

# PUBLIC MATTER

THE STATE BAR OF CALIFORNIA  
OFFICE OF PROBATION  
TERRIE GOLDADE, No. 155348  
SUPERVISING ATTORNEY  
845 South Figueroa Street  
Los Angeles, California 90017-2515  
Telephone: (213) 765-1000

**FILED**

SEP 10-2014  
STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES



STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:

TIMOTHY DAVID MYERS,  
No. 199356,

A Member of the State Bar

) Case No. 14-PM- *04837*  
)  
) MOTION TO REVOKE PROBATION;  
) MEMORANDUM OF POINTS AND  
) AUTHORITIES; DECLARATION OF MAY  
) LING FERNANDEZ; EXHIBITS 1 THROUGH  
) 3; PROBATION REVOCATION RESPONSE  
) FORM [Rule 5.310 et seq., Rules of Procedure  
) of the State Bar]

**TO: The State Bar Court and Timothy David Myers, Respondent:**

**PLEASE TAKE NOTICE THAT** the State Bar of California, Office of Probation, hereby moves pursuant to Rules of Procedure of the State Bar of California, rules 5.310, et seq., to revoke the probation imposed upon Timothy David Myers ("Respondent") in prior disciplinary case no. 12-O-17220 and to impose upon Respondent the entire period of suspension of two years previously stayed by order no. S213798 of the Supreme Court filed on December 11, 2013. The State Bar requests that Respondent remain on actual suspension and until Respondent makes restitution and complies with Standard 1.2(c)(1), Attorney Standards for Attorney Sanctions for Professional Misconduct. The State Bar further requests that Respondent be ordered to comply with rule 9.20, California Rules of Court, and that Respondent be placed on involuntary inactive enrollment pursuant to Business and Professions Code section 6007(d).

This motion is based upon the factual allegations that Respondent has violated the terms of probation imposed on Respondent by the aforementioned order as follows:



1 THE UNDERLYING DISCIPLINARY ORDER. ALSO, FAILURE TO  
2 REQUEST A HEARING WILL CONSTITUTE A WAIVER OF YOUR RIGHT  
3 TO A HEARING. SEE RULE 5.314(B) OF THE RULES OF PROCEDURE OF  
4 THE STATE BAR.

5 **NOTICE - INACTIVE ENROLLMENT**

6 YOU ARE HEREBY NOTIFIED THAT, PURSUANT TO BUSINESS AND  
7 PROFESSIONS CODE SECTION 6007(d), IF THE STATE BAR COURT  
8 RECOMMENDS ACTUAL SUSPENSION ON ACCOUNT OF A PROBATION  
9 VIOLATION OR OTHER DISCIPLINARY MATTER, YOU MAY BE  
10 INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE  
11 STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION  
12 TO ANY DISCIPLINE RECOMMENDED BY THE STATE BAR COURT.  
13 SEE RULE 5.315, RULES OF PROCEDURE OF THE STATE BAR.

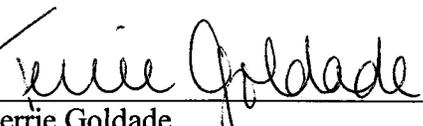
14 **NOTICE - COST ASSESSMENT**

15 IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE,  
16 YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY  
17 THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF  
18 THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE  
19 SECTION 6086.10. SEE RULE 5.129, ET SEQ., RULES OF PROCEDURE OF  
20 THE STATE BAR.

21 Respectfully submitted,

22 THE STATE BAR OF CALIFORNIA  
23 OFFICE OF PROBATION

24 DATED: September 10, 2014

25 By: 

26 Terrie Goldade  
27 Supervising Attorney  
28

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. RESPONDENT HAS NOT COMPLIED WITH THE TERMS OF PROBATION, AND  
3 PROBATION SHOULD BE REVOKED.

4 By order filed December 11, 2013, the Supreme Court imposed discipline on Respondent  
5 in case no. S213798. The Supreme Court suspended Respondent for two years but stayed the  
6 execution of the suspension on the condition that Respondent comply with all terms of probation.

7 As terms of probation, Respondent was ordered as follows:

8 1. contact the Office of Probation within 30 days of the effective date of his discipline—  
9 by February 9, 2014, to schedule a meeting with his assigned Probation Deputy to discuss  
10 the terms and conditions of his probation. Respondent has not complied in that he  
11 contacted the Office of Probation late on February 12, 2014. (The meeting was then held  
12 as scheduled on February 21, 2014.)

13 2. comply with the State Bar Act and the Rules of Professional Conduct and to report  
14 such compliance to the Office of Probation under penalty of perjury each January 10,  
15 April 10, July 10, and October 10 (“quarterly reports”). Respondent has not complied in  
16 that he filed his first quarterly report, due April 10, 2014, late on April 16, 2014.

17 3. pay restitution to Matthew Kahnamelli in the principal amount of \$3,510, plus interest  
18 of 10% per annum accruing from March 17, 2011. If the Client Security Fund  
19 reimbursed for all or any portion of that amount, Respondent was also to pay restitution  
20 to CSF in the amount paid, plus applicable interest and costs. Respondent was ordered to  
21 provide satisfactory proof that he had paid the restitution not later than 30 days after the  
22 effective date of his discipline—by February 9, 2014. Respondent has not complied in  
23 that he has not provided satisfactory proof that he has paid any restitution.

24 Consequently, the State Bar Court should recommend revocation of Respondent’s probation.

25 Attached hereto as Exhibit 1 is a certified copy of Respondent’s registration card and  
26 Respondent’s membership records address history with the State Bar of California. Exhibit 1  
27 will be offered as evidence based upon the certification of Membership Records and  
28 Certification to show that Respondent was properly served in this proceeding.

1           A.     Respondent Was Served With The Supreme Court Order.

2           It is presumed that Respondent was served with the disciplinary order of the Supreme  
3 Court imposing a period of probation. The clerks of the reviewing courts have a duty to transmit  
4 a copy of all decisions of those courts to the parties. (California Rules of Court, rule 8.532(a).)  
5 Pursuant to Evidence Code section 664, there is a rebuttable presumption that such official duties  
6 have been regularly performed. Therefore, absent any evidence to the contrary, it is presumed  
7 that the Supreme Court clerk has complied with the duty to transmit to Respondent a copy of the  
8 order placing Respondent on probation. (*In re Linda D.* (1970) 3 Cal.App. 3d 567; *People v.*  
9 *Smith* (1965) 234 Cal.App.2d 407; *Fischer v. Lukens* (1919) 41 Cal.App. 358.)

10           B.     Respondent's Violation of Probation Was Willful

11           Violation of a condition of probation must be willful to warrant discipline. (*In the Matter*  
12 *of Potack* (1991 Review Dept.) 1 Cal. State Bar Ct. Rptr. 525.) A willful failure is demonstrated  
13 by a general purpose or willingness to permit the omission and can be proven by direct or  
14 circumstantial evidence. (*Durbin v. State Bar* (1979) 23 Cal.3d 461; *Zitny v. State Bar* (1966) 64  
15 Cal.2d 787.) It does not require bad faith.

16           The burden of proof in a probation revocation proceeding is the preponderance of the  
17 evidence. (Rule 5.311, Rules of Procedure.) For purposes of determining culpability, it is  
18 misguided to distinguish between "substantial" and "insubstantial" or "technical" violations of  
19 probation conditions. (*In the Matter of Potack*, supra.) Respondent's failure to comply with  
20 probation demonstrates a lack of concern about professional responsibilities, and therefore,  
21 probation should be revoked.

22           II.     RESPONDENT'S VIOLATION OF PROBATION WARRANTS THE IMPOSITION  
23                   OF THE FULL STAYED SUSPENSION.

24           In a probation revocation proceeding, the hearing judge may recommend actual  
25 suspension up to the entire period of stayed suspension. (Rule 5.312, Rules of Procedure.) In  
26 this case, the Supreme Court imposed a stayed suspension of two years. Based on the violation  
27 of probation, the hearing judge should now recommend that Respondent be actually suspended  
28 for the full period of stayed suspension. Respondent should remain suspended and until

1 Respondent makes restitution and complies with Standard 1.2(c)(1), Attorney Standards for  
2 Attorney Sanctions for Professional Misconduct. (*In the Matter of Hunter* (Review Dept. 1994)  
3 3 Cal. State Bar Ct. Rptr. 81; *In the Matter of Luis* (Review Dept. 2004) 4 Cal. State Bar Ct.  
4 Rptr. 737.)

5 III. UPON FINDING OF VIOLATION OF PROBATION, THE COURT MAY ORDER A  
6 RESPONDENT PLACED ON INACTIVE STATUS.

7 In a probation revocation proceeding, the hearing judge may order the involuntary  
8 inactive enrollment of a Respondent upon a finding that each of the elements of Business and  
9 Professions Code section 6007(d) have occurred. (Rule 5.315, Rules of Procedure.) Those  
10 elements have occurred where the Respondent is under an order of stayed suspension with a  
11 period of probation and has violated that probation and where the hearing judge recommends a  
12 period of actual suspension. (Business and Professions Code, section 6007(d)(1).) See *In the*  
13 *Matter of Tiernan* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 523, 531-532. The order  
14 enrolling a respondent inactive shall be effective upon service unless otherwise ordered by the  
15 judge. (Rule 5.315, Rules of Procedure.)

16 CONCLUSION

17 The Supreme Court has stayed Respondent's suspension and placed him on probation,  
18 and Respondent has violated that probation. The State Bar requests that the hearing judge  
19 recommend revocation of Respondent's probation and the imposition of two years of actual  
20 suspension. Respondent should remain suspended and until Respondent makes restitution and  
21 complies with Standard 1.2(c)(1), Attorney Sanctions for Professional Misconduct. Furthermore,

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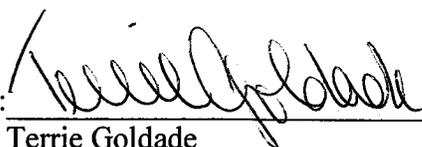
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1 the hearing judge should order Respondent placed on involuntary inactive enrollment until the  
2 suspension is effective and order Respondent to comply with Rule 9.20, California Rules of  
3 Court.

4 Respectfully submitted,

5 THE STATE BAR OF CALIFORNIA  
6 OFFICE OF PROBATION

7  
8 DATED: September 10, 2014

By: 

9 Terrie Goldade  
10 Supervising Attorney

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1           7.       A review of the probation file on Respondent reflects that a disciplinary order  
2 imposing probation is contained therein. A certified copy of said order, filed on December 11,  
3 2013, is attached hereto and incorporated by reference as Exhibit 2. A certified copy of the  
4 stipulation filed August 20, 2013 is also included within Exhibit 2 for the Court's convenience.  
5 A certified copy of the Order Denying Motion for Extension of Time to Pay Restitution filed  
6 July 14, 2014 is also included within Exhibit 2. Pursuant to said order, the terms and conditions  
7 of probation imposed on Respondent include the following:

8                   a. contact the Office of Probation within 30 days of the effective date of his  
9 discipline—by February 9, 2014, to schedule a meeting with his assigned Probation  
10 Deputy to discuss the terms and conditions of his probation. Respondent has not  
11 complied in that he contacted the Office of Probation late on February 12, 2014. (The  
12 meeting was then held as scheduled on February 21, 2014.)

13                   b. comply with the State Bar Act and the Rules of Professional Conduct and to  
14 report such compliance to the Office of Probation under penalty of perjury each January  
15 10, April 10, July 10, and October 10 (“quarterly reports”). Respondent has not complied  
16 in that he filed his first quarterly report, due April 10, 2014, late on April 16, 2014.

17                   c. pay restitution to Matthew Kahnamelli in the principal amount of \$3,510, plus  
18 interest of 10% per annum accruing from March 17, 2011. If the Client Security Fund  
19 reimbursed for all or any portion of that amount, Respondent was also to pay restitution  
20 to CSF in the amount paid, plus applicable interest and costs. Respondent was ordered to  
21 provide satisfactory proof that he had paid the restitution not later than 30 days after the  
22 effective date of his discipline—by February 9, 2014. Respondent has not complied in  
23 that he has not provided satisfactory proof that he has paid any restitution.

24           8.       As Custodian of Records, I have reviewed the entire contents of the probation file  
25 on Respondent which reflects that the relevant portions of the disciplinary orders imposing  
26 probation and a letter confirming the terms and conditions of probation, including suspension,  
27 were provided to the Respondent on January 21, 2014.

1           9.       The following documents, attached hereto and incorporated by reference  
2 collectively as Exhibit 3, are contained in the Office of Probation file maintained on respondent:

3           a.       Reminder letter mailed to Respondent on January 21, 2014 outlining the terms  
4                   and conditions of his probation with deadlines. The letter reminded  
5                   Respondent that for all conditions, being even one day late meant that he was  
6                   not in compliance. The letter advised that the Office of Probation does not  
7                   have the authority to extend deadlines, that he could file a motion for  
8                   extension, and that failure to timely submit proof of compliance could result  
9                   in a noncompliance referral. Enclosed with the letter were a variety of  
10                  informational sheets, including Quarterly Report Instructions and Proof of  
11                  Payment Information.

12          b.       Required Probation Meeting Record form for telephonic meeting with  
13                   Respondent on February 21, 2014. Respondent was reminded of all of his  
14                   conditions and deadlines, including quarterly reporting and restitution.  
15                   Respondent stated during the meeting that he had not paid restitution and did  
16                   not have the money to pay; I told him that he should consider filing a motion.  
17                   Respondent was informed that he was out of compliance with his conditions  
18                   requiring that he make restitution and contact me. He was informed that he  
19                   could be referred which could lead to further discipline, which could be  
20                   costly. He was reminded that being even 1 day late was non-compliance.

21          c.       Respondent's April 10, 2014 quarterly report "received" April 11, 2014. It  
22                   could not be filed because it did not include the second page of the quarterly  
23                   report, which was to contain the penalty of perjury affirmation and  
24                   Respondent's signature. (Respondent attached a declaration under penalty of  
25                   perjury to the first page of the quarterly reporting form, but it only addressed a  
26                   pending matter.)

- 1 d. Respondent's April 10, 2014 quarterly report filed late on April 16, 2014. In  
2 that report, Respondent wrote "I have not been able to pay restitution due to  
3 no income during the actual suspension".
- 4 e. April 17, 2014 letter mailed to Respondent setting forth his non-compliance  
5 with his probation conditions. A copy of the January 21, 2014 letter, with all  
6 attachments, was enclosed.
- 7 f. April 17, 2014 letter e-mailed to Respondent setting forth his non-compliance  
8 with his probation conditions. A copy of the January 21, 2014 letter, with all  
9 attachments, was enclosed. A delivery confirmation was received.
- 10 g. Respondent's motion for extension to pay restitution was filed June 26, 2014  
11 and was served on the Office of the Chief Trial Counsel; the Office of  
12 Probation did not receive that motion until July 8, 2014.
- 13 h. Office of Probation's opposition to motion for extension to pay restitution  
14 filed July 10, 2014.
- 15 i. Respondent's July 10, 2014 quarterly report filed July 10, 2014. Respondent  
16 reported that he had complied with all conditions of probation during the  
17 preceding calendar quarter—April 1 through June 30, 2014. However,  
18 Respondent had filed his first quarterly report late on April 16, 2014 and still  
19 had not paid restitution by February 9, 2014.

20 10. A complete review of the Respondent's file reflects that none of the letters  
21 referred to above were returned to the State Bar of California, Office of Probation by the United  
22 States Postal Service as undeliverable, or for any other reason.

23 11. On Wednesday, February 12, 2014, I received a voice mail message from  
24 Respondent stating that he was calling to schedule his meeting. He stated that his date was  
25 Sunday. He also stated that unfortunately he had been out of town on a family matter and was  
26 just now back in town. He left his name and telephone number.

27 12. On February 13, 2014, I telephoned the number Respondent had left in his voice  
28 mail message to me. It was to Experian. I could not reach Respondent at that telephone number.

1 I then telephoned Respondent's membership records telephone number. I told the receptionist  
2 the number I was trying to dial, and she provided me with a corrected telephone number.

3 13. On February 13, 2014, I telephoned Respondent on the corrected telephone  
4 number provided by the receptionist, which was his cell phone number, and left a voice mail  
5 message that I was returning his call to schedule a meeting and requested that he call me back to  
6 schedule the meeting.

7 14. On February 19, 2014, Respondent left me a voice mail message saying that he  
8 was calling to schedule his meeting. He stated that he would be out of the office for the rest of  
9 the day. He said that, if he could, he would try to call me tomorrow morning and see if a  
10 meeting could be arranged at my convenience.

11 15. On February 20, 2014, I telephoned Respondent and told him that I was returning  
12 his call about scheduling a meeting. I asked him if he had reviewed my letter and if he had it  
13 with him. He said yes, but that it would be better for him to have the meeting the next morning.  
14 We scheduled the meeting for February 21, 2014 at 10 a.m. I told him to call me at that time and  
15 have my letter in front of him.

16 16. On February 21, 2014, Respondent telephoned me and I conducted the meeting to  
17 review all of the terms and conditions of his probation with deadlines.

18 17. On Monday, April 14, 2014, I telephoned Respondent and told him that I could  
19 not file his April 10, 2014 quarterly report because it was not complete; he had only filled out the  
20 first page and then attached a declaration regarding a pending matter. I told him to send a  
21 complete quarterly report and to date it as of the time he was signing it now.

22 18. On June 16, 2014, I telephoned Respondent and told him that I had sent him two  
23 letters. Respondent said that he had not received them. I reviewed with Respondent his mailing  
24 and e-mailing addresses. Both were correct. Respondent then stated that he did remember  
25 receiving my letters. I told Respondent that he had not filed a motion and had not provided proof  
26 of payment of restitution. I told him that if he did not do so immediately, the Office of Probation  
27 would be filing a motion to revoke his probation. Respondent said he was at a graduation and  
28 that he would take care of it.



DECLARATION OF SERVICE BY CERTIFIED AND REGULAR MAIL

CASE NUMBER(s): NEW PM

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 S. Figueroa Street, Los Angeles, California 90017-2515, 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 Los Angeles, on the date shown below, a true copy of the within

**MOTION TO REVOKE PROBATION; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF MAY LING FERNANDEZ EXHIBITS 1 THROUGH 3; PROBATION REVOCATION RESPONSE FORM { Rule 5.310 et seq., Rules of Procedure of the State Bar }**

in a sealed envelope placed for collection and mailing as Certified mail #7160 3901 9845 4871 9239 and regular mail mailed at Los Angeles, on the date shown below, addressed to:

Timothy D. Myers  
4911 Warner Ave Ste 219  
Huntington Beach, CA 92649

**Courtesy copy by regular mail to:**  
Timothy D. Myers  
4911 Warner Ave Ste 219  
Huntington Beach, CA 92649

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 Los Angeles, California, on the date shown below.

DATED: September 10, 2014

SIGNED: \_\_\_\_\_



Mia Hibler  
Declarant

Counsel for Respondent	(for Court use)
In the Matter of  Bar #  A member of the State Bar of California ("Respondent")	Case no(s).  <b>PROBATION REVOCATION RESPONSE (Rule 5.314, Rules of Procedure)</b>

As required by rule 5.314(B), Rules of Procedure, Respondent attaches one or more declarations to this form which set forth the facts upon which my opposition to the motion to revoke probation is based.

