kwiktag ® 018 039 561

(Do not write above this line.)

State Bar Court of California
Hearing Department
San Francisco
PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES

Counsel For The State Bar	Case Number (s)	(for Court's use)
Maria J. Oropeza **Office of the Chief Trial Counsel** **180 Howard Street** **San Francisco, CA 94105** **(415) 538-2569** Bar # **182660**	**06-O-11603** LODGED APR 30 2007 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO	CONFIDENTIAL PUBLIC MATTER FILED APR 20 2010 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel For Respondent **Michael E. Kinney, Esq.** **438 First St., Fourth Floor** **Santa Rosa, CA 95401** **(707) 527-4141** Bar # **77018**	Submitted to: **Program Judge** **STIPULATION RE FACTS AND CONCLUSIONS OF LAW** ☐ PREVIOUS STIPULATION REJECTED	
In the Matter Of: **C. Wallace Coppock** Bar # **79458** A Member of the State Bar of California (Respondent)		

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 **April 13, 1978**.

(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 **10** 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 **01-C-4882 (S113874).**

(b) ☒ Date prior discipline effective **July 5, 2003.**

(c) ☒ Rules of Professional Conduct/ State Bar Act violations: **Business and Professions Code section 6068(a).**

(d) ☒ Degree of prior discipline **three-years stayed suspension; five-years probation; probation conditions and costs.**

(e) ☒ If Respondent has two or more incidents of prior discipline, use space provided below:

State Bar Court case # 84-O-18456, Coppock v. State Bar (S001886). Discipline effective April 2, 1988. Rules of Professional Conduct/State Bar Act violations: Business and Professions Code section 6106; rules 4-100 [client trust account] and 3-110 [competence and duty to supervise]. Degree of Discipline two-years stayed suspension; two-years probation; 90-days actual suspension and restitution and interest.

(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 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.

(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:

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: C. Wallace Coppock, Bar No. 79458

CASE NUMBER(S): 06-O-11603 ET AL.

FACTS AND CONCLUSIONS OF LAW.

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.

Statement of Facts: Count One (Case No. 06-O-1103)

1. C. Wallace Coppock ("respondent") was admitted to practice law in the State of California on April 13, 1978, was a member at all times pertinent to these charges and is currently a member of the State Bar of California.

2. Respondent wilfully violated Rules of Professional Conduct, rule 1-300(A), by aiding a person or entity in the unauthorized practice of law, as follows:

3. Respondent and member James Joseph Bajgrowicz shared office space between June 1999 through April 10, 2006.

4. Respondent employed and associated professionally with member Bajgrowicz as a paralegal in his office and in conjunction with California Property Management ("CPM"). Member Bajgrowicz was not entitled to practice law effective January 15, 2006 through July 15, 2006. Respondent was aware of member Bajgrowicz's not entitled status. Bajgrowicz provided respondent with a former client by the name of California Property Management ("CPM").

5. Prior to January 15, 2006, respondent and member Bajgrowicz entered into an agreement wherein respondent would provide legal services to CPM , in the filing of unlawful detainer actions and associated pleadings; respondent would make any and all court appearances associated with the cases. Bajgrowicz would work directly with CPM in preparing the unlawful detainer actions and associated pleadings.

6. Pursuant to the agreement, respondent would review and sign the completed unlawful detainers and associated pleadings prepared by Bajgrowicz, which would thereafter be filed.

7. Pursuant to the agreement, respondent was to be paid $100 for each filed unlawful detainer action. Respondent would be paid his regular hourly fee for any other work performed.

8. After January 15, 2006, and continuing through the period of the business agreement described in paragraphs 4 through 7 of this stipulation, respondent failed to supervise Bajgrowicz in his work on the unlawful detainer actions for CPM..

9. On March 8, 2006, in order to save time in the filing of the unlawful detainer actions, respondent suggested member Bajgrowicz sign respondent's name to unlawful detainer complaints and provided an exemplar of his signature.

