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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>REPROVAL</b>		kwiktag® 018 038 720 
Counsel For The State Bar  Jessica A. Lienau Office of the Chief Trial Counsel 1149 S. Hill St. Los Angeles, CA 90015  Bar # 269753	Case Number(s): 09-C-14092-RAH Investigation No. 10-O-11022  <p style="text-align: center; font-size: 1.2em;"><b>PUBLIC MATTER</b></p>	For Court use only  <p style="text-align: center; font-size: 1.5em;"><b>FILED</b></p> <p style="text-align: center;">MAR - 3 2011 </p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
Counsel For Respondent  Ellen A. Pansky Pansky Markle Ham LLP 1010 Sycamore Ave., Ste. 308 South Pasadena, CA 91030  Bar # 77688	Submitted to: <b>Assigned Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <p style="text-align: center;"><b>PUBLIC REPROVAL</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
In the Matter of: CHRISTOPHER J. YOUNG  Bar # 262913  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 May 18, 2009.
- (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 9 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."

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- (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 are added to membership fee for calendar year following effective date of discipline (public reproof).
  - Case ineligible for costs (private reproof).
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: the three years immediately following the effective date of discipline. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.
- (9) The parties understand that:
- (a)  A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
  - (b)  A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
  - (c)  A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

**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

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- (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.
- (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

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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:**

The Respondent does not have a record of prior discipline.  
The Respondent has exhibited cooperation with the State Bar in settlement of this matter before trial.

**D. Discipline:**

- (1)  **Private reproof (check applicable conditions, if any, below)**
- (a)  Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b)  Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2)  **Public reproof (Check applicable conditions, if any, below)**

**E. Conditions Attached to Reproval:**

- (1)  Respondent must comply with the conditions attached to the reproval for a period of one year.
- (2)  During the condition period attached to the reproval, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3)  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.
- (4)  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.

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- (5)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the condition period attached to the reproof. 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 the reproof during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must 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 condition period and no later than the last day of the condition period.

- (6)  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 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 monitor.

- (7)  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 conditions attached to the reproof.

- (8)  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 Ethics School, and passage of the test given at the end of that session.

No Ethics School recommended. Reason:

- (9)  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.

- (10)  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 of the effective date of the reproof.

No MPRE recommended. Reason: The protection of the public and the interests of the Respondent do not require that the Respondent take the MPRE in this case. See California Rules of Court, Rule 9.19(a) (former Rule 956(a)), and in the Matter of Respondent G (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 181. Further, Respondent took and successfully passed the MPRE in August, 2008.

- (11)  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:**

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF: Christopher J. Young (State Bar No. 262913)  
CASE NUMBER(S): 09-C-14092-RAH (Investigation No. 10-O-11022)

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of engaging in conduct which involved other misconduct warranting discipline.

*Criminal Conviction (Case 09-C-14092)*

**Facts.**

Respondent Christopher J. Young ("Respondent") was admitted to the State Bar of California on May 18, 2009.

On June 8, 2008, two individuals, Despemona Deantoni ("Deantoni") and Gregory Gardner ("Gardner"), went to Respondent's residence in Newport Beach, California. Deantoni was employed as a dancer by an escort service, Unlimited Referrals. Gardner was a part-time driver for Unlimited Referrals. Respondent initially allowed Deantoni and Gardner into his residence. When they asked Respondent if he had hired them, he stated that he had not and he requested that they leave. Deantoni and Gardner claimed that Respondent had to pay a cancellation fee and stated that they would not leave until they were so paid. Deantoni and Gardner refused to leave and shouting ensued. At the time, Respondent had two friends asleep in his residence.

Fearing for his safety, Respondent retrieved an unloaded shotgun from his bedroom. Respondent confronted Deantoni and Gardner while displaying the shotgun and ordered them to leave his home. Respondent called 9-1-1, and reported that there were two individuals in his home, Deantoni and Gardner, who would not leave.

Subsequent to Respondent's call to 9-1-1, the Newport Beach Police Department received a 9-1-1 call from an Unlimited Referrals dispatcher. The Unlimited Referrals dispatcher stated to the 9-1-1 dispatcher that one of Unlimited Referrals' dancers and her bodyguard were being held at gunpoint at a residence identified as Respondent's residence.

Four Newport Beach Police Officers arrived on the scene and saw Deantoni and Gardner exiting Respondent's residence. Deantoni and Gardner were detained for questioning. Respondent was instructed by the 9-1-1 operator to exit his home and walk to the police officers, which Respondent did. Respondent gave the Officers permission to search his residence. The Officers then proceeded with the search and found an unloaded shotgun in a case inside Respondent's bedroom closet.

On August 25, 2008, the People of the State of California ("People") filed charges against Respondent in the California Superior Court for Orange County ("Orange County Court") consisting of Count One, brandishing a firearm, a misdemeanor, and Counts Two and Three, making criminal threats,

a misdemeanor. On October 20, 2009, Respondent, who was represented by counsel, pled guilty to Counts One and Two, brandishing a firearm and one count of making criminal threats. Count Three, making criminal threats, was dismissed by the People.

On January 21, 2010, Respondent, who was represented by subsequent criminal defense counsel, filed a motion to set aside his guilty plea. The Orange County Court granted Respondent's Motion to Set Aside Guilty Plea on February 5, 2010. Respondent then entered a plea of not guilty to Counts One and Two on February 5, 2010. On March 19, 2010, Respondent, represented by counsel, plead guilty to Counts Four and Five, both counts for misdemeanor assault, which were added by interlineation by the People on March 19, 2010.