(1)  Respondent requests a hearing in this matter and intends to participate.

**OR**

(2)  Respondent requests that this proceeding be resolved on the pleadings without any hearing.

If you checked box (1), check one of the following:

(a)  Respondent requests the opportunity to cross-examine the person(s) who executed declaration(s) in support of the motion to revoke my probation.

(b)  Respondent does not request the opportunity to cross-examine the person(s) who executed declaration(s) in support of the motion to revoke my probation.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature



# THE STATE BAR OF CALIFORNIA

MEMBER RECORDS & COMPLIANCE

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

August 11, 2014

TO WHOM IT MAY CONCERN:

I, Louise Turner, Custodian of Membership Records of the State Bar of California, hereby certify that attached is a full, true and correct copy of the registration card on file in the Membership Records Department of the State Bar of California for TIMOTHY DAVID MYERS, #199356.

THE STATE BAR OF CALIFORNIA

Louise Turner  
Custodian of Membership Records

00001

THE STATE BAR OF CALIFORNIA  
REGISTRATION CARD

INFORMATION PROVIDED ON THIS CARD BECOMES PUBLIC RECORD

MEMBER'S FULL NAME  
LAST

MYERS

FIRST

TIMOTHY

MIDDLE

DAVID

(PLEASE PRINT IN BLACK INK, OR TYPE)

OFFICE ADDRESS, OR, IF NONE, OTHER ADDRESS FOR STATE BAR PURPOSES:

FIRM  
NAME

ADDRESS

5921 GHENT DR

CITY

HUNTINGTON BEACH

STATE

CA

ZIP

92649+

FOREIGN  
COUNTRY

TELEPHONE

714 846-3067

FAX

E-MAIL

tmyers@comparts.com

PLACE OF BIRTH

BIRTH DATE

MONTH

11

DAY

12

YEAR

67

ANAHEIM

CA

State Bar Use Only	
SCHOOL CODE	
SCHOOL CODE	

UNDERGRADUATE  
DEGREE FROM:

Brigham Young University

CITY

Provo

STATE

UT

LAW DEGREE  
FROM:

Brigham Young University

CITY

Provo

STATE

UT

DATES AND PLACES OF  
PRIOR ADMISSION TO PRACTICE

MAIL  
RESTRICTION

State Bar Use Only

199356  
NUMBER

12 07 98  
DATE ADMITTED

FEES \$

W.C. \$

S.C. \$

TOTAL \$

REV 10/98

00002

I hereby enroll myself as an attorney and counselor at law, promising faithfully to perform all legal duties and comply with the obligations prescribed by the laws of the State of California, and declare the information on the reverse to be correct:

Oath:  
I solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of an attorney and counselor at law to the best of my knowledge and ability.

DATE 12-7-98 SIGNED

*[Handwritten Signature]*  
(member signature)

I hereby certify that the foregoing oath, taken by the attorney above named, as required by law, was formally administered by and subscribed to before me.



DATE DEC 07 1998

SIGNED *[Handwritten Signature]*

WILLIAM T. GARNER, JUDGE

(administering officer signature and title)

Members have the opportunity to have their names withheld from all lists released to outside entities. If you wish to be excluded from these lists please initial this box

There are two kinds of certificates of admission available to you: a standard typed certificate for which there is no additional charge or a customized certificate for \$40. Please indicate which certificate you wish to order. Do not include payment at this time. You will be billed.

RECEIVED  
DEC 16 1998

STANDARD CERTIFICATE

CUSTOMIZED CERTIFICATE

INFORMATION PROVIDED ON THIS FORM BECOMES PUBLIC RECORD

STATE BAR OF CALIFORNIA  
MEMBERSHIP RECORDS  
SAN FRANCISCO



THE STATE BAR  
OF CALIFORNIA

MEMBER RECORDS & COMPLIANCE

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

August 11, 2014

TO WHOM IT MAY CONCERN:

I, Louise Turner, Custodian of Membership Records of the State Bar of California, hereby certify that attached is a full, true and correct copy of the address history on file in the Membership Records Department of the State Bar of California for TIMOTHY DAVID MYERS, #199356 from December 7, 1998 to the date of this certificate.

THE STATE BAR OF CALIFORNIA

Louise Turner  
Custodian of Membership Records

00004

MM595R2

MEMBER ADDRESS CHANGE HISTORY

Print Date: 8/11/14

Member #: 199356

Date of Admission: 12/07/1998 Status: Active

Effective: 4/10/2014

Name: Timothy D. Myers

Address:

Eff:10/05/2010

4911 Warner Ave Ste 219  
Huntington Beach CA 92649

Eff: 3/09/2010

7400 Center Ave Ste 107  
Huntington Beach CA 92647

Washburn & Myers

Eff:12/14/2006

7400 Center Ave Ste 215  
Huntington Beach CA 92647

Eff: 4/02/2004

16541 Gothard St Ste 209  
Huntington Beach CA 92647 4473

Huntington Beach Law Center

Eff:12/15/2003

16541 Gothard St Ste 209  
Huntington Beach CA 92647 4473

Eff: 8/09/2001

7398 Center Ave  
Huntington Beach CA 92647

Eff:10/23/2000

15751 Brookhurst St #104  
Westminster CA 92683

00005

MM595R2

MEMBER ADDRESS CHANGE HISTORY

Print Date: 8/11/14

Member #: 199356

Date of Admission: 12/07/1998 Status: Active

Effective: 4/10/2014

Name: Timothy D. Myers

Address:

Eff: 4/10/2000

Myers & Associates  
14550 Magnolia St #201  
Westminster CA 92683

Eff: 2/04/2000

Lee & Myers  
16691 Gothard St #L  
Huntington Beach CA 92647 4474

Eff: 10/18/1999

Lee & Myers  
16691 Gothard St #L  
Huntington Beach CA 92647

Eff: 4/12/1999

Carroll Kelley & Trotter  
100 Oceangate #800  
Long Beach CA 90802

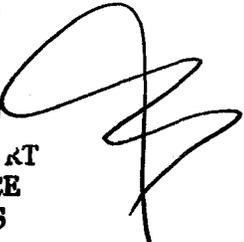
Eff: 12/07/1998

5921 Ghent Dr  
Huntington Beach CA 92649

FILED

JUL 14 2014

CLERK'S OFFICE  
LOS ANGELES



STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES

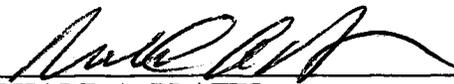
In the Matter of	)	Case No.: 12-O-17220 (S213798)
	)	
<b>TIMOTHY D. MYERS</b>	)	<b>ORDER DENYING MOTION FOR</b>
	)	<b>EXTENSION OF TIME TO PAY</b>
Member No. 199356	)	<b>RESTITUTION</b>
	)	
<u>A Member of the State Bar.</u>	)	

On June 26, 2014, respondent **Timothy D. Myers** filed a motion for an extension in time to pay restitution. The motion was made on the grounds of hardship. The Office of Probation (State Bar), by Supervising Attorney Terri Goldade, filed a response in opposition on July 10, 2014.

Having considered the parties' contentions, the court **DENIES** the motion to extend time to pay restitution. Respondent has failed to provide proof of financial hardship.

**IT IS ORDERED.**

Dated: July 11, 2014

  
 \_\_\_\_\_  
 RICHARD A. PLATEL  
 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 14, 2014, I deposited a true copy of the following document(s):

**ORDER DENYING MOTION FOR EXTENSION OF TIME TO PAY COSTS**

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

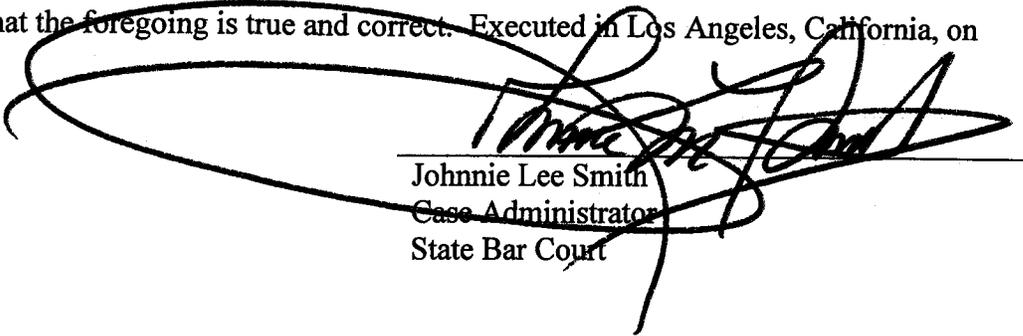
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

TIMOTHY D. MYERS  
4911 WARNER AVE STE 219  
HUNTINGTON BEACH, CA 92649

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

TERRIE GOLDADE PROBATION DEPT, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 14, 2014.



Johnnie Lee Smith  
Case Administrator  
State Bar Court

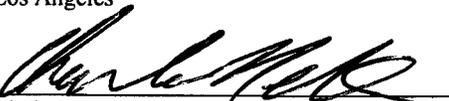


The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST August 20, 2014

State Bar Court, State Bar of California,  
Los Angeles

By

  
Clerk

DEC 11 2013

(State Bar Court No. 12-O-17220)

S213798

Frank A. McGuire Clerk

Deputy

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

In re **TIMOTHY DAVID MYERS** on Discipline

The court orders that Timothy David Myers, State Bar Number 199356, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. Timothy David Myers is suspended from the practice of law for the first 90 days of probation;
2. Timothy David Myers must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 20, 2013, 2013; and
3. At the expiration of the period of probation, if Timothy David Myers has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

Timothy David Myers must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Timothy David Myers must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are 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. One-third of the costs must be paid with his membership fees for each of the years 2015, 2016, and 2017. If Timothy David Myers fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

I, Frank A. McGuire, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

**CANTIL-SAKAUYE**  
Chief Justice

DEC 11 2013  
day of \_\_\_\_\_ 20\_\_\_\_

00004

ORIGINAL

(Do not write above this line.)

State Bar Court of California  
Hearing Department **PUBLIC MATTER**  
Los Angeles  
ACTUAL SUSPENSION

<p>Counsel For The State Bar</p> <p>Agustin Hernandez Deputy Trial Counsel 1149 South Hill St. Los Angeles, CA 90015 (213) 765-1713</p> <p>Bar # 161625</p>	<p>Case Number(s): 12-O-17220-RAH</p>	<p>For Court use only</p> <p><b>FILED</b> AUG 20 2013 P.B. STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Timothy David Myers 4911 Warner Ave., Suite 219 Huntington Beach, CA 92649 (714) 840-0900</p> <p>Bar # 199356</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: <b>TIMOTHY DAVID MYERS</b></p> <p>Bar # 199356</p> <p>A Member of the State Bar of California (Respondent)</p>		

**Note:** All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted December 7, 1998.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 13 pages, not including the order.

abd  
7/18/13

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- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: three billing cycles following the effective date of the Supreme Court order. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.

**B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

- (1)  Prior record of discipline [see standard 1.2(f)]
- (a)  State Bar Court case # of prior case
  - (b)  Date prior discipline effective
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. See Attachment, page 10.

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- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See Attachment, page 10.
- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.**

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2)  **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted in good faith.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

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(12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

(13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

See Attachment, pages 10-11.

**D. Discipline:**

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of two years.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following:

(b)  The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent must be placed on probation for a period of two years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3)  **Actual Suspension:**

(a)  Respondent must be actually suspended from the practice of law in the State of California for a period of 90 days.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

(1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

(2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

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- (3)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4)  Within thirty (30) days from 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)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input checked="" type="checkbox"/> Financial Conditions  |

#### F. Other Conditions Negotiated by the Parties:

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without**

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further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.

No MPRE recommended. Reason:

- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5)  **Other Conditions:**

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///  
///

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In the Matter of: <b>TIMOTHY DAVID MYERS</b>	Case Number(s): <b>12-O-17220-RAH</b>
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**Financial Conditions**

**a. Restitution**

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Matthew Kahnamelli	\$3,510	March 17, 2011

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than 30 days after the effective date of the disciplinary order herein.

**b. Installment Restitution Payments**

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**c. Client Funds Certificate**

- 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
  - a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
  1. the name of such client;
  2. the date, amount and source of all funds received on behalf of such client;
  3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
  4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
  1. the name of such account;
  2. the date, amount and client affected by each debit and credit; and,
  3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. **Client Trust Accounting School**

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

**ATTACHMENT TO**

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:                         TIMOTHY DAVID MYERS

CASE NUMBER:                             12-O-17220-RAH

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and Rules of Professional Conduct.

**Case No. 12-O-17220 (Complainant: Matthew Kahnamelli)**

**FACTS:**

1. On July 23, 2009, Matthew Kahnamelli ("Kahnamelli") employed Respondent to represent Kahnamelli, individually, and Newport Convertible Engineering, Inc. ("Newport Convertible"), as defendants in a civil matter.
2. On August 27, 2010, the court filed an amended judgment in favor of the plaintiff and against Kahnamelli and Newport Convertible jointly and severally in the amount of \$10,000, plus \$2,475.11 in costs, and attorney fees of \$50,906.05.
3. Prior to November 30, 2010, Kahnamelli and Newport Convertible employed Respondent to represent them in an appeal of the amended judgment. The last day to file a notice of appeal of the amended judgment was November 30, 2010. At all relevant times, Respondent was aware that November 30, 2010, was the last day to file a notice of appeal.
4. Between January 2, 2011, and February 16, 2011, Kahnamelli paid Respondent a total of \$3,510 in advanced attorney's fees in connection with the appeal of the Kahnamelli matter.
5. On February 4, 2011, Respondent filed an untimely notice of appeal on behalf of Kahnamelli and Newport Convertible.
6. On February 28, 2011, the Court of Appeal of the State of California, Fourth Appellate District, Division Three ("Court of Appeal"), filed an order stating that it was considering dismissing the appeal because it was filed untimely, and inviting Respondent to file a brief within 10 days explaining why the appeal should not be dismissed for being untimely.
7. On March 10, 2011, Respondent filed a response to the Court of Appeal's February 28, 2011 order.
8. On April 20, 2011, the Court of Appeal dismissed the appeal due to Respondent's failure to timely file the notice of appeal.
9. Respondent did not provide any legal services of value for the \$3,510 in fees that Kahnamelli paid Respondent for the appeal.
10. Respondent did not earn any portion of the \$3,510 in fees that Kahnamelli paid Respondent for the appeal.

11. To date, Respondent has failed to refund to Kahnamelli any portion of the \$3,510 in fees that Kahnamelli paid Respondent for the appeal.

12. On March 29, 2011, Kahnamelli made a complaint with the State Bar against Respondent ("Kahnamelli complaint").

13. On June 28, 2011, a State Bar Complaint Analyst sent a letter to Respondent regarding the Kahnamelli complaint. The letter requested that Respondent respond in writing to specified allegations of misconduct in the Kahnamelli complaint. Respondent received the letter.

14. In response to the State Bar Complaint Analyst's June 28, 2011 letter, on July 12, 2011, Respondent sent a letter to the State Bar Complaint Analyst. In his July 12, 2011 letter, Respondent misrepresented that Kahnamelli and Newport Convertible had not employed Respondent to represent them in the appeal. At the time Respondent made this statement, the statement was false and Respondent knew that his statement was false because he had been employed to represent Kahnamelli and Newport Convertible in the appeal.

#### CONCLUSIONS OF LAW:

15. By failing to file a timely notice of appeal of the amended judgment, Respondent recklessly failed to perform legal services with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

16. By failing to refund to Kahnamelli any portion of the \$3,510 in fees that Kahnamelli paid Respondent for the appeal, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

17. By knowingly making a false statement to the State Bar, Respondent committed an act involving dishonesty, in willful violation of Business and Professions Code, section 6106.

#### ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

**Multiple Acts of Misconduct (Std. 1.2(b)(ii)):** Respondent committed multiple acts of misconduct. In one client matter, Respondent, Respondent failed to perform legal services with competence, failed to unearned fees and made misrepresentations to the State Bar.

**Harm (Std. 1.2(b)(iv)):** While the dismissal of the appeal does not necessarily support a finding that Kahnamelli and Newport Convertible would have prevailed in their appeal had it not been dismissed, Respondent's misconduct cost them the opportunity to appeal the judgment entered against them in the amount of \$10,000, plus \$2,475.11 in costs, plus \$50,906.05 for attorney fees. (See *In the Matter of Dahlz* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 269, 283 (loss of a cause of action constitutes significant harm).)

Respondent also caused further financial harm to Kahnamelli and Newport Convertible by failing to refund any portion of the unearned fees.

#### ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

**No Prior Discipline:** Although Respondent's misconduct is serious, he has almost 15 years of practice without discipline, which is entitled to substantial mitigation. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49 [attorney with 17 years of discipline-free practice entitled

to mitigation despite serious misconduct]; *Edwards v. State Bar* (1990) 52 Cal.3d 28, 38-39 [mitigation was given to an attorney with 12 years of practice without discipline despite serious misconduct].)

**Pretrial Stipulation:** Respondent is entitled to mitigation for entering into a full stipulation to resolve this matter prior to trial, thereby preserving State Bar Court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

#### **AUTHORITIES SUPPORTING DISCIPLINE.**

The Standards for Attorney Sanctions for Professional Misconduct provide a “process of fixing discipline” pursuant to a set of written principles to “better discharge the purposes of attorney discipline as announced by the Supreme Court.” (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed are “the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession.” (*In re Morse* (1995) 11 Cal.4th 184, 205; std. 1.3.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Respondent committed three acts of professional misconduct. Standard 1.6 (a) requires that where a Respondent commits two or more acts of misconduct, and different sanctions are prescribed by the standards that apply to those acts, the sanction imposed shall be the more or most severe prescribed in the applicable standards.

The most severe sanction applicable to Respondent’s misconduct is found in standard 2.3, which applies to Respondent’s misrepresentation to the State Bar, an act of dishonesty in violation of Business and Professions Code section 6106.

Standard 2.3 provides that culpability of an act of moral turpitude, fraud, intentional dishonesty or concealment of a material fact to a court, client or another person shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member’s acts within the practice of law.

In the instant case, Respondent knowingly misrepresented to the State Bar that he had not been employed to work on the appeal of the Kahnamelli matter when in fact he had been employed to work on the appeal. Respondent’s misrepresentation to the State Bar is directly related to the practice of law and constitutes a serious breach of his duties as an attorney. (See *Chang v. State Bar* (1989) 49 Cal.3d

114, 128 (fraudulent and contrived misrepresentations to the State Bar may constitute a greater offense than misappropriation).) In addition, Respondent failed return the unearned fees that he received for the appeal after having allowed the time for initiating the appeal to run. Respondent's misconduct also harmed his clients as they lost the opportunity to appeal the judgment. Respondent's 15 years of discipline-free practice, as well as his agreement to enter into this stipulation are mitigating factors. However, they are not sufficiently compelling to warrant a deviation from standard 2.3. Based on the facts, aggravating and mitigating circumstances, and the standards, discipline consisting of a two-year stayed suspension and two years of probation subject to conditions, including a 90-day actual suspension, is sufficient to protect the public, the courts and the integrity of the legal profession.