10. On March 23, 2006, respondent notified the State Bar that member Bajgrowicz had forged respondent's name on at least one matter.

11. After his suspension and while working under's respondent's supervision but prior to the dates listed below, member Bajgrowicz engaged in the unauthorized practice of law

by giving legal advice and counsel to CPM on unlawful detainer actions, by signing respondent's name on unlawful detainer actions filed on behalf of property owners whose authorized agent was CPM and by having those actions filed as follows:

Matter	Date of Forgery	Date Filed
John Bannister v. Clawson, Solano County Superior Court case no. FCM 093199	February 24, 2006	February 28, 2006
David Heiman v. Chaironi, Sonoma County Superior Court case no. 185978	March 14, 2006	March 14, 2006
Denise Goyuhenetche v. Wade, Sonoma County Superior Court case no. 185993	March 15, 2006	March 15, 2006
Rene Mora v. Gammon, Sonoma County Superior Court case no. 185994	March 14, 2006	March 15, 2006
Greg Stilson v. Hoening, Sonoma County Superior Court case no. 186016	March 16, 2006	March 17, 2006
Greg Stilson v. Thompson, Sonoma County Superior Court case no. 186017	March 16, 2006	March 17, 2006
Cole-Dutton LLC v. Clifton, Sonoma County Superior Court case no. 186088	March 21, 2006	March 22, 2006
Dang Puoung v. Morphis/Rocks, Sonoma County Superior Court case no. 186090	March 21, 2006	March 22, 2006
Cole-Dutton LLC v. Sherill, Sonoma County Superior Court case no. 186091	March 21, 2006	March 22, 2006

Conclusions of Law: Count One (Case No. 06-O-11603)

12. By failing to supervise member Bajgrowicz and allowing member Bajgrowicz to render legal advice to CPM, authorizing Bajgrowicz to sign respondent's name to documents that respondent had not reviewed, and by allowing Bajgrowicz to have direct contact with CPM via the business agreement, respondent wilfully violated rule 1-300(A) of the Rules of Profession Conduct, by aiding and abetting the unauthorized practice of law.

Statement of Facts: Count Two (Case No. 06-O-11603)

13. Respondent wilfully violated Business and Professions Code, section 6106, by committing an act involving moral turpitude, dishonesty or corruption, as follows:

14. The allegations contained in count one of this stipulation are herein incorporated by reference as if set forth in full.

15. At all times relevant to this stipulation, respondent was fully aware of member Bajgrowicz's not entitled status.

16. On March 8, 2006, respondent suggested that in order to save time in the filing of the unlawful detainer actions, that member Bajgrowicz sign respondent's name to the pleadings. Respondent signed a blank piece of paper and provided it to member Bajgrowicz, to utilize for the forgery of his name on pleadings. The untrue signatures were submitted to courts via the pleading filing process.

17. Respondent avers that he rescinded his authorization for the use of the blank piece of paper bearing his signature. Respondent did not destroy the blank piece of paper bearing his signature and left it with member Bajgrowicz.

18. On March 22, 2006, respondent became aware that member Bajgrowicz, had forged respondent's signature to file an unlawful detainer action entitled *Stilson v. Thompson.*

19. Thereafter, respondent learned that member Bajgrowicz had filed at least nine matters, by forging respondent's signature to the pleadings.

Conclusions of Law: Count Two (Case No. 06-O-11603)

20. By suggesting that member Bajgrowicz forge respondent's signature on pleadings associated with the unlawful detainer actions and allowing member Bajgrowicz access to the blank piece of paper bearing respondent's signature, by failing to supervise member Bajgrowicz's activities while he was employed by respondent, respondent committed acts involving moral turpitude, dishonesty or corruption, a wilful violation of Business and Professions Code section 6106.

Statement of Facts: Count Three (Case No. 06-O-11603)

21. Respondent wilfully violated Rules of Professional Conduct, rule 1-311(B), by employing, associating professionally with, or aiding a person that respondent knew or reasonably should have known was suspended, to render legal consultation or advice to a client, to receive, disburse, or otherwise handle a client's funds, to engage in activities which constitute the practice of law, as follows:

22. The allegations contained in counts one through two of this stipulation are herein incorporated by reference as if set forth in full.

