

PUBLIC MATTER

**FILED**  
JUL 06 2016  
STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES

In the Matter of	)	Case No.: 14-O-05046-WKM
	)	
<b>MATTHEW POWELL FLETCHER,</b>	)	<b>DECISION</b>
	)	
<b>Member No. 189923,</b>	)	
	)	
<u>A Member of the State Bar.</u>	)	

**Introduction**

The Office of the Chief Trial Counsel of the State Bar of California (OCTC) charges respondent **MATTHEW POWELL FLETCHER** with two counts of misconduct involving a single client matter in which respondent represented his client in a criminal case. Specifically, respondent is charged with willfully violating (1) rule 3-310(F) of the State Bar Rules of Professional Conduct<sup>1</sup> (accepting fees for representation from one other than the client) and (2) rule 4-100(B)(3) (render appropriate accounts).

As set forth *post*, the court finds that respondent is culpable on both counts of charged misconduct. The court further finds four separate aggravating circumstances, but no mitigating circumstances. In light of the fact that multiple aggravating circumstances exist without any mitigating circumstances, the court finds that the appropriate level of discipline is one year's

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<sup>1</sup> Unless otherwise noted, all future references to rules are to the State Bar Rules of Professional Conduct.



stayed suspension and two years' probation with conditions, including 45 days' actual suspension.

### **Pertinent Procedural History**

OCTC filed the notice of disciplinary charges (NDC) in this matter on August 3, 2015. Thereafter, on September 1, 2015, the parties filed a stipulation agreeing to a 15-day extension for respondent to file a response to the NDC, so that respondent had until September 14, 2015, to file his response. Respondent filed his response on September 14, 2015.

On November 4, 2015, OCTC filed a motion for an order authorizing it to take the deposition of Daniel A. Daniel (Daniel), who was the defendant-client in the underlying criminal matter and who was, at that time and at the time of trial in this proceeding, in the county jail awaiting trial. OCTC's motion also sought to continue the pretrial and trial dates in this disciplinary proceeding due to the time it would require to schedule and take Daniel's deposition in light of his incarceration. On November 18, 2015, respondent filed his own motion seeking to continue the pretrial and trial dates because he was representing another defendant in a criminal trial that began on November 17, 2015. On November 19, 2015, this court granted OCTC's motion to take Daniel's deposition and vacated the upcoming pretrial and trial dates. At a status conference on December 16, 2015, the court scheduled the pretrial conference on February 19, 2016, and the trial on February 25 and 26, 2016.

On February 17, 2016, OCTC filed a motion seeking to admit Daniel's deposition transcript in lieu of his live testimony as he remained incarcerated. At the February 19, 2016, pretrial conference, respondent made an oral motion to continue the February 25 and 26, 2016, trial dates because he was in the process of obtaining counsel. The court deferred ruling on the motion to continue, until it was made in written form. The court ordered respondent to file an

opposition to OCTC's motion to admit Daniel's deposition testimony no later than the start of trial on February 25, 2016.

At the beginning of trial on February 25, 2016, respondent made a second oral motion to continue the trial stating that he retained Attorney Lawrence D. Doyle (Attorney Doyle) to represent him. Attorney Doyle, who was in Sacramento, appeared by phone and confirmed that he had just recently been retained by respondent. Over OCTC's objection, the court continued the trial until March 21, 2016, and scheduled the matter for a new pretrial conference on March 14, 2016. The court ordered respondent to file forthwith a substitution of attorney making Attorney Doyle his attorney of record. The court also extended respondent's time to file an opposition to OCTC's motion to admit Daniel's deposition testimony at trial in lieu of live testimony to March 14, 2016. At the March 14, 2016, pretrial conference, respondent indicated on the record that he did not oppose the admission of Daniel's deposition testimony and on March 17, 2016, respondent filed a statement of nonopposition to the admission of Daniel's deposition testimony; consequently, the court granted OCTC's motion.

On March 21, 2016, the parties filed a partial stipulation of facts and admission of documents prior to the start of the trial. At trial, the OCTC was represented by Senior Trial Counsel Sherell N. McFarlane. Respondent was represented by Attorney Doyle. At the conclusion of the trial, the parties were ordered to file posttrial briefs. Both parties filed posttrial briefs, and the court took the matter under submission for decision on April 11, 2016.