A 90-day actual suspension is also consistent with case law. *In the Matter of Wells*, a member received a two-year stayed suspension, with six months of actual suspension and two years of probation for making misrepresentations to the State Bar of California as well as to the South Carolina deputy solicitor general. The misconduct in *Wells* however, was more egregious than the misconduct in the instant matter as she also engaged in the unauthorized practice of law. Wells moved to South Carolina where she represented at least nine clients during the approximately five years that she lived there. Wells misrepresented to the State Bar of California that she did not practice law in South Carolina. She also made misrepresentations to the South Carolina deputy solicitor general by understating the extent of her practice of law in that state and how long she had lived there. The court found that Wells violated Business and Professions Code section 6106 (misrepresentations), and rules 1-300(B) (practicing in a jurisdiction where not licensed) (two counts), 4-200(A) (charging an illegal fee) (two counts), 3-700(D)(2) (failure to refund unearned fees) (two counts). Wells also had a prior imposition of a private reproof. (*In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896).

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of June 11, 2013, the prosecution costs in this matter are \$3,419. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

#### **EXCLUSION FROM MCLE CREDIT**

Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School or any other educational course(s) to be ordered as a condition of reproof or suspension. (Rules Proc. of State Bar, rule 3201.)

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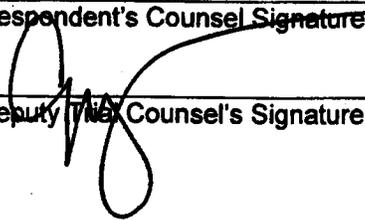


(Do not write above this line.)

In the Matter of: <b>TIMOTHY DAVID MYERS</b>	Case number(s): <b>12-O-17220-RAH</b>
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**SIGNATURE OF THE PARTIES**

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

_____	_____	<b>TIMOTHY DAVID MYERS</b>
Date	Respondent's Signature	Print Name
_____	_____	_____
Date	Respondent's Counsel Signature	Print Name
<u>July 30, 2013</u>		<b>AGUSTIN HERNANDEZ</b>
Date	Deputy Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of: TIMOTHY DAVID MYERS	Case Number(s): 12-O-17220-RAH
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**ACTUAL SUSPENSION ORDER**

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

*PAGE 1, SECTION A. 3 - DELETE - "13 PAGES"  
INSERT - "14 PAGES"*

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

08-15-2013  
Date

  
RICHARD A. PLATEL  
Judge of the State Bar Court

RICHARD A. PLATEL

**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 August 20, 2013, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING**

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:

**TIMOTHY D. MYERS  
4911 WARNER AVE STE 219  
HUNTINGTON BEACH, CA 92649**

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

**Agustin Hernandez, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 20, 2013.



Paul Barona  
Case Administrator  
State Bar Court

1 TIMOTHY D. MYERS, Attorney at Law  
4911 Warner Avenue, Suite 219  
2 Huntington Beach, CA 92649  
(714) 840-0900  
3 Bar No. 199356

**FILED**

**APR 23 2013**

**STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES**

8 STATE BAR COURT

9 HEARING DEPARTMENT-LOS ANGELES

10

11

In the Matter of )

Case No. 12-O-17220

12

TIMOTHY D. MYERS )

RESPONSE TO NOTICE OF DISCIPLINARY  
CHARGES

13

14

A Member of the State Bar )

15

[Rule of Procedure 5.43]

16

17

Address for Service

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All documents in this matter should be served on respondent at the above  
19 address.

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Response to Allegations:

22

23

1. Respondent admits the allegations of paragraph 1.

24

Count 1 (Rule 3-110AA))

25

2. Respondent denies the Allegations of Paragraph 2.

26

3. Respondent denies the Allegations of Paragraph 3.

27

4. Respondent denies the Allegations of Paragraph 4.

28

5. Respondent denies the Allegations of Paragraph 5.

6. Respondent denies the Allegations of Paragraph 6.

- 1 7. Respondent denies the Allegations of Paragraph 7.
- 2 8. Respondent denies the Allegations of Paragraph 8.
- 3 9. Respondent denies the Allegations of Paragraph 9.
- 4 10. Respondent denies the Allegations of Paragraph 10.
- 5 11. Respondent denies the Allegations of Paragraph 11.
- 6 12. Respondent denies the Allegations of Paragraph 12.
- 7 13. Respondent denies the Allegations of Paragraph 13.
- 8 14. Respondent denies the Allegations of Paragraph 14.
- 9 15. Respondent denies the Allegations of Paragraph 15.
- 10 16. Respondent denies the Allegations of Paragraph 16.
- 11 17. Respondent denies the Allegations of Paragraph 17.
- 12 18. Respondent denies the Allegations of Paragraph 18.
- 13 19. Respondent denies the Allegations of Paragraph 19.
- 14 20. Respondent denies the Allegations of Paragraph 20.
- 15 21. Respondent denies the Allegations of Paragraph 21.
- 16 22. Respondent denies the Allegations of Paragraph 22.
- 17 23. Respondent denies the Allegations of Paragraph 23.
- 18 24. Respondent denies the Allegations of Paragraph 24.
- 19 25. Respondent denies the Allegations of Paragraph 25.

20  
21 Count 2 (Rule 3-700(D)(2))

- 22 26. Respondent denies the Allegations of Paragraph 26.
- 23 27. Respondent denies the Allegations of Paragraph 27.
- 24 28. Respondent denies the Allegations of Paragraph 28.
- 25 29. Respondent denies the Allegations of Paragraph 29.
- 26 30. Respondent denies the Allegations of Paragraph 30.
- 27 31. Respondent denies the Allegations of Paragraph 31.

28

Count 3 (Business and Professions Code, Section 6106)

- 1 32. Respondent denies the Allegations of Paragraph 32.
- 2 33. Respondent denies the Allegations of Paragraph 33.
- 3 34. Respondent denies the Allegations of Paragraph 34.
- 4 35. Respondent denies the Allegations of Paragraph 35.
- 5 36. Respondent denies the Allegations of Paragraph 36.
- 6 37. Respondent denies the Allegations of Paragraph 37.

7 First Affirmative Defense

8 The notice of disciplinary charges, and each count, fails to state a  
9 disciplinable offense.

10

11 Second Affirmative Defense

12 With respect to Count 1, Respondent's conduct was not willful.

13 Third Affirmative Defense

14 With Respect to Count 2, Respondent's conduct was not willful.

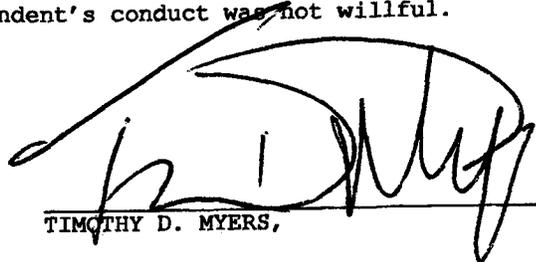
15 Fourth Affirmative Defense

16 With Respect to Count 3, Respondent's conduct was not willful.

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19 Dated: April 17, 2013



TIMOTHY D. MYERS,

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DECLARATION OF SERVICE

By

Overnight Delivery

Case Number: 12-O-17220

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 4911 Warner Ave., Ste. 219, Huntington Beach California, declare that on the date shown below, I caused to be served a true copy of the within document described as "Response to Disciplinary Charges" by Overnight Mail addressed to

State Bar of California  
Office of the Chief Trial Counsel  
1149 South Hill Street  
Los Angeles, CA 90015-2299

By placing the document, together with this declaration in an envelope designated by USPS as an overnight delivers.

I am readily familiar with the procedures for mailing with the United States Postal Service as well as the overnight procedures for the United States Postal Service.

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 of 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 Huntington Beach, California on April 19, 2013.

Signed Jean Propoggia  
Jean Propoggia,  
Declarant

# PUBLIC MATTER

1 STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL  
2 JAYNE KIM, No. 174614  
CHIEF TRIAL COUNSEL  
3 JOSEPH R. CARLUCCI, No. 172309  
DEPUTY CHIEF TRIAL COUNSEL  
4 ALAN B. GORDON, No. 125642  
ASSISTANT CHIEF TRIAL COUNSEL  
5 AGUSTIN HERNANDEZ, No. 161625  
DEPUTY TRIAL COUNSEL  
6 1149 South Hill Street  
Los Angeles, California 90015-2299  
7 Telephone: (213) 765-1713

**FILED**

MAR 27 2013

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

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## STATE BAR COURT

### HEARING DEPARTMENT - LOS ANGELES

In the Matter of: ) Case No. 12-O-17220  
TIMOTHY DAVID MYERS, ) NOTICE OF DISCIPLINARY CHARGES  
No. 199356, )  
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.

00025

1 The State Bar of California alleges:

2 JURISDICTION

3 1. TIMOTHY DAVID MYERS ("Respondent") was admitted to the practice of law in  
4 the State of California on December 7, 1998, was a member at all times pertinent to these  
5 charges, and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 12-O-17220  
8 Rules of Professional Conduct, rule 3-110(A)  
[Failure to Perform with Competence]

9 2. Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), by  
10 intentionally, recklessly, or repeatedly failing to perform legal services with competence, as  
11 follows:

12 3. On or about July 23, 2009, Matthew Kahnamelli ("Kahnamelli") employed  
13 Respondent to represent Kahnamelli, individually, and Newport Convertible Engineering, Inc.  
14 ("Newport Convertible"), in a civil matter pending in Orange County Superior Court entitled  
15 *Donna Hodge v. Newport Convertible Engineering, Inc., and Matthew Kahnamelli*, Case No.  
16 07CC11512, filed on or about November 1, 2007 ("Kahnamelli matter"). Kahnamelli paid  
17 Respondent \$5,000 as attorney fees to represent him and Newport Convertible in the Kahnamelli  
18 matter.

19 4. On or about August 21, 2009, Respondent substituted in as attorney of record for  
20 Kahnamelli and Newport Convertible.

21 5. On or about October 14, 2009 through October 19, 2009, a trial was held in the  
22 Kahnamelli matter.

23 6. On or about October 22, 2009, the court issued a ruling awarding a judgment in favor  
24 of plaintiff Donna Hodge ("Hodge") and against Kahnamelli and Newport Convertible jointly  
25 and severally in the amount of \$10,000 plus costs in an amount to be determined later. On or  
26 about October 26, 2009, the court clerk served a copy of the court's ruling on Respondent.  
27 Respondent received the court's ruling.

28

1           7. On or about February 5, 2010, the court entered a judgment in favor of Hodge and  
2 against Kahnamelli and Newport Convertible jointly and severally in the amount of \$10,000 plus  
3 costs in an amount to be determined later. On or about March 4, 2010, opposing counsel served  
4 the notice of entry of judgment on Respondent. Respondent received the notice of entry of  
5 judgment.

6           8. On or about March 10, 2010, Counsel for Hodge filed a memorandum of costs in the  
7 amount of \$2,475.11. On or about May 3, 2010, opposing counsel served the memorandum of  
8 costs on Respondent. Respondent received the memorandum of costs.

9           9. On or about May 3, 2010, counsel for Hodge filed a motion for attorney fees in the  
10 amount of \$50,906.05 in the Kahnamelli matter. On or about May 3, 2010, opposing counsel  
11 served the motion for attorney fees on Respondent. Respondent received the motion for attorney  
12 fees.

13           10. On or about July 23, 2010, Respondent filed an opposition to the motion for attorney  
14 fees.

15           11. On or about August 20, 2010, counsel for Hodge filed a reply to Respondent's  
16 opposition to the motion for attorney fees. On or about August 20, 2010, opposing counsel  
17 served the reply on Respondent. Respondent received the reply.

18           12. On or about August 27, 2010, a hearing on Hodge's motion for attorney fees was  
19 held. During this hearing, the court granted Hodge's motion and awarded her \$50,906.05 in  
20 attorney fees.

21           13. On or about August 27, 2010, the court filed an amended judgment in favor of Hodge  
22 and against Kahnamelli and Newport Convertible jointly and severally in the amount of \$10,000  
23 plus \$2,475.11 in costs, and attorney fees of \$50,906.05.

24           14. On or about October 1, 2010, opposing counsel served the amended judgment on  
25 Respondent at 7400 Center Ave., #215, Huntington Beach, CA 92647, which is the address that  
26 Respondent had been using throughout this litigation including in his July 23, 2010 opposition to  
27 the motion for attorney fees. Respondent received the amended judgment.

1           15. Thereafter, but prior to November 30, 2010, Kahnamelli and Newport Convertible  
2 employed Respondent to represent them in an appeal of the amended judgment.

3           16. The last day to file a notice of appeal of the amended judgment was November 30,  
4 2010.

5           17. On or about January 2, 2011, Kahnamelli paid Respondent \$1,510 as attorney fees for  
6 the appeal. On the memo line of the check for these fees, Kahnamelli wrote "appeal, Donna  
7 Hodge."

8           18. On or about February 4, 2011, Respondent filed an untimely notice of appeal on  
9 behalf of Kahnamelli and Newport Convertible. Respondent indicated in the notice of appeal  
10 that he was the attorney of record for Kahnamelli and Newport Convertible.

11           19. On or about February 5, 2011, Kahnamelli paid Respondent an additional \$1,000 as  
12 attorney fees for representation in the appeal. On the memo line of the check for these fees,  
13 Kahnamelli wrote "For Appeal Case."

14           20. On or about February 16, 2011, Kahnamelli paid Respondent an additional \$1,000 as  
15 attorney fees for the appeal. On the memo line of the check for these fees, Kahnamelli wrote  
16 "Appeal #07CC11512."

17           21. On or about February 28, 2011, the Court of Appeal of the State of California, Fourth  
18 Appellate District, Division Three, filed an order indicating that it was considering dismissing  
19 the appeal because it was filed untimely, and invited Respondent to file a written brief within 10  
20 days explaining why the appeal should not be dismissed for untimeliness.

21           22. On or about March 10, 2011, Respondent filed a response to the Court's February 28,  
22 2011 order indicating its intent to dismiss the appeal. Respondent indicated in this response that  
23 he was the attorney of record for appellants Kahnamelli and Newport Convertible.

24           23. On or about March 17, 2011, Respondent signed substitutions of attorney substituting  
25 out as attorney of record for Kahnamelli and Newport Convertible.

26           24. On or about April 20, 2011, the Court of Appeal of the State of California, Fourth  
27 Appellate District, Division Three, filed an order dismissing the appeal due to Respondent's  
28 failure to timely file the notice of appeal.

1 25. By failing to file a timely notice of appeal of the amended judgment, Respondent  
2 intentionally, recklessly, or repeatedly failed to perform legal services with competence.

3 COUNT TWO

4 Case No. 12-O-17220  
5 Rules of Professional Conduct, rule 3-700(D)(2)  
6 [Failure to Refund Unearned Fees]

7 26. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(2), by  
8 failing to refund promptly any part of a fee paid in advance that has not been earned, as follows:

9 27. The allegations of Count One are incorporated by reference.

10 28. Respondent did not provide any legal services of value for the \$3,510 in fees that  
11 Kahnamelli paid Respondent for the appeal.

12 29. Respondent did not earn any portion of the \$3,510 in fees that Kahnamelli paid  
13 Respondent for the appeal.

14 30. To date, Respondent has failed to refund to Kahnamelli any portion of the \$3,510 in  
15 fees that Kahnamelli paid Respondent for the appeal.

16 31. By failing to refund to Kahnamelli any portion of the \$3,510 in fees that Kahnamelli  
17 paid Respondent for the appeal, Respondent failed to refund promptly any part of a fee paid in  
18 advance that has not been earned.

19 COUNT THREE

20 Case No. 12-O-17220  
21 Business and Professions Code, section 6106  
22 [Moral Turpitude-Misrepresentation to the State Bar]

23 32. Respondent wilfully violated Business and Professions Code, section 6106, by  
24 committing an act involving moral turpitude, dishonesty or corruption, as follows:

25 33. The allegations of Counts One and Two are incorporated by reference.

26 34. On or about March 29, 2011, Kahnamelli made a complaint with the State Bar against  
27 Respondent ("Kahnamelli complaint").

28 35. On or about June 28, 2011, a State Bar Complaint Analyst sent a letter to Respondent  
regarding the Kahnamelli complaint. The letter requested that Respondent respond in writing to  
specified allegations of misconduct in the Kahnamelli complaint. Respondent received the letter.



DECLARATION OF SERVICE

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

CASE NUMBER(s): 12-O-17220

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))
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 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.: 71969008911164113003 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)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, and Courtesy Copy to. Includes Timothy David Myers and 4911 Warner Ave., # 219.

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 Los Angeles, California, on the date shown below.

DATED: March 27, 2013

SIGNED:

Teresa Amos
Declarant



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST August 20, 2014

\_\_\_\_\_  
State Bar Court, State Bar of California,  
Los Angeles

By

  
\_\_\_\_\_  
Clerk

00032



Timothy D. Myers  
January 21, 2014  
Page 2

The Court has also ordered you to comply with the provisions of Rule 9.20, California Rules of Court. Your affidavit must be timely filed with the State Bar Court by no later than **February 19, 2014**. Do NOT submit your original affidavit to the Office of Probation.

Additionally, by court order, you must take and provide proof of successful passage of the Multi-State Professional Responsibility Examination (MPRE) to the Office of Probation on or before **January 10, 2015**. Please ensure to select "California" as the jurisdiction to receive your score report during registration. It is important that you plan to take this examination well in advance of the due date so that you can re-take the examination if you do not receive a passing score. The passing scaled score is 86. The MPRE is only offered three (3) times a year, but you may not have three chances to take the MPRE by your particular deadline. Failure to provide proof of passage of this examination by the due date may result in your indefinite suspension until you provide proof that you have passed the examination. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn 8.)

In order to comply with the terms and conditions of your probation, you must report the status of your compliance, in each and every respect, by letter with any attachments, executed under penalty of perjury, and addressed to the Office of Probation. As a courtesy, the Office of Probation has prepared a Quarterly Report form for your use. Should you happen to lose your Quarterly Report form, you must submit your request for a copy in writing explaining why you could not maintain a copy for yourself.

Each of your reports must be a clear and unequivocal statement of compliance. See *In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244. If it is not, it can be rejected for filing.

Please read the Instructions and review the Quarterly Report carefully to determine whether you believe that it accurately reflects the required terms and conditions. If you believe there is an error, or if there are any questions, please notify me immediately. **You are responsible for timely complying with each and every term and condition whether or not it is reflected in this letter and/or the Quarterly Report form.** You are reminded that for all conditions, being even one day late means that you are **NOT** in compliance.

The conditions of your probation with compliance due dates are outlined below. Please note this summary **only** reflects those conditions and compliance due dates that require submission of proof of compliance to the Office of Probation. For a thorough review of all conditions, please refer to the enclosed copy of that portion of the disciplinary order setting forth the conditions of probation.

