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State Bar Court of California Hearing Department		
PUBLIC MATTER		
PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES		
Counsel For The State Bar DAVID T. SAUBER Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015 Bar # 176554 Tel: (213) 765-1252	Case Number (s) 05-O-04235; 05-O-0473	(for Court's use) <div style="text-align: center;">LODGED</div> <div style="text-align: center;">OCT 09 2007 <i>WCC</i></div> <div style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
MICHAEL G. YORK 1301 Dove Street, Suite 1000 Newport Beach, California 92660 Bar # 89945 Tel: (949) 833-8848	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> FILED FEB 10 2010 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>	
In the Matter Of: MICHAEL GORDON YORK Bar # 89945 A Member of the State Bar of California (Respondent)	Submitted to: Program Judge STIPULATION RE FACTS AND CONCLUSIONS OF LAW <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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 November 29, 1979
- (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 (12) pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts." -See Attachment
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law". -See Attachment
- (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 99-O-12900.
- (b) Date prior discipline effective February 2, 2002.
- (c) Rules of Professional Conduct/ State Bar Act violations: RPC Rule 3-110(A).
- (d) Degree of prior discipline Private Reprimand - (18) Months.
- (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:

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.

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- (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. *** See below "Additional Mitigating Circumstances."**

Additional mitigating circumstances:

The parties acknowledge that Box (13) is marked with the understanding that Respondent will receive mitigation credit if he successfully completes the Alternative Discipline Program.

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ATTACHMENT TO
STIPULATION RE FACTS AND CONCLUSIONS OF LAW

IN THE MATTER OF: **MICHAEL GORDON YORK**

MEMBER # 89945

CASE NUMBER(s): **05-O-04235; 05-O-04732**

FACTS AND CONCLUSIONS OF LAW

Michael G. York ("Respondent"), by entering into this Stipulation Re Facts and Conclusions of Law, hereby waives any variance in the facts and charges as alleged in the Notice of Disciplinary Charges and the facts and conclusions of law set forth in the Stipulation as filed.

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

Respondent was admitted to the practice of law in the State of California on November 29, 1979, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

Facts for Case No. 05-O-04235

1. In 2000, Ruth Stein ("Ms. Stein") employed Respondent on a contingency fee basis to pursue a civil action against Hilton Hotels Corporation ("Hilton").
2. On or about June 19, 2000, Respondent filed a civil action on behalf of Ms. Stein entitled, *Ruth Stein v. Hilton Hotels et. al.*, Los Angeles County Superior Court, Case No. BC231952 (the "personal injury action"). Respondent did not serve Hilton with a copy of the summons and complaint in the personal injury action. Respondent failed to take any action in the personal injury action until October 2003, more than three years after filing the complaint.
3. As of September 22, 2000, Respondent had not filed a proof of service in the personal injury action. On or about September 22, 2000, the court scheduled an Order to Show Cause ("OSC") for October 31, 2000 regarding why the personal injury action had not been prosecuted.¹ The court served Respondent with notice of the October 31, 2000 OSC hearing, but due to clerical error, the court served Respondent at the wrong address. As a result, the notice issued by the court was returned.

¹ Pursuant to rule 2.2 of the Los Angeles Rules of Court, all complaints shall be served and a proof of service filed within sixty days of the date of filing.

4. On or about October 31, 2000, the court held an OSC in the personal injury action. At the OSC, the court dismissed the personal injury action.

5. On or about June 19, 2003, the three-year statute for service of the complaint in the personal injury action expired.²

6. As of October 28, 2003, Respondent had not served the defendants with a copy of the complaint in the personal injury action. Respondent failed to timely serve the summons and complaint on the defendants and failed to comply with California Code of Civil Procedure, section 583.210(a).

7. On or about October 28, 2003, Respondent reviewed Ms. Stein's court file and discovered the personal injury action had been dismissed. Soon thereafter, Respondent told Ms. Stein that the matter had been dismissed because the court had served Respondent at the incorrect address. Respondent failed to tell Ms. Stein that he had not served Hilton with the summons and complaint.

8. On or about November 4, 2003, Respondent filed a motion to vacate the dismissal in the personal injury action. Respondent did not serve Hilton with a copy of the motion to vacate.

9. On or about November 24, 2003, the court held a hearing regarding the motion to vacate the dismissal. On or about November 24, 2003, Respondent called the court and obtained the court's tentative ruling denying the motion to vacate the dismissal. Respondent was not present when the court called the matter for the hearing.