On April 25, 2016, respondent filed a motion to strike the references to excluded evidence in OCTC's posttrial brief and to correct erroneous statements in OCTC's posttrial brief, which OCTC opposed. The court denied respondent's April 25, 2016, motion on May 9, 2016.

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## **Findings of Fact and Conclusions of Law**

The following findings of fact are based on respondent's response to the NDC, the parties' partial stipulation of facts, and the documentary and testimonial evidence admitted at trial, including the deposition testimony of Daniel. On both counts, OCTC has proven culpability by clear and convincing evidence. (Rules Proc. of State Bar, rule 5.103.)

### **Jurisdiction**

Respondent was admitted to the practice of law in California on December 14, 1997. He has continuously been a member of the State Bar of California since that time.

### **Case Number 14-O-05046-WKM**

#### **Facts**

Respondent is a criminal defense attorney. He owns and operates a law office in Long Beach, California by the name of "Law Office of Matthew P. Fletcher, PC."

In May 2013, respondent met with Daniel's brother, Christopher Daniel (C. Daniel), at respondent's law office and he agreed to represent Daniel for a \$30,000 fee in a criminal case pending in the Los Angeles Superior Court, in which Daniel was charged with murdering Jose Duran and with attempting to murder another individual or individuals. At that meeting, or shortly thereafter, respondent gave C. Daniel the bank account number of his law office checking account at Wells Fargo Bank.<sup>2</sup>

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<sup>2</sup> These findings are based on C. Daniel's testimony, which was contradicted by respondent's testimony to the effect that he never charged Daniel a fee for representing him because he represented Daniel on the murder and attempted murder charges pro bono. After carefully observing respondent and C. Daniel testify before it and after carefully considering, among other things, their demeanor while testifying; the character of their testimony; their interests in the outcome in this proceeding; their capacities to perceive, recollect, and communicate the matters on which they testified and after carefully reflecting on the record as a whole, the court finds that respondent's testimony on these issues lacks credibility and that C. Daniel's testimony is credible. (See, generally, Evid. Code, § 780, subd. (c); *In the Matter of Berg* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 725, 736-737.) The court finds C. Daniel's testimony credible notwithstanding his prior felony conviction. C. Daniel's felony conviction

In order to pay the agreed-upon fee for representing his brother, C. Daniel contacted Daniel's fiancé, S. Gonzalez (Gonzalez), who lives in New Mexico, and she agreed to help partially pay for Daniel's legal expenses. Thereafter, Gonzalez obtained a \$6,000 loan from her 401K retirement plan with her employer. On June 7, 2013, Gonzalez issued a \$6,000 check drawn on her personal checking account, which was made payable to "Law Office of Matthew Fletcher." Gonzalez noted on the face of the check that it was issued for "Daniel A. Daniel." Later that same day, Gonzalez went to a Wells Fargo Bank in New Mexico and deposited the \$6,000 check directly into respondent's law office operating account at Wells Fargo Bank.

The following month, Gonzalez made two additional deposits into respondent's operating account at Wells Fargo Bank in the same manner: on July 10, 2013, Gonzalez deposited \$7,000, and on July 11, 2013, she deposited \$500. Regarding the \$7,000 check, Gonzalez took out a personal loan to obtain the funds. In total, Gonzalez paid \$13,500 of respondent's \$30,000 fee. Even though Gonzalez never met respondent, or communicated with him or his law office, she obtained respondent's banking information, including the account number of respondent's law office operating account, from C. Daniel, who received the banking information from respondent during his May 2013 meeting with respondent.<sup>3</sup>

On about December 13, 2013, C. Daniel met respondent in the parking lot of respondent's law office and made a \$2,000 cash payment on respondent's \$30,000 fee, but respondent did not give him a receipt for the payment. On January 8, 2014, respondent went to C. Daniel's business shop in Long Beach, and C. Daniel made a \$5,000 payment on respondent's \$30,000 fee; again, respondent did not give C. Daniel a receipt for the payment. In total,

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occurred 15 years ago. Since that time, he has graduated from college and opened his own business, which he runs/operates.

<sup>3</sup> At trial, in direct contradiction of C. Daniel's testimony, respondent denied ever giving C. Daniel his banking information. After considering the factors set forth in footnote 3 *ante*, the court finds C. Daniel's testimony on this issue credible and respondent's testimony on the issue incredible.

C. Daniel paid respondent \$7,000 on his \$30,000 fee. Furthermore, at no time before or during respondent's representation of Daniel did respondent obtain Daniel's informed written consent to accept payment of the \$30,000 fee from Gonzalez, C. Daniel, or anyone else.

