

FILED

JUL 25 2013

STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

1 STATE BAR OF CALIFORNIA  
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STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

12 In the Matter of: ) Case No. 13-O-10218  
13 STEPHAN C. WILLIAMS, )  
14 No. 37755, ) NOTICE OF DISCIPLINARY CHARGES  
15 A Member of the State Bar )

**NOTICE - FAILURE TO RESPOND!**

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

- 20 (1) **YOUR DEFAULT WILL BE ENTERED;**
- 21 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**  
22 **WILL NOT BE PERMITTED TO PRACTICE LAW;**
- 23 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**  
24 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**  
25 **AND THE DEFAULT IS SET ASIDE, AND;**
- 26 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**  
27 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**  
28 **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.**

1 The State Bar of California alleges:

2 JURISDICTION

3 1. STEPHAN C. WILLIAMS ("Respondent") was admitted to the practice of law in the  
4 State of California on January 11, 1966, was a member at all times pertinent to these charges,  
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 13-O-10218  
8 Business and Professions Code, section 6068(a)  
9 [Failure to Comply With Laws – Unauthorized Practice of Law]

10 2. Respondent wilfully violated Business & Professions Code § 6068(a), by failing to  
11 support the Constitution and laws of the United States and of this state, by advertising or holding  
12 himself out as practicing or entitled to practice law or otherwise practicing law when he was not  
13 an active member of the State Bar in violation of Business & Professions Code §§ 6125 and  
14 6126, as follows:

15 3. On or about September 9, 2011, Respondent entered into a stipulation in State Bar  
16 case number 08-O-13070 in which he agreed to receive a 90-day actual suspension.

17 4. On or about October 4, 2011, the State Bar Court issued an order approving the  
18 stipulation.

19 5. On or about May 16, 2012, the Supreme Court of California issued an Order in which  
20 the Court imposed the 90-day actual suspension in case number 08-O-13070 on Respondent  
21 (hereinafter "Order"). Soon thereafter, Respondent received the Order.

22 6. The Order became effective on or about June 15, 2012. As of that date, Respondent  
23 was suspended from the practice of law and not entitled to practice in California.

24 7. On or about June 15, 2012, while Respondent was actually suspended from the  
25 practice of law, Respondent appeared on behalf of his client Humberto Ruiz, Jr. ("Ruiz") at a  
26 bail hearing in San Francisco Superior Court in *People v. Ruiz*, case number 12015410.

27 8. On or about June 15, 2012, while Respondent was actually suspended from the  
28 practice of law, Respondent appeared on behalf of his clients Malaquias Reynoso and Cayetana

1 Reynoso ("Reynosos") at a Further Case Management Conference in the United States District  
2 Court for the Northern District of California in *Reynoso et al. v. City and County of San*  
3 *Francisco*, case number 3:10-cv-00984 MEJ.

4 9. By appearing on behalf of clients at two hearings while actually suspended from the  
5 practice of law, Respondent held himself out as entitled to practice law and actually practiced  
6 law when he was not an active member of the State Bar in willful violation of Business and  
7 Professions Code, sections 6125 and 6126, thereby failing to support the laws of the State of  
8 California, in willful violation of Business and Professions Code, section 6068(a).

9 COUNT TWO

10 Case No. 13-O-10218  
11 Business and Professions Code, section 6106  
[Moral Turpitude]

12 10. Respondent wilfully violated Business and Professions Code, section 6106, by  
13 committing an act involving moral turpitude, dishonesty or corruption, as follows:

14 11. The allegations contained in Count One are hereby incorporated by reference.

15 12. By appearing on behalf of clients at two hearings when he knew or should have  
16 known that he was actually suspended from the practice of law, Respondent intentionally or by  
17 gross negligence committed an act involving moral turpitude, dishonesty or corruption.

18 COUNT THREE

19 Case No. 13-O-10218  
20 Business and Professions Code, section 6106  
[Moral Turpitude]

21 13. Respondent wilfully violated Business and Professions Code, section 6106, by  
22 committing an act involving moral turpitude, dishonesty or corruption, as follows:

23 14. The allegations contained in Count One are hereby incorporated by reference.

24 15. On or about May 16, 2012, the California Supreme Court filed Order No. S198358  
25 (hereinafter "9.20 Order"). The 9.20 Order included a requirement that Respondent comply with  
26 Rule 9.20, California Rules of Court, by performing the acts specified in subdivisions (a) and (c)  
27 within 30 and 40 days, respectively, after the effective date of the 9.20 Order.  
28

1           16. On or about May 16, 2012, the Clerk of the Supreme Court of the State of California  
2 properly served upon Respondent a copy of the 9.20 Order. Respondent received the 9.20 Order.

3           17. Under the 9.20 Order, Respondent was required to file with the Clerk of the State Bar  
4 Court a declaration that he had fully complied with the provisions of Rule 9.20(a).

5           18. On or about August 27, 2012, Respondent filed in State Bar Court a Rule 9.20  
6 Compliance Declaration ("Declaration").