10. On or about November 24, 2003, the court denied the motion to vacate the dismissal in the personal injury action. In its decision, the court stated that Respondent was "dilatatory" in waiting over three years to check the status of the personal injury action. Respondent did not inform Ms. Stein why the motion to vacate had been denied.

11. On or about May 24, 2004, six (6) months after the court denied Respondent's motion to vacate the dismissal, Respondent filed an appeal with the Court of Appeal, Second Appellate District ("Court of Appeal"), appealing the November 24, 2003 court ruling denying the motion to vacate the dismissal ("the appeal").

12. On or about June 16, 2004, Respondent notified the Court of Appeal that there were no respondents to notify of the appeal.

13. On or about July 9, 2004, Respondent wrote to Cassie Adams of the Court of Appeal. In the July 9, 2004 letter, Respondent informed the Court that Hilton never appeared in the personal injury action and therefore was not a party to the appeal.

² See California Code of Civil Procedure, section 583.210(a).

14. On or about December 20, 2004, the Court of Appeal ordered Respondent to serve Hilton or its attorney of record with a copy of the Notice of Appeal and Case Information Statement within fifteen (15) days of the court's order. Respondent served Hilton by serving its Agent for Service of Process at the agent's address of record.

15. On or about January 7, 2005, Respondent filed the opening brief in the appeal. Respondent served the opening brief on "Hilton Hotels c/o CSC - Lawyers" in Sacramento, which was the Agent for the Service of Process.

16. On or about January 24, 2005, in an attempt to give Hilton proper notice, the Court of Appeal contacted a Hilton representative to obtain the name of Hilton's counsel in California. The Hilton representative gave the name of John Dent ("Mr. Dent"). The Court of Appeal then left a voice message for Mr. Dent requesting that he contact the Court immediately.

17. On or about January 24, 2005, Mr. Dent, Vice-President and Senior Counsel for Hilton Hotels Corporation contacted the Court of Appeal and informed the Court that he would be the attorney of record for Hilton. Hilton was given sixty (60) days to file a responsive brief since it was not served with the original complaint in the personal injury action.

18. On or about March 3, 2005, Kevin D. Campbell ("Mr. Campbell") substituted in as counsel of record for Hilton.

19. On or about April 22, 2005, Hilton filed its responsive brief in the appeal.

20. On or about August 30, 2005, the Court of Appeal issued its opinion in the appeal. In its opinion, the Court concluded that the trial court "was required" to dismiss the personal injury action due to Respondent's failure to serve the summons and complaint within three years after the complaint had been filed. The Court noted that Respondent and Ms. Stein did not provide an explanation for the delay in checking the status of the personal injury action. The Court's August 30, 2005 opinion was properly served on Respondent.

21. On or about September 6, 2005, Respondent wrote to Ms. Stein informing her that \$1,061.52 in costs had been incurred in the Hilton matter, including \$655.00 for filing fees in the appeal. In the September 6, 2006 letter, Respondent failed to advise her that the Court of Appeal had issued an opinion on August 30, 2005 regarding the pending appeal in the personal injury action.

22. On or about December 15, 2005, Respondent issued a billing statement to Ms. Stein for \$3,160. 80.

23. On or about December 16, 2005, pursuant to the opinion of the Court of Appeal, Second Appellate District, Division Three, filed on August 30, 2005, and the Remittitur of the Court of Appeal filed on November 3, 2005, the Los Angeles County Superior Court ordered, adjudged, and decreed that the personal injury action is dismissed and entered a judgment in favor of Hilton Corporation for its costs on appeal in the amount of sixty-five dollars (\$65.00) against Ms. Stein.

24. On or about December 20, 2005, Ms. Stein wrote to Respondent regarding her case. In her December 20, 2005 letter (mistakenly dated December 12, 2005), Ms. Stein reminded Respondent that he was supposed to contact her regarding how he would be handling the personal injury action. Ms. Stein also requested a breakdown of the costs in her matter. Finally, in her December 20, 2005 letter to Respondent, Ms. Stein told Respondent that if he was not going to pursue her lawsuit, she would like her file returned.

25. On or about January 10, 2006, Respondent responded to Ms. Stein's December 20, 2005 letter. In his January 10, 2006 letter, Respondent told Ms. Stein that he intended to re-file the action against Hilton, but he wanted to do further research before he did so. Thereafter, Respondent failed to re-file the action against Hilton or take any other action on behalf of Ms. Stein.

