

PUBLIC MATTER

FILED

APR 15 2016

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

1 STATE BAR OF CALIFORNIA
2 OFFICE OF CHIEF TRIAL COUNSEL
3 JAYNE KIM, No. 174614
4 CHIEF TRIAL COUNSEL
5 GREGORY P. DRESSER, No. 136532
6 DEPUTY CHIEF TRIAL COUNSEL
7 ROBERT A. HENDERSON, No. 173205
8 SUPERVISING SENIOR TRIAL COUNSEL
9 180 Howard Street
10 San Francisco, California 94105-1639
11 Telephone: (415) 538-2385

STATE BAR COURT
HEARING DEPARTMENT - SAN FRANCISCO

11 In the Matter of:) Case Nos.: 13-O-13464; 15-O-15563
12 FANYA ELYCE YOUNG,) NOTICE OF DISCIPLINARY CHARGES
13 No. 233426,)
14 A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

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

- 18 (1) YOUR DEFAULT WILL BE ENTERED;
- 19 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
20 WILL NOT BE PERMITTED TO PRACTICE LAW;
- 21 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
22 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
23 AND THE DEFAULT IS SET ASIDE, AND;
- 24 (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.

25 The State Bar of California alleges:

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JURISDICTION

1. Fanya Elyce Young ("respondent") was admitted to the practice of law in the State of California on December 1, 2004, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE

Case No. 13-O-13464

Rules of Professional Conduct, rule 3-700(A)(1)
[Failure to Obtain Court Permission to Withdraw]

2. On or about December 14, 2012, Errold Moody employed respondent to perform legal services, and thereafter, respondent appeared as counsel of record for the client in Alameda County Superior Court case no. RP 09478054, *In re Matter of Patricia L. Francis Trust*. On or about January 18, 2013, respondent took no further action on behalf of the client after closing arguments in the matter, but prior to all post trial matters being resolved, and effectively withdrew from the employment. At that time, respondent did not obtain the permission of the court to withdraw from the client's representation in the case before that court when the rules of the court required that she do so, and respondent withdrew from employment in a proceeding before a tribunal without its permission, in willful violation of the Rules of Professional Conduct, rule 3-700(A)(1).

COUNT TWO

Case No. 13-O-13464

Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

3. Respondent failed to cooperate and participate in a disciplinary investigation pending against respondent by failing to provide a substantive response to the State Bar's letters of May 6, 2013, June 18, 2013 and July 16, 2013, which respondent received, that requested respondent's response to the allegations of misconduct being investigated in case no. 13-O-13464, in willful violation of Business and Professions Code, section 6068(i).

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COUNT THREE

Case No. 15-O-15563

Business and Professions Code, section 6068(l)

[Failure to Comply with Conditions of Agreement in Lieu of Discipline]

4. Respondent failed to comply with conditions attached to respondent's Agreement in Lieu of Discipline in State Bar Case no. 13-O-13464 as follows, in willful violation of Business and Professions Code, section 6068(l):

- A. Untimely quarterly report due by January 10, 2014, filed January 14, 2014;
- B. Untimely quarterly report due by October 10, 2014, filed October 16, 2014;
- C. Untimely quarterly report due by July 10, 2015, filed July 13, 2015; and,
- D. Failure to attend and successfully complete Ethics School by October 24, 2014, attended and successfully completed Ethics School on December 3, 2015.

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 CHIEF TRIAL COUNSEL

DATED: April 15, 2016

By: 

Robert A. Henderson
Supervising Senior Trial Counsel

DECLARATION OF SERVICE

by U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBERS: 13-O-13464; 15-O-15563

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

- By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at San Francisco, addressed to: (see below)

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414 7266 9904 2042 4867 55 at San Francisco, addressed to: (see below)

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking No.: addressed to: (see below)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy to. Row 1: Fanya E. Young, 1420 Center St., #2 Oakland, CA 94607, Electronic Address.

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

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, and overnight delivery by the United Parcel Service (UPS).

I am aware that on motion of the 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.

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: April 15, 2016

SIGNED:

Handwritten signature of Paula H. D'Oyen and printed name Paula H. D'Oyen, Declarant.