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STATE BAR COURT  
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**THE STATE BAR COURT  
HEARING DEPARTMENT - LOS ANGELES**

**PUBLIC MATTER**

In the Matter of )  
STEVEN LEE WILSON, )  
Member No. 102944, )  
A Member of the State Bar. )

Case No. 05-H-01748-RAP  
DECISION

**I. Introduction**

In this default matter, respondent **STEVEN LEE WILSON** is found culpable, by clear and convincing evidence, of failing to comply with certain conditions attached to a private reproof.

Accordingly, the court recommends, among other things, that respondent be suspended from the practice of law for one year, that execution of said suspension be stayed, and that respondent be actually suspended from the practice of law for 60 days and until the State Bar Court grants a motion to terminate respondent's actual suspension. (Rules Proc. of State Bar, rule 205.)

**II. Pertinent Procedural History**

The Office of the Chief Trial Counsel of the State Bar of California (State Bar) properly filed and served a Notice of Disciplinary Charges (NDC) on respondent at his official membership records address (official address)<sup>1</sup> in case No. 05-H-01748 on May 12, 2005. (Rules Proc. of State Bar, rule 60.) The NDC was returned by the U.S. Postal Service bearing the stamp: "RETURN TO SENDER; UNCLAIMED; 1<sup>st</sup> Notice May 14 2005; 2<sup>nd</sup> Notice May 19<sup>th</sup> 2005; Return May 20, 2005."

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<sup>1</sup>At all times since September 18, 2003, respondent's official address has been P.O. Box 2425 Manhattan Beach, California 90266 2425.

1 As the official membership records for the respondent do not contain a phone number for  
2 him, the State Bar consulted www.411.com and www.smartpages.com online directory assistance  
3 for the area which includes respondent's official membership records address in search of any  
4 telephone listings for the respondent. Neither directory assistance website provided a listing for  
5 respondent.

6 On June 10, 2005, the State Bar checked the 2003 edition of the Parker Directory. That  
7 Parker Directory did not provide a listing for respondent.

8 On June 10, 2005, the State Bar also contacted the Office of Probation of the State Bar, and  
9 ascertained that respondent's reproval file did not contain any additional address or a telephone  
10 number for respondent.

11 Respondent did not file a response to the NDC. (Rules Proc. of State Bar, rule 103.)

12 On motion of the State Bar, respondent's default was entered on June 28, 2005. Respondent  
13 was enrolled as an inactive member under Business and Professions Code section 6007(e)<sup>2</sup> on July  
14 1, 2005. The court took this matter under submission on July 18, 2005, following the filing of the  
15 State Bar's brief on discipline.

### 16 **III. Findings of Fact and Conclusions of Law**

17 All factual allegations of the NDC are deemed admitted upon entry of respondent's default,  
18 unless otherwise ordered by the court based on contrary evidence. (Rules Proc. of State Bar, rule  
19 200(d)(1)(A).)

#### 20 **A. Jurisdiction**

21 Respondent was admitted to the practice of law in California on June 10, 1982, and has since  
22 been a member of the State Bar of California.

#### 23 **B. Findings of Fact**

24 In August, 2004, respondent and the State Bar entered into a stipulation to facts and  
25 discipline in State Bar Court case Nos. 02-O-12096 and 02-O-14785. On September 3, 2004, the  
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27 <sup>2</sup>All references to section are to the provisions of the Business and Professions Code,  
28 unless otherwise indicated.

1 State Bar Court approved the stipulation and imposed the stipulated discipline, which was a private  
2 reproof with conditions.

3 On September 7, 2004, the order approving the stipulation was properly served on respondent  
4 at his official address. The order became effective on September 28, 2004.

5 The order required respondent to comply with certain conditions for a period of six months,  
6 including:

- 7 1. Complying with the State Bar Act and Rules of Professional Conduct; and
- 8 2. Submitting quarterly reports to the Office of Probation<sup>3</sup> on each January 10, April 10,  
9 July 10, and October 10 of the period of probation during which the private reproof  
10 is in effect, stating under penalty of perjury that he has complied with all provision  
11 of the State Bar Act and Rules of Professional Conduct during said period, and to file  
12 a final report no earlier than 20 days prior to the expiration of the reproof period and  
13 no later than the last day of the period.

14 On or about September 20, 2004, the Office of Probation wrote to respondent,  
15 reminding him of the terms and conditions of his private reproof. The letter was mailed to  
16 respondent's official address and was not returned as undeliverable or for any other reason.

17 On or about February 15, 2005, the Office of Probation wrote another letter to respondent  
18 reminding him of the terms and conditions of his reproof, including his obligation to submit  
19 quarterly reports. The letter informed respondent that the Office of Probation had not received  
20 respondent's quarterly report, which was due on or before January 10, 2005. The letter also  
21 informed respondent that he was required to submit a final report no later than March 28, 2005. The  
22 February 15, 2005 letter was mailed to respondent's official address, and was not returned as  
23 undeliverable or for any other reason.

24 As of the May 12, 2005, date of the filing of the NDC, respondent had not submitted to the  
25 Office of Probation the January 2005 quarterly report, nor the final report which was due no later  
26 than March 28, 2005.

27 \_\_\_\_\_  
28 <sup>3</sup>The Office of Probation was formerly known as the Probation Unit.

