any, to the victim..

8 The standards, however, are only guidelines and do not mandate the discipline to be imposed.
9 (*In the Matter of Moriarty* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 245, 250-251.) “[E]ach
10 case must be resolved on its own particular facts and not be application of rigid standards.” (*Id.* at
11 p. 251.) Comparable case law must also be reviewed in determining the appropriate discipline
12 recommendation. (*In the Matter of Klein* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 1, 13.)

13 Respondent contends that no discipline should be imposed, but fails to cite any case law to
14 support his position. The State Bar argues that the discipline imposed upon Respondent should
15 include an actual suspension of 90 days. The Court finds that discipline, including actual suspension,
16 is warranted in this matter, but concludes that good cause exist to look at the totality of the charges
17 brought in both the current case and the earlier case that is on appeal, since the misconduct in the
18 instant matter, and the misconduct in the Oliver matter of the earlier case occurred during the same
19 time period. Under such a global view of the two cases, Respondent has been found culpable of
20 similar misconduct in three client matters, for a total of six offenses, and Respondent has a prior
21 record of discipline in Supreme Court Case no. S048024 (State Bar Court Case nos. 92-O-11297; 92-
22 O-11953; 93-O-17444; 93-O-18498; 93-O-14926; 94-O-10233; 94-O-15865; 94-O-17499; 94-O-
23 17643; 94-O18489 (Cons.), filed on October 4, 1995, wherein he received a stayed suspension and
24 probation, but no actual suspension.

25 The Court finds *In the Matter of Sullivan* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 608
26 instructive in this matter. *Sullivan* involved five different client matters and he was found culpable
27 of six violations, including four counts of failing to perform, failing to communicate and failing to
28 promptly release a client file. He had 21 years of blemish-free practice and had taken significant

1 action to improve his office procedures following his misconduct, but he caused significant harm to
2 two clients who had their cases dismissed as a result of his misconduct.

3 In this instance, Respondent has been found culpable of misconduct in three client matters,
4 for a total of six offenses, and he has a prior record of discipline. While there is less mitigation in this
5 matter than in *Sullivan*, the aggravation is also less since there was less harm to the clients and
6 Respondent took steps to rectify the harm that was caused by his misconduct. The Court is convinced
7 that looking at the totality of the misconduct in the current matter and the earlier case, the range of
8 discipline is 30 to 90 days, and Respondent's misconduct and the aggravating and mitigating
9 circumstances place him in the middle of that range, that is 60 days. The Court, therefore, will
10 recommend an additional 30-day actual suspension, among other things.¹⁴

11 **VI. RECOMMENDED DISCIPLINE**

12 Accordingly, the Court recommends that Respondent **ROBERT M. WILLIAMS** be
13 suspended from the practice of law for two years, that execution of that suspension be stayed, and that
14 Respondent be placed on probation for two years, on the following conditions:

- 15 1. Respondent shall be suspended from the practice of law for the first 30 days of the
16 probationary period;
- 17 2. Respondent shall comply with the State Bar Act and the Rules of Professional Conduct;
- 18 3. Respondent shall submit written quarterly reports to the Office of Probation of the State Bar
19 Unit on each January 10, April 10, July 10, and October 10 of the period of probation. Under
20 penalty of perjury, Respondent shall state whether Respondent has complied with the State
21 Bar Act, the Rules of Professional Conduct, and all conditions of probation during the
22 preceding calendar quarter. If the first report will cover less than thirty (30) days, that report
23 shall be submitted on the next following quarter date, and cover the extended period.

24
25 ¹⁴Normally, pursuant to rule 216(c) of the Rules of Procedure, an alternative discipline
26 recommendation is made in situations where there is also a pending, non-final prior discipline
27 recommendation. However, in this instance, the Court is not making an alternative discipline
28 recommendation, but rather a recommendation for added discipline within the appropriate range,
because the instant matter is likely to be final prior to the appellate case, Case Nos. 99-O-13604;
01-O-02353, since the appellate matter is not ripe for decision.

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

4 4. Subject to the assertion of applicable privileges, Respondent shall answer fully, promptly, and
5 truthfully, any inquiries of the Office of Probation which are directed to Respondent
6 personally or in writing, relating to whether Respondent is complying or has complied with
7 the conditions contained herein;

8 5. Within ten (10) days of any change, Respondent shall report to the Membership Records
9 Office of the State Bar, 180 Howard Street, San Francisco, California, 94105-1639, and to
10 the Office of Probation, all changes of information, including current office address and
11 telephone number, or if no office is maintained, the address to be used for State Bar purposes,
12 as prescribed by section 6002.1 of the Business and Professions Code;

13 6. Within one (1) year of the effective date of the discipline herein, Respondent shall provide to
14 the Office of Probation satisfactory proof of attendance at a session of the Ethics School,
15 given periodically by the State Bar at either 180 Howard Street, San Francisco, California,
16 94105-1639, or 1149 South Hill Street, Los Angeles, California, 90015-2299, and passage of
17 the test given at the end of that session. Arrangements to attend Ethics School must be made
18 in advance by calling (213) 765-1287, and paying the required fee. This requirement is
19 separate from any Minimum Continuing Legal Education Requirement (MCLE), and
20 Respondent shall not receive MCLE credit for attending Ethics School (Rule 3201, Rules of
21 Procedure of the State Bar);

22 7. The period of probation shall commence on the effective date of the order of the Supreme
23 Court imposing discipline in this matter; and

24 8. At the expiration of the period of this probation, if Respondent has complied with all the
25 terms of probation, the order of the Supreme Court suspending Respondent from the practice
26 of law for two years shall be satisfied and that suspension shall be terminated.

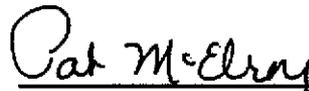
27 It is further recommended that Respondent take and pass the Multistate Professional
28 Responsibility Examination (MPRE) administered by the National Conference of Bar Examiners,

1 MPRE Application Department, P.O. Box 4001, Iowa City, Iowa, 52243, (telephone 319-337-1287)
2 and provide proof of passage to the Office of Probation, within one year of the effective date of the
3 discipline herein. Failure to pass the MPRE within the specified time results in actual suspension by
4 the Review Department, without further hearing, until passage. But see rule 951(b), California Rules
5 of Court, and rule 321(a)(1) and (3), Rules of Procedure.

6 **VII. COSTS**

7 It is recommended that costs be awarded to the State Bar pursuant to Business and Professions
8 Code section 6086.10 and that such costs be made payable in accordance with Business and
9 Professions Code section 6140.7.

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13 Dated: April 14, 2004

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15 PAT MCELROY
16 Judge of the State Bar Court
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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 April 20, 2004, I deposited a true copy of the following document(s):

DECISION

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:

ROBERT MICHAEL WILLIAMS
110 N SAN JOAQUIN ST #306
STOCKTON CA 95202

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

MARIA OROPEZA , Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **April 20, 2004**.



Laretta Cramer
Case Administrator
State Bar Court