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**State Bar Court of California
Hearing Department
Los Angeles**

<p>Counsel For The State Bar</p> <p>Charles T. Calix Deputy Trial Counsel 1149 South Hill Street Los Angeles, CA 90015-2299</p> <p>Bar # 146853</p>	<p>Case Number (s) 06-O-14556</p>	<p>(for Court's use)</p> <p align="center">FILED SEP 30 2008 <i>[Signature]</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p align="center">PUBLIC MATTER</p>
<p>In Pro Per Respondent</p> <p>William J. Kopesky Law Office of William J. Kopesky 447 Longfellow Avenue Hermosa Beach, CA 90254</p> <p>Bar # 110745</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: William J. Kopesky</p> <p>Bar # 110745</p> <p>A Member of the State Bar of California (Respondent)</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 **December 12, 1983**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (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. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **11** pages, not including 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) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."

- (7) 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.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- ☐ costs added to membership fee for calendar year following effective date of discipline.
- ☒ costs to be paid in equal amounts prior to February 1 for the following membership years: **Costs to be paid in equal amounts prior to February 1st for the following two billing cycles following the effective date of the Supreme Court Order.**
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- ☐ costs entirely waived

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 or a separate attachment entitled "Prior Discipline."
- (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. **Respondent's failure to perform with competence harmed his former client and the Superior Court, in part, by causing numerous necessary hearings and by delaying the proceeding from approximately on or about January 31, 2006 to on or about September 26, 2006.**
- (5) ☒ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. **Respondent demonstrated indifference by failing to take any action to pay or seek relief from payment of sanctions ordered by the Superior Court on September 26, 2006, and to release his file to his former client.**
- (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

Respondent has been a member of the State Bar since December 12, 1998 without prior discipline.

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of **one (1) year**.

- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent is placed on probation for a period of **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court)

E. Additional Conditions of Probation:

- (1) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (3) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (4) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

- (5) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested,

in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.

- (6) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (8) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (9) ☐ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- ☐ No MPRE recommended. Reason: .
- (2) ☐ **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: William J. Kopesky

CASE NUMBER: 06-O-14556

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.

FACTS.

1. Between on or about August 17, 1999 and on or about June 7, 2005, Respondent's State Bar membership records address was 1707 Pacific Coast Highway #125, Hermosa Beach, California 90254 (the "PCH address").

2. On or before October 24, 2003, Debbie Jo Strater ("Strater") and her mother, Georgia Mae Smith ("Smith"), hired Respondent to represent them in a civil lawsuit against Valley View Mobile Manor.

3. On or about October 24, 2003, Respondent filed a civil complaint in the Superior Court of California, County of San Bernardino ("Superior Court"), titled *Debbie Jo Strater and Georgia Mae Smith v. Valley View Mobile Manor, et al.*, SBSC Case No. MCVN 05671 ("*Strater v. Valley View*").

4. On or about August 9, 2004, Respondent appeared for a Case Management Conference ("CMC") in *Strater v. Valley View*. The Superior Court continued the CMC to November 15, 2004. Respondent received notice of the CMC set for November 15, 2004.

5. On or about November 15, 2004, Respondent failed to appear for the CMC in *Strater v. Valley View*. The Superior Court continued the CMC to January 3, 2005, and set an Order to Show Cause ("OSC(s)") re: Sanctions for Respondent's failure to appear for January 3, 2005. The Superior Court served notice of the continued CMC and OSC re Sanctions on Respondent at the PCH address. Respondent received notice of the CMC and OSC re Sanctions.

6. On or about January 3, 2005, Respondent appeared for the CMC and OSC re Sanctions in *Strater v. Valley View*. The Superior Court ordered Respondent to pay sanctions of \$150 to the court for failing to appear for the CMC on November 15, 2004, which Respondent paid. Respondent told the Superior Court that he would be requesting entry of default and would

proceed with either a prove-up hearing or declarations pursuant to Code of Civil Procedure section 585. The Superior Court continued the CMC to February 7, 2005. Respondent received notice of the CMC.