<u>Condition</u>	<u>Deadline(s)</u>
1. Contact Probation Deputy & Schedule Required Meeting	February 9, 2014
2. Restitution	February 9, 2014
3. Rule 9.20	February 19, 2014
4. Quarterly Reports	Quarterly; beginning April 10, 2014

00002

Timothy D. Myers  
January 21, 2014  
Page 3

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|------------------------------|------------------|
| 5. State Bar Ethics School   | January 10, 2015 |
| 6. MPRE                      | January 10, 2015 |
| 7. Final Report <sup>2</sup> | January 10, 2016 |

You are reminded that all Quarterly Reports are due on or before the 10<sup>th</sup> day after the end of each quarter. **If the 10<sup>th</sup> falls on a holiday or a weekend, the report must be received by the Office of Probation prior to that holiday or weekend.** Your Final Report is due on or before **January 10, 2015.**

You are to make good faith efforts to acquire resources to pay restitution, and your failure to make restitution will reflect adversely on your rehabilitation. *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138; *In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525. Financial difficulties may be considered in mitigation, not culpability, if they are extreme and result from circumstances that are not reasonably foreseeable or that were beyond your control; your entire financial condition, not just income, is to be considered. *In the Matter of Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302, 312-313. Because restitution is a measure of rehabilitation, you are to pay the amount ordered even if at a later date a separate agreement is obtained such that the payee will accept less (or file a motion to modify the restitution condition). *Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302, 312-313.

You are required to report, and in no event in more than ten (10) days, to the Membership Records Office of the State Bar and the Office of Probation, all changes of information including current name, office address and telephone number, or other address for State Bar purposes as prescribed by section 6002.1 of the Business and Professions Code. The Office of Probation will only send documents to your official membership records address.

Further, please be advised that the Office of Probation **does not** have the authority to extend compliance due dates or modify the terms and conditions of the discipline order. **Request for extension of time or modification of the terms and conditions of the discipline order must be filed with the State Bar Court Hearing Department or Review Department.** See, Rules of Procedure of the State Bar of California, rules 5.162 and 5.300, et seq. A copy of the motion must be served upon the Office of Probation. **Failure to timely submit reports or any other proof of compliance may result in a non-compliance referral** which may lead to the imposition of additional discipline.

Enclosed are copies of the Supreme Court Order and conditions of probation, which you have already received from the Courts or your counsel, Rule 9.20 - California Rules of Court, Rules 5.330 and 5.332 - Rules of Procedure, Affidavit, Multi-State Professional Responsibility Examination schedule, Quarterly Report with instructions, Proof of Payment instructions, and Notice of Counsel Representation form. Also enclosed is scheduling and enrollment information for the State Bar's Ethics School.

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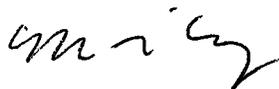
<sup>2</sup> Please note, you will have two Reports due by January 10, 2016. The first is the Quarterly Report for the period covering October 1, 2015 through December 31, 2015. The second is the Final Report for the period covering January 1, 2016 through January 10, 2016.

Timothy D. Myers  
January 21, 2014  
Page 4

It is recommended that you maintain a file containing all orders as well as communication between the Office of Probation and yourself. Keep your file in a convenient location so that if you have contact with the Office of Probation, any question can be quickly addressed. It is further recommended that you sign all original documents in blue so that the Office of Probation will immediately be able to ascertain whether you have provided the required original(s).

Please note that the Court has determined that the repeated need of the State Bar to actively intervene to seek compliance with disciplinary terms and conditions is inconsistent with the self-governing nature of probation as a rehabilitative part of the attorney discipline system. *In the Matter of Gorman* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 567, 573.

Sincerely,



May Fernandez  
Probation Deputy

/el  
Enclosures

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DEC 11 2013

(State Bar Court No. 12-O-17220)

S213798

Frank A. McGuire Clerk

Deputy

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

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In re TIMOTHY DAVID MYERS on Discipline

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The court orders that Timothy David Myers, State Bar Number 199356, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. Timothy David Myers is suspended from the practice of law for the first 90 days of probation;
2. Timothy David Myers must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 20, 2013, 2013; and
3. At the expiration of the period of probation, if Timothy David Myers has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

Timothy David Myers must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Timothy David Myers must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are 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. One-third of the costs must be paid with his membership fees for each of the years 2015, 2016, and 2017. If Timothy David Myers fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

I, Frank A. McGuire, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.  
Witness my hand and the seal of the Court this

**CANTIL-SAKAUYE**  
Chief Justice

DEC 11 2013

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(Do not write above this line.)

(12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

(13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

See Attachment, pages 10-11.

**D. Discipline:**

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of two years.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following:

(b)  The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent must be placed on probation for a period of two years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3)  **Actual Suspension:**

(a)  Respondent must be actually suspended from the practice of law in the State of California for a period of 90 days.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

(1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

(2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

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(Do not write above this line.)

- (3)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4)  Within thirty (30) days from 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)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input checked="" type="checkbox"/> Financial Conditions  |

#### F. Other Conditions Negotiated by the Parties:

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without**

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(Do not write above this line.)

further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.

No MPRE recommended. Reason:

- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5)  **Other Conditions:**

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///  
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(Do not write above this line.)

In the Matter of: <b>TIMOTHY DAVID MYERS</b>	Case Number(s): <b>12-O-17220-RAH</b>
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**Financial Conditions**

**a. Restitution**

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Matthew Kahnamelli	\$3,510	March 17, 2011

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than 30 days after the effective date of the disciplinary order herein.

**b. Installment Restitution Payments**

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**c. Client Funds Certificate**

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

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# 2014 California Rules of Court

## Rule 9.20. Duties of disbarred, resigned, or suspended attorneys

### (a) Disbarment, suspension, and resignation orders

The Supreme Court may include in an order disbaring or suspending a member of the State Bar, or accepting his or her resignation, a direction that the member must, within such time limits as the Supreme Court may prescribe:

- (1) Notify all clients being represented in pending matters and any co-counsel of his or her disbarment, suspension, or resignation and his or her consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and, in the absence of co-counsel, also notify the clients to seek legal advice elsewhere, calling attention to any urgency in seeking the substitution of another attorney or attorneys;
- (2) Deliver to all clients being represented in pending matters any papers or other property to which the clients are entitled, or notify the clients and any co-counsel of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property;
- (3) Refund any part of fees paid that have not been earned; and
- (4) Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties of the disbarment, suspension, or resignation and consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and file a copy of the notice with the court, agency, or tribunal before which the litigation is pending for inclusion in the respective file or files.

*(Subd (a) amended effective January 1, 2007; previously amended effective December 1, 1990.)*

### (b) Notices to clients, co-counsel, opposing counsel, and adverse parties

All notices required by an order of the Supreme Court or the State Bar Court under this rule must be given by registered or certified mail, return receipt requested, and must contain an address where communications may be directed to the disbarred, suspended, or resigned member.

*(Subd (b) amended effective January 1, 2007; previously amended effective December 1, 1990.)*

### (c) Filing proof of compliance

Within such time as the order may prescribe after the effective date of the member's disbarment, suspension, or resignation, the member must file with the Clerk of the State Bar Court an affidavit showing that he or she has fully complied with those provisions of the order entered under this rule. The affidavit must also specify an address where communications may be directed to the disbarred, suspended, or resigned member.

*(Subd (c) amended effective January 1, 2007; previously amended effective December 1, 1990.)*

### (d) Sanctions for failure to comply

A disbarred or resigned member's willful failure to comply with the provisions of this rule is a ground for denying his or her application for reinstatement or readmission. A suspended member's willful failure to comply with the provisions of this rule is a cause for disbarment or suspension and for revocation of any pending probation. Additionally, such failure may be punished as a contempt or a crime.

*(Subd (d) amended effective January 1, 2007; previously relettered and amended effective December 1, 1990.)*

## Division 6. Special Proceedings

### Chapter 1. Rule 9.20 Proceedings

#### Rule 5.330 Nature of Proceeding

A rule 9.20 proceeding is one in which the member is charged with failing to comply with rule 9.20 of the California Rules of Court as ordered by the Supreme Court. These rules apply to rule 9.20 proceedings.

#### Rule 5.331 Definitions

- (A) **Rule 9.20.** As used in these rules, "rule 9.20" refers to rule 9.20 of the California Rules of Court, and "rule 9.20 order" means an order requiring a member to comply with rule 9.20 of the California Rules of Court.
- (B) **"Declaration of Compliance" Defined.** A declaration signed by a member to comply or attempt to comply with a rule 9.20 order.

#### Rule 5.332 Filing and Service of Declarations of Compliance

- (A) **Proof of Service.** All declarations of compliance must be accompanied by proof of service on the Office of Probation.
- (B) **Mandatory Filing.** The Clerk of the State Bar Court must file all declarations of compliance, regardless of their form or the date submitted.
- (C) **No Proof of Service.** If the Clerk of the State Bar Court receives a declaration that is not accompanied by proof of service on the Office of Probation, the Clerk will file the declaration and serve it on the Office of Probation.

#### Rule 5.333 Time for Filing Proceeding Based on Untimely or Formally Defective Declaration

- (A) **Untimely or Defective Filing.** Any notice of disciplinary charges alleging that a declaration of compliance was untimely filed or was defective in form must be filed within 90 days after the declaration is served on the Office of Probation, unless the Court permits a later filing for good cause shown.
- (B) **Time Limit Inapplicable.** This time limit does not apply to a notice of disciplinary charges alleging a substantive defect in a declaration of compliance or alleging failure to file any declaration of compliance.
- (C) **Defects in Substance.** For purposes of this rule, if a declaration of compliance fails to state that the member fully complied with the requirements of rule 9.20(a), the failure is a defect in substance and not a defect in form covered by this rule.

State Bar Court

Counsel for Respondent:	Case Number(s):	For Court's Use Only:
In the Matter of	RULE 9.20 COMPLIANCE DECLARATION	
A Member of the State Bar of California		

I, \_\_\_\_\_, State Bar member number \_\_\_\_\_, have been ordered to comply with the provisions of subdivisions (a) and (c) of rule 9.20, California Rules of Court, as part of a suspension ordered by the State Bar Court or Supreme Court, or an order of disbarment or an order accepting my resignation by the Supreme Court.

[Answer each question by checking one box per question. If neither option is correct, attach a declaration under penalty of perjury explaining your situation.]

Within 30 days of the effective date of the order of suspension/disbarment/acceptance of resignation ("effective date"): (See rule 9.18(a), California Rules of Court):

1.  I notified all clients and co-counsel, in matters that were pending on the date upon which the order to comply with rule 9.20 was filed by certified or registered mail, return receipt requested, of my consequent disqualification to act as an attorney after the effective date of the order of suspension/disbarment, and in those cases where I had no co-counsel, I urged the clients to seek legal advice elsewhere, calling attention to any urgency in seeking another attorney.
- As of the date upon which the order to comply with rule 9.20 was filed, I had no clients.
2.  I delivered to all clients any papers or other property to which the clients were entitled, or notified clients and co-counsel, if any, of a suitable time and place where the papers or other property could be obtained, and called attention to any urgency for obtaining the papers or other property.
- As of the date upon which the order to comply with rule 9.20 was filed, I had no papers or other property to which clients were entitled.
3.  I refunded fees paid, any part of which had not been earned.
- As of the date upon which the order to comply with rule 9.20 was filed, I had earned all fees paid to me.
4.  I notified all opposing counsel or adverse parties not represented by counsel in matters that were pending on the date upon which the order to comply with rule 9.20 was filed by certified or registered mail, return receipt requested, of my disqualification to act as an attorney after the effective date of my suspension, disbarment, or the Supreme Court's acceptance of my resignation, and filed a copy of my notice to opposing counsel/adverse parties with the court, agency or tribunal before which litigation was pending for inclusion in its files.
- As of the date upon which the order to comply with rule 9.20 was filed, I did not represent any clients in pending matters.
5.  In the future, communications may be directed to me at the following address: \_\_\_\_\_

[If this is not your current State Bar membership address, this declaration will change your membership address. See Bus. & Prof. Code §6002.1(b)]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at \_\_\_\_\_, California, on \_\_\_\_\_.

**Wilful failure to comply with the provisions of rule 9.20 may result in revocation of probation; suspension; disbarment; denial of reinstatement; or, contempt or conviction.**

\_\_\_\_\_  
[Signature]

\_\_\_\_\_  
(Print Name)

**MULTISTATE PROFESSIONAL  
RESPONSIBILITY EXAMINATION ("MPRE")**

**2014 Examination Schedule and Information**

*This document was created as a courtesy by the State Bar of California, Office of Probation.*

The State Bar of California does **NOT** administer the MPRE.  
**TO REGISTER AND FOR THE MOST RECENT INFORMATION REGARDING MPRE TEST  
DATES, DEADLINES, RESOURCES, ETC., YOU MUST CONTACT:**

**National Conference of Bar Examiners ("NCBE")**

**Website: www.ncbex.org**

**Registration for the 2014 test dates opens on December 16, 2013**

Test Dates*	Regular Registration Deadline (\$80)*	Late Registration Deadline (\$160)*	Scores Tentatively Released by
Saturday, March 29, 2014	February 4, 2014	February 20, 2014	May 3, 2014
Saturday, August 9, 2014	June 17, 2014	July 3, 2014	September 13, 2014
Saturday, November 1, 2014	September 10, 2014	September 25, 2014	December 6, 2014

1. The MPRE fee for applications received on or before the regular receipt deadline is \$80. The MPRE fee for applications received after the regular receipt deadline but before the late receipt deadline is \$160.
2. To provide proof of successful passage of the MPRE to the Office of Probation, you **MUST**: a) during registration, select California as the jurisdiction to receive your score report; and b) send a copy of your score release to the Office of Probation on or before your due date. Failure to comply with these requirements will delay confirming your passage of the MPRE, and it may result in an automatic suspension in probation matters or a non-compliance referral in all other matters.
3. Requests for special accommodations during the examination must be made to the National Conference of Bar Examiners in advance of the examination.

**Passing scaled score 86**

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*\*Information may change, please check the NCBE's website for the most current information.*

Revised 10/31/13

<p><b>IN THE MATTER OF</b>  <b>Timothy D. Myers</b></p> <p><b>CASE NO(s): S213798 (12-O-17220)</b></p> <p><b>Probation</b></p>	<p><i>(For Office of Probation Use Only)</i></p>
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**QUARTERLY REPORT**

**First Report Due: April 10, 2014**  
 (for period January 10, 2014 through March 31, 2014)

**Final Report Due: January 10, 2016**  
 (for period January 1, 2016 through January 10, 2016)

**Due:**  **January 10, 20\_\_**  **April 10, 20\_\_**  **July 10, 20\_\_**  **October 10, 20\_\_**  
 (for period 10/1 through 12/31) (for period 01/01 through 3/31) (for period 4/1 through 6/30) (for period 7/1 through 9/30)

*Make sufficient copies of this form for future use and mail reports to State Bar of California, Attn: Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.*

*Place an "X" before each of the statements below that applies to you:*

**Compliance with State Bar Act and Rules; and Report on SBC Proceedings**

During the reporting period noted above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation; and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

**Or**

During the reporting period above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation except:

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\_\_\_\_\_ (attach declaration under penalty of perjury if more space is needed); and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

**Current Address**

\_\_\_ Within 10 days of any change, I reported to the Membership Records Office and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information including current name, office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code

**Suspension**

\_\_\_ I did not practice law at any time during the reporting period noted above or applicable portion thereof during which I was suspended pursuant to the Supreme Court order in this case.

**State Bar Ethics School**

\_\_\_ I have registered for the State Bar Ethics School course given on \_\_\_\_\_.

\_\_\_ I have completed the State Bar Ethics School course given on \_\_\_\_\_.  
A copy of my certificate of completion is attached if not previously submitted.

**Multi-State Professional Responsibility Examination**

\_\_\_ I have registered for the MPRE given on \_\_\_\_\_.

\_\_\_ I have taken the MPRE given on \_\_\_\_\_ and am awaiting the results.

\_\_\_ I passed the MPRE given on \_\_\_\_\_. A copy of my results is attached if not previously submitted.

\_\_\_ I did not pass the MPRE given on \_\_\_\_\_ and have re-scheduled to take the examination given on \_\_\_\_\_.

**Restitution**

- I have completed restitution, and attached are front/back copies of the cancelled checks or a declaration **(must include amount and date paid)** from the payee acknowledging receipt of the payment.
  
- I have made restitution payments, and attached are front/back copies of the cancelled checks or a declaration **(must include amount and date paid)** from the payee acknowledging receipt of the payment.

I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

Date: \_\_\_\_\_  
(Date of actual signature)

Signature: \_\_\_\_\_  
Timothy D. Myers  
(Please sign in blue ink)

**Office of Probation**  
**QUARTERLY REPORT INSTRUCTIONS**

1. The enclosed Quarterly Report form has been tailored to reflect the conditions of your discipline that are to be reported to the Office of Probation. Please review it carefully. If you believe that it does not accurately reflect your conditions, immediately contact the Office of Probation. Note that even if the Office of Probation makes an error, **you are required to timely complete all of your ordered conditions.** The report form is provided as a courtesy only, and you are not required to use it.

2. The Office of Probation will **NOT** provide you with multiple copies of the courtesy Quarterly Report form. **YOU MUST MAKE ENOUGH COPIES TO USE FOR ALL FUTURE QUARTERLY AND FINAL REPORTS.** In the future, one additional copy **may** be provided if you make a written request with an explanation under penalty of perjury why you need such copy made.

3. For each quarter's report, mark the box for the correct reporting period and write in the correct year. Place an "X" in front of each condition that applies to your activities during each respective reporting period. Provide all required information.

4. Your report may be signed and mailed at the end of your business day on the last day of the month of each calendar quarter (i.e., March 31st, June 30th, September 30th and December 31st). **YOUR REPORT WILL BE REJECTED IF YOU DATE, SIGN, AND/OR SEND IT BEFORE THE LAST DAY OF THE LAST MONTH OF EACH CALENDAR QUARTER.**

REPORTING PERIOD	REPORT TO BE RECEIVED IN THE OFFICE OF PROBATION BY
January 1- March 31	April 10
April 1 - June 30	July 10
July 1 - September 30	October 10
October 1 - December 31	January 10

5. Your original signed and dated report must be physically **received in the Office of Probation** on or before the tenth of January, April, July, and October. **If the tenth falls on a weekend or holiday, you must send your report so that it is received no later than the last State Bar business day before the 10th; The State Bar is not open on weekends or holidays and does not receive mail on those days.** State Bar observed holidays include among others, New Year's day, Cesar Chavez Day, Independence Day, and Columbus day. For all conditions, being **even one day late** means that you are **not** in compliance.

6. The report must contain an **original signature** in order to be filed with the Office of Probation. It is recommended that you sign each report using blue ink. Because your report must be made under penalty of perjury, you must date it the date you sign it and not pre-date it or post-date it. See, Code of Civil Procedure section 2015.5.

7. Because it is your responsibility to have an original, compliant report in to the Office of Probation by the tenth, and because some Respondents have claimed that their reports were lost in the mail, you may choose to send your reports in a manner that provides you with proof of delivery.

8. The Office of Probation files your report as of the date it is received, and **NOT** the date you mail it.

9. The Office of Probation will **NOT** contact you before and/or after each quarterly report is due. You must calendar all of your deadlines to ensure timely receipt by the Office of Probation.

10. Each report is to be a perpetual document and is to reflect past and/or current status or compliance.

11. Each of your reports must be a clear and unequivocal statement of your compliance. See *In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244. If it is not, it can be rejected for filing.

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If you have any questions regarding this information, please contact May Fernandez in the Office of Probation at (213)765-1035.