Conclusions of Law for Case No. 05-O-04235

26. By failing to perform legal services on behalf of Ms. Stein for more than three years after filing the complaint, by failing to timely serve the defendants, which led to the dismissal of Ms. Stein's case, and by failing to provide an explanation for his delay in the appeal, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

27. By failing to inform Ms. Stein that he had not served Hilton with a summons and complaint in the personal injury action, and by failing to inform Ms. Stein, until after three years later, that her personal injury action had been dismissed, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code section 6068(m).

Facts for Case No. 05-O-04732

28. On or about July 27, 2002, Michelle Hagger ("Ms. Hagger") passed away leaving three minor children. At the time of her death, Ms. Hagger was in a dissolution proceeding with her estranged husband and had two personal injury cases pending.

29. In or about September 2002, Nicole Ward ("Ms. Ward"), Ms. Hagger's sister, employed Respondent for probate and other estate matters, including protecting the estate's interest in a home Ms. Hagger shared with her boyfriend. Respondent did not provide Ms. Ward with a retainer agreement.

30. On October 23, 2002, Respondent filed a Petition for Letters of Administration in the matter entitled Estate of Michelle Hagger, Riverside County Superior Court, Case No. INP018441 (the "probate matter"). The petition asked that Ms. Ward be appointed the administrator of her sister's estate.

31. On December 5, 2002, the court held a hearing in the probate matter. Respondent hired attorney Robert L. Ray ("Mr. Ray") to specially appear for Respondent as counsel for Ms. Ward. On December 5, 2002, the court continued the probate matter to January 23, 2003.

32. On January 17, 2003, Respondent filed a supplement to the petition to address issues raised by the court at the December 5, 2002 hearing in the probate matter.

33. On January 23, 2003, the court held a hearing in the probate matter. Respondent hired attorney June Arden ("Ms. Arden") to specially appear for Respondent as counsel for Ms. Ward. At the January 23, 2003 hearing, the court ordered Respondent to file an amended petition. The court continued the matter to February 25, 2003.

34. On February 24, 2003, Respondent filed an amended petition in the probate matter.

35. On February 24, 2003, Respondent contacted the court in the probate matter and was informed that the next hearing in the probate matter was now scheduled for March 26, 2003.

36. On March 4, 2003, Respondent filed a notice of continuance giving notice that the hearing on the petition for probate had been continued to March 26, 2003.

37. On March 26, 2003, the court held a hearing in the probate matter. Once again, Ms. Arden specially appeared for Respondent as counsel for Ms. Ward. At the March 26, 2003 hearing, the court noted problems with the amended petition, including the fact that notice of the amended petition had not been served on all interested parties on the probate matter. On its own motion, the court continued the hearing regarding the amended petition to April 23, 2003.

38. On April 23, 2003, the court held a hearing in the probate matter. Ms. Arden again specially appeared for Respondent as counsel for Ms. Ward. At the April 23, 2003 hearing, the court noted that the parties still had not been served with notice of the amended petition. At the April 23, 2003 hearing, Ms. Arden requested a continuance in the probate matter. The court continued the matter to May 14, 2003.

39. On May 7, 2003, Respondent filed an amended petition and gave notice to all the parties in the probate matter. On or about May 7, 2003, Respondent also filed a supplement to the first amended petition, in which he again addressed issues raised by the court in the probate matter.

40. On May 14, 2003, the court held a hearing in the probate matter. Ms. Arden specially appeared for Respondent as counsel for Ms. Ward. On or about May 14, 2003, the court granted the petition appointing Ms. Ward as the special administrator of her sister's estate. Pursuant to the May 14, 2003 order, as the special administrator, Ms. Ward could file a lis pendens to protect the estate's interest in real property, marshal assets and pay expenses. The court also set the bond in the probate matter at \$80,000. The court scheduled the next hearing in the probate matter for July 15, 2003.

41. On May 14, 2003, Respondent spoke to Ms. Arden regarding the May 14, 2003 hearing in the probate matter. During the May 14, 2003 conversation, Ms. Arden informed Respondent that the next hearing in the probate matter was July 15, 2003 and informed Respondent that she was sending the court's May 14, 2003 order to Respondent.

42. On or about May 15, 2003, Ms. Arden wrote Respondent regarding the probate matter. In the May 15, 2003 letter, Ms. Arden enclosed a copy of the court's May 14, 2003 order appointing Ms. Ward special administrator. Ms. Arden informed Respondent that the bond in the probate matter was set for \$80,000 and outlined Ms. Ward's powers as a special administrator. In the May 15, 2003 letter, Ms. Arden informed Respondent that the judge set the next hearing in the probate matter for July 15, 2003 regarding the appointment of a permanent administrator. Respondent received the May 15, 2003 letter from Ms. Arden on May 16, 2003.