### **Conclusion of Law.**

The foregoing conduct establishes that Respondent engaged in conduct that did not involve moral turpitude, but which did involve other misconduct warranting discipline.

*Investigation Matter (Investigation No. 10-O-11022)*

### **Facts.**

On June 28, 2007, Respondent completed and signed his State Bar of California Confidential Moral Character Application and Questionnaire ("Application"). It was received by the Committee of Bar Examiners shortly thereafter. On page 12 of the Application, which is titled "Convictions," the Application states that, "The applicant has a continuing duty to update *in writing* responses to questions under the moral character section of the application whenever there is an addition to or change in information previously furnished (Rule VI, Section 7 of the *Rules*).

Page 12 of the Application states: "IN ANSWERING THE FOLLOWING QUESTIONS, YOU SHOULD INCLUDE ALL SUCH INCIDENTS AND CONVICTIONS, NO MATTER HOW MINOR THE INCIDENT. **Traffic violations which must be reported under this question include Failure to Appear, Driving Without a License, Driving with a Suspended License, and Reckless Driving, as well as all traffic violations that resulted in a misdemeanor or felony conviction.**" Page 12 of the Application states, "YOU ARE EXCLUDED FROM ANSWERING QUESTIONS REGARDING THE FOLLOWING INCIDENTS: A. Arrests that did not result in a conviction and for which you are not awaiting final adjudication."

Page 12 of the Applications then asks several questions, including, "Have you ever been convicted of the violation of a misdemeanor or felony? As used herein, a conviction includes a plea of guilty or nolo contendere, or a verdict or finding of guilt, regardless of whether sentence is imposed by the court." Respondent checked the box indicating "No" to this question. The next question asked, "Are you awaiting final adjudication for any incident?" Respondent checked the box indicating "No" to this question.

At the time Respondent submitted his Application, he had no incidents to report. Before Respondent was certified as possessing the requisite moral character by the Committee of Bar Examiners and admitted to the State Bar on May 18, 2009, at no time did Respondent update his Application in writing to reflect his arrest on June 8, 2008. Respondent did not believe that either an arrest or a criminal complaint was required to be reported as an update to a Moral Character Application.

Although Respondent breached his duty to update his Application, the State Bar does not believe that the unreported June 8, 2008 incident would likely have caused the Committee of Bar Examiners to deny Respondent's Application.

### **Conclusion of Law.**

By failing to disclose his June 8, 2008 arrest and the August 25, 2008 charges filed against him to the Committee of Bar Examiners, prior to his admission to the State Bar of California on May 18, 2009, Respondent willfully violated rule 1-200(A), Rules of Professional Conduct.

### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was February 18, 2011.

### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of February 18, 2011, the prosecution costs in this matter are \$2,255.00. 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.**

#### **Standards.**

The Standards for Attorney Sanctions for Professional Misconduct support a public reproof with one year of reproof conditions in this matter.

Standard 1.3 provides guidance as to the imposition of discipline and interpretation of specific Standards. That Standard states that the primary purpose of discipline is the protection of the public, the courts and the legal profession.

Standard 2.10 states that where an attorney has wilfully violated a Rule of Professional Conduct not otherwise discussed in the Standards, such as rule 1-200(A), the discipline shall be reproof or suspension, depending on the gravity of the offense or the harm, if any, to the victim.

Standard 3.4 states that where an attorney is convicted of a crime that does not involve moral turpitude, but which involves other misconduct warranting discipline, then the discipline shall be that delineated in the Standards which is appropriate to the nature and extent of the misconduct.

The Standards support a public reproof with one year of reproof conditions in this case.

#### **Caselaw.**

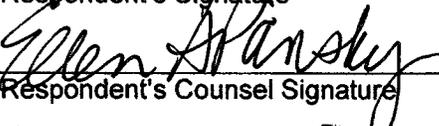
In *In the Matter of Pasyanos* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 746, the respondent was publicly reproofed for her failure to update an Application for Determination of Moral Character submitted to the Committee of Bar Examiners in order to disclose a misdemeanor complaint charging battery and disobedience of a restraining order.

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In the Matter of: CHRISTOPHER J. YOUNG	Case number(s): 09-C-14092-RAH
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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, Conclusions of Law, and Disposition.

<u>2/24/11</u> Date	 Respondent's Signature	<u>Christopher J. Young</u> Print Name
<u>2/24/11</u> Date	 Respondent's Counsel Signature	<u>Ellen A. Pansky</u> Print Name
<u>2/25/11</u> Date	 Deputy Trial Counsel's Signature	<u>Jessica A. Lienau</u> Print Name

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In the Matter of: CHRISTOPHER J. YOUNG	Case Number(s): 09-C-14092-RAH
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### REPROVAL ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

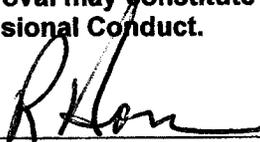
- The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department are vacated.

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. (See rule 5.58(E) & (F), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

**Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.**

Date

2-28-11

  
Judge of the State Bar Court

## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); 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 March 3, 2011, 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:

ELLEN ANNE PANSKY  
PANSKY MARKLE HAM LLP  
1010 SYCAMORE AVE UNIT 308  
SOUTH PASADENA, CA 91030

by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

by overnight mail at , California, addressed as follows:

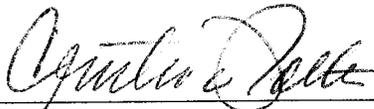
by fax transmission, at fax number . No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Jessica A. Lienau, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 3, 2011.

  
\_\_\_\_\_  
Cristina Potter  
Case Administrator  
State Bar Court