

FILED

PUBLIC MATTER

JUN 10 2011

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STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

13 In the Matter of: 14 HARLAN ROY ANTLER, 15 No. 166873, 16 A Member of the State Bar)))))	Case No. 11-O-13056 NOTICE OF DISCIPLINARY CHARGES
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NOTICE - FAILURE TO RESPOND!

IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL:

- (1) YOUR DEFAULT WILL BE ENTERED;
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION AND THE DEFAULT IS SET ASIDE, AND;
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE. SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN ORDER RECOMMENDING YOUR DISBARMENT WITHOUT FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ., RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.



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The State Bar of California alleges:

JURISDICTION

1. Harlan Roy Antler (“respondent”) was admitted to the practice of law in the State of California on December 13, 1993, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

Case No. 11-O-13056
Business and Professions Code, section 6068(k)
[Failure to Comply With Conditions of Probation]

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

3. On or about January 11, 2011, the California Supreme Court filed a disciplinary order in State Bar Court case number 09-O-10331 et alia (Supreme Court Case Number S187661).

4. The order became effective on or about February 10, 2011 (California Rules of Court, rule 9.18(a)), and at all times subsequent has remained in full force and effect.

5. Notice of the disciplinary order was properly served upon respondent (California Rule of Court 9.18(b)).

6. The January 11, 2011 disciplinary order mentioned above placed respondent on disciplinary probation for three years, beginning on the date the disciplinary order became effective, and required him to comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on September 20, 2010.

7. At all times subsequent to February 10, 2011, respondent has remained on disciplinary probation and the probation conditions mentioned above have remained in full force and effect.

8. CONTACT/MEETING WITH PROBATION OFFICE

(a) One of the conditions of probation provided as follows:

1 "Within thirty (30) days from the effective date of discipline, Respondent must contact
2 the Office of Probation and schedule a meeting with Respondent's assigned probation
3 deputy to discuss these terms and conditions of probation. Upon the direction of the
4 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."

5 (b) Respondent violated this condition because he failed to contact the Office of
6 Probation prior to the expiration of the 30-day deadline and failed to schedule a meeting with the
7 assigned probation deputy prior to the expiration of the 30-day deadline. To date, respondent
8 has not contacted the Office of Probation and has not scheduled the required meeting.

10 10. QUARTERLY REPORTING CONDITION.

11 (a) One of the conditions of probation provided as follows:

12 "Respondent must submit written quarterly reports to the Office of Probation on each
13 January 10, April 10, July 10, and October 10 of the period of probation. Under penalty
14 of perjury, respondent must state whether respondent has complied with the State Bar
15 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 must be submitted on the next following quarter date, and cover the extended
16 period.

17 "In addition to all quarterly reports, a final report, containing the same information, is
18 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;"

19 (b). Respondent violated this condition of probation because did not file the quarterly
20 report due no later than April 10, 2011.

21 11. RESTITUTION CONDITION.

22 (a) One of the conditions of probation originally provided as follows:

23 "Within **30 days** from the effective date of discipline in this matter, respondent must
24 make restitution to 1) Christopher Nelson in the amount of **\$2,500.00, plus 10% interest**
25 **per anum** accruing from August 8, 2007, and within the same time frame to 2) Curtis
26 Christensen in the amount of \$5,000.00, **plus 10% interest per anum** accruing from
27 January 22, 2009. Respondent expressly waives any objection to payment by the State
28 Bar Client Security Fund upon a claim for the principal amount of restitution set forth
herein as "restitution" and/or "unearned fees" in the event respondent fails, within 30
days of the effective date of discipline in this matter, to repay Mr. Nelson and/or Mr.
Christensen as set forth in this condition. Respondent shall include, in each quarterly

1 report required pursuant to this Stipulation, satisfactory evidence of all restitution
2 payment(s) made by him or her during that reporting period.

3 “This Stipulation does not preclude or stay the independent review and payment of
4 applications for reimbursement filed against the respondent pursuant to the Rules of
5 Procedure, Client Security Fund Matters.”

6 (Emphasis and bolding original).

7 (b) Respondent violated this restitution condition by failing to timely provide any
8 evidence that he has made any of the required restitution payments. To date, respondent has
9 failed to provide any such evidence. Based on the above, the State Bar alleges that respondent
10 has failed to make timely payment of the required restitution and, to date, has failed to make any
11 payment of the required restitution.