7. On or about February 7, 2005, Respondent appeared for the CMC in *Strater v. Valley View*. Respondent filed a Request for Entry of Default, which was granted by the Court. The Superior Court continued the CMC to April 11, 2005, but stated that no appearance would be needed if judgment was granted in the matter.

8. Respondent never filed any document to obtain a judgment in *Strater v. Valley View*.

9. On or about June 8, 2005, Respondent changed his State Bar membership records address from the PCH address to 447 Longfellow Avenue, Hermosa Beach, California 90254 (the "Longfellow Avenue address"). Respondent never notified the Superior Court in *Strater v. Valley View* that he changed his address to the Longfellow Avenue address.

10. On or about June 20, 2005, Respondent appeared for the CMC in *Strater v. Valley View*. The Superior Court continued the CMC to August 29, 2005. Respondent received notice of the CMC.

11. On or about August 29, 2005, Respondent failed to appear for the CMC in *Strater v. Valley View*. The Superior Court continued the CMC to November 14, 2005, and set an OSC re Sanctions for Respondent's failure to appear and file a default judgment for November 14, 2005. The Superior Court served notice of the CMC and OSC on Respondent at the PCH address.

12. On or about November 14, 2005, Respondent failed to appear for the CMC and OSC re Sanctions in *Strater v. Valley View*. The Superior Court ordered Respondent to pay sanctions of \$300 to the court for failing to appear for the CMC on August 29, 2005 and OSC re Sanctions on November 14, 2005. The Superior Court set an OSC re Dismissal for January 30, 2006. The Superior Court served notice of the imposition of sanctions and OSC re dismissal on Respondent at the PCH address.

13. On or about January 30, 2006, Respondent appeared for the OSC re Dismissal in *Strater v. Valley View*. Respondent paid the sanctions of \$300 to the Superior Court. The Superior Court continued the OSC re Dismissal to March 13, 2006. Respondent received notice of the OSC re Dismissal.

14. After on or about January 31, 2006, Respondent did not: appear for any hearings on *Strater v. Valley View*; file any pleadings in *Strater v. Valley View*; and/or communicate with Strater or Smith. By failing to appear for any hearings, file any pleadings, and communicate with Strater and Smith, Respondent constructively terminated his representation of them.

Respondent terminated his representing of Strater and Smith without filing a substitution of attorney, seeking to be relived as counsel, or communicating the termination to them.

15. On or about March 13, 2006, Respondent failed to appear for the OSC re Dismissal in *Strater v. Valley View*. Strater appeared and the Superior Court ordered Respondent to turn over his entire file to her and dismissed Respondent as Strater's attorney of record in *Strater v. Valley View*. The Superior Court set a CMC for June 12, 2006. The Superior Court served notice of its order that Respondent turn over his entire file to Strater on Respondent at the PCH address.

16. On or about June 12, 2006, Strater appeared for the CMC in *Strater v. Valley View* and told the Superior Court that she had been unable to contact Respondent to obtain her file from him. The Superior Court ordered Respondent to turn over his entire file to Strater and ordered Respondent to appear for an OSC re Failure to Appear/Represent Client for August 8, 2006. The Superior Court served notice of the OSC re Failure to Appear/Represent Client on Respondent at the PCH address.

17. On or about August 8, 2006, Strater appeared for the CMC in *Strater v. Valley View* and told the Superior Court that she had been unable to contact Respondent to obtain her file from him. The Superior Court: determined that Respondent had changed his State Bar membership records address from the PCH address to the Longfellow Avenue address without notifying the Superior Court; struck its original order for personal service; and ordered Respondent to appear on September 26, 2006 for an OSC re Failure to pay Sanctions and Comply with the Court's Orders of January 30, 2006, March 13, 2006, and June 12, 2006 ("OSC re Failure to Comply with the Court's Orders"). The Superior Court served notice of the OSC re Failure to Comply with the Court's Orders on Respondent at the Longfellow Avenue address. Respondent received the OSC re Failure to Comply with the Court's Orders.

