

1 WARREN BROWN, CA Bar #100404
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FILED

FEB 03 2014

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

7
8 **STATE BAR COURT**
9 **HEARING DEPARTMENT-LOS ANGELES**

10
11 In the Matter of :

Case No. 13-0-13943

12 Warren Leon Brown
13 Bar No. 100404

ANSWER TO COMPLAINT

14 A Member of the State Bar.

PRE-TRIAL CONFERENCE:

15 April 4, 2014
16 9:30 A.M.
17 Ctrm. D

18 Warren L. Brown answers the complaint of Helen Acosta
19 and Oscar Aleman as follows:

20
21
22 **ANSWER**

23
24 **COUNT ONE**
25 **FAILURE TO PERFORM WITH COMPETENCE**

26 I deny the allegation. A hearing was missed. This mistake
27 was not intentional, reckless, or done repeatedly. There was
28 no willful violation of the Rules of Professional Conduct.



1 The failure to attend the hearing resulted from a
2 calendaring mistake in my office. I did not see the notice of
3 dismissal of the adversary action when it was first filed.
4 During that time period I was having serious health issues.
5 This was the result of both the medical problem and the
6 medications I was prescribed during that time. When the
7 problem was discovered, I attempted to correct it. Bu too much
8 time had passed.

9
10 **COUNT TWO**
11 **FAILURE TO REFUND FEES**

12 I Deny the allegation. I was hired to represent Acosta and
13 Aleman in an adversary proceeding to be filed against Diana
14 Beard-Williams in the U.S. Bankruptcy Court. The fee agreement
15 indicated that I would be paid at the hourly rate of \$300.00.
16 I received \$3,000.00 initially. My records show that up to the
17 point where the hearing was missed, I had already put 11 hours
18 into the case. Those fees were earned. According to the fee
19 agreement, the initial retainer was earned on receipt, in
20 consideration of me making myself available to represent the
21 clients.

22
23 **COUNT THREE**
24 **FAILURE TO RELEASE FILE**

25 I deny the allegation. I sent the file to Ms. Acosta
26 early last year. At first, it was sent to an address where she
27 no longer received mail. She apparently complained about that
28 and it was re-sent to an address that she provided. If she or

1 Mr. Aleman says, at this time, that the file was not returned,
2 they are simply lying. It was returned and I have evidence
3 that it was received.

4
5 COUNT FOUR
6 FAILURE TO OBEY A COURT ORDER

7 I deny the allegation. I did not willfully disobey any
8 court order. Business & Professions Code §6103 refers to a
9 wilful disobedience or violation of a court order. Black's Law
10 Dictionary defines willful as proceeding from a conscious
11 motion of the will. That would require a deliberate act. As
12 indicated above, I did not intentionally or deliberately miss
13 the hearing. There is no evidence that this was the case.

14
15 COUNT FIVE
16 FAILURE TO OBEY A COURT ORDER

17 I deny the allegation. I have never been served with any
18 order to appear in the referenced court. I was unaware of any
19 need to appear. Had I been served, I would have done whatever
20 was required of me. Any failure to so appear was no intent-
21 ional.


22
23 COUNT SIX
24 FAILURE TO COOPERATE IN STATE BAR INVESTIGATION

25 I deny the allegation. I have been dealing with this
26 matter since becoming aware of it. I sent in a written
27 response to a letter I received last year, and spoke with
28 someone from the State Bar on the phone. The first time I

1 became aware that there were to be charges filed was when I
2 received a certified letter from the State Bar in December of
3 2013.

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Dated: January 22, 2014


WARREN L. BROWN
Member of the State Bar

PROOF OF SERVICE BY MAIL

In the Matter of: Warren L. Brown, Case No. 13-0-13943

I am over the age of eighteen years and not a party to the above action.