During respondent's representation of Daniel from May 2013 through March 20, 2014, respondent appeared in court on Daniel's criminal case about 10 to 20 times. During respondent's representation of Daniel, C. Daniel had asked, on more than one occasion, for an accounting of the fees respondent had received. Respondent never provided the requested accounting. Even though respondent filed a motion seeking to be relieved as Daniel's attorney of record on March 10, 2014, respondent's representation of Daniel was mutually terminated at a hearing in Daniel's criminal case on March 20, 2014.

### **Conclusions of Law**

#### ***Count One - Rule 3-310(F) (Accepting Fees for Representation from One Other Than the Client)***

Rule 3-310(F) provides in relevant part:

A member shall not accept compensation for representing a client from one other than the client unless:

- (1) There is no interference with the member's independence of professional judgment or with the client-lawyer relationship; and
- (2) Information relating to representation of the client is protected as required by Business and Professions Code section 6068, subdivision (e); and
- (3) The member obtains the client's informed written consent....

In count one, OCTC charges that respondent willfully violated rule 3-310(F) by accepting a total of \$20,500 in fees from Gonzalez and C. Daniel for representing Daniel without seeking and obtaining Daniel's informed written consent. The record clearly establishes that respondent is culpable of the charged rule 3-310(F) violation because the record demonstrates that respondent

failed to obtain the informed written consent of his client to accept compensation from C. Daniel or Gonzalez.

The court rejects respondent's claims that he never accepted any money from Gonzalez or C. Daniel for representing Daniel and that he agreed to represent and represented Daniel pro bono. In fact, after applying the factors noted in footnote 3 *ante*, the court rejects, for want of credibility, respondent's testimony that he did not know that Gonzalez deposited \$13,500 into his operating account at Wells Fargo Bank until after the filing of the NDC in this matter in August 2014.<sup>4</sup> The court's adverse credibility determination is supported by the bank records for respondent's operating account and the deposition testimony of Daniel, which was admitted into evidence without objection.<sup>5</sup>

The bank records for respondent's operating account clearly show that the daily average ledger balance in respondent's operating account for the months of April through October 2013 were as follows:

April	\$5,374.05
May	\$10,593.85
June	\$5,791.40
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<sup>4</sup> Respondent's contentions that he represented Daniel pro bono and that he did not know that Gonzalez deposited \$13,500 into his operating accounting for Daniel until after OCTC filed the NDC in this proceeding are, themselves, troubling. If these contentions were true, respondent should have immediately returned the \$13,500 to Gonzalez upon learning of her three deposits into his operating account and his resulting unjust enrichment or, if he lacked the financial resources to do so, respondent should have notified Gonzalez of that fact and began to repay her in accordance with his ability to pay even in the absence of a legal obligation to do so. However, as of the March 2016 trial in this matter, respondent had done neither. Almost three months ago, respondent indicated in his posttrial brief that he would return the \$13,500 to Gonzalez. Respondent, however, has apparently still not done so. In short, respondent's retention of \$13,500, to which he insists that he has no claim, further supports the court's findings that much of his testimony lacks credibility.

<sup>5</sup> Because Daniel's deposition testimony was admitted into evidence without objection, the court may and does rely on some of Daniel's hearsay statements for the truth of the matter stated. (See *In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498, 523, fn. 32.)

July	\$9,615.00
August	\$4,348.53
September	\$3,139.45
October	\$7,038.24

Respondent's assertion that neither he nor his staff noticed that Gonzalez deposited \$13,500 into respondent's operating account over the course of 34 days is, at best, implausible in light of these low daily average ledger balances. Furthermore, the bank records clearly show that, within about three weeks after Gonzalez deposited the \$6,000 into respondent's operating account, respondent spent more than \$4,000 of the \$6,000 deposit.<sup>6</sup> Further, those records show that, in less than seven weeks after Gonzalez made the \$7,000 and the \$500 deposits into respondent's operating account, respondent had spent all of the \$13,500 (\$6,000 plus \$7,000 plus \$500) that Gonzalez deposited into his operating account.<sup>7</sup> Moreover, the deposition testimony of Daniel establishes that, after Gonzalez made the deposits into respondent's account, she "sent notice that she had [deposited] the money" and that C. Daniel then "got confirmation that the money was [deposited]."

