

**STATE BAR COURT OF CALIFORNIA**  
**HEARING DEPARTMENT – LOS ANGELES**

In the Matter of ) Case No.: **08-O-11075 - RAH**  
 )  
**GLENN WILLIAM CHAROS** ) **DECISION**  
 )  
**Member No. 115506** )  
 )  
A Member of the State Bar. )

**1. UNDERLYING DISCIPLINE**

On May 23, 2003, the Supreme Court filed its order number S113848 (State Bar Court Case nos. 00-O-12620; 00-O-14252; 00-O-10832 (Cons.)) This order suspended respondent Glenn William Charos from the practice of law for 15 months, stayed, and placed him on probation for three years subject to the conditions of probation recommended by the Hearing Department in its order approving the stipulation filed on December 30, 2002. It further ordered respondent to take and pass the Multistate Professional Responsibility Examination within one year after the effective date of the order. Among the probation conditions imposed were providing proof of Ethics School successfully completed within one year after the effective date of the discipline; providing proof of the completion of two hours of continuing legal education (CLE) classes by June 22, 2004; and the submission to the Office of Probation of quarterly reports on each January 10, April 10, July 10, and October 10 of the period of probation. The period of probation commenced on June 22, 2003 and concluded on June 22, 2006.

## **2. FINDINGS OF FACT**

### **A. Jurisdiction**

Respondent was admitted to the practice of law in California on December 3, 1984, and has been a member of the State Bar at all times since.

### **B. Probation Violations**

#### **(1) Ethics School.**

Respondent was obligated to attend Ethics School on or before June 22, 2004. He failed to timely do so. He eventually completed Ethics School on May 8, 2008 and thereafter provided the Office of Probation proof thereof.

#### **(2) Quarterly Reports.**

Respondent was required to timely submit a quarterly report between the 1<sup>st</sup> and the 10<sup>th</sup> of each January, April, July, and October of the period of probation. Respondent knew, or reasonably should have known, that reports were not timely if received too early (i.e., before the expiration of the reporting period) or too late (i.e., after the 10<sup>th</sup>.)

Respondent did not timely submit the following quarterly reports to the Office of Probation: October 10, 2003 (filed January 15, 2004); January 10, 2004 (filed January 15, 2004); April 10, 2004 (filed May 18, 2004); July 10, 2004 (filed July 15, 2004); October 10, 2004 (filed October 21, 2004); April 10, 2005 (filed January 10, 2006); July 10, 2005 (filed December 28, 2005); October 10, 2005 (filed December 28, 2005); April 10, 2006 (filed April 17, 2006); and the final report, June 22, 2006 (filed September 13, 2006).

#### **(3) Continuing Legal Education.**

Respondent was required to provide proof of his attendance at two hours of CLE classes by June 22, 2004. He did not submit the proof of attendance until January 10, 2006.

**C. Correspondence.**

The Office of Probation corresponded with respondent on numerous occasions to remind him about and attempt to obtain his compliance with his probation conditions. These letters or facsimiles were sent on: June 3, November 7 and 12, 2003; May 17 and October 21, 2004; June 1, July 20, September 2, December 21, 29, and 30, 2005; January 13 and October 3, 2006; and August 22, 2007.

**3. CONCLUSIONS OF LAW**

Business and Professions Code section 6068(k) requires attorneys to comply with all conditions attached to any disciplinary probation, including a probation imposed with the concurrence of the attorney. By not complying with the conditions of probation set forth above, respondent has wilfully violated Business and Professions Code section 6068(k).

**4. DISCIPLINE**

**A. Aggravating Circumstances.**

It is the prosecution's burden to establish aggravating circumstances by clear and convincing evidence. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct<sup>1</sup>, std. 1.2(b).)

The underlying matter on which these probation violations are based is a prior record of misconduct.<sup>2</sup> (Std 1.2(b)(i).) As previously noted, in Supreme Court order no. S113848, discipline was imposed consisting of 15 months' stayed suspension and probation, with

---

<sup>1</sup>Future references to standard or std. are to this source.