# Office of Probation

## PROOF OF PAYMENT INFORMATION

1. **THERE ARE ONLY TWO METHODS OF PROOF ACCEPTED:**

- A. Copy of the negotiated check (front and back); or
  - B. An original declaration signed by the payee, which **must** specify the amount received, the date it was received, and which **should** include current contact information for the payee, including a valid telephone number.
2. Generally, proof of **receipt** of payment is required by the deadline, **NOT** just sending of the payment. If you are even one day late, you are **not in compliance**.
3. It is possible to obtain copies of the backs of negotiated cashier's checks. However, it generally costs more money and takes more time than obtaining the backs of business or personal checks.
4. If you are relying upon the payee to sign a declaration, it is recommended that you provide with each payment a declaration for the payees to use as well as a stamped envelope addressed to:

The State Bar of California  
Attn: Office of Probation  
845 South Figueroa Street  
Los Angeles, CA 90017-2515

5. Sometimes payees move and do not provide the State Bar or you with updated contact information. If this happens, you still must comply with your order to make restitution. To do so, you may need to prove that you made good faith efforts to locate the payee(s) through internet searches, hiring an investigator, etc. Keep track of all of your efforts. If you do not eventually locate the payee, you may choose to file a motion to modify your restitution condition so that you are permitted to pay the funds to the Client Security Fund ("CSF") instead of to the payee; if/when the payee contacts the State Bar, the money will then be transferred.
6. **If CSF pays out on a matter, it is recommended that you pay the individual payee(s) first.** If CSF makes a payment, you may owe money directly to the payee(s) as well as money to CSF. For example, if you are to pay \$5,000 principal to a payee with 10% interest accruing annually from January 1, 2001, and CSF pays the payee \$5,000 on January 1, 2006, you must pay the payee the interest on the \$5,000 from January 1, 2001 through January 1, 2006. You will owe CSF the \$5,000 in principal, plus interest from January 1, 2006, plus processing costs. Contact CSF for the exact amount owed to it.
7. If you have many payees, or will not start restitution immediately, it is recommended that you contact all of the payees **IMMEDIATELY** to let them know that you have been ordered to pay them and to request that they keep you **and** the Office of Probation updated as to any change in their contact information. It is also recommended that you provide them with your Probation Deputy's name and telephone number in case they have any questions that you cannot answer for them.
8. Keep track of your payments. When you get close to paying off a payee, contact the Office of Probation so that the exact amount owed to the payee as of the date you plan to make the final payment can be accurately calculated.
9. Keep copies of everything you send to the Office of Probation so that if questions arise they may be easily addressed. **Do not** send multiple copies of the same payments unless specifically requested to do so (e.g. if there is something illegible on the copies you previously sent).
10. Good faith efforts must be made to acquire resources to pay restitution. Any failure to make restitution may reflect adversely on your rehabilitation. *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138; *In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525. Financial difficulties may be considered in mitigation, not culpability, if they are extreme and result from circumstances that are not reasonably foreseeable or that were beyond your control; your entire financial condition, not just income, is to be considered. *In the Matter of Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. at 311. Because restitution is a measure of rehabilitation, you are to pay the amount ordered even if at a later date a separate agreement is obtained such that the payee will accept less (or file a motion to obtain an order modifying the restitution condition). *Id.*

## NOTICE OF COUNSEL REPRESENTATION

Respondent: Timothy D. Myers

State Bar Case #: S213798 (12-O-17220)

Member Number: 199356

Counsel Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Bar Number: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Respondent Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Counsel Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please complete and return this form to the Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.



**THE STATE BAR  
OF CALIFORNIA**

845 South Figueroa Street, Los Angeles, CA 90017-2515

**OFFICE OF THE CHIEF TRIAL COUNSEL  
ENFORCEMENT**

TELEPHONE: (213) 765-1309  
FAX: (213) 765-1029  
TDD: (213) 765-1566  
<http://www.calbar.ca.gov>

**State Bar of California  
2014 Ethics/Client Trust Accounting ("CTA")  
School Schedule**

<b>LOS ANGELES</b>			
<b>845 S. Figueroa St., Los Angeles</b>			
<b>Class</b>	<b>Day</b>	<b>Date</b>	<b>Time</b>
Ethics	Thurs	02/20	9a - 4p
CTA	Fri	02/21	9a - 12p
Ethics	Thurs	05/1	9a - 4p
CTA	Fri	05/2	9a - 12p
Ethics	Thurs	06/19	9a - 4p
CTA	Fri	06/20	9a - 12p
Ethics	Thurs	08/21	9a - 4p
CTA	Fri	08/22	9a - 12p
Ethics	Thurs	10/23	9a - 4p
CTA	Fri	10/24	9a - 12p
Ethics	Thurs	12/18	9a - 4p
CTA	Fri	12/19	9a - 12p

<b>SAN FRANCISCO</b>			
<b>180 Howard St., San Francisco</b>			
<b>Class</b>	<b>Day</b>	<b>Date</b>	<b>Time</b>
Ethics	Thurs	03/13	9a - 4 p
CTA	Fri	03/14	9a - 12p
Ethics	Thurs	06/19	9a - 4p
CTA	Fri	06/20	9a - 12p
Ethics	Thurs	09/18	9a - 4 p
CTA	Fri	09/19	9a - 12p
Ethics	Thurs	12/04	9a - 4p
CTA	Fri	12/05	9a - 12p

You can register for Ethics School and/or Client Trust Accounting School by: 1) mailing application form with payment to the address on the form; or 2) going online at [www.calbar.ca.gov](http://www.calbar.ca.gov): Home > Attorneys > Lawyer Regulation > Ethics Schools, go to end of section and click on Register Now, or click on Class Schedule and Registration. *You are **NOT** registered until your payment is received.* If you have any questions, please contact Letty Ramos at (213) 765-1309.

*Information may change, please check the State Bar website for the most current information.*



THE STATE BAR  
OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL  
ENFORCEMENT

TELEPHONE: (213) 765-1309

FAX: (213) 765-1029

TDD: (213) 765-1566

<http://www.calbar.ca.gov>

## State Bar of California Ethics/CTA School Information

Ethics and Client Trust Accounting classes are given throughout the year at the State Bar offices:

**LOS ANGELES**  
845 S. Figueroa Street  
Los Angeles, CA 90017-2515

**SAN FRANCISCO**  
180 Howard Street  
San Francisco, CA 94105

Ethics School is all day (9:00 a.m. to 4:00 p.m.), with a lunch break. The fee for the course is **\$150.00**. Client Trust Account School is held for three (3) hours, (9:00 a.m. to 12:00 Noon). The fee for the course is **\$100.00**.

**Please note that pursuant to Rules of Procedure of the State Bar of California, rule 3201, you will NOT receive Minimum Continuing Legal Education credit if your attendance at Ethics School or Client Trust Accounting School is required by a Decision or Order of the State Bar Court or Supreme Court.**

If your attendance at Ethics School is not required by a Decision or Order of the State Bar court or Supreme Court, you may receive six (6) hours of Minimum Continuing Legal Education credit upon successful completion of the class. If your attendance at CTA School is not required by a Decision or Order of the State Bar Court or Supreme Court, you may receive three (3) hours of Minimum Continuing Legal Education credit upon successful completion of the class.

An application form and a schedule of classes are enclosed for your convenience. Fees **MUST be submitted with the application in order to secure a seat in the class.** Classes for some dates may fill up quickly. Payment for classes must be in the form of a personal check, money order or cashier's check. **CASH PAYMENTS WILL NOT BE ACCEPTED.**

Please indicate on the application form, by checking the appropriate space, whether you are attending the class as a result of a Decision of the Court after a hearing; as a result of a stipulated disposition; pursuant to an Agreement in Lieu of Discipline; voluntarily by letter agreement with the Office of Chief Trial Counsel or the Committee of Bar Examiners for Bar applicants, or voluntarily for some other reason.

If you have a question about probation, please direct your inquiries in writing to the State Bar of California, Attention: Office of Probation, 845 S. Figueroa Street, Los Angeles, CA 90017-2515.

OFFICE OF THE CHIEF TRIAL COUNSEL

Letty Ramos  
Administrative Secretary

Enc.

00021



THE STATE BAR OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL ENFORCEMENT

TELEPHONE: (213) 765-1309
FAX: (213) 765-1029
TDD: (213) 765-1566
http://www.calbar.ca.gov

State Bar of California
Ethics/CTA School Application Enrollment Form

DATE: \_\_\_\_\_

APPLICANT'S NAME: \_\_\_\_\_ SBN: \_\_\_\_\_

APPLICANT'S ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

LOS ANGELES
845 South Figueroa Street
Los Angeles, CA 90017-2515

SAN FRANCISCO
180 Howard Street
San Francisco, CA 94105

ETHICS (\$150) DATE OF CLASS: \_\_\_\_\_ LOCATION (LA OR SF): \_\_\_\_\_
CTA (\$100) DATE OF CLASS: \_\_\_\_\_ LOCATION (LA OR SF): \_\_\_\_\_

Return completed Application Enrollment Form with personal check, money order or cashier's check made payable to the State Bar of California, Attention: Letty Ramos, Office of the Chief Trial Counsel, 845 S. Figueroa Street, Los Angeles, CA, 90017-2515. Upon receipt of your application and payment, a confirming reservation letter will be mailed to you. If you have any questions, please contact Letty Ramos at (213) 765-1309 or by fax at (213) 765-1029.

Please indicate below the reason for your attendance:

- Supreme Court Order/State Bar Court Decision after hearing requiring attendance
Supreme Court Order/State Bar Court Order following stipulated disposition requiring attendance
Agreement in Lieu of Discipline
Voluntary Agreement with the Office of the Chief Trial Counsel
State Bar Applicant for Admission
Voluntarily

You can register for Ethics School and/or Client-Trust Accounting School by: 1) mailing application form with payment to the address on the form; or 2) going online at www.calbar.ca.gov: Home > Attorneys > Lawyer Regulation > Ethics Schools, go to end of section and click on Register Now, or click on Class Schedule and Registration. You are NOT registered until your payment is received. If you have any questions, please contact Letty Ramos at (213) 765-1309.

REQUIRED PROBATION MEETING RECORD

Case Name: Timothy D. Myers

Member No.: 199356 Case Number: S213798 (12-O-

Contact: February 9, 2014 Contact Date: February 12, Date of Required February 21,
Compliance Date: 2013 Meeting: 2014

[ ] In Person Meeting (State Bar Offices - LA) [X] Telephonic Meeting

[ x ] Verified Respondent received copy of reminder probation letter & supporting documents

[ x ] Discussed conditions of probation / reprobation / ALD / ADP agreement (please circle one)

[ x ] Discussed reporting schedule & requirements

[ x ] Notified Respondent that compliance documents must be received by the Office of Probation on or before the due date. NOT signed or postmarked on the due date.

[ x ] Reminded Respondent that the MPRE is offered three times each year, but not all Respondents will have three chances to take the MPRE by their particular deadline; that they must have the results reported to California (this is the only sufficient form of proof); provide copy of test results to the Office of Probation; and that (in Probation matters) Respondent will be automatically suspended if MPRE is not passed by the due date until proof of passage is provided.

[ x ] Verified Respondent's current mailing address & telephone number

[ x ] Same as SB Membership Records address & telephone number
[ x ] New / Alternate (please circle one) address or telephone number:

Cell (714) 330- 4841

[ x ] If condition involves a third party, e.g. restitution owed, ask Respondent to include with first Quarterly Report any identifying/contact info (e.g., full name, CDL, SSN, age, last known work/home tel./address, etc.): Gave R my email address. R plans on emailing info. R has not paid and does not have money to pay. R said trying to feed 8 kids first. Told R should consider filing motion. Told R already out of compliance with this condition

[ x ] Advised Respondent that filing of a motion should be considered if unable to meet conditions by the deadlines. Copy of motion should be served on the Office of Probation.

[ x ] Notified Respondent that a non-compliance referral will be made if conditions are not met by deadlines.

[ x ] Instructed Respondent to contact the Office of Probation if any questions or concerns arise regarding Respondent's disciplinary orders and compliance thereof.

Comments: 920 rej b/c didn't include adrs. If file again, should do asap. Will be late even if accepted. Out of compliance w/Rest & late in contacting me. Can b reld & may lead 2 further disc. which is costly. Shld try 2 take care of asap. 1 day late =non-compl. Make enough QR
copies, otherwise req. under POP. Snd mail w/tracking, no confirm of QRs.

BY: May Ling Fernandez

BY:

Probation Deputy

00024

Respondent (signature & acknowledgment of in-person meeting)

<p>IN THE MATTER OF Timothy D. Myers</p> <p>CASE NO(s): S213798 (12-O-17220)</p> <p>Probation</p>	<p>(For Office of Probation Use Only)</p> <p><b>RECEIVED</b></p> <p>APR 11 2014 mlf</p> <p><b>OFFICE OF PROBATION</b> <b>LOS ANGELES</b></p>
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**QUARTERLY REPORT**

**First Report Due: April 10, 2014**  
(for period January 10, 2014 through March 31, 2014)

**Final Report Due: January 10, 2016**  
(for period January 1, 2016 through January 10, 2016)

Due:  January 10, 20\_\_  April 10, 20\_\_  July 10, 20\_\_  October 10, 20\_\_  
(for period 10/1 through 12/31) (for period 01/01 through 3/31) (for period 4/1 through 6/30) (for period 7/1 through 9/30)

*Make sufficient copies of this form for future use and mail reports to State Bar of California, Attn: Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.*

*Place an "X" before each of the statements below that applies to you:*

**Compliance with State Bar Act and Rules; and Report on SBC Proceedings**

During the reporting period noted above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation; and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

Or

During the reporting period above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation except:

*There is a case which has not yet been filed. The case number is ~~12-O-17220~~ 13-O-14839. I have also been unable to pay to my former client the ordered amount as I have not been working. I intend to pay that as soon as possible.*  
(attach declaration under penalty of perjury if more space is needed);

and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

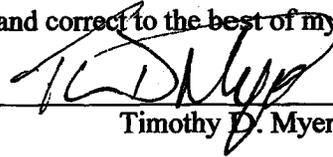
Declaration of Timothy D. Myers

1. I Timothy D. Myers am the Respondent in California State Bar case number 12-O-17220—RAH.
2. Pursuant to probation requirement, I am providing the following declaration:
3. I have been notified that there was a complaint filed under case number 13-O-14839.
4. I was notified on an intent to file charges but have not yet been served with them.

I swear under penalty of perjury that the above is true and correct to the best of my knowledge.

4/8/14

Date



Timothy D. Myers

Timothy D. Myers  
Attorney At Law  
4911 Warner Ave. Ste. 219  
Huntington Beach, CA 92649

CERTIFIED MAIL™



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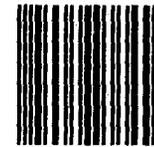
CERTIFIED MAIL

APR 11 2014

OFFICE OF PROBATION  
HUNTINGTON BEACH



State Bar of California  
Attn: Office of Probation  
845 South Figueroa Street  
Los Angeles, CA 90017-2515



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IN THE MATTER OF  
Timothy D. Myers

CASE NO(s): S213798 (12-O-17220)

Probation

(For Office of Probation Use Only)

**FILED**

APR 16 2014 mlf

OFFICE OF PROBATION  
LOS ANGELES

### QUARTERLY REPORT

**First Report Due: April 10, 2014**  
(for period January 10, 2014 through March 31, 2014)

**Final Report Due: January 10, 2016**  
(for period January 1, 2016 through January 10, 2016)

Due:  January 10, 20\_\_  April 10, 20\_\_  July 10, 20\_\_  October 10, 20\_\_  
(for period 10/1 through 12/31) (for period 01/01 through 3/31) (for period 4/1 through 6/30) (for period 7/1 through 9/30)

*Make sufficient copies of this form for future use and mail reports to State Bar of California, Attn: Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.*

*Place an "X" before each of the statements below that applies to you:*

#### Compliance with State Bar Act and Rules; and Report on SBC Proceedings

During the reporting period noted above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation; and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

Or

During the reporting period above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation except:

*I have not been able to pay restitution due to no income during the actual suspension. I was notified of an intent to file charges on case number 13-O-14839*

\_\_\_\_\_  
(attach declaration under penalty of perjury if more space is needed); and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

00030

### Current Address

- Within 10 days of any change, I reported to the Membership Records Office and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information including current name, office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code

### Suspension

- I did not practice law at any time during the reporting period noted above or applicable portion thereof during which I was suspended pursuant to the Supreme Court order in this case.

### State Bar Ethics School

- I have registered for the State Bar Ethics School course given on \_\_\_\_\_.
- I have completed the State Bar Ethics School course given on \_\_\_\_\_.  
A copy of my certificate of completion is attached if not previously submitted.

### Multi-State Professional Responsibility Examination

- I have registered for the MPRE given on \_\_\_\_\_.
- I have taken the MPRE given on \_\_\_\_\_ and am awaiting the results.
- I passed the MPRE given on \_\_\_\_\_. A copy of my results is attached if not previously submitted.
- I did not pass the MPRE given on \_\_\_\_\_ and have re-scheduled to take the examination given on \_\_\_\_\_.

**Restitution**

- I have completed restitution, and attached are front/back copies of the cancelled checks or a declaration **(must include amount and date paid)** from the payee acknowledging receipt of the payment.
  
- I have made restitution payments, and attached are front/back copies of the cancelled checks or a declaration **(must include amount and date paid)** from the payee acknowledging receipt of the payment.

I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

Date: 4/14/2014  
(Date of actual signature)

Signature:   
Timothy D. Myers  
(Please sign in blue ink)

Declaration of Timothy D. Myers

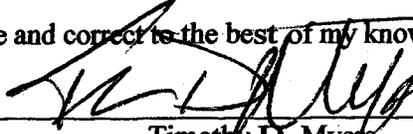
I Timothy D. Myers, the respondent in the above referenced case submit the following declaration:

1. I have been notified of an intent to file charges by the state bar of California related to case number 13-O-14839.
2. I have not been served with a complaint as of this date.

I swear under penalty of perjury that the above is true and correct to the best of my knowledge.

4/14/14

Date

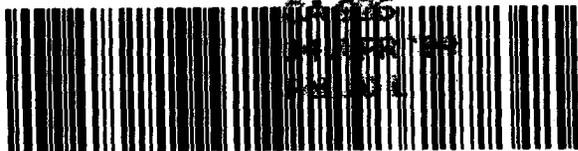


Timothy D. Myers

PLACE THIS LABEL TO THE LEFT OF THE POSTAGE

Timothy D. Myers  
Attorney At Law  
4911 Warner Ave. Ste. 219  
Huntington Beach, CA 92649

**USPS CERTIFIED MAIL**



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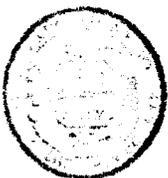
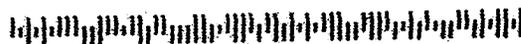
State Bar of California  
Attn: Office of Probation  
845 South Figueroa Street  
Los Angeles, CA 90017-2515



RECEIVED  
OFFICE OF PROBATION  
APR 16 2014

For a list of restrictions on the use of certified mail, see the back of this envelope. For a list of restrictions on the use of registered mail, see the back of this envelope. For a list of restrictions on the use of insured mail, see the back of this envelope. For a list of restrictions on the use of return receipt for mail, see the back of this envelope.