23. Respondent entered into a business agreement with member Bajgrowicz, wherein member Bajgrowicz would prepare all the pleadings in unlawful detainer actions for CPM, and respondent would sign the pleadings.

24. At all times relevant to this stipulation respondent was fully aware that member Bajgrowicz was not entitled to practice law.

25. Respondent never discussed with CPM any of the cases that were actually prepared and filed by member Bajgrowicz.

26. Respondent was never present when member Bajgrowicz received the unlawful detainer actions to be filed on CPM's behalf.

27. Respondent allowed member Bajgrowicz to render legal consultation to CPM..

28. Respondent allowed member Bajgrowicz to receive and disburse funds or otherwise handle the client's funds, by allowing member Bajgrowicz to pay the filing fees utilizing CPM's funds associated with filing the unlawful detainer actions.

29. Respondent allowed member Bajgrowicz to engage in activities that involved the practice of law, while member Bajgrowicz was on not entitled status.

Conclusions of Law: Count Three (Case No. 06-O-11603)

30. By engaging the services of and associating professionally with member Bajgrowicz in rendering legal consultation and advice to CPM, allowing member Bajgrowicz to receive, disburse or otherwise handle CPM funds, and allowing member Bajgrowicz to practice law while suspended, respondent wilfully violated rule 1-311(B) of the Rules of Professional Conduct.

Statement of Facts: Count Four (Case No. 06-O-11603)

31. Respondent wilfully violated rule 1-311(D) of the Rules of Professional Conduct, by employing a person the member knows is suspended without providing the State Bar with written notice as follows:

32. The allegations contained in counts one through three of this stipulation are herein incorporated by reference as if set forth in full.

33. Respondent employed and professionally associated with member Bajgrowicz, as a paralegal in his office, when member Bajgrowicz was not entitled to practice law in the State of California. Respondent was fully aware of member Bajgrowicz's status when he employed him in respondent's office.

34. Respondent failed to provide the written notice to the State Bar that he had employed and professionally associated with member Bajgrowicz, and that member Bajgrowicz would be prohibited from practicing law.

35. On April 11, 2006, respondent filed the termination notice as required by rule 1-311(F), but never filed the notice required by rule 1-311(D).

Conclusions of Law: Count Four (Case No. 06-O-11603)

36. By failing to file the written notice prior to or at the time respondent employed and professionally associated with member Bajgrowicz to work in his office, respondent wilfully violated rule 1-311(D) of the Rules of Professional Conduct.

Statement of Facts: Count Five (Case No. 06-O-11603)

37. Respondent wilfully violated Business and Professions Code, section 6068(k), by failing to comply with all conditions attached to any disciplinary probation, as follows:

38. Effective July 5, 2003, by order of the Supreme Court (S113874) respondent was placed on a three-stayed suspension, with a five- year probation term, which included the standard probation conditions.

39. The allegations contained in counts one through four of this stipulation are herein incorporated by reference as if set forth in full.

40. Among the probation conditions that respondent was required to abide by, was that he comply with all provisions of the State Bar Act and the Rules of Professional Conduct.

41. As set forth in counts one through four of this stipulation, respondent failed to comply with all provisions of the State Bar Act and the Rules of Professional Conduct.

Conclusions of Law: Count Five (Case No. 06-O-11603)

42. By failing to comply with the conditions attached to his disciplinary probation imposed by Supreme Court Order No. S113874, by way of failing to comply with all the provisions of the State Bar and the Rules of Professional Conduct, respondent wilfully violated Business and Professions Code section 6068(k).

PENDING PROCEEDINGS.
The disclosure date referred to, on page one, paragraph A.(7), was March 16, 2007.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of March 16, 2007, the estimated prosecution costs in this matter are approximately $2,296.00. Respondent acknowledges that this figure is an estimate. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.7(b) states in pertinent part "if a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of two prior impositions of discipline as defined by Standard 1.2(f), the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate.