<sup>2</sup>The Office of the Chief Trial Counsel submitted into evidence the prior record of the wrong respondent as exhibit 36. (The record submitted was for Supreme Court order no. S041440.) However, the correct Supreme Court order and the order on the stipulation on which the Supreme Court order was based, were received into evidence as exhibits 1 and 2, respectively. The court, on its own motion, takes judicial notice of the prior record of respondent in the State of California. Further, on its own motion, the court strikes the existing exhibit 36 from the record and orders the clerk to remove it from those exhibits received into evidence to be forwarded to the Supreme Court.

conditions, for three years, among other things. In three client matters, respondent agreed to culpability of violating Business and Professions Code sections 6068(i) (one count) and (m) (three counts) and one count each of violating rules 3-110(A) and 3-700(A)(2) of the Rules of Professional Conduct. Lack of a prior disciplinary record was the sole mitigating factor. In aggravation, the court considered respondent's lack of candor and cooperation to the State Bar during the disciplinary investigation or proceeding.

The multiple failures to comply with probation, set forth above, constitute multiple acts of misconduct. (Std. 1.2(b)(ii).)

Respondent significantly harmed the administration of justice as his failure to comply with the conditions of his probation made it more much difficult for the State Bar to appropriately monitor him in seeking to insure the protection of the public and the courts. (Std. 1.2(b)(iv).) The Office of Probation corresponded with respondent 14 times over the course of four years to try to obtain his compliance with the probation conditions.

The court declines to find as an aggravating circumstance, the fact that respondent demonstrated indifference and failed to cooperate or participate in the proceedings, by his failure to comply with probation conditions, since this misconduct significantly overlaps the charged misconduct. The other charges of indifference involve a few late submissions in this proceeding, which do not rise to the level of failing to cooperate or indifference, within the meaning of std. 1.2(a)(v).

**B. Mitigating Circumstances.**

Respondent bears the burden of establishing mitigation by clear and convincing evidence. (Std. 1.2(e).)

Respondent has presented evidence of his good character by the testimony of several character witnesses. (Std. 1.2(e)(vi). With respect to two of these witnesses, it was clear from

their testimony that either they did not know much about the underlying misconduct, or respondent had told them his version of the facts, not the full extent of the charges pending against him. Another witness offered by respondent, attorney David O'Connell, provided a very positive, well-informed recommendation of respondent and an affirmation of his good character. He was fully aware of the extent of the misconduct and was nevertheless able to offer his view as to respondent's excellent character. Given this narrow group of informed witnesses, however, the court is unable to consider their testimony as a mitigating circumstance.

Respondent also has assisted several individuals and charitable organizations over the years. About one-half of his practice is pro bono work. Further, he owns a restaurant business and donates hundreds of meals representing thousands of dollars to non-profit organizations every year. He and his wife sponsor movie theatre programs where he donates theatre tickets to children in his church or local schools. These pro bono and charitable activities constitute a substantial mitigating circumstance.

## **5. DISCUSSION**

Standard 1.3 provides that the primary purposes of discipline are to protect the public, the courts, and the legal profession; to maintain the highest possible professional standards for attorneys; and to preserve public confidence in the legal profession. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

In determining the appropriate level of discipline, this court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d 1095, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.) Second, the court looks to decisional law. (*Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311; *In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 580.)

Standard 1.6 provides that the appropriate sanction for the misconduct found must be balanced with any mitigating or aggravating circumstances, with due regard for the purposes of imposing discipline. If two or more acts of professional misconduct are found in a single disciplinary proceeding, the sanction imposed shall be the most severe of the applicable sanctions. (Std. 1.6(a).)

Standard 2.6(a) applies in this matter. It recommends suspension or disbarment for violations of sections 6067 and 6068, depending on the gravity of the offense or harm, if any to the victim, with due regard to the purposes of imposing discipline. The Supreme Court gives the standards “great weight” and will reject a recommendation consistent with the standards only where the court entertains “grave doubts” as to its propriety. (*In re Silverton* (2005) 36 Cal.4th 81, 91, 92; *In re Naney* (1990) 51 Cal.3d 186, 190.) Although the standards are not mandatory, they may be deviated from when there is a compelling, well-defined reason to do so. (*Bates v. State Bar* (1990) 51 Cal.3d 1056, 1061, fn. 2; *Aronin v. State Bar* (1990) 52 Cal.3d 276, 291.) There is no reason to deviate from the standard in this case.