***Count Two - Rule 4-100(B)(3) (Render Appropriate Accounts)***

Rule 4-100(B)(3) provides that an attorney must maintain records of all client funds, securities, and other properties coming into the attorney's possession and render appropriate accounts to the client regarding such property. In count two, OCTC charges that respondent willfully violated rule 4-100(B)(3) by failing to render an appropriate accounting to the client regarding the \$20,500 that he received on behalf of Daniel as advanced fees following C. Daniel's request on behalf of Daniel for such accounting or refund upon the termination of respondent's employment on about March 10, 2014. Because the court finds that C. Daniel did

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<sup>6</sup> By June 28, 2013, the balance in respondent's operating account was \$1,802.61.

<sup>7</sup> By August 27, 2013, respondent's operating account was overdrawn by \$23.20.

request an accounting, and no accounting was provided, the record clearly establishes that respondent is culpable of the charged violation of rule 4-100(B)(3).

### **Aggravating Circumstances**

The State Bar bears the burden of proving aggravating circumstances by clear and convincing evidence. (Rules Proc. of State Bar, tit. IV, Stds. For Atty. Sanctions for Prof. Misconduct, std. 1.5.)<sup>8</sup> As set forth *post*, the court finds four separate aggravating circumstances.

#### **Prior Record of Discipline (Std. 1.5(a).)**

Respondent has one prior record of discipline. In 2006, in State Bar Court case numbers 03-O-02625 and 05-O-04499 (consolidated), respondent was publicly reprovved with conditions attached for one year (*Fletcher I*). The public reprovval in *Fletcher I* and the attached conditions, which included 10 hours of anger management counseling, were imposed on respondent in accordance with a stipulation as to facts, conclusions of law, and disposition that respondent entered into with OCTC and that was approved by the State Bar Court on July 9, 2006.

The parties' stipulation in *Fletcher I* establishes that respondent deliberately violated his duty, under section 6068, subdivision (b), "[t]o maintain the respect due to the courts of justice and judicial officers," in two separate client matters. In each client matter, respondent represented a defendant in a criminal trial and, inter alia, falsely and unjustly accused the judge presiding over his client's criminal trial of being racially biased against respondent.

In one of the matters, respondent made the accusation of racial bias in front of the jury. In the later contempt hearing held by a different judge, respondent was found guilty of committing a total of nine acts of contempt on four different days in 2002, but one of the nine counts was reversed on appeal. Respondent was sentenced to two days in jail, fined \$400, and placed on three years' probation. Respondent's misconduct in the second matter occurred two

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<sup>8</sup> All further references to standards are to this source.

years later in 2005. When respondent was questioned about his late arrival at trial, respondent requested that the court recuse itself, accusing the judge of racial bias. In that matter, respondent was sanctioned \$1,000 under Code of Civil Procedure section 177.5.

**Multiple Acts (Std. 1.5(b).)**

Contrary to OCTC's contention, the record does not establish multiple acts of misconduct as aggravation. (*In the Matter of Shalant* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 829, 839 [in a single client matter, two counts of misconduct do not establish aggravation for multiple acts of misconduct].)

**Hard to Believe Testimony**

Without question, almost all of respondent's testimony in this court proceeding was inherently improbable and implausible. Respondent's hard to believe testimony is a serious aggravating circumstance. (*Brockway v. State Bar* (1991) 53 Cal.3d 51, 66 [three-month actual suspension was appropriate in light of the respondent attorney's "artful and hard to believe" testimony in the State Bar Court].)

**Overreaching (Std. 1.5(g).)**

**Proved, but Uncharged, Misconduct (Std. 1.5(h).)**

During the December 14, 2015, deposition of Daniel, respondent deliberately engaged in multiple acts of overreaching and improperly advanced facts prejudicial to the honor or reputation of a witness (i.e., respondent's client), in willful violation of section 6068, subdivision (f). The court finds that respondent's overreaching and uncharged violations of section 6068, subdivision (f) to be very serious aggravating circumstances. (See, e.g., *Edwards v. State Bar* (1990) 52 Cal.3d 28, 35-36 [proved, but uncharged, misconduct may not be used as an independent ground for discipline, but may be considered, in appropriate circumstances, for other purposes such as aggravation].)