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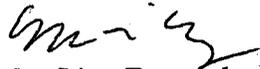


Timothy D. Myers  
April 17, 2014  
Page 2

Likewise, *if for any* reason, you cannot *timely* comply with the terms and conditions of the discipline imposed, and to avoid a non-compliance referral, *you must* file a motion with the State Bar Court. See rules 5.162 and 5.300, et seq., Rules of Procedure of the State Bar of California. A copy of the motion must be served upon the Office of Probation. *The Office of Probation does not have the authority to extend compliance due dates or modify the terms and conditions of your probation.*

Please note that even if you are referred, you are **STILL REQUIRED TO TIMELY COMPLY** with all probation conditions in this matter. Additional violations may be subject to a separate non-compliance referral. If you have any questions regarding this matter, please contact me at (213) 765-1035.

Sincerely,



May Ling Fernandez  
Probation Deputy

/mlf

Enclosure(s)

00037

# Discipline Costs - 2014

Pursuant to action by the State Bar's governing board in January 2011 and May 2012, the costs assessed for disciplinary matters are adjusted annually to account for changes in labor and other resource costs. The adjustment is calculated by combining 40% of the year-on-year percentage change in the Consumer Price Index<sup>1</sup> with 60% of the annual percentage change in the Employment Cost Index for Management, Professional and Related Occupations<sup>2</sup>. For 2014, the adjustment is an increase of 2.31%.

For matters filed on or after January 1, 2014, the costs assessed are as follows:

Original Proceedings (Stage at which the matter settles)	Cost Assessment
Matters that go in Default	\$4,343
Matters that Settle Prior to Filing of a Notice of Disciplinary Charges	\$2,992
Matters that Settle during first 120 days of proceeding	\$3,497
Matters that Settle before Pretrial Statement is filed	\$5,543
Matters that Settle before trial but after Pretrial Statement is filed	\$7,252
Matters that proceed to a One-day trial	\$7,252
Matters that proceed to a Multi-day trial	\$16,354
Matters that proceed to the Review Department	\$20,005

Conviction Referrals (Stage at which the matter settles)	Cost Assessment
Matters that go into Default	\$2,930
Matters that Settle during the first 120 days of proceeding	\$2,447
Matters that Settle before Pretrial Statement is filed	\$5,249
Matters that Settle before trial but after Pretrial Statement is filed	\$6,890
Matters that proceed to a One-day trial	\$6,890
Matters that proceed into a Multi-day trial	\$12,545
Matters that proceed to the Review Department	\$17,932

Other Matters	Cost Assessment
Probation Revocation Proceedings	\$2,344
Rule 9.20 Proceedings	\$2,488

Additional Costs (as appropriate)	Cost Assessment
Each investigation matter over one	\$955
Each resignation	\$134
Consolidation cost equal to the minimum cost for the consolidated case type	
Transcript costs incurred by the Office of the Chief Trial Counsel (BPC § 6086.10(b)(1))	
Taxable costs incurred by the Office of the Chief Trial Counsel (BPC § 6086.10(b)(2))	

<sup>1</sup> Specifically, the December-to-December change in U.S. Bureau of Labor Statistics series CUURA422SA0.

<sup>2</sup> Specifically, the Q4-to-Q4 change in U.S. Bureau of Labor Statistics series CIU20100001000001.



**THE STATE BAR  
OF CALIFORNIA**

845 SOUTH FIGUEROA STREET, LOS ANGELES, CALIFORNIA 90017-2515

**OFFICE OF PROBATION**

Terrie Goldade, Supervising Attorney (213) 765-1494

TELEPHONE: (213) 765-1000

FAX: (213) 765-1439

<http://www.calbar.ca.gov>

**May Fernandez: (213) 765-1035**

**OFFICE OF PROBATION**

**ADDRESS VERIFIED**

**January 21, 2014**

January 21, 2014

Timothy D. Myers  
4911 Warner Ave Ste 219  
Huntington Beach, CA 92649

BY:           mlf          

In re: **S213798 (12-O-17220)**

In the Matter of **Timothy D. Myers**

Dear Timothy D. Myers:

This reminder letter is sent to you as a courtesy and based upon information that you are not currently represented by counsel in this matter—the enforcement of your probation terms and conditions. If this is incorrect, please complete the Notice of Counsel Representation form and submit the original to the Office of Probation within five days so that future communications may be directed to your counsel.

As you know, on December 11, 2013, the Supreme Court of California filed an Order, effective January 10, 2014, suspending you from the practice of law for a period of two (2) years, staying execution and placing you on probation upon certain conditions for a period of two (2) years. Further, pursuant to the Order of the Court, you have been placed on actual suspension for the first ninety (90) days of your probation.<sup>1</sup>

Please take notice that attorneys are not relieved of MCLE requirements during the pendency of their disciplinary period.

Rule of Professional Conduct 1-311 requires that a firm or attorney who employs an attorney who is disbarred, resigned, suspended or involuntarily enrolled inactive, provide certain notices to the State Bar and to clients. While there is no prescribed form, in order to assist attorneys to comply with the rule, the State Bar has created notices for the employer's use. If you are or become employed by an attorney or a law firm, please remind your employer of this requirement. Forms are available at the State Bar website under Attorney Forms/Reportable Actions or you may contact the Intake Unit, Office of the Chief Trial Counsel, at (213) 765-1000.

**You must also schedule a meeting with me to discuss the terms and conditions of your discipline within 30 days from the effective date of discipline.**

00039

<sup>1</sup> Please review your stipulation or decision carefully. You may have been ordered to remain on actual suspension until you have fully paid the costs imposed as a result of your discipline. The Office of Probation does NOT monitor costs. If you have questions, contact Membership Billing at (415) 538-2360.

Timothy D. Myers  
January 21, 2014  
Page 2

The Court has also ordered you to comply with the provisions of Rule 9.20, California Rules of Court. Your affidavit must be timely filed with the State Bar Court by no later than **February 19, 2014**. Do **NOT** submit your original affidavit to the Office of Probation.

Additionally, by court order, you must take and provide proof of successful passage of the Multi-State Professional Responsibility Examination (MPRE) to the Office of Probation on or before **January 10, 2015**. Please ensure to select "California" as the jurisdiction to receive your score report during registration. It is important that you plan to take this examination well in advance of the due date so that you can re-take the examination if you do not receive a passing score. The passing scaled score is 86. The MPRE is only offered three (3) times a year, but you may not have three chances to take the MPRE by your particular deadline. Failure to provide proof of passage of this examination by the due date may result in your indefinite suspension until you provide proof that you have passed the examination. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn 8.)

In order to comply with the terms and conditions of your probation, you must report the status of your compliance, in each and every respect, by letter with any attachments, executed under penalty of perjury, and addressed to the Office of Probation. As a courtesy, the Office of Probation has prepared a Quarterly Report form for your use. Should you happen to lose your Quarterly Report form, you must submit your request for a copy in writing explaining why you could not maintain a copy for yourself.

Each of your reports must be a clear and unequivocal statement of compliance. See *In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244. If it is not, it can be rejected for filing.

Please read the Instructions and review the Quarterly Report carefully to determine whether you believe that it accurately reflects the required terms and conditions. If you believe there is an error, or if there are any questions, please notify me immediately. You are responsible for timely complying with each and every term and condition whether or not it is reflected in this letter and/or the Quarterly Report form. You are reminded that for all conditions, being even one day late means that you are **NOT** in compliance.

The conditions of your probation with compliance due dates are outlined below. Please note this summary **only** reflects those conditions and compliance due dates that require submission of proof of compliance to the Office of Probation. For a thorough review of all conditions, please refer to the enclosed copy of that portion of the disciplinary order setting forth the conditions of probation.

**Condition**

**Deadline(s)**

1. Contact Probation Deputy & Schedule  
Required Meeting

February 9, 2014

2. Restitution

February 9, 2014

3. Rule 9.20

February 19, 2014

4. Quarterly Reports

Quarterly; beginning April 10, 2014

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Timothy D. Myers  
January 21, 2014  
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- |                              |                  |
|------------------------------|------------------|
| 5. State Bar Ethics School   | January 10, 2015 |
| 6. MPRE                      | January 10, 2015 |
| 7. Final Report <sup>2</sup> | January 10, 2016 |

You are reminded that all Quarterly Reports are due on or before the 10<sup>th</sup> day after the end of each quarter. **If the 10<sup>th</sup> falls on a holiday or a weekend, the report must be received by the Office of Probation prior to that holiday or weekend.** Your Final Report is due on or before January 10, 2015.

You are to make good faith efforts to acquire resources to pay restitution, and your failure to make restitution will reflect adversely on your rehabilitation. *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138; *In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525. Financial difficulties may be considered in mitigation, not culpability, if they are extreme and result from circumstances that are not reasonably foreseeable or that were beyond your control; your entire financial condition, not just income, is to be considered. *In the Matter of Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302, 312-313. Because restitution is a measure of rehabilitation, you are to pay the amount ordered even if at a later date a separate agreement is obtained such that the payee will accept less (or file a motion to modify the restitution condition). *Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302, 312-313.

You are required to report, and in no event in more than ten (10) days, to the Membership Records Office of the State Bar and the Office of Probation, all changes of information including current name, office address and telephone number, or other address for State Bar purposes as prescribed by section 6002.1 of the Business and Professions Code. The Office of Probation will only send documents to your official membership records address.

Further, please be advised that the Office of Probation does not have the authority to extend compliance due dates or modify the terms and conditions of the discipline order. **Request for extension of time or modification of the terms and conditions of the discipline order must be filed with the State Bar Court Hearing Department or Review Department.** See, Rules of Procedure of the State Bar of California, rules 5.162 and 5.300, et seq. A copy of the motion must be served upon the Office of Probation. **Failure to timely submit reports or any other proof of compliance may result in a non-compliance referral** which may lead to the imposition of additional discipline.

Enclosed are copies of the Supreme Court Order and conditions of probation, which you have already received from the Courts or your counsel, Rule 9.20 - California Rules of Court, Rules 5.330 and 5.332 - Rules of Procedure, Affidavit, Multi-State Professional Responsibility Examination schedule, Quarterly Report with instructions, Proof of Payment instructions, and Notice of Counsel Representation form. Also enclosed is scheduling and enrollment information for the State Bar's Ethics School.

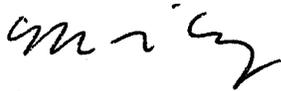
<sup>2</sup> Please note, you will have two Reports due by January 10, 2016. The first is the Quarterly Report for the period covering October 1, 2015 through December 31, 2015. The second is the Final Report for the period covering January 1, 2016 through January 10, 2016.

Timothy D. Myers  
January 21, 2014  
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It is recommended that you maintain a file containing all orders as well as communication between the Office of Probation and yourself. Keep your file in a convenient location so that if you have contact with the Office of Probation, any question can be quickly addressed. It is further recommended that you sign all original documents in blue so that the Office of Probation will immediately be able to ascertain whether you have provided the required original(s).

Please note that the Court has determined that the repeated need of the State Bar to actively intervene to seek compliance with disciplinary terms and conditions is inconsistent with the self-governing nature of probation as a rehabilitative part of the attorney discipline system. *In the Matter of Gorman* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 567, 573.

Sincerely,



May Fernandez  
Probation Deputy

/el  
Enclosures

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DEC 11 2013

(State Bar Court No. 12-O-17220)

S213798

Frank A. McGuire Clerk

Deputy

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

In re **TIMOTHY DAVID MYERS** on Discipline

The court orders that **Timothy David Myers**, State Bar Number 199356, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. **Timothy David Myers** is suspended from the practice of law for the first 90 days of probation;
2. **Timothy David Myers** must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 20, 2013, 2013; and
3. At the expiration of the period of probation, if **Timothy David Myers** has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

**Timothy David Myers** must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

**Timothy David Myers** must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are 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. One-third of the costs must be paid with his membership fees for each of the years 2015, 2016, and 2017. If **Timothy David Myers** fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

I, Frank A. McGuire, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

**CANTIL-SAKAUYE**

Chief Justice

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(Do not write above this line.)

(12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

(13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

See Attachment, pages 10-11.

**D. Discipline:**

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of two years.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following:

(b)  The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent must be placed on probation for a period of two years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3)  **Actual Suspension:**

(a)  Respondent must be actually suspended from the practice of law in the State of California for a period of 90 days.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

(1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

(2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

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(Do not write above this line.)

- (3)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all change information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4)  Within thirty (30) days from 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)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input checked="" type="checkbox"/> Financial Conditions  |

#### F. Other Conditions Negotiated by the Parties:

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. Failure to pass the MPRE results in actual suspension without

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(Do not write above this line.)

further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A)(E), Rules of Procedure.

No MPRE recommended. Reason:

- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5)  **Other Conditions:**

///  
///  
///

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(Do not write above this line.)

In the Matter of: <b>TIMOTHY DAVID MYERS</b>	Case Number(s): <b>12-O-17220-RAH</b>
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**Financial Conditions**

**a. Restitution**

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Matthew Kahnamelli	\$3,510	March 17, 2011

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than 30 days after the effective date of the disciplinary order herein.

**b. Installment Restitution Payments**

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**c. Client Funds Certificate**

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

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# 2014 California Rules of Court

## Rule 9.20. Duties of disbarred, resigned, or suspended attorneys

### (a) Disbarment, suspension, and resignation orders

The Supreme Court may include in an order disbaring or suspending a member of the State Bar, or accepting his or her resignation, a direction that the member must, within such time limits as the Supreme Court may prescribe:

- (1) Notify all clients being represented in pending matters and any co-counsel of his or her disbarment, suspension, or resignation and his or her consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and, in the absence of co-counsel, also notify the clients to seek legal advice elsewhere, calling attention to any urgency in seeking the substitution of another attorney or attorneys;
- (2) Deliver to all clients being represented in pending matters any papers or other property to which the clients are entitled, or notify the clients and any co-counsel of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property;
- (3) Refund any part of fees paid that have not been earned; and
- (4) Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties of the disbarment, suspension, or resignation and consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and file a copy of the notice with the court, agency, or tribunal before which the litigation is pending for inclusion in the respective file or files.

*(Subd (a) amended effective January 1, 2007; previously amended effective December 1, 1990.)*

### (b) Notices to clients, co-counsel, opposing counsel, and adverse parties

All notices required by an order of the Supreme Court or the State Bar Court under this rule must be given by registered or certified mail, return receipt requested, and must contain an address where communications may be directed to the disbarred, suspended, or resigned member.

*(Subd (b) amended effective January 1, 2007; previously amended effective December 1, 1990.)*

### (c) Filing proof of compliance

Within such time as the order may prescribe after the effective date of the member's disbarment, suspension, or resignation, the member must file with the Clerk of the State Bar Court an affidavit showing that he or she has fully complied with those provisions of the order entered under this rule. The affidavit must also specify an address where communications may be directed to the disbarred, suspended, or resigned member.

*(Subd (c) amended effective January 1, 2007; previously amended effective December 1, 1990.)*

### (d) Sanctions for failure to comply

A disbarred or resigned member's willful failure to comply with the provisions of this rule is a ground for denying his or her application for reinstatement or readmission. A suspended member's willful failure to comply with the provisions of this rule is a cause for disbarment or suspension and for revocation of any pending probation. Additionally, such failure may be punished as a contempt or a crime.

*(Subd (d) amended effective January 1, 2007; previously relettered and amended effective December 1, 1990.)*

**Division 6. Special Proceedings**  
**Chapter 1. Rule 9.20 Proceedings**

**Rule 5.330 Nature of Proceeding**

A rule 9.20 proceeding is one in which the member is charged with failing to comply with rule 9.20 of the California Rules of Court as ordered by the Supreme Court. These rules apply to rule 9.20 proceedings.

**Rule 5.331 Definitions**

- (A) **Rule 9.20.** As used in these rules, "rule 9.20" refers to rule 9.20 of the California Rules of Court, and "rule 9.20 order" means an order requiring a member to comply with rule 9.20 of the California Rules of Court.
- (B) **"Declaration of Compliance" Defined.** A declaration signed by a member to comply or attempt to comply with a rule 9.20 order.

**Rule 5.332 Filing and Service of Declarations of Compliance**

- (A) **Proof of Service.** All declarations of compliance must be accompanied by proof of service on the Office of Probation.
- (B) **Mandatory Filing.** The Clerk of the State Bar Court must file all declarations of compliance, regardless of their form or the date submitted.
- (C) **No Proof of Service.** If the Clerk of the State Bar Court receives a declaration that is not accompanied by proof of service on the Office of Probation, the Clerk will file the declaration and serve it on the Office of Probation.

**Rule 5.333 Time for Filing Proceeding Based on Untimely or Formally Defective Declaration**

- (A) **Untimely or Defective Filing.** Any notice of disciplinary charges alleging that a declaration of compliance was untimely filed or was defective in form must be filed within 90 days after the declaration is served on the Office of Probation, unless the Court permits a later filing for good cause shown.
- (B) **Time Limit Inapplicable.** This time limit does not apply to a notice of disciplinary charges alleging a substantive defect in a declaration of compliance or alleging failure to file any declaration of compliance.
- (C) **Defects in Substance.** For purposes of this rule, if a declaration of compliance fails to state that the member fully complied with the requirements of rule 9.20(a), the failure is a defect in substance and not a defect in form covered by this rule.

**State Bar Court**

<b>Counsel for Respondent:</b>	<b>Case Number(s):</b>	<b>For Court's Use Only:</b>
<b>In the Matter of</b>  <b>A Member of the State Bar of California</b>	<b>RULE 9.20</b> <b>COMPLIANCE DECLARATION</b>	

I, \_\_\_\_\_, State Bar member number \_\_\_\_\_, have been ordered to comply with provisions of subdivisions (a) and (c) of rule 9.20, California Rules of Court, as part of a suspension ordered by the State Bar Court Supreme Court, or an order of disbarment or an order accepting my resignation by the Supreme Court.

[Answer each question by checking one box per question. If neither option is correct, attach a declaration under penalty of perjury explaining your situation.]

Within 30 days of the effective date of the order of suspension/disbarment/acceptance of resignation ("effective date"): (See rule 9.18(c) California Rules of Court):

1.  I notified all clients and co-counsel, in matters that were pending on the date upon which the order to comply with rule 9.20 was filed by certified or registered mail, return receipt requested, of my consequent disqualification to act as an attorney after the effective date of the order of suspension/disbarment, and in those cases where I had no co-counsel, I urged the clients to seek legal advice elsewhere, calling attention to any urgency in seeking another attorney.  
 As of the date upon which the order to comply with rule 9.20 was filed, I had no clients.
2.  I delivered to all clients any papers or other property to which the clients were entitled, or notified clients and co-counsel, in any, of a suitable time and place where the papers or other property could be obtained, and called attention to any urgency for obtaining the papers or other property.  
 As of the date upon which the order to comply with rule 9.20 was filed, I had no papers or other property to which clients were entitled.
3.  I refunded fees paid, any part of which had not been earned.  
 As of the date upon which the order to comply with rule 9.20 was filed, I had earned all fees paid to me.
4.  I notified all opposing counsel or adverse parties not represented by counsel in matters that were pending on the date upon which the order to comply with rule 9.20 was filed by certified or registered mail, return receipt requested, of my disqualification to act as an attorney after the effective date of my suspension, disbarment, or the Supreme Court's acceptance of my resignation, and filed a copy of my notice to opposing counsel/adverse parties with the court, agency or tribunal before which litigation was pending for inclusion in its files.  
 As of the date upon which the order to comply with rule 9.20 was filed, I did not represent any clients in pending matters.
5.  In the future, communications may be directed to me at the following address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

[If this is not your current State Bar membership address, this declaration will change your membership address. See Bus. & Prof. Code §6002.1(b)]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at \_\_\_\_\_, California, on \_\_\_\_\_.