Protection of the public and rehabilitation of the attorney are the primary goals of disciplinary probation. (*In the Matter of Howard* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 445, 452; *In the Matter of Marsh* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 291, 298.)

“[A] probation ‘reporting requirement permits the State Bar to monitor [an attorney probationer’s] compliance with professional standards.’” (*In the Matter of Weiner* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 759, 763, citing *Ritter v. State Bar* (1985) 40 Cal.3d 595, 605.) In addition, “an attorney probationer’s filing of quarterly probation reports is an important step towards the attorney’s rehabilitation.” (*In the Matter of Weiner, supra*, 3 Cal. State Bar Ct. Rptr. at p. 763.) Thus, respondent’s noncompliance with the requirement to timely file quarterly reports, proof of CLE class attendance and Ethics School attendance warrants significant

discipline. (Cf. *In the Matter of Meyer* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 697 [90 days' actual suspension for untimely compliance with conditions of private reproof: quarterly reporting and proof of CLE class attendance.]

The prior disciplinary order "provided [respondent] an opportunity to reform his conduct to the ethical strictures of the profession. His culpability in [the matter] presently under consideration sadly indicates either his unwillingness or inability to do so." (*Arden v. State Bar* (1987) 43 Cal.3d 713, 728.) Accordingly, after considering the misconduct and the aggravating and mitigating circumstances, the court recommends, among other things, 90 days' actual suspension and additional probation, during which time he will have the opportunity of demonstrating that he is desirous and able to meet these important ethical obligations in the timely and serious fashion expected of California attorneys. The court expects no less from respondent.

It is not recommended that respondent be ordered to successfully complete State Bar Ethics School as he completed the course on May 8, 2008 in connection with Supreme Court matter S113848.

## **6. DISCIPLINE RECOMMENDATION**

IT IS HEREBY RECOMMENDED that respondent GLENN WILLIAM CHAROS be suspended from the practice of law for two years; that execution of that suspension be stayed, and that respondent be placed on probation for two years, with the following conditions:

1. Respondent shall be actually suspended from the practice of law for the first 90 days of probation;
2. During the period of probation, respondent shall comply with the State Bar Act and the Rules of Professional Conduct;
3. Within ten (10) days of any change, respondent shall report to the Membership

Records Office of the State Bar, 180 Howard Street, San Francisco, California, 94105-1639, **and** to the State Bar Office of Probation, all changes of information, including current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code;

4. Respondent shall submit written quarterly reports to the State Bar Office of Probation on each January 10, April 10, July 10 and October 10 of the period of probation. Under penalty of perjury, respondent shall 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. If the first report will cover less than thirty (30) days, that report shall be submitted on the next following 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 probation period and no later than the last day of the probation period;

5. Subject to the assertion of applicable privileges, respondent shall answer fully, promptly, and truthfully, any inquiries of the State Bar Office of Probation which are directed to Respondent personally or in writing, relating to whether respondent is complying or has complied with the conditions contained herein;

6. The period of probation shall commence on the effective date of the order of the Supreme Court imposing discipline in this matter.

7. At the expiration of the period of this probation, if respondent has complied with all the terms of probation, the order of the Supreme Court suspending respondent from the practice of law for two years shall be satisfied and that suspension shall be terminated.

**7. RULE 9.20**

It is also recommended that the Supreme Court order respondent to comply with rule 9.20, paragraph (a), of the California Rules of Court within 30 calendar days of the effective date of the Supreme Court order in the present proceeding, and to file the affidavit provided for in paragraph (c) within 40 days of the effective date of the order showing his or her compliance

**8. MPRE**

It is further recommended that respondent take and pass the Multistate Professional Responsibility Examination (MPRE) administered by the National Conference of Bar Examiners, Multistate Professional Responsibility Examination Application Department, P.O. Box 4001, Iowa City, Iowa, 52243, (telephone 319-337-1287) and provide proof of passage to the State Bar Office of Probation within one year of the effective date of the discipline herein. Failure to pass the Multistate Professional Responsibility Examination within the specified time results in actual suspension by the Review Department, without further hearing, until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) and (3), Rules of Procedure of the State Bar.

**9. COSTS**

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 which will be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Dated: September \_\_\_\_\_, 2009

---

RICHARD A. HONN  
Judge of the State Bar Court