Because Daniel filed a State Bar complaint against respondent, Daniel has waived any privilege between himself and respondent “to the extent necessary for the investigation and prosecution of the allegations” against respondent. (Rules Proc. of State Bar, rule 2406.) Moreover, under Evidence Code section 958, respondent may disclose confidential client information that is reasonably necessary to defend himself. However, any disclosure that respondent makes must be relevant and limited to the issues in dispute because Evidence Code section 958 is not a general exception allowing an attorney to disclose any privileged information or communication simply because it is disclosed in a disciplinary or other judicial proceeding. (*Brockway v. State Bar* (1991) 53 Cal.3d 51, 63.)

As noted *ante*, Daniel is charged with murdering Jose Duran and with attempting to murder another individual or individuals. At the time of his deposition and the trial in this disciplinary proceeding, Daniel remained incarcerated in the county jail awaiting trial on those charges. At the beginning of Daniel’s deposition, respondent made clear that he intended to cross examine Daniel by going “into issues of credibility, bias, motive and interest, particularly surrounding Mr. Daniel’s credibility, gang membership, participation in the killing of Jose Duran and any other collateral issue that relates to my alleged representation of Mr. Daniel,” and by going into “[a]ny cover up, any use of [C. Daniel] and/or person, Cyclone, to threaten witnesses.” Thereafter, during his cross examination of Daniel, respondent shockingly asked Daniel the following questions:

“Isn’t it true, sir, you’re a member of the East Side Wilmas criminal street gang?”

“Isn’t it true, sir, that you have been a long time member of the East Side Wilmas criminal street gang?”

“Isn’t it true, sir, that when you were a member of the East Side Wilmas, you shot Jose Duran?”

“Did you attempt to have your attorney [i.e., respondent] facilitate your brother in threatening the victim of the attempted murder ...?”

“Was Cyclone present with you when you shot and killed Jose Duran?”

“Did Cyclone’s mother witness you shooting and killing Mr. Duran?”

When Daniel’s attorney at the deposition suggested that respondent should limit his questions to allegations of misconduct in the NDC, respondent responded: “I’m going to ask every question about [Daniel’s] gang membership and other crimes because it goes to his credibility.”

Without question, respondent’s attempt to impeach Daniel’s credibility by asking him questions about charges or crimes of which he has not been convicted was improper. Moreover, because respondent represented Daniel on the murder and attempted murder charges, respondent’s questions regarding those charges clearly imply that respondent has knowledge or proof that Daniel is guilty. Respondent’s questions, which he asked in an attempt to intimidate and harass Daniel, involved serious overreaching. (See *In the Matter of Davis* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 576, 589, fn. 17.)

**Failure to Cooperate During Disciplinary Proceeding (Std. 1.5(l).)**

During the trial in this disciplinary proceeding, when C. Daniel was testifying, respondent took out his cell phone and pointed it at C. Daniel and began video recording or acted as though he were video recording C. Daniel’s testimony in an attempt to intimidate or harass, or both, the witness. When the court demanded that respondent put his cell phone away and reprimanded respondent for his outrageous courtroom misconduct, respondent grinned and smirked at the witness.

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## **Mitigating Circumstances**

Respondent bears the burden of proving mitigating circumstances by clear and convincing evidence. (Std. 1.5.) The court finds the record fails to establish any mitigating circumstance.

## **Discussion**

The purpose of State Bar disciplinary proceedings is not to punish the attorney but to protect the public, the courts, and the legal profession; to maintain the highest possible professional standards for attorneys; and to preserve public confidence in the legal profession. (Std. 1.1; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

In determining the appropriate level of discipline, this court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d 1085, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.) The court then looks to the decisional law. (*Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311; *In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 580.) Ultimately, in determining the appropriate level of discipline, each case must be decided on its own facts after a balanced consideration of all relevant factors. (*Connor v. State Bar* (1990) 50 Cal.3d 1047, 1059; *Gary v. State Bar* (1988) 44 Cal.3d 820, 828; *In the Matter of Oheb* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 920, 940.)

Standard 1.7(a) provides that, when two or more acts of misconduct are found in a single disciplinary proceeding and different sanctions are prescribed for those acts, the recommended sanction is to be the most severe of the different sanctions. However, in the present proceeding the standard for violating rule 3-310(F) and the standard for violating rule 4-100(B)(3) provide for the same sanction: suspension or reproof. (Stds. 2.2(b), 2.19.)

