

State Bar Court of California  
Hearing Department  
San Francisco

~~CONFIDENTIAL~~

PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES

<p>Counsel For The State Bar</p> <p><b>Cydney Batchelor</b> Deputy Trial Counsel 180 Howard St., 7<sup>th</sup> Fl. San Francisco, CA 94105 Tele: 415/538-2204</p> <p>Bar # 114637</p>	<p>Case Number (s) <b>PUBLIC MATTER</b> (for Court's use)</p> <p>05-O-02844-PEM</p> <p><del>LODGED</del> MAR 19 2007 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>	<p><b>FILED</b> <i>[Signature]</i></p> <p>JUL 13 2010</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p><b>Matthew R. Young</b> 150 Post St., Suite 742 San Francisco, CA 94108 Tele: 415/296-8420</p> <p>Bar # 215562</p>	<p>Submitted to: <b>Assigned Judge</b></p>	
<p>In the Matter Of:</p> <p><b>MATTHEW R. YOUNG</b></p> <p>Bar # 215562</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>STIPULATION RE FACTS, CONCLUSIONS OF LAW</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted 12/03/2001.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 7 pages, excluding the order.
- (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 and will pay timely any disciplinary costs imposed in this proceeding.

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

- (1)  **Prior record of discipline** [see standard 1.2(f)]
  - (a)  State Bar Court case # of prior case
  - (b)  Date prior discipline effective
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below:
- (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:**

None

**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 with 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:**

See attached.

ATTACHMENT TO  
STIPULATION RE FACTS AND CONCLUSIONS OF LAW

IN THE MATTER OF:       **MATTHEW R. YOUNG**

CASE NUMBERS:           **05-O-02844-PEM**

**FACTS AND CONCLUSIONS OF LAW.**

Facts:

1. In 2004, Joseph Tacl ("Tacl") employed respondent to represent him in disability access lawsuits against various businesses for discrimination based on his disability. Respondent and Tacl agreed that respondent would receive one third of any recovery as attorney's fees, and that Tacl would reimburse respondent for any costs incurred.
2. In July 2004, respondent settled two actions on Tacl's behalf against two Arco gas stations for a total of \$10,000.
3. In August 2004, respondent signed the settlement agreements for the Arco matters. Respondent signed Tacl's name on the agreements without Tacl's knowledge or permission.
4. Shortly after signing the settlement agreements, respondent received the settlement drafts from the defendant. Respondent signed Tacl's name on the settlement drafts without Tacl's knowledge or permission.
5. Respondent never notified Tacl that he received the settlement funds.
6. From the time the Arco matters settled in July 2004 until May 2005, Tacl asked respondent about the Arco settlement proceeds and when he would receive his share of the money. Respondent was evasive and dishonest to Tacl about the status of the funds.
7. Tacl was entitled to approximately \$6,666 of the settlement proceeds, minus costs. Respondent did not maintain the \$6,666 in his client trust account, or an account named with words of similar import ("CTA"), nor did he ever disburse any of the settlement funds from the Arco settlement to Tacl.
8. After receiving Tacl's settlement funds, respondent used Tacl's portion of the proceeds to pay for costs on other matters upon which he was representing Tacl.

9. Respondent did not inform Tacl that he had used the Arco settlement funds to pay for costs on the other cases, nor did Tacl give respondent permission to use the Arco settlement funds for the other cases.

**Conclusions of Law:** By willfully not maintaining \$6,666 for Tacl in his CTA, respondent failed to maintain the balance of funds received for the benefit of a client in his CTA, in violation of Rule of Professional Conduct 4-100(A). By willfully not notifying Tacl that he received settlement funds in the Arco cases, respondent failed to notify a client promptly of the receipt of the client's funds, in violation of Rule of Professional Conduct 4-100(B)(1). By misrepresenting the status of the settlement funds, and by signing Tacl's name on the settlement agreements and the settlement drafts without his permission, respondent committed acts involving moral turpitude, dishonesty or corruption, in violation of Business and Professions Code section 6106. By not disbursing any of the Arco settlement funds to Tacl, respondent failed to pay promptly, as requested by a client, any funds in Respondent's possession which the client is entitled to receive, in violation of Rule of Professional Conduct 4-100(B)(4).

#### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(6), was December 20, 2006.

#### **AGGRAVATING CIRCUMSTANCES.**

##### **Facts Supporting Aggravating Circumstances:**

Multiple Acts of Misconduct: The facts stipulated to herein involved multiple acts of misconduct

#### **MITIGATING CIRCUMSTANCES.**

##### **Facts Supporting Mitigating Circumstance:**

None.

##### **Additional Mitigating Circumstances.**

Participation in Lawyer's Assistance Program. On April 13, 2006, respondent contacted the State Bar Lawyer Assistance Program ("LAP") and completed the intake process. On April 27, 2006, respondent signed an evaluation plan whereby he would be assessed and evaluated for long term participation in LAP. At the conclusion of the process, Respondent entered into a long-term participation plan with LAP on August 15, 2006.

**RESTITUTION.**

Respondent waives any objection to immediate payment by the State Bar Client Security Fund upon a claim or claims for the principal amounts of restitution set forth below.

In accordance with the timetable set forth in the State Bar Court alternative discipline program contract to be executed between the State Bar Court and respondent on the captioned cases, Respondent must make restitution as follows:

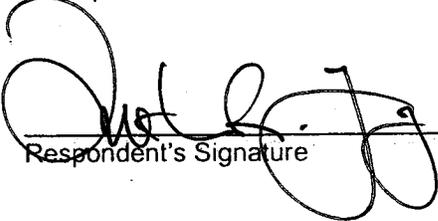
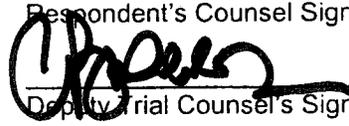
Joseph Tacl, or the Client Security Fund, if it has paid, in the principal amount of \$6666.00, plus interest at the rate of 10% per annum from August 1, 2004, until paid in full and furnish satisfactory evidence of restitution to the State Bar Office of Probation.

(Do not write above this line.)

In the Matter of <b>MATTHEW R. YOUNG</b>	Case number(s): <b>05-O-02844-PEM</b>
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**SIGNATURE OF THE PARTIES**

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

<u>1-3-07</u> Date	 Respondent's Signature	<u>Matthew R. Young</u> Print Name
<u>1/4/07</u> Date	 Respondent's Counsel Signature	<u>Cydney Batchelor</u> Print Name

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004.)

(Do not write above this line.)

In the Matter Of  <b>MATTHEW R. YOUNG</b>	Case Number(s):  <b>05-O-02844-PEM</b>
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**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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All court dates in the Hearing Department are vacated.

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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(b), Rules of Procedure.)

March 19, 2007  
Date

Pat McElroy  
Judge of the State Bar Court