

**FILED**

**FEB 22 2012**

**STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES**

**STATE BAR COURT OF CALIFORNIA**

**REVIEW DEPARTMENT**

**IN BANK<sup>1</sup>**

In the Matter of	)	Case No. 11-Q-15761
	)	
WILLIAM CHIPMAN MILES,	)	RECOMMENDATION ON
	)	RESIGNATION
A Member of the State Bar, No. 40970.	)	
_____	)	

On September 6, 2011, William Chipman Miles filed a Resignation with Charges Pending. We recommend the resignation be declined under California Rules of Court, rule 9.21(d)<sup>2</sup> because: (1) he did not comply with the previous Supreme Court discipline order requiring him to pay restitution, and (2) accepting the resignation will be inconsistent with the need to protect the public, the courts, and the legal profession.

**I. BACKGROUND**

**A. Miles's Prior Disciplinary Record**

Miles was admitted to practice law in California on December 21, 1967. He has a prior record of discipline involving two matters. In 2009, the Supreme Court placed him on five-years' probation with two-years' actual suspension to continue until he proved his rehabilitation, fitness to practice and learning and ability in the general law. (Supreme Court case S17659 (State Bar Court case numbers 00-O-11978; 07-O-13569 (Cons.)) In the first matter, Miles

<sup>1</sup> Epstein, J., did not participate in these proceedings.

<sup>2</sup> Unless otherwise noted, all further references to "rule(s)" are to this source.

violated multiple conflict of interest rules by representing clients with adverse interests and improperly entering an aggregate settlement. Miles also breached client confidentiality, improperly split attorney fees, entered an agreement not to pursue disciplinary charges, and failed to account for misappropriated client funds that were not properly maintained in trust. In the second matter, Miles failed to competently perform and committed acts involving moral turpitude by concealing facts from clients and misappropriating client funds. In aggravation, Miles committed multiple acts of wrongdoing, committed uncharged misconduct by making misrepresentations to a superior court, significantly harmed a client, demonstrated indifference toward rectification for his actions, and failed to cooperate with the State Bar. In mitigation, he had no prior discipline after practicing approximately 27 years, demonstrated good character, and engaged in pro bono activities. As a condition of probation, Miles was ordered to pay:

- (1) \$5,500 plus 10% interest from December 6, 2000 to David and Karen Walker, and
- (2) \$4,712.87 plus 10% interest from April 4, 2001, equally divided among the Walkers and each of the property owners who signed a group fee agreement and received a portion of the settlement.

**B. Pending Charges**

While on probation for the above disciplinary matter, Miles did not timely comply with his reporting requirements, failed to attend State Bar Ethics and Client Trust Accounting School, and did not pay restitution as required. These acts violated Business and Professions Code section 6068, subdivision (k). In September 2011, the State Bar and Miles entered a stipulation, wherein Miles admitted this misconduct (State Bar Court case number 11-O-13014).

### **C. State Bar Recommendation on Resignation**

In November 2011, the State Bar filed its Report Regarding Resignation and filed a supplemental report in January 2012. In each report, the State Bar recommended that Miles's resignation be accepted. (Rules Proc. of State Bar, rule 5.427(C).) Miles did not file a response to either State Bar report.

### **II. CONSIDERATION OF THE GROUNDS SET FORTH IN RULE 9.21(d)**

We have considered Miles's resignation in light of the grounds set forth in rule 9.21(d). Below is a summary of the relevant information as to each ground:

#### **1. Whether the preservation of testimony is complete**

The State Bar reports it has obtained all testimony and evidence needed in the pending matter.

#### **2. Whether Miles committed the unauthorized practice of law after he submitted his resignation**

The State Bar reports that since his transfer to inactive status, Miles has not practiced law or held himself out as entitled to practice law.

#### **3. Whether Miles performed the acts specified by rule 9.20(a)-(b)**

The State Bar reports that Miles complied with the requirements of rule 9.20.

#### **4. Whether Miles provided proof of compliance with rule 9.20(c)**

The State Bar reports that Miles has provided proof of compliance with this requirement.

#### **5. Whether the Supreme Court has filed a disbarment order**

The Supreme Court has not filed a disbarment order.

#### **6. Whether the State Bar Court has filed a decision recommending disbarment**

The State Bar Court has not filed a decision or opinion recommending Miles's disbarment.

**7. Whether Miles previously resigned or has been disbarred and reinstated to the practice of law**

Miles has not previously resigned or been disbarred.

**8. Whether Miles and the State Bar have entered into a stipulation as to facts and conclusions of law regarding the pending disciplinary matter**

Miles and the State Bar stipulated to the facts and conclusions of law regarding the disciplinary matter pending against him.

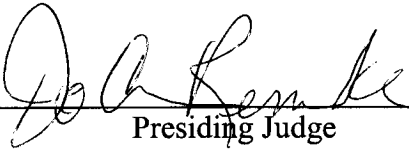
**9. Whether the acceptance of Miles's resignation will reasonably be inconsistent with the need to protect the public, the courts, or the legal profession**

The State Bar reports that Miles still owes at least \$14,946.38 in restitution to his former clients. This sum consists of: (1) \$5,127.81 in interest owed to David and Karen Walker that accrued before Miles's \$5,500 obligation to them was paid, and (2) a principal balance of \$4,712.97 plus \$5,105.60 in interest owed equally to the Walkers and each of the property owners who signed the group fee agreement. To excuse his failure to pay outstanding restitution, Miles unjustifiably relies on the economic downturn, his inability to contact clients and the absence of filed claims with the Client Security Fund. The State Bar further explained that under the terms of probation, Miles need not satisfy restitution until November 2014. However, this statement fails to recognize that if Miles resigns he will no longer be on probation, which eliminates the means to ensure he satisfies his restitution obligation.

It would undermine public confidence in the disciplinary system and the legal profession to permit an attorney to resign prior to satisfying an outstanding restitution obligation to former clients. Thus, we find that acceptance of Miles's resignation would be inconsistent with the need to protect the public, the courts, and the legal profession.

### III. RECOMMENDATION

We recommend that the Supreme Court decline to accept the resignation of William Chipman Miles, State Bar number 40970.

  
\_\_\_\_\_  
Presiding Judge

## 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. 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 February 22, 2012, I deposited a true copy of the following document(s):

### ORDER FILED FEBRUARY 22, 2012

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


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

**WILLIAM C. MILES  
PO BOX 133  
WALNUT CREEK, CA 94597**

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

**ROBERT A. HENDERSON, Enforcement, San Francisco**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 22, 2012.

  
\_\_\_\_\_  
**Rosalie Ruiz**  
Case Administrator  
State Bar Court