1           The NDC also charged respondent with failing to comply with another condition of his  
2 reproof in that respondent failed to submit a report from a certified public accountant, if he was in  
3 possession of client funds. However, in its Brief on Culpability and Discipline, the State Bar  
4 requests that in the interest of justice and to conform the NDC to evidence all allegations in the NDC  
5 relating to respondent's alleged failure to submit the "CPA report" be stricken. The court grants the  
6 State Bar's request, and orders that the "CPA" allegations in counts one and two of the NDC be  
7 stricken.

8       **C. Conclusions of Law**

9           Rule 1-110 of the Rules of Professional Conduct<sup>4</sup> requires members of the State Bar to  
10 comply with conditions attached to reproofs. The State Bar proved by clear and convincing  
11 evidence that respondent wilfully violated rule 1-110 by failing to timely submit to the Office of  
12 Probation the quarterly report which was due by January 10, 2005, and by failing to submit the final  
13 report which was due by March 28, 2005.

14                               **IV. Mitigating and Aggravating Circumstances**

15       **A. Mitigation**

16           No mitigating circumstances were proven. (Rules Proc. of State Bar, tit. IV, Stds. for Atty.  
17 Sanctions for Prof. Misconduct, std. 1.2(e).)<sup>5</sup>

18       **B. Aggravation**

19           Respondent's prior discipline record is an aggravating factor. (Std. 1.2(b)(i).) In the  
20 underlying matter, respondent was privately reproofed with conditions for his failure to file a  
21 substitution of attorney or a motion to withdraw as counsel of record in a civil matter, in violation of  
22 rule 3-700(A)(1).

23           In addition, respondent's failure to participate in this disciplinary matter prior to the entry of  
24 his default is an aggravating factor. (Std. 1.2(b)(vi).)

25 \_\_\_\_\_  
26           <sup>4</sup>References to rule are to the current Rules of Professional Conduct, unless otherwise  
27 noted.

28           <sup>5</sup>All further references to standards are to this source.



1 deadline by taking and passing the examination.

2 As in *Conroy*, respondent defaulted in this matter and has a single prior disciplinary matter.  
3 Failing to appear and participate in this hearing shows that respondent comprehends neither the  
4 seriousness of the charges against him, nor his duty as an officer of the court to participate in  
5 disciplinary proceedings. (*Conroy v. State Bar, supra*, 53 Cal.3d 495, 507-508.) Such failure leaves  
6 the court without information about the underlying cause of respondent's misconduct or of any  
7 mitigating circumstances surrounding his misconduct. In view of the case law and the lack of  
8 compelling mitigating factors to counter the aggravating evidence, placing respondent on an actual  
9 suspension for 60 days and until the court grants a motion to terminate his actual suspension is  
10 warranted to protect the public and to preserve public confidence in the profession.

#### 11 VI. Recommended Discipline

12 Accordingly, the court hereby recommends that respondent **STEVEN LEE WILSON** be  
13 suspended from the practice of law for one year, that execution of said suspension be stayed, and that  
14 respondent be actually suspended from the practice of law for 60 days and until the State Bar Court  
15 grants a motion to terminate his actual suspension. (Rules Proc. of State Bar, rule 205.)

16 It is also recommended that respondent be ordered to comply with any probation conditions  
17 hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension.  
18 (Rules Proc. of State Bar, rule 205(g).)

19 If the period of actual suspension reaches or exceeds two years, it is recommended that  
20 respondent remain actually suspended until he has shown proof satisfactory to the State Bar Court of  
21 his rehabilitation, fitness to practice, and learning and ability in the general law pursuant to standard  
22 1.4(c)(ii).

23 It is further recommended that if respondent remains actually suspended for 90 days or more,  
24 that he be ordered to comply with rule 955, California Rules of Court, and perform the acts specified  
25 in subdivisions (a) and (c) of that rule, within 120 and 130 days, respectively, from the effective date  
26 of the Supreme Court order herein. **Wilful failure to comply with the provisions of rule 955 may**  
27 **result in revocation of probation; suspension; disbarment; denial of reinstatement; conviction**

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1 of contempt; or criminal conviction.<sup>6</sup>

2 It is further recommended that respondent be ordered to take and pass the Multistate  
3 Professional Responsibility Examination within one year of the effective date of the Supreme Court  
4 order in this matter.

5 VII. Costs

6 The court recommends that costs be awarded to the State Bar pursuant to Business and  
7 Professions Code section 6086.10, and that those costs be payable in accordance with section 6140.7.

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11 Dated: October 03, 2005

  
12 RICHARD A. PLATEL  
13 Judge of the State Bar Court

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28 <sup>6</sup>Respondent is required to file a rule 955(c) affidavit even if he has no clients to notify.  
(*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.)

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on October 5, 2005, I deposited a true copy of the following document(s):

**DECISION**

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

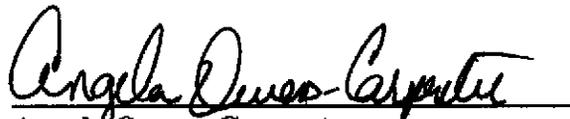
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**STEVEN LEE WILSON**  
**P O BOX 2425**  
**MANHATTAN BEACH CA 90266 2425**

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

**ERIC HSU ESQ, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **October 5, 2005**.

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