43. In or about June 2003, attorney Joseph Powell ("Mr. Powell") settled a personal injury matter on behalf of Ms. Hagger's estate for \$11,642.79. As the special administrator, Ms. Ward signed the settlement and release on behalf of Ms. Hagger's estate.

44. As of June 30, 2003, a bond had not been filed in the probate matter. As a result, on June 30, 2003, the court issued an Order to Show Cause ("OSC") regarding why the bond had not been filed. The OSC was also scheduled for July 15, 2003. The court served Respondent with notice of the OSC. However, the court served Respondent at 1301 Dove Street, Suite 100, Newport Beach, CA. Respondent's address at the time was 1301 Dove Street, Suite 1000, Newport Beach, CA.

45. On or about July 10, 2003, Mr. Powell's office wrote Respondent and enclosed a check made payable to the Estate of Michelle Hagger in the amount of \$2,115.89. On or about July 14, 2003, Respondent received the letter and the check for \$2,115.89. After receiving the check, Respondent failed to open an account on behalf of Ms. Hagger's estate. To date, the check for \$2,115.89 has not been cashed.

46. On or about July 15, 2003, the court held a hearing in the probate matter. Ms. Arden specially appeared for Respondent as counsel for Ms. Ward. Ms. Arden requested a continuance and the court continued the matter to August 26, 2003.

47. On or about July 15, 2003, Ms. Arden wrote Respondent regarding the July 15, 2003 hearing in the probate matter. In the July 15, 2003 letter, Ms. Arden said she informed the judge in the probate matter that Respondent had sent the bond papers to Ms. Ward. According to Ms. Arden, the judge emphasized the need to produce Ms. Hagger's original will in the probate matter. Ms. Arden told Respondent that the next hearing in the probate matter was scheduled for August 26, 2003. Respondent received Ms. Arden's July 15, 2003 letter on July 17, 2003.

48. On or about August 8, 2003, Respondent sent the court's May 14, 2003 order to Bond Services of California ("Bond Services").

49. On August 8, 2003, Bond Services faxed Respondent a bond application form for the probate matter. In the accompanying letter, Bond Services instructed Respondent to have

Ms. Ward complete and sign the application and return it for processing.

50. On August 8, 2003, Respondent wrote Ms. Ward regarding the bond in the probate matter. In the August 8, 2003 letter (mistakenly dated August 8, 2002), Respondent enclosed the bond application provided by Bond Services and instructed Ms. Ward to complete the application. In his letter, Respondent informed Ms. Ward that beginning the next day, he would be on vacation for two weeks.

51. On August 26, 2003, the court held a hearing in the probate matter. Respondent failed to appear at the August 26, 2003 hearing. No one appeared on behalf of Ms. Hagger's estate or Ms. Ward. The court on its own motion continued the hearing to October 15, 2003. Although Respondent received notice of the August 26, 2003 hearing, Respondent failed to appear and failed to take steps to ascertain what transpired at the August 26, 2003 hearing.

52. By September 2003, Respondent had received the signed bond application from Ms. Ward. However, Respondent failed to obtain the bond in the probate matter.

53. On October 15, 2003, the court held a hearing in the probate matter. Respondent failed to appear at the October 15, 2003 hearing. No one appeared on behalf of Ms. Hagger's estate or Ms. Ward. On October 15, 2003, the court revoked the letters of administration. As a result, Ms. Ward was removed as administrator of her sister's estate.

54. As of October 15, 2003, Respondent had not filed an action to protect the estate's interest in the home Ms. Hagger shared with her boyfriend. Specifically, Respondent failed to file a lis pendens prior to the revocation of the letters of administration.

55. On or about March 22, 2004, Respondent learned that the letters of administration had been revoked. Respondent did not directly inform Ms. Ward that the letters of administration had been revoked until on or around September 13, 2004. Respondent did not take immediate steps to reinstate the letters of administration and did not take immediate steps to file a new petition to have Ms. Ward reappointed as the administrator of her sister's estate.

56. On or about April 12, 2004, Ms. Ward wrote to Respondent regarding her inability to contact Respondent regarding the status of the probate matter.

57. On or about April 18, 2004, Ms. Ward submitted a complaint against Respondent with the Orange County Bar Association ("OCBA"). In her complaint, Ms. Ward complained that Respondent had not responded to her calls and had failed to file the necessary paperwork to protect the estate's interest in the home. At the time Ms. Ward filed her complaint with the OCBA, she was not aware that she was no longer the administrator of her sister's estate.