Standard 2.3 states in pertinent part "Culpability of a member of an act of moral turpitude, fraud, or intentional dishonesty toward a court, client, or another person or of concealment of a material fact to a court, client or another person shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law.

Standard 2.6 states in pertinent part "Culpability of a member of a violation of any of the following provisions of the Business and Professions Code shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3." Subsection (a) cites to Business and Professions code section 6068.

Standard 2.10 states in pertinent part "Culpability of a member of a violation of any provision of the Business and Professions Code not specified in these standards or a of a wilful violation of any Rule of Professional Conduct not specified in these standards shall result in reproval or suspension according to the gravity of the offense or the harm, if any, to the victim with due regard to the purposes of imposing discipline set forth in standard 1.3."

AGGRAVATING CIRCUMSTANCES.

Prior Discipline: Respondent has two previous impositions of discipline. In July 2003 the Supreme Court imposed a three-stayed suspension, five-year probation term on respondent for

his wilful violation of Business and Professions Code Section 6068(a), by way of a violation of Vehicle Code Section 23152(b). (Supreme Court Order Number S113874)

On March 3, 1988, the Supreme Court imposed a two-stayed suspension, placed respondent on a two-year probation term, conditioned on a 90 days actual suspension, restitution and the standard probation conditions, for his wilful violations of rule 4-100 and Business and Professions Code section 6106. Respondent opened a client trust account for the purpose of defrauding a client's creditors and then permitted the client to use the client trust account in furtherance of that fraud.

Harm: By allowing member James Joseph Bajgrowicz (Bar No. 49253) to file pleadings with respondent's forged signature, failing to properly supervise Bajgrowicz, and by giving Bajgrowicz permission to file pleadings with respondent's name and signature, respondent harmed the administration of justice and the public.

MITIGATING CIRCUMSTANCES.

Candor/Cooperation: Respondent notified the State Bar of Bajgrowicz's misconduct involving the use of respondent's name, forged signatures, and of respondent's own role in assisting Bajgrowicz in the misconduct. Respondent cooperated with the State Bar in its investigation and in its prosecution of member Bajgrowicz.

Remorse: Respondent notified the State Bar of the misconduct and notified the clients about the misconduct. Immediately upon learning about the numerous unlawful detainer actions filed under his forged signature, respondent began trying to resolve the problems that member Bajgrowicz's misconduct created for the property owners and the tenants. Respondent promptly made the courts aware of the problems created by member Bajgrowicz's actions.

(Do not write above this line.)

In the Matter of **C. Wallace Coppock**	Case number(s): **06-O-11603**

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.

March 22 2007 Date	Respondent's Signature	C. Wallace Coppock Print Name
March 23 2007 Date	Respondent's Counsel Signature	Michael E. Kinney Print Name
March 29 2007 Date	Deputy Trial Counsel's Signature	Maria J. Oropeza Print Name

(Do not write above this line.)

In the Matter Of **C. Wallace Coppock**	Case Number(s): **06-O-11603**

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:

- [x] 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.)

April 30, 2007 — Pat McElroy

Date — Judge of the State Bar Court

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 30, 2007 , I deposited a true copy of the following document(s):

CONFIDENTIAL STATEMENT OF ALTERNATIVE DISPOSITIONS AND ORDERS (Rules Proc. of State Bar, rule 803 (a))

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

CONTRACT AND WAIVER FOR PARTICIPATION IN THE STATE BAR COURT'S ALTERNATIVE DISCIPLINE PROGRAM

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

[X] by personally delivering such documents to the following individuals at 180 Howard Street, 6th Floor, San Francisco, California 94105-1639:

CHARLES W. COPPOCK, ESQ.
MICHAEL E. KINNEY, ESQ.
MARIA J. OROPEZA, ESQ.

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **April 30, 2007**

Lauretta Cramer
Case Administrator
State Bar Court