12 **12. FEE ARBITRATION CONDITION**

13 (a) One of the conditions of probation provides as follows:

14 “Respondent stipulates and agrees that within **30 days** of the effective date of this
15 stipulation, he will offer to arbitrate the former client’s claim for a refund of \$54,582 in
16 attorney’s fees from the Rios matter (case number 09-O-10331), plus ten percent interest
17 from December 23, 2008. Respondent further stipulates and agrees to abide by the terms
18 and conditions of any such arbitration and to report to the Office of Probation (“OP”)
19 with proof that he has 1) written and mailed, by certified mail, the offers to arbitrate; 2)
20 any former client response regarding the offers to arbitrate; 3) each client
21 may choose whether the arbitration will be binding or non-binding upon respondent; 4)
22 respondent will abide by the client’s choice regarding whether the arbitration will be
23 binding or non-binding upon respondent; 5) respondent will report to OP when any such
24 arbitration(s) is/are scheduled and the results thereof; 6) respondent waives any objection
25 to any payment that may be made by the Client Security Fund (“CSF”) pursuant to any
26 arbitration decision as a result of this condition; and 7) to repay
27 to the CSF any amounts paid out on his behalf related to any such arbitration, including
28 interest and fees assessed by CSF.

“Respondent understands and agrees that his failure to abide by any section or subsection
of this arbitration condition may constitute a violation of this stipulation which may
subject respondent to separate and further disciplinary proceedings and discipline.”

25 (Bolding original).

26 (b) Respondent violated this condition by failing to provide the required proof in a
27 timely manner. To date, respondent has not provided any evidence to the Office of Probation

1 that he has complied with the above-quoted condition in any way. Respondent also violated
2 this condition by failing to make the required offers to arbitrate in a timely manner. To date,
3 respondent has not complied with the above-quoted condition in any way.

4 **13. THERAPY CONDITION.**

5 (a) One of the conditions of probation provides as follows:

6 "Respondent hereby stipulates and agrees to continue to see his current therapist or other
7 licensed mental health professional on a weekly basis for the term of this probation.
8 Respondent need not participate in the Lawyer's Assistance Plan or other State Bar
9 program, but must continue on his current weekly therapy protocol. Any modification to
10 any portion of this condition may only occur by way of properly noticed motion to the
11 State Bar Court, which is thereafter successful. Respondent shall report to the Office of
12 Probation on his Quarterly Reports his compliance with this condition."

13 (b) Respondent violated this condition by failing to timely report to the Office of
14 Probation that he has complied with this condition. To date, respondent has submitted no such
15 report of compliance.

16 14. By violating the probation conditions requiring contact/meeting with the Office of
17 Probation, quarterly reporting, restitution, fee arbitration, and therapy reporting, respondent
18 failed to comply with all conditions attached to a disciplinary probation.

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NOTICE - INACTIVE ENROLLMENT!

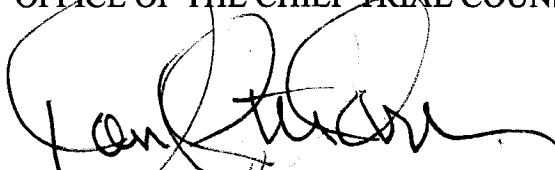
YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.

NOTICE - COST ASSESSMENT!

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL



DATED: June 9, 2011

By: _____

Donald R. Steedman
Supervising Trial Counsel

WONDER J. LIANG, No. 184357
ASSIGNED DEPUTY TRIAL COUNSEL

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DECLARATION OF SERVICE BY CERTIFIED AND REGULAR MAIL

CASE NUMBER: 11-O-13056

I, the undersigned, am over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco, on the date shown below, a true copy of the within

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NOTICE OF DISCIPLINARY CHARGES

in a sealed envelope placed for collection and mailing as *certified mail, return receipt requested*, Article No.: 7160 3901 9849 1845 8935, and in an additional sealed envelope as *regular mail*, at San Francisco, on the date shown below, addressed to:

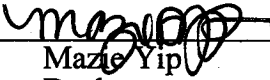
**Harlan Roy Antler
3104 O Street, #348
Sacramento, CA 95816**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: June 10, 2011

Signed: 
Mazie Yip
Declarant