**Wilful failure to comply with the provisions of rule 9.20 may result in revocation of probation; suspension; disbarment; denial of reinstatement; or, contempt or conviction.**

\_\_\_\_\_  
[Signature]

\_\_\_\_\_  
(Print Name)

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# MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION ("MPRE")

## 2014 Examination Schedule and Information

*This document was created as a courtesy by the State Bar of California, Office of Probation.*

The State Bar of California does **NOT** administer the MPRE.  
**TO REGISTER AND FOR THE MOST RECENT INFORMATION REGARDING MPRE TEST  
DATES, DEADLINES, RESOURCES, ETC., YOU MUST CONTACT:**

**National Conference of Bar Examiners ("NCBE")**

**Website: [www.ncbex.org](http://www.ncbex.org)**

**Registration for the 2014 test dates opens on December 16, 2013**

Test Dates*	Regular Registration Deadline (\$80)*	Late Registration Deadline (\$160)*	Scores Tentatively Released by
Saturday, March 29, 2014	February 4, 2014	February 20, 2014	May 3, 2014
Saturday, August 9, 2014	June 17, 2014	July 3, 2014	September 13, 2014
Saturday, November 1, 2014	September 10, 2014	September 25, 2014	December 6, 2014

1. The MPRE fee for applications received on or before the regular receipt deadline is \$80. The MPRE fee for applications received after the regular receipt deadline but before the late receipt deadline is \$160.
2. To provide proof of successful passage of the MPRE to the Office of Probation, you **MUST**: a) during registration, select California as the jurisdiction to receive your score report; and b) send a copy of your score release to the Office of Probation on or before your due date. Failure to comply with these requirements will delay confirming your passage of the MPRE, and it may result in an automatic suspension in probation matters or a non-compliance referral in all other matters.
3. Requests for special accommodations during the examination must be made to the National Conference of Bar Examiners in advance of the examination.

**Passing scaled score 86**

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*\*Information may change, please check the NCBE's website for the most current information.*

<p><b>IN THE MATTER OF Timothy D. Myers</b></p> <p><b>CASE NO(s): S213798 (12-O-17220)</b></p> <p><b>Probation</b></p>	<p><i>(For Office of Probation Use Only)</i></p>
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**QUARTERLY REPORT**

**First Report Due: April 10, 2014**  
(for period January 10, 2014 through March 31, 2014)

**Final Report Due: January 10, 2016**  
(for period January 1, 2016 through January 10, 2016)

**Due:**  **January 10, 20\_\_**  **April 10, 20\_\_**  **July 10, 20\_\_**  **October 10, 20\_\_**  
(for period 10/1 through 12/31) (for period 01/01 through 3/31) (for period 4/1 through 6/30) (for period 7/1 through 9/30)

*Make sufficient copies of this form for future use and mail reports to State Bar of California, Attn: Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.*

*Place an "X" before each of the statements below that applies to you:*

**Compliance with State Bar Act and Rules; and Report on SBC Proceedings**

During the reporting period noted above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation; and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

**Or**

During the reporting period above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation except:

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(attach declaration under penalty of perjury if more space is needed); and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

**Current Address**

— Within 10 days of any change, I reported to the Membership Records Office and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information including current name, office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code

**Suspension**

— I did not practice law at any time during the reporting period noted above or applicable portion thereof during which I was suspended pursuant to the Supreme Court order in this case.

**State Bar Ethics School**

— I have registered for the State Bar Ethics School course given on \_\_\_\_\_.

— I have completed the State Bar Ethics School course given on \_\_\_\_\_.  
A copy of my certificate of completion is attached if not previously submitted.

**Multi-State Professional Responsibility Examination**

— I have registered for the MPRE given on \_\_\_\_\_.

— I have taken the MPRE given on \_\_\_\_\_ and am awaiting the results.

— I passed the MPRE given on \_\_\_\_\_. A copy of my results is attached if not previously submitted.

— I did not pass the MPRE given on \_\_\_\_\_ and have re-scheduled to take the examination given on \_\_\_\_\_.

Timothy D. Myers  
Case No. S213798 (12-O-17220)  
Page 3

### Restitution

- I have completed restitution, and attached are front/back copies of the cancelled checks or a declaration **(must include amount and date paid)** from the payee acknowledging receipt of the payment.
  
- I have made restitution payments, and attached are front/back copies of the cancelled checks or a declaration **(must include amount and date paid)** from the payee acknowledging receipt of the payment.

I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

Date: \_\_\_\_\_  
(Date of actual signature)

Signature: \_\_\_\_\_  
Timothy D. Myers  
(Please sign in blue ink)

**Office of Probation**  
**QUARTERLY REPORT INSTRUCTIONS**

1. The enclosed Quarterly Report form has been tailored to reflect the conditions of your discipline that are reported to the Office of Probation. Please review it carefully. If you believe that it does not accurately reflect conditions, immediately contact the Office of Probation. Note that even if the Office of Probation makes an error, you are required to timely complete all of your ordered conditions. The report form is provided as a courtesy only, and is not required to use it.

2. The Office of Probation will **NOT** provide you with multiple copies of the courtesy Quarterly Report form. **MUST MAKE ENOUGH COPIES TO USE FOR ALL FUTURE QUARTERLY AND FINAL REPORTS.** In the future, one additional copy may be provided if you make a written request with an explanation under penalty of perjury why you need such copy made.

3. For each quarter's report, mark the box for the correct reporting period and write in the correct year. Place an "X" in front of each condition that applies to your activities during each respective reporting period. Provide all required information.

4. Your report may be signed and mailed at the end of your business day on the last day of the month of each calendar quarter (i.e., March 31st, June 30th, September 30th and December 31st). **YOUR REPORT WILL BE REJECTED IF YOU DATE, SIGN, AND/OR SEND IT BEFORE THE LAST DAY OF THE LAST MONTH OF EACH CALENDAR QUARTER.**

REPORTING PERIOD	REPORT TO BE RECEIVED IN THE OFFICE OF PROBATION BY
January 1 - March 31	April 10
April 1 - June 30	July 10
July 1 - September 30	October 10
October 1 - December 31	January 10

5. Your original signed and dated report must be physically received in the Office of Probation on or before the tenth of January, April, July, and October. If the tenth falls on a weekend or holiday, you must send your report so that it is received no later than the last State Bar business day before the 10th; The State Bar is not open on weekends or holidays and does not receive mail on those days. State Bar observed holidays include among others, New Year's day, Cesar Chavez Day, Independence Day, and Columbus day. For all conditions, being even one day late means that you are not in compliance.

6. The report must contain an original signature in order to be filed with the Office of Probation. It is recommended that you sign each report using blue ink. Because your report must be made under penalty of perjury, you must date it the date you sign it and not pre-date it or post-date it. See, Code of Civil Procedure section 2015.5.

7. Because it is your responsibility to have an original, compliant report in to the Office of Probation by the tenth, and because some Respondents have claimed that their reports were lost in the mail, you may choose to send your reports in a manner that provides you with proof of delivery.

8. The Office of Probation files your report as of the date it is received, and **NOT** the date you mail it.

9. The Office of Probation will **NOT** contact you before and/or after each quarterly report is due. You must calendar all of your deadlines to ensure timely receipt by the Office of Probation.

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10. Each report is to be a perpetual document and is to reflect past and/or current status or compliance.

11. Each of your reports must be a clear and unequivocal statement of your compliance. See *In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244. If it is not, it can be rejected for filing.

**Office of Probation**  
**PROOF OF PAYMENT INFORMATION**

1. **THERE ARE ONLY TWO METHODS OF PROOF ACCEPTED:**

- A. Copy of the negotiated check (front and back); or
- B. An original declaration signed by the payee, which must specify the amount received, the date it was received, at which should include current contact information for the payee, including a valid telephone number.

2. Generally, proof of receipt of payment is required by the deadline, NOT just sending of the payment. If you are even on day late, you are not in compliance.

3. It is possible to obtain copies of the backs of negotiated cashier's checks. However, it generally costs more money and takes more time than obtaining the backs of business or personal checks.

4. If you are relying upon the payee to sign a declaration, it is recommended that you provide with each payment a declaration for the payees to use as well as a stamped envelope addressed to:

The State Bar of California  
Attn: Office of Probation  
845 South Figueroa Street  
Los Angeles, CA 90017-2515

5. Sometimes payees move and do not provide the State Bar or you with updated contact information. If this happens, you still must comply with your order to make restitution. To do so, you may need to prove that you made good faith efforts to locate the payee(s) through internet searches, hiring an investigator, etc. Keep track of all of your efforts. If you do not eventually locate the payee, you may choose to file a motion to modify your restitution condition so that you are permitted to pay the funds to the Client Security Fund ("CSF") instead of to the payee; if/when the payee contacts the State Bar, the money will then be transferred.

6. If CSF pays out on a matter, it is recommended that you pay the individual payee(s) first. If CSF makes a payment, you may owe money directly to the payee(s) as well as money to CSF. For example, if you are to pay \$5,000 principal to a payee with 10% interest accruing annually from January 1, 2001, and CSF pays the payee \$5,000 on January 1, 2006, you must pay the payee the interest on the \$5,000 from January 1, 2001 through January 1, 2006. You will owe CSF the \$5,000 in principal, plus interest from January 1, 2006, plus processing costs. Contact CSF for the exact amount owed to it.

7. If you have many payees, or will not start restitution immediately, it is recommended that you contact all of the payees IMMEDIATELY to let them know that you have been ordered to pay them and to request that they keep you and the Office of Probation updated as to any change in their contact information. It is also recommended that you provide them with your Probation Deputy's name and telephone number in case they have any questions that you cannot answer for them.

8. Keep track of your payments. When you get close to paying off a payee, contact the Office of Probation so that the exact amount owed to the payee as of the date you plan to make the final payment can be accurately calculated.

9. Keep copies of everything you send to the Office of Probation so that if questions arise they may be easily addressed. Do not send multiple copies of the same payments unless specifically requested to do so (e.g. if there is something illegible on the copies you previously sent).

10. Good faith efforts must be made to acquire resources to pay restitution. Any failure to make restitution may reflect adversely on your rehabilitation. *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138; *In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525. Financial difficulties may be considered in mitigation, not culpability, if they are extreme and result from circumstances that are not reasonably foreseeable or that were beyond your control; your entire financial condition, not just income, is to be considered. *In the Matter of Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. at 311. Because restitution is a measure of rehabilitation, you are to pay the amount ordered even if at a later date a separate agreement is obtained such that the payee will accept less (or file a motion to obtain an order modifying the restitution condition). *Id.*

## NOTICE OF COUNSEL REPRESENTATION

Respondent: Timothy D. Myers

State Bar Case #: S213798 (12-O-17220)

Member Number: 199356

Counsel Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Respondent Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Counsel Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please complete and return this form to the Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.

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THE STATE BAR  
OF CALIFORNIA

845 South Figueroa Street, Los Angeles, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL  
ENFORCEMENT

TELEPHONE: (213) 765-1314  
FAX: (213) 765-102  
TDD: (213) 765-156  
<http://www.calbar.ca.gov>

## State Bar of California

# 2014 Ethics/Client Trust Accounting ("CTA") School Schedule

<b>LOS ANGELES</b>			
<b>845 S. Figueroa St., Los Angeles</b>			
Class	Day	Date	Time
Ethics	Thurs	02/20	9a - 4p
CTA	Fri	02/21	9a - 12p
Ethics	Thurs	05/1	9a - 4p
CTA	Fri	05/2	9a - 12p
Ethics	Thurs	06/19	9a - 4p
CTA	Fri	06/20	9a - 12p
Ethics	Thurs	08/21	9a - 4p
CTA	Fri	08/22	9a - 12p
Ethics	Thurs	10/23	9a - 4p
CTA	Fri	10/24	9a - 12p
Ethics	Thurs	12/18	9a - 4p
CTA	Fri	12/19	9a - 12p

<b>SAN FRANCISCO</b>			
<b>180 Howard St., San Francisco</b>			
Class	Day	Date	Time
Ethics	Thurs	03/13	9a - 4p
CTA	Fri	03/14	9a - 12p
Ethics	Thurs	06/19	9a - 4p
CTA	Fri	06/20	9a - 12p
Ethics	Thurs	09/18	9a - 4p
CTA	Fri	09/19	9a - 12p
Ethics	Thurs	12/04	9a - 4p
CTA	Fri	12/05	9a - 12p

You can register for Ethics School and/or Client Trust Accounting School by: 1) mailing application form with payment to the address on the form; or 2) going online at [www.calbar.ca.gov](http://www.calbar.ca.gov): **Home > Attorneys > Lawyer Regulation > Ethics Schools**, go to end of section and click on **Register Now**, or click on **Class Schedule and Registration**. *You are NOT registered until your payment is received.* If you have any questions, please contact Letty Ramos at (213) 765-1309.

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THE STATE BAR  
OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL  
ENFORCEMENT

TELEPHONE: (213) 765-1  
FAX: (213) 765-1  
TDD: (213) 765-1  
<http://www.calbar.ca.gov>

## State Bar of California Ethics/CTA School Information

Ethics and Client Trust Accounting classes are given throughout the year at the State Bar offices:

**LOS ANGELES**  
845 S. Figueroa Street  
Los Angeles, CA 90017-2515

**SAN FRANCISCO**  
180 Howard Street  
San Francisco, CA 94105

Ethics School is all day (9:00 a.m. to 4:00 p.m.), with a lunch break. The fee for the course is \$150.00. Client Trust Account School is held for three (3) hours, (9:00 a.m. to 12:00 Noon). The fee for the course is \$100.00.

**Please note that pursuant to Rules of Procedure of the State Bar of California, rule 3201, you will NOT receive Minimum Continuing Legal Education credit if your attendance at Ethics School or Client Trust Accounting School is required by a Decision or Order of the State Bar Court or Supreme Court.**

If your attendance at Ethics School is not required by a Decision or Order of the State Bar court or Supreme Court, you may receive six (6) hours of Minimum Continuing Legal Education credit upon successful completion of the class. If your attendance at CTA School is not required by a Decision or Order of the State Bar Court or Supreme Court, you may receive three (3) hours of Minimum Continuing Legal Education credit upon successful completion of the class.

An application form and a schedule of classes are enclosed for your convenience. Fees **MUST** be submitted with the application in order to secure a seat in the class. Classes for some dates may fill up quickly. Payment for classes must be in the form of a personal check, money order or cashier's check. **CASH PAYMENTS WILL NOT BE ACCEPTED.**

Please indicate on the application form, by checking the appropriate space, whether you are attending the class as a result of a Decision of the Court after a hearing; as a result of a stipulated disposition; pursuant to an Agreement in Lieu of Discipline; voluntarily by letter agreement with the Office of Chief Trial Counsel or the Committee of Bar Examiners for Bar applicants, or voluntarily for some other reason.

If you have a question about probation, please direct your inquiries in writing to the State Bar of California, Attention: Office of Probation, 845 S. Figueroa Street, Los Angeles, CA 90017-2515.

OFFICE OF THE CHIEF TRIAL COUNSEL

Letty Ramos  
Administrative Secretary

Enc.

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THE STATE BAR  
OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL  
ENFORCEMENT

TELEPHONE: (213) 765-1309  
FAX: (213) 765-1029  
TDD: (213) 765-1566  
<http://www.calbar.ca.gov>

## State Bar of California Ethics/CTA School Application Enrollment Form

DATE: \_\_\_\_\_  
 APPLICANT'S NAME: \_\_\_\_\_ SBN: \_\_\_\_\_  
 APPLICANT'S ADDRESS: \_\_\_\_\_  
 CITY, STATE, ZIP: \_\_\_\_\_  
 PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_  
 E-MAIL ADDRESS: \_\_\_\_\_

**LOS ANGELES**  
845 South Figueroa Street  
Los Angeles, CA 90017-2515

**SAN FRANCISCO**  
180 Howard Street  
San Francisco, CA 94105

ETHICS (\$150) DATE OF CLASS: \_\_\_\_\_ LOCATION (LA OR SF): \_\_\_\_\_  
 CTA (\$100) DATE OF CLASS: \_\_\_\_\_ LOCATION (LA OR SF): \_\_\_\_\_

Return completed Application Enrollment Form with personal check, money order or cashier's check made payable to the State Bar of California, Attention: Letty Ramos, Office of the Chief Trial Counsel, 845 S. Figueroa Street, Los Angeles, CA, 90017-2515. Upon receipt of your application and payment, a confirming reservation letter will be mailed to you. If you have any questions, please contact Letty Ramos at (213) 765-1309 or by fax at (213) 765-1029.

Please indicate below the reason for your attendance:

- Supreme Court Order/State Bar Court Decision after hearing requiring attendance
- Supreme Court Order/State Bar Court Order following stipulated disposition requiring attendance
- Agreement in Lieu of Discipline
- Voluntary Agreement with the Office of the Chief Trial Counsel
- State Bar Applicant for Admission
- Voluntarily

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You can register for Ethics School and/or Client Trust Accounting School by: 1) mailing application form with payment to the address on the form; or 2) going online at [www.calbar.ca.gov](http://www.calbar.ca.gov): Home > Attorneys > Lawyer Regulation > Ethics Schools, go to end of section and click on Register Now, or click on Class Schedule and Registration. You are **NOT** registered until your payment is received. If you have any questions, please contact Letty Ramos at (213) 765-1309.

**Fernandez, May**

---

**From:** Fernandez, May  
**Sent:** Thursday, April 17, 2014 10:28 AM  
**To:** 'tim@tdmlaw.com'  
**Subject:** Probation Non-Compliance  
**Attachments:** Non-Compliance Letter.pdf

Please see the attached document.



**May Ling Fernandez**  
State Bar of CA  
Office of Probation  
Probation Deputy

845 S. Figueroa St.  
Los Angeles, CA 90017  
(213) 765-1035 Work  
(213) 765-1439 Fax  
May.Fernandez@calbar.ca.gov



Timothy D. Myers  
April 17, 2014  
Page 2

Likewise, *if for any* reason, you cannot *timely* comply with the terms and conditions of the discipline imposed, and to avoid a non-compliance referral, *you must* file a motion with the State Bar Court. See rules 5.162 and 5.300, et seq., Rules of Procedure of the State Bar of California. A copy of the motion must be served upon the Office of Probation. *The Office of Probation does not have the authority to extend compliance due dates or modify the terms and conditions of your probation.*

Please note that even if you are referred, you are **STILL REQUIRED TO TIMELY COMPLY** with all probation conditions in this matter. Additional violations may be subject to a separate non-compliance referral. If you have any questions regarding this matter, please contact me at (213) 765-1035.

Sincerely,

  
May Ling Fernandez  
Probation Deputy

/mlf

Enclosure(s)

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# Discipline Costs - 2014

Pursuant to action by the State Bar's governing board in January 2011 and May 2012, the costs assessed for disciplinary matters are adjusted annually to account for changes in labor and other resource costs. The adjustment is calculated by combining 40% of the year-on-year percentage change in the Consumer Price Index<sup>1</sup> with 60% of the annual percentage change in the Employment Cost Index for Management, Professional and Related Occupations<sup>2</sup>. For 2014, the adjustment is an increase of 2.31%.