7           19. In his Declaration, Respondent certified under penalty of perjury that "[a]s of the date  
8 upon which the order to comply with rule 9.20 was filed [i.e., May 16, 2012], I did not represent  
9 any clients in pending matters." When Respondent made this statement, he knew or was grossly  
10 negligent in not knowing that the statement was false.

11           20. In truth and in fact, Respondent continued to represent the following four clients in  
12 the following pending matters:

13           A.     Jennifer Hawkins in *Hawkins v. Tiki Tom's*, case number CIVMSC12-00008,  
14                 Contra Costa Superior Court.

15           B.     The Reynosos in *Reynoso et al. v. City and County of San Francisco*, case number  
16                 3:10-cv-00984 MEJ, United States District Court for the Northern District of  
17                 California. To date, Respondent remains counsel of record for the Reynosos.

18           C.     Ruiz in *Ruiz v. Ruiz et al.*, case number CGC-11-509164, San Francisco Superior  
19                 Court.

20           D.     Ruiz in *People v. Ruiz*, Case No. 12015410, San Francisco Superior Court.

21           21. By misrepresenting in his Declaration that as of May 16, 2012, he did not represent  
22 any clients in pending matters, when he knew or was grossly negligent in not knowing that the  
23 statement was false, Respondent committed an act involving moral turpitude, dishonesty or  
24 corruption.

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COUNT FOUR

Case No. 13-O-10218  
Business and Professions Code, section 6103  
[Failure to Obey a Court Order]

22. Respondent wilfully violated Business and Professions Code, section 6103, by wilfully disobeying or violating an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear, as follows:

23. On or about January 18, 2012, Respondent filed a complaint on behalf of his client Jennifer Hawkins ("Hawkins") in *Hawkins v. Tiki Tom's*, case number CIVMSC12-00008, Contra Costa Superior Court.

24. On or about March 3, 2012, a demurrer to the complaint was filed. Thereafter, respondent failed to file an opposition to the demurrer.

25. On or about May 3, 2012, the demurrer was sustained without leave to amend and the case was dismissed.

26. On or about August 13, 2012, Hawkins, by and through her new counsel, filed a motion to/for vacate dismissal and amend the complaint.

27. On or about September 20, 2012, the court issued an order granting Hawkins's motion. In the order, the court also sanctioned Respondent the costs and fees associated with defendant's counsel's appearances and pleading preparation. Soon thereafter, Respondent received a copy of the order.

28. On or about February 8, 2013, the court issued an order sanctioning respondent \$7,500 in attorney's fees and \$369.19 in costs, for a total of \$7,869.19 with regards to the September 20, 2012 sanctions order, to be paid by February 28, 2013. Soon thereafter, Respondent received the order.

29. Respondent failed to pay the court-ordered sanction by February 28, 2013.

30. To date, Respondent has not paid any portion of the court-ordered sanctions, and has not sought relief from the court on the order.

1 31. By failing to comply with the February 8, 2013 court order, Respondent wilfully  
2 disobeyed or violated an order of the court requiring him to do or forbear an act connected with  
3 or in the course of Respondent's profession which he ought in good faith to do or forbear.

4 COUNT FIVE

5 Case No. 13-O-10218  
6 Business and Professions Code, section 6068(o)(3)  
7 [Failure to Report Judicial Sanctions]

8 32. Respondent wilfully violated Business and Professions Code, section 6068(o)(3), by  
9 failing to report to the agency charged with attorney discipline, in writing, within 30 days of the  
10 time Respondent had knowledge of the imposition of any judicial sanctions against Respondent,  
11 as follows:

12 33. The allegations contained in Count Four are hereby incorporated by reference

13 34. To date, Respondent has failed to report the February 28, 2013 sanction of \$7,869.19  
14 to the State Bar.

15 35. By failing to report the February 28, 2013 sanction order to the State Bar, Respondent  
16 failed to report to the agency charged with attorney discipline, in writing, within 30 days of the  
17 time Respondent had knowledge of the imposition of any judicial sanctions against Respondent.

18 NOTICE - INACTIVE ENROLLMENT!

19 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR  
20 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE  
21 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL  
22 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO  
23 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN  
24 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE  
25 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE  
26 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: July 25, 2013

By: 

HEATHER E. ABELSON  
Deputy Trial Counsel

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**DECLARATION OF SERVICE**  
**BY CERTIFIED AND REGULAR MAIL**

CASE NO.: 13-O-10218

I, the undersigned, 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

**NOTICE OF DISCIPLINARY CHARGES**

in a sealed envelope placed for collection and mailing as *certified mail, return receipt requested*, and in an additional sealed envelope as *regular mail*, at San Francisco, on the date shown below, addressed to:

**Article No.: 7196 9008 9111 6240 2048**

Roni Rotholz  
1870 Olympic Blvd., #120  
Walnut Creek, CA 94596 5067

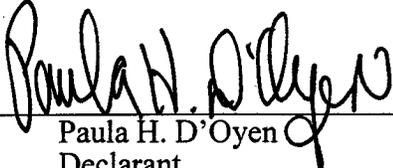
in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

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: July 25, 2013

Signed: \_\_\_\_\_

  
Paula H. D'Oyen  
Declarant