

PUBLIC MATTER

FILED

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STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

13 In the Matter of:) Case No. 14-O-04951
14 MICHAEL JOSEPH BAYTOSH,)
15 No. 176189,) NOTICE OF DISCIPLINARY CHARGES
16 A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

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:

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



1 The State Bar of California alleges:

2 JURISDICTION

3 1. MICHAEL JOSEPH BAYTOSH ("respondent") was admitted to the practice of law
4 in the State of California on June 1, 1995, 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. 14-O-04951
8 Business and Professions Code, section 6106
9 [Moral Turpitude - Misrepresentation]

10 2. Respondent made the following misrepresentations orally or in writing, to the
11 following individuals, when respondent knew or was grossly negligent in not knowing the
12 statements were false, and thereby committed acts involving moral turpitude, dishonesty or
13 corruption in willful violation of Business and Professions Code, section 6106:

14 (A) Falsely stating to opposing counsel Wendy York, on or about June 11, 2014, that
15 respondent had mailed further discovery responses;

16 (B) Falsely stating to York, on or about June 12, 2014, that respondent would arrange for
17 further discovery responses to be hand-delivered to her; and

18 (C) Falsely stating to Michael LeVangie, on or about June 25, 2014, that respondent had
19 served the further discovery responses and was awaiting the client's verification.

20 COUNT TWO

21 Case No. 14-O-04951
22 Business and Professions Code, section 6103
23 [Failure to Obey a Court Order]

24 3. Respondent disobeyed or violated an order of the court requiring respondent to do
25 or forbear an act connected with or in the course of respondent's profession which respondent
26 ought in good faith to do or forbear by failing to comply with the May 6, 2014 order requiring
27 respondent to provide further discovery responses in *Czoberek, et al., v. Riverside Healthcare*
28 *Corp., et al*, Sacramento County Superior Case No. 34-2012-00129811, in willful violation of
Business and Professions Code, section 6103.

COUNT THREE

Case No. 14-O-04951
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

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2
3
4 4. Prior to in or about April 2013, respondent was assigned by his employer, Prout
5 LeVangie, to perform legal services, namely to represent defendant Riverside Healthcare
6 Corporation in the matter *Czoberek, et al., v. Riverside Healthcare Corp., et al*, Sacramento
7 County Superior Case No. 34-2012-0012981, which respondent intentionally, recklessly, or
8 repeatedly failed to perform with competence, in willful violation of Rules of Professional
9 Conduct, rule 3-110(A), by failing to provide discovery responses, violating a court order
10 requiring respondent to provide discovery responses, and subjecting his client to monetary
11 sanctions and terminating sanctions.

12
13 **NOTICE - INACTIVE ENROLLMENT!**

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

21
22 **NOTICE - COST ASSESSMENT!**

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

28 Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: September 10, 2015

By:

Esther J. Rogers
ESTHER J. ROGERS
Senior Trial Counsel

DECLARATION OF SERVICE

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

CASE NUMBER(s): 14-O-04951

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 4851 54 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 via regular mail to:
Michael Joseph Baytosh, Baytosh Law Firm, 2377 Gold Meadow Way Ste 100, Gold River, CA 95670, 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: September 10, 2015

SIGNED: Dawn Williams
Dawn Williams
Declarant