Also relevant in determining the appropriate discipline is standard 1.8(a), which provides: “If a member has a single prior record of discipline, the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust.” Here, respondent’s prior discipline was a public reproof. This prior discipline, while occurring some years ago in 2003 and 2005, is not so remote in time and, more importantly, the previous misconduct is serious enough to determine that progressive discipline is warranted in this proceeding.

OCTC contends that the appropriate level of discipline in this proceeding is two years’ stayed suspension and two years’ probation on conditions, including a 30-day period of actual suspension continuing until respondent makes restitution to Gonzalez and C. Daniel “for the fees that he did not earn.” The periods of stayed and actual suspension would appear reasonable given the applicable standards as discussed above. However, OCTC did not charge respondent with failing to refund any unearned fees after his employment by Daniel was terminated or otherwise introduce any evidence as to how much of the \$20,500 respondent failed to earn. Therefore, the burden of proof for restitution has not been established by OCTC and restitution will not be recommended as a part of respondent’s discipline. Finally, the court is unaware of any case involving the same or similar misconduct as that found in the present proceeding. Therefore, in light of the applicable standards, and the four aggravating circumstances, the court concludes that the appropriate level of discipline is one year’s stayed suspension and two years’ probation on conditions, including a 45-day period of actual suspension.<sup>9</sup>

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<sup>9</sup> Ordinarily, the court would have recommended a 30-day period of actual suspension. However, the court is very concerned over the aggravating circumstances involving respondent’s overreaching, uncharged violations of section 6068, subdivision (f), and lack of cooperation because they strongly resemble the misconduct underlying respondent’s public reproof in 2006.

## Recommendations

This court recommends that respondent **MATTHEW POWELL FLETCHER**, State Bar number 189923, be suspended from the practice of law in the State of California for one year, that execution of the one-year suspension be stayed, and that respondent be placed on probation<sup>10</sup> for a period of two years subject to the following conditions:

1. Respondent Matthew Powell Fletcher is suspended from the practice of law for the first 45 days of probation.
2. Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of respondent's probation.
3. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including respondent's current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, respondent must report such change in writing to the Membership Records Office and the State Bar's Office of Probation.
4. Within 30 days after the effective date of discipline, respondent must contact the Office of Probation and schedule a meeting with respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, respondent must meet with the probation deputy either in person or by telephone. During the period of probation, respondent must promptly meet with the probation deputy as directed and upon request.
5. During the probation period, respondent must report in writing quarterly to the Office of Probation. The reports must be postmarked no later than each January 10, April 10, July 10, and October 10 of the probation period. Under penalty of perjury, respondent must state in each report whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all of respondent's probation conditions during the preceding calendar quarter or applicable reporting period. If the first report would cover less than 30 days, no report is required at that time; however, the following report must cover the period of time from the commencement of probation to the end of that next quarter. In addition to all quarterly reports, a final report must be postmarked no earlier than 10 days before the last day of the probation period and no later than the last day of the probation period.

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Therefore, in light of those aggravating circumstances, the court recommends an additional 15-day period of actual suspension, for a total period of 45 days' actual suspension.

<sup>10</sup> The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

6. Subject to the assertion of applicable privileges, respondent must answer fully, promptly, and truthfully, any inquiries of the Office of Probation or any probation monitor that are directed to respondent personally or in writing, relating to whether respondent is complying or has complied with respondent's probation conditions.
7. Within one year after the effective date of the discipline herein, respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent will not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)
8. At the expiration of the probation period, if respondent has complied with all conditions of probation, respondent will be relieved of the stayed suspension.

#### **Multistate Professional Responsibility Examination**

The court further recommends that Matthew Powell Fletcher be required to take and pass the Multistate Professional Responsibility Examination within one year after the effective date of the Supreme Court order in this matter and to provide satisfactory proof of his passage to the State Bar's Office of Probation in Los Angeles within that same time period. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.)

#### **Costs**

Finally, the court recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Dated: July 6, 2016

  
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W. KEARSE MCGILL  
Judge of the State Bar Court

## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on July 6, 2016, I deposited a true copy of the following document(s):

### DECISION

in a sealed envelope for collection and mailing on that date as follows:

- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

LAWRENCE DEAN DOYLE  
LAW OFFICE OF LARRY DOYLE  
395 CAMELIA RIVER WAY  
SACRAMENTO, CA 95831

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Sherell N. McFarlane, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 6, 2016.

  
\_\_\_\_\_  
Julieta E. Gonzales  
Case Administrator  
State Bar Court