

FILED

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STATE BAR COURT CLERK'S OFFICE
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1 STATE BAR OF CALIFORNIA
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7

8 STATE BAR COURT

9 HEARING DEPARTMENT - SAN FRANCISCO

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11 In the Matter of:) Case No. 14-0-04095
12 PATRICK DEAN HOLSTINE,)
13 No. 253292,) NOTICE OF DISCIPLINARY CHARGES
14)
15 A Member of the State Bar)

16 **NOTICE - FAILURE TO RESPOND!**

17 **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:

- 18
- 19 (1) YOUR DEFAULT WILL BE ENTERED;
 - 20 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
 - 21 WILL NOT BE PERMITTED TO PRACTICE LAW;
 - 22 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
 - 23 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
 - 24 AND THE DEFAULT IS SET ASIDE, AND;
 - 25 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
 - 26 SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
 - 27 OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
 - 28 ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
 - FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
 - RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

The State Bar of California alleges:

JURISDICTION

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- 1 B. By on April 8, 2014, appearing at on or about 3:45 p.m. for a court ordered
2 appearance set for 10:00 a.m., and called at 10:00 a.m., 2:00 p.m., and 3:30 p.m.;
- 3 C. By on April 22, 2014 appearing at on or about 2:56 p.m. for a court ordered
4 appearance set for 10:00 a.m., and called at 10:00 a.m.;
- 5 D. By on May 20, 2014, after appearing at 10:00 a.m. as scheduled, when the court
6 ordered the matter continued to 1:30 p.m., thereafter appearing at 2:00 p.m.;
- 7 E. By on June 17, 2014, appearing at 10:20 a.m. for a court ordered appearance set for
8 10:00 a.m., and when the Court ordered the matter continued to 1:30 p.m., and called
9 the case again at 2:46 p.m.; thereafter appearing sometime between 3:00 and 3:30
10 p.m.;
- 11 F. By failing to appear on July 3, 2014 at 9 a.m. or anytime thereafter; and
- 12 G. By failing to appear on July 16, 2014 at 9 a.m. or anytime thereafter.

13 COUNT THREE

14 Case No. 14-O-04095
15 Business and Professions Code, section 6068(d)
16 [Seeking to Mislead a Judge]

17 4. On or about April 22, 2014, respondent at a hearing for Setting of Hearing in *People*
18 *v. Tinsley*, Yolo Superior Court case no. Cr-13-3646, stated to the Court: "... on that April 8th
19 hearing I called in and checked in with the Court three different times and got a message to
20 the clerk. And when Judge McAdam mentioned that during the hearing, was basically, not to
21 categorize it in almost a derisive sort of way as to say just show up when you show up." When
22 in fact Judge McAdam had said, "...the prudent thing to do counsel, is just show up at 10:00
23 o'clock when the case is called rather than—rather than run around the county trying to secure
24 witnesses."

25 5. Respondent knew that his statement to the Court on April 22, 2014, that Judge
26 McAdam had said on April 8, 2014, "just show up when you show up" was false, and thereby
27 sought to mislead the judge or judicial officer by an artifice or false statement of fact or law, in
28 willful violation of Business and Professions Code, section 6068(d).

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COUNT FOUR

Case No. 14-O-04095
Business and Professions Code, section 6106
[Moral Turpitude - Misrepresentation]

6. On or about April 22, 2014, during the course of the hearing in *People v. Tinsley*, Yolo Superior Court case no. Cr-13-3646, when being admonished by the Court for failing to appear in a timely fashion, respondent stated to the Court that Judge McAdam, during a prior hearing on the case on April 8, 2014, told him he could “just show up when you show up,” when respondent knew or was grossly negligent in not knowing the statement was false, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT FIVE

Case No. 14-O-04095
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

7. Respondent disobeyed or violated an order of the court requiring respondent to do or forbear an act connected with or in the course of respondent's profession which respondent ought in good faith to do or forbear by failing to comply with the following orders in *People v. Tinsley*, Yolo Superior Court case no. Cr-13-3646: the Court's order, issued on or about July 18, 2014, to pay the Court sanctions of \$1,000 immediately.

COUNT SIX

Case No. 14-O-04095
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

8. Respondent disobeyed or violated an order of the court requiring respondent to do or forbear an act connected with or in the course of respondent's profession which respondent ought in good faith to do or forbear by failing to comply with the following orders in *People v. Tinsley*, Yolo Superior Court case no. Cr-13-3646: the Court's order, issued on or about August 25, 2014, to turn over his file to the Public Defender.

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COUNT SEVEN

Case No. 14-O-04095
Business and Professions Code, section 6068(o)(3)
[Failure to Report Judicial Sanctions]

9. Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time respondent had knowledge of the imposition of judicial sanctions against respondent by failing to report to the State Bar the \$1,000 in sanctions the court imposed on respondent on or about July 18, 2014 in connection with *People v. Tinsley*, Superior Court case no. Cr-13-3646, in willful violation of Business and Professions Code section, 6068(o)(3).

COUNT EIGHT

Case No. 14-O-04095
Rules of Professional Conduct, rule 3-700(D)(1)
[Failure to Release File]

10. Respondent failed to release promptly, after termination of respondent's employment on or about July 23, 2014, to respondent's client Chase Joseph Tinsley's new counsel, the client's papers and property following the client's new counsel's request for the client's file on July 25, 2014, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

COUNT NINE

Case No. 14-O-04095
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

11. 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 September 3, 2014 and September 19, 2014, which respondent received, that requested respondent's response to the allegations of misconduct being investigated in case no. 14-O-04095, in willful violation of Business and Professions Code, section 6068(i).

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

1 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
2 RECOMMENDED BY THE COURT.

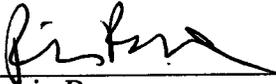
3 **NOTICE - COST ASSESSMENT!**

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

9 Respectfully submitted,

10 THE STATE BAR OF CALIFORNIA
11 OFFICE OF THE CHIEF TRIAL COUNSEL

12 DATED: April 28 2015

13 By: 

14 Robin Brune
15 Senior Trial Counsel
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DECLARATION OF SERVICE BY CERTIFIED AND REGULAR MAIL

HOLSTINE
CASE NO.: 14-O-04095

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. 9414 7266 9904 2011 9758 46

Patrick Dean Holstine
Patrick Dean Law, a solo practice
473 Pine St 2nd Fl
San Francisco, CA 94104

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: April 28, 2015

Signed: 
Dawn Williams
Declarant