On January 30, 2014, I served the following Document : Answer to Complaint, on the following parties:

By USPS Express Mail:

**Lara Bairamian
Deputy Trial Counsel
State Bar of California
Office of Chief Trial Counsel
1149 S. Hill St.
Los Angeles, CA 90015-2299**

I certify under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Los Angeles, California on January 30, 2014


Nathan Creeger

1 STATE BAR OF CALIFORNIA
2 OFFICE OF THE CHIEF TRIAL COUNSEL
3 JAYNE KIM, No. 174614
4 CHIEF TRIAL COUNSEL
5 JOSEPH R. CARLUCCI, No. 172309
6 DEPUTY CHIEF TRIAL COUNSEL
7 ALAN B. GORDON, No. 125642
8 ASSISTANT CHIEF TRIAL COUNSEL
9 RIZAMARI C. SITTON, No. 138319
10 SUPERVISING SENIOR TRIAL COUNSEL
11 1149 South Hill Street
12 Los Angeles, California 90015-2299
13 Telephone: (213) 765-1364

FILED

NOV 21 2013

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

PUBLIC MATTER

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of:) Case No. 13-O-10628
13 STEVEN MARK BISHOP,)
14 No. 81618,) NOTICE OF DISCIPLINARY CHARGES
15 A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

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

- 21 (1) YOUR DEFAULT WILL BE ENTERED;
22 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
23 WILL NOT BE PERMITTED TO PRACTICE LAW;
24 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER
25 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
26 AND THE DEFAULT IS SET ASIDE, AND;
27 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE
28 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
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA

1 The State Bar of California alleges:

2 JURISDICTION

3 1. Steven Mark Bishop ("Respondent") was admitted to the practice of law in the State
4 of California on November 29, 1978, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 13-O-10628
8 Business and Professions Code, section 6103
[Failure to Obey a Court Order]

9 2. Respondent disobeyed or violated an order of the court requiring Respondent to do or
10 forbear an act connected with or in the course of Respondent's profession which Respondent
11 ought in good faith to do or forbear by failing to comply with the November 2, 2010 Stipulation
12 and Order to Transfer Attorney-Client Trust Funds in *In re Marriage of Amy Applebaum and*
13 *Stephen Applebaum*, San Diego County Superior Court Case no. D513145, in willful violation of
14 Business and Professions Code, section 6103.

15 COUNT TWO

16 Case No. 13-O-10628
17 Business and Professions Code, section 6106
[Moral Turpitude - Misappropriation]

18 3. On or about November 17, 2010, pursuant to a court order, Respondent received
19 \$84,915.59 of the proceeds from the sale of community property of Amy Applebaum and
20 Stephen Applebaum, and Respondent deposited the funds into a court-ordered segregated bank
21 account. On or about December 20, 2011, Respondent dishonestly or grossly negligently
22 misappropriated for Respondent's own purposes \$3,578.08, from the segregated bank account,
23 and thereby committed an act involving moral turpitude, dishonesty or corruption in willful
24 violation of Business and Professions Code, section 6106.

25 ///

26 ///

1 COUNT THREE

2 Case No. 13-O-10628
3 Business and Professions Code, section 6106
[Moral Turpitude – Wrongful Taking of Funds]

4 4. On or about October 8, 2010, Respondent charged Amy Applebaum's credit card and
5 collected \$2,500, without Applebaum's prior knowledge and consent. Respondent dishonestly or,
6 with gross negligence, wrongfully took the funds for his own purposes, and thereby committed
7 an act involving moral turpitude, dishonesty or corruption in willful violation of Business and
8 Professions Code, section 6106.

9 NOTICE - INACTIVE ENROLLMENT!

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

18 NOTICE - COST ASSESSMENT!

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

24 Respectfully submitted,

25 THE STATE BAR OF CALIFORNIA
26 OFFICE OF THE CHIEF TRIAL COUNSEL

27 DATED: November 21, 2013

28 By: 

Rizamari C. Sitton
Supervising Senior Trial Counsel

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): **13-O-10628**

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, 1149 South Hill Street, Los Angeles, California 90015, 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))

- 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 Los Angeles.

☒

By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

☐

By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").

☐

By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

☐

By Electronic Service: (CCP § 1010.6)

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐

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

☒

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7196 9008 9111 6410 1529 at Los Angeles, 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)

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
John "Jack" W. Nelson Attorney for Respondent	Weisenberg & Nelson, Inc. 12437 Lewis St Ste 204 Garden Grove, CA 92840	Electronic Address	

☐

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

N/A

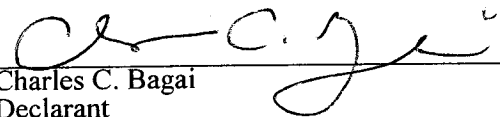
I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

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 Los Angeles, California, on the date shown below.

DATED: November 21, 2013

SIGNED:


Charles C. Bagai
Declarant