18. On or about September 26, 2006, Respondent failed to appear for the OSC re Failure to Comply with the Court's Orders in *Strater v. Valley View*. Strater appeared and told the Superior Court that she had been unable to contact Respondent to obtain her file from him. The Superior Court ordered Respondent to pay sanctions of \$2,500 to the Court within 60 days for failing to comply with the Court's orders of January 30, 2006, March 13, 2006, and June 12, 2006. The Superior Court served notice of the sanctions on Respondent at the Longfellow Avenue address and PCH address. Respondent received the order.

19. Respondent failed to pay the sanctions of \$2,500 to the Superior Court, or seek relief from the order to pay the sanctions.

CONCLUSIONS OF LAW.

20. By failing to: appear as ordered to appear for the CMC on November 15, 2004; appear as ordered to appear for the CMC on August 29, 2005; appear as ordered to appear for the OSC re Dismissal on March 13, 2006; appear as ordered to appear for the OSC re Failure to Comply with the Court's Orders on September 26, 2006, pay sanctions of \$2,500 to the Superior Court within 60 days of September 26, 2006, and/or seek relief from the order to pay sanctions of \$2,500 to the Superior Court within 60 days of September 26, 2006, Respondent disobeyed or violated orders of the court requiring him to do acts connected with or in the course of Respondent's profession which he ought in good faith to do in violation of Business and Professions Code section 6103.

21. By failing to obtain a judgment in *Strater v. Valley View* after default was entered on or about February 7, 2005 and to notify the Superior Court that he had changed his State Bar membership records address from the PCH address to the Longfellow Avenue address on or about June 8, 2005, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in violation of Rules of Professional Conduct, rule 3-110(A).

22. By failing after on or about January 30, 2006 to appear for any hearings on *Strater v. Valley View*, file any pleadings in *Strater v. Valley View* and communicate with Strater or Smith, Respondent wilfully failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client in violation of Rules of Professional Conduct, rule 3-700(A)(2).

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was August 29, 2008.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of August 28, 2008, the costs in this matter are approximately \$1,983.00. 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 2.6 (b) provides as follows:

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.

* * *

Sections 6103 through 6105.

In *In the Matter of Riordan* (Review Dept. 2007), 5 Cal. State Bar Ct. Rptr. 41, the Review Department found that an attorney with no record of prior discipline since 1982 failed to preform with competence in filing an opening brief, failed to comply with two orders to file the opening brief, and failed to report the imposition of sanctions. The Hearing Department publicly reproved Riordan, which Riordan and the State Bar appealed. The Review Department imposed a six month suspension stayed and one year probation.

FINANCIAL CONDITIONS, RESTITUTION.

Within two (2) years from the effective date of discipline in this matter, Respondent must make restitution to the Superior Court of California, County of San Bernardino, or the Client Security Fund if it has paid, in the principal amount of \$2,500 plus interest at the rate of 10% per annum from September 26, 2008 and furnish satisfactory evidence of restitution to the Office of Probation. Respondent shall include in each quarterly report required herein satisfactory evidence of all restitution payments made by him or her during that reporting period.

(Do not write above this line.)

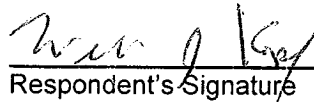
In the Matter of
William J. Kopesky

Case number(s):
06-O-14556

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.

September 16, 2008
Date


Respondent's Signature

William J. Kopesky
Print Name

Date

Respondent's Counsel Signature

Print Name

September 18, 2008
Date


Deputy Trial Counsel's Signature

Charles T. Calix
Print Name

(Do not write above this line.)

In the Matter Of
William J. Kopesky

Case Number(s):
06-O-14556

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 stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates 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. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

09-29-08
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 September 30, 2008, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND
ORDER APPROVING

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

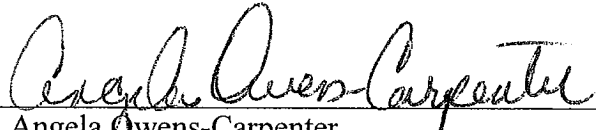
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

WILLIAM JOSEPH KOPESKY
LAW OFC WILLIAM JOSEPH KOPESKY
447 LONGFELLOW AVE
HERMOSA BEACH CA 90254

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

CHARLES CALIX, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 30, 2008.



Angela Owens-Carpenter
Case Administrator
State Bar Court