58. On June 21, 2004, Respondent spoke to Margaret Wang ("Ms. Wang"), a paralegal from the Law Offices of Greg Bosse ("Mr. Bosse"), who agreed to contact Respondent on Ms. Ward's behalf after Respondent did not respond to her inquiries. Respondent contends that he discussed the probate matter with Ms. Wang, including the fact that the letters of administration had been revoked. However, Respondent did not communicate this information

directly to Ms. Ward.

59. On or around June 22, 2004, Ms. Wang wrote to Respondent regarding their June 21, 2004 telephone conversation. In the June 22, 2004 communication, Ms. Wang advised Respondent that they would not be representing Ms. Ward in any of the pending matters, including the probate matter.

60. On or about July 22, 2004, Respondent wrote to Ms. Ward asking her to sign a new Petition for Letters of Administration. However, in the July 22, 2004 letter, Respondent did not explain to Ms. Ward that she was no longer the administrator of her sister's estate and did not explain why a new petition had to be filed.

61. On or about September 13, 2004, Respondent wrote to Ms. Ward explaining that he had sent her another petition to sign because the probate proceedings had been dismissed. Respondent told Ms. Ward that the court sent Respondent a notice to appear at a hearing but had sent the notice to the wrong address. Respondent represented to Ms. Ward that since he did not appear in court, the court dismissed the proceedings. In the September 13, 2004 letter, Respondent did not inform Ms. Ward that the OSC had been ordered because of Respondent's failure to file the bond. Respondent also did not tell Ms. Ward that Ms. Arden had appeared at the July 15, 2003 hearing and had given him notice of the August 26, 2003 hearing in the probate matter. Respondent failed to notify Ms. Ward that he had failed to appear at the August 26, 2003 hearing.

62. In 2004, the real estate property at issue in the probate matter was sold without a lis pendens being filed to protect the estate's interest in the property.

Conclusions of Law for Case No. 05-O-04732

63. By failing to open a bank account for the estate and deposit the settlement check for \$2,115.89 prior to the letters of administration being revoked, by failing to file a lis pendens to protect the estate's interest in real property prior to the letters of administration being revoked, by failing to timely obtain the bond in the probate matter, by failing to appear at the August 26, 2003 hearing, and by failing to appear at the October 15, 2003 hearing, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

64. By failing to immediately inform Ms. Ward that the letters of administration had been revoked, by failing to inform Ms. Ward why the letters of administration had been revoked, and by failing to immediately inform Ms. Ward that she was no longer the administrator of her sister's estate, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code section 6068(m).

PENDING PROCEEDINGS

The disclosure date referred to on page one, paragraph A.(6), was January 26, 2007.

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In the Matter of MICHAEL GORDON YORK MEMBER #89945	Case number(s): 05-O-04235; 05-O-04732
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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 Facts and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

2-1-07
Date


Respondent's Signature

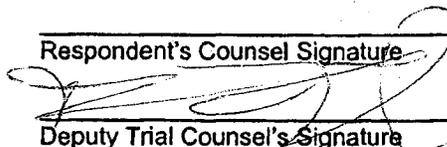
MICHAEL G. YORK
Print Name

Date


Respondent's Counsel Signature

Print Name

2-2-07
Date


Deputy Trial Counsel's Signature

DAVID T. SAUBER
Print Name

(Do not write above this line.)

In the Matter Of MICHAEL GORDON YORK MEMBER #89945	Case Number(s): 05-O-04235; 05-O-04732
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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.)

OCTOBER 5, 2007
Date


Judge of the State Bar Court

RICHARD A. PLATEL

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 9, 2007, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS CONCLUSIONS OF LAW; CONFIDENTIAL
STATEMENT OF ALTERNATIVE DISPOSITIONS AND ORDERS;
CONTRACT AND WAIVER FOR PARTICIPATION IN THE STATE BAR
ALTERNATIVE DISCIPLINE PROGRAM**

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

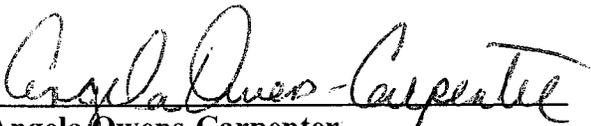
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**MICHAEL GORDON YORK
1301 DOVE ST #1000
NEWPORT BEACH CA 92660**

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

CHARLES MURRAY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **October 9, 2007**.


Angela Owens-Carpenter
Case Administrator
State Bar Court