For matters filed on or after January 1, 2014, the costs assessed are as follows:

Original Proceedings (Stage at which the matter settles)	Cost Assessment
Matters that go in Default	\$4,343
Matters that Settle Prior to Filing of a Notice of Disciplinary Charges	\$2,992
Matters that Settle during first 120 days of proceeding	\$3,497
Matters that Settle before Pretrial Statement is filed	\$5,543
Matters that Settle before trial but after Pretrial Statement is filed	\$7,252
Matters that proceed to a One-day trial	\$7,252
Matters that proceed to a Multi-day trial	\$16,354
Matters that proceed to the Review Department	\$20,005

Conviction Referrals (Stage at which the matter settles)	Cost Assessment
Matters that go into Default	\$2,930
Matters that Settle during the first 120 days of proceeding	\$2,447
Matters that Settle before Pretrial Statement is filed	\$5,249
Matters that Settle before trial but after Pretrial Statement is filed	\$6,890
Matters that proceed to a One-day trial	\$6,890
Matters that proceed into a Multi-day trial	\$12,545
Matters that proceed to the Review Department	\$17,932

Other Matters	Cost Assessment
Probation Revocation Proceedings	\$2,344
Rule 9.20 Proceedings	\$2,488

Additional Costs (as appropriate)	Cost Assessment
Each investigation matter over one	\$955
Each resignation	\$134
Consolidation cost equal to the minimum cost for the consolidated case type	
Transcript costs incurred by the Office of the Chief Trial Counsel (BPC § 6086.10(b)(1))	
Taxable costs incurred by the Office of the Chief Trial Counsel (BPC § 6086.10(b)(2))	

<sup>1</sup> Specifically, the December-to-December change in U.S. Bureau of Labor Statistics series CUURA422SA0.

<sup>2</sup> Specifically, the Q4-to-Q4 change in U.S. Bureau of Labor Statistics series CIU20100001000001.



**THE STATE BAR  
OF CALIFORNIA**

845 SOUTH FIGUEROA STREET, LOS ANGELES, CALIFORNIA 90017-2515

**OFFICE OF PROBATION**

Terrie Goldade, Supervising Attorney (213) 765-1494

TELEPHONE: (213) 765-1000

FAX: (213) 765-1439

http://www.calbar.ca.gov

May Fernandez: (213) 765-1035

**OFFICE OF PROBATION**

**ADDRESS VERIFIED**

January 21, 2014

January 21, 2014

Timothy D. Myers  
4911 Warner Ave Ste 219  
Huntington Beach, CA 92649

BY:           mlf          

In re: S213798 (12-O-17220)

In the Matter of Timothy D. Myers

Dear Timothy D. Myers:

This reminder letter is sent to you as a courtesy and based upon information that you are not currently represented by counsel in this matter—the enforcement of your probation terms and conditions. If this is incorrect, please complete the Notice of Counsel Representation form and submit the original to the Office of Probation within five days so that future communications may be directed to your counsel.

As you know, on December 11, 2013, the Supreme Court of California filed an Order, effective January 10, 2014, suspending you from the practice of law for a period of two (2) years, staying execution and placing you on probation upon certain conditions for a period of two (2) years. Further, pursuant to the Order of the Court, you have been placed on actual suspension for the first ninety (90) days of your probation.<sup>1</sup>

Please take notice that attorneys are not relieved of MCLE requirements during the pendency of their disciplinary period.

Rule of Professional Conduct 1-311 requires that a firm or attorney who employs an attorney who is disbarred, resigned, suspended or involuntarily enrolled inactive, provide certain notices to the State Bar and to clients. While there is no prescribed form, in order to assist attorneys to comply with the rule, the State Bar has created notices for the employer's use. If you are or become employed by an attorney or a law firm, please remind your employer of this requirement. Forms are available at the State Bar website under Attorney Forms/Reportable Actions or you may contact the Intake Unit, Office of the Chief Trial Counsel, at (213) 765-1000.

**You must also schedule a meeting with me to discuss the terms and conditions of your discipline within 30 days from the effective date of discipline.**

<sup>1</sup> Please review your stipulation or decision carefully. You may have been ordered to remain on actual suspension until you have fully paid the costs imposed as a result of your discipline. The Office of Probation does NOT monitor costs. If you have questions, contact Membership Billing at (415) 538-2360.

Timothy D. Myers  
January 21, 2014  
Page 2

The Court has also ordered you to comply with the provisions of Rule 9.20, California Rules of Court. Your affidavit must be timely filed with the State Bar Court by no later than **February 19, 2014**. Do NOT submit your original affidavit to the Office of Probation.

Additionally, by court order, you must take and provide proof of successful passage of the Multi-State Professional Responsibility Examination (MPRE) to the Office of Probation on or before **January 10, 2015**. Please ensure to select "California" as the jurisdiction to receive your score report during registration. It is important that you plan to take this examination well in advance of the due date so that you can re-take the examination if you do not receive a passing score. The passing scaled score is 86. The MPRE is only offered three (3) times a year, but you may not have three chances to take the MPRE by your particular deadline. Failure to provide proof of passage of this examination by the due date may result in your indefinite suspension until you provide proof that you have passed the examination. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn 8.)

In order to comply with the terms and conditions of your probation, you must report the status of your compliance, in each and every respect, by letter with any attachments, executed under penalty of perjury, and addressed to the Office of Probation. As a courtesy, the Office of Probation has prepared a Quarterly Report form for your use. Should you happen to lose your Quarterly Report form, you must submit your request for a copy in writing explaining why you could not maintain a copy for yourself.

Each of your reports must be a clear and unequivocal statement of compliance. See *In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244. If it is not, it can be rejected for filing.

Please read the Instructions and review the Quarterly Report carefully to determine whether you believe that it accurately reflects the required terms and conditions. If you believe there is an error, or if there are any questions, please notify me immediately. You are responsible for timely complying with each and every term and condition whether or not it is reflected in this letter and/or the Quarterly Report form. You are reminded that for all conditions, being even one day late means that you are **NOT** in compliance.

The conditions of your probation with compliance due dates are outlined below. Please note this summary only reflects those conditions and compliance due dates that require submission of proof of compliance to the Office of Probation. For a thorough review of all conditions, please refer to the enclosed copy of that portion of the disciplinary order setting forth the conditions of probation.

<u>Condition</u>	<u>Deadline(s)</u>
1. Contact Probation Deputy & Schedule Required Meeting	February 9, 2014
2. Restitution	February 9, 2014
3. Rule 9.20	February 19, 2014
4. Quarterly Reports	Quarterly; beginning April 10, 2014

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Timothy D. Myers  
January 21, 2014  
Page 3

- |                              |                  |
|------------------------------|------------------|
| 5. State Bar Ethics School   | January 10, 2015 |
| 6. MPRE                      | January 10, 2015 |
| 7. Final Report <sup>2</sup> | January 10, 2016 |

You are reminded that all Quarterly Reports are due on or before the 10<sup>th</sup> day after the end of each quarter. If the 10<sup>th</sup> falls on a holiday or a weekend, the report must be received by the Office of Probation prior to that holiday or weekend. Your Final Report is due on or before January 10, 2015.

You are to make good faith efforts to acquire resources to pay restitution, and your failure to make restitution will reflect adversely on your rehabilitation. *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138; *In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525. Financial difficulties may be considered in mitigation, not culpability, if they are extreme and result from circumstances that are not reasonably foreseeable or that were beyond your control; your entire financial condition, not just income, is to be considered. *In the Matter of Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302, 312-313. Because restitution is a measure of rehabilitation, you are to pay the amount ordered even if at a later date a separate agreement is obtained such that the payee will accept less (or file a motion to modify the restitution condition). *Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302, 312-313.

You are required to report, and in no event in more than ten (10) days, to the Membership Records Office of the State Bar and the Office of Probation, all changes of information including current name, office address and telephone number, or other address for State Bar purposes as prescribed by section 6002.1 of the Business and Professions Code. The Office of Probation will only send documents to your official membership records address.

Further, please be advised that the Office of Probation does not have the authority to extend compliance due dates or modify the terms and conditions of the discipline order. **Request for extension of time or modification of the terms and conditions of the discipline order must be filed with the State Bar Court Hearing Department or Review Department.** See, Rules of Procedure of the State Bar of California, rules 5.162 and 5.300, et seq. A copy of the motion must be served upon the Office of Probation. **Failure to timely submit reports or any other proof of compliance may result in a non-compliance referral** which may lead to the imposition of additional discipline.

Enclosed are copies of the Supreme Court Order and conditions of probation, which you have already received from the Courts or your counsel, Rule 9.20 - California Rules of Court, Rules 5.330 and 5.332 - Rules of Procedure, Affidavit, Multi-State Professional Responsibility Examination schedule, Quarterly Report with instructions, Proof of Payment instructions, and Notice of Counsel Representation form. Also enclosed is scheduling and enrollment information for the State Bar's Ethics School.

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<sup>2</sup> Please note, you will have two Reports due by January 10, 2016. The first is the Quarterly Report for the period covering October 1, 2015 through December 31, 2015. The second is the Final Report for the period covering January 1, 2016 through January 10, 2016.

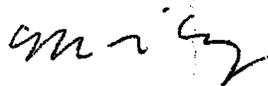
00068

Timothy D. Myers  
January 21, 2014  
Page 4

It is recommended that you maintain a file containing all orders as well as communication between the Office of Probation and yourself. Keep your file in a convenient location so that if you have contact with the Office of Probation, any question can be quickly addressed. It is further recommended that you sign all original documents in blue so that the Office of Probation will immediately be able to ascertain whether you have provided the required original(s).

Please note that the Court has determined that the repeated need of the State Bar to actively intervene to seek compliance with disciplinary terms and conditions is inconsistent with the self-governing nature of probation as a rehabilitative part of the attorney discipline system. *In the Matter of Gorman* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 567, 573.

Sincerely,



May Fernandez  
Probation Deputy

/el  
Enclosures

00069

DEC 11 2013

(State Bar Court No. 12-O-17220)

S213798

Frank A. McGuire Clerk

Deputy

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

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In re **TIMOTHY DAVID MYERS** on Discipline

---

The court orders that Timothy David Myers, State Bar Number 199356, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. Timothy David Myers is suspended from the practice of law for the first 90 days of probation;
2. Timothy David Myers must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 20, 2013, 2013; and
3. At the expiration of the period of probation, if Timothy David Myers has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

Timothy David Myers must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Timothy David Myers must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are 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. One-third of the costs must be paid with his membership fees for each of the years 2015, 2016, and 2017. If Timothy David Myers fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

I, Frank A. McGuire, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

**CANTIL-SAKAUYE**  
Chief Justice

\_\_\_\_ day of DEC 11 2013

00070

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(12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

(13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

See Attachment, pages 10-11.

**D. Discipline:**

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of two years.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following:

(b)  The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent must be placed on probation for a period of two years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3)  **Actual Suspension:**

(a)  Respondent must be actually suspended from the practice of law in the State of California for a period of 90 days.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

(1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

(2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

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- (3)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4)  Within thirty (30) days from 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)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason:
- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input checked="" type="checkbox"/> Financial Conditions  |

#### F. Other Conditions Negotiated by the Parties:

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. Failure to pass the MPRE results in actual suspension without

(Do not write above this line.)

further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.

No MPRE recommended. Reason:

- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5)  **Other Conditions:**

///  
///  
///

(Do not write above this line.)

In the Matter of: <b>TIMOTHY DAVID MYERS</b>	Case Number(s): <b>12-O-17220-RAH</b>
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### Financial Conditions

#### a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Matthew Kahnamelli	\$3,510	March 17, 2011

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than 30 days after the effective date of the disciplinary order herein.

#### b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of revocation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

#### c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";



# 2014 California Rules of Court

## Rule 9.20. Duties of disbarred, resigned, or suspended attorneys

### (a) Disbarment, suspension, and resignation orders

The Supreme Court may include in an order disbaring or suspending a member of the State Bar, or accepting his or her resignation, a direction that the member must, within such time limits as the Supreme Court may prescribe:

- (1) Notify all clients being represented in pending matters and any co-counsel of his or her disbarment, suspension, or resignation and his or her consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and, in the absence of co-counsel, also notify the clients to seek legal advice elsewhere, calling attention to any urgency in seeking the substitution of another attorney or attorneys;
- (2) Deliver to all clients being represented in pending matters any papers or other property to which the clients are entitled, or notify the clients and any co-counsel of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property;
- (3) Refund any part of fees paid that have not been earned; and
- (4) Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties of the disbarment, suspension, or resignation and consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and file a copy of the notice with the court, agency, or tribunal before which the litigation is pending for inclusion in the respective file or files.

*(Subd (a) amended effective January 1, 2007; previously amended effective December 1, 1990.)*

### (b) Notices to clients, co-counsel, opposing counsel, and adverse parties

All notices required by an order of the Supreme Court or the State Bar Court under this rule must be given by registered or certified mail, return receipt requested, and must contain an address where communications may be directed to the disbarred, suspended, or resigned member.

*(Subd (b) amended effective January 1, 2007; previously amended effective December 1, 1990.)*

### (c) Filing proof of compliance

Within such time as the order may prescribe after the effective date of the member's disbarment, suspension, or resignation, the member must file with the Clerk of the State Bar Court an affidavit showing that he or she has fully complied with those provisions of the order entered under this rule. The affidavit must also specify an address where communications may be directed to the disbarred, suspended, or resigned member.

*(Subd (c) amended effective January 1, 2007; previously amended effective December 1, 1990.)*

### (d) Sanctions for failure to comply

A disbarred or resigned member's willful failure to comply with the provisions of this rule is a ground for denying his or her application for reinstatement or readmission. A suspended member's willful failure to comply with the provisions of this rule is a cause for disbarment or suspension and for revocation of any pending probation. Additionally, such failure may be punished as a contempt or a crime.

*(Subd (d) amended effective January 1, 2007; previously relettered and amended effective December 1, 1990.)*

**Division 6. Special Proceedings**  
**Chapter 1. Rule 9.20 Proceedings**

**Rule 5.330 Nature of Proceeding**

A rule 9.20 proceeding is one in which the member is charged with failing to comply with rule 9.20 of the California Rules of Court as ordered by the Supreme Court. These rules apply to rule 9.20 proceedings.

**Rule 5.331 Definitions**

- (A) **Rule 9.20.** As used in these rules, "rule 9.20" refers to rule 9.20 of the California Rules of Court, and "rule 9.20 order" means an order requiring a member to comply with rule 9.20 of the California Rules of Court.
- (B) **"Declaration of Compliance" Defined.** A declaration signed by a member to comply or attempt to comply with a rule 9.20 order.

**Rule 5.332 Filing and Service of Declarations of Compliance**

- (A) **Proof of Service.** All declarations of compliance must be accompanied by proof of service on the Office of Probation.
- (B) **Mandatory Filing.** The Clerk of the State Bar Court must file all declarations of compliance, regardless of their form or the date submitted.
- (C) **No Proof of Service.** If the Clerk of the State Bar Court receives a declaration that is not accompanied by proof of service on the Office of Probation, the Clerk will file the declaration and serve it on the Office of Probation.

**Rule 5.333 Time for Filing Proceeding Based on Untimely or Formally Defective Declaration**

- (A) **Untimely or Defective Filing.** Any notice of disciplinary charges alleging that a declaration of compliance was untimely filed or was defective in form must be filed within 90 days after the declaration is served on the Office of Probation, unless the Court permits a later filing for good cause shown.
- (B) **Time Limit Inapplicable.** This time limit does not apply to a notice of disciplinary charges alleging a substantive defect in a declaration of compliance or alleging failure to file any declaration of compliance.
- (C) **Defects in Substance.** For purposes of this rule, if a declaration of compliance fails to state that the member fully complied with the requirements of rule 9.20(a), the failure is a defect in substance and not a defect in form covered by this rule.

State Bar Court

Counsel for Respondent:	Case Number(s):	For Court's Use Only:
In the Matter of	RULE 9.20 COMPLIANCE DECLARATION	
A Member of the State Bar of California		

I, \_\_\_\_\_, State Bar member number \_\_\_\_\_, have been ordered to comply with the provisions of subdivisions (a) and (c) of rule 9.20, California Rules of Court, as part of a suspension ordered by the State Bar Court or Supreme Court, or an order of disbarment or an order accepting my resignation by the Supreme Court.

[Answer each question by checking one box per question. If neither option is correct, attach a declaration under penalty of perjury explaining your situation.]

Within 30 days of the effective date of the order of suspension/disbarment/acceptance of resignation ("effective date"): (See rule 9.18(a), California Rules of Court):

1.  I notified all clients and co-counsel, in matters that were pending on the date upon which the order to comply with rule 9.20 was filed by certified or registered mail, return receipt requested, of my consequent disqualification to act as an attorney after the effective date of the order of suspension/disbarment, and in those cases where I had no co-counsel, I urged the clients to seek legal advice elsewhere, calling attention to any urgency in seeking another attorney.
- As of the date upon which the order to comply with rule 9.20 was filed, I had no clients.
2.  I delivered to all clients any papers or other property to which the clients were entitled, or notified clients and co-counsel, if any, of a suitable time and place where the papers or other property could be obtained, and called attention to any urgency for obtaining the papers or other property.
- As of the date upon which the order to comply with rule 9.20 was filed, I had no papers or other property to which clients were entitled.
3.  I refunded fees paid, any part of which had not been earned.
- As of the date upon which the order to comply with rule 9.20 was filed, I had earned all fees paid to me.
4.  I notified all opposing counsel or adverse parties not represented by counsel in matters that were pending on the date upon which the order to comply with rule 9.20 was filed by certified or registered mail, return receipt requested, of my disqualification to act as an attorney after the effective date of my suspension, disbarment, or the Supreme Court's acceptance of my resignation, and filed a copy of my notice to opposing counsel/adverse parties with the court, agency or tribunal before which litigation was pending for inclusion in its files.
- As of the date upon which the order to comply with rule 9.20 was filed, I did not represent any clients in pending matters.
5.  In the future, communications may be directed to me at the following address: \_\_\_\_\_

[If this is not your current State Bar membership address, this declaration will change your membership address. See Bus. & Prof. Code §6002.1(b)]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at \_\_\_\_\_, California, on \_\_\_\_\_.

Willful failure to comply with the provisions of rule 9.20 may result in revocation of probation; suspension; disbarment; denial of reinstatement; or, contempt or conviction.

\_\_\_\_\_  
[Signature]

\_\_\_\_\_  
(Print Name)

# MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION ("MPRE")

## 2014 Examination Schedule and Information

*This document was created as a courtesy by the State Bar of California, Office of Probation.*

The State Bar of California does **NOT** administer the MPRE.  
**TO REGISTER AND FOR THE MOST RECENT INFORMATION REGARDING MPRE TEST  
DATES, DEADLINES, RESOURCES, ETC., YOU MUST CONTACT:**

**National Conference of Bar Examiners ("NCBE")**

**Website: www.ncbex.org**

**Registration for the 2014 test dates opens on December 16, 2013**

Test Dates*	Regular Registration Deadline (\$80)*	Late Registration Deadline (\$160)*	Scores Tentatively Released by
Saturday, March 29, 2014	February 4, 2014	February 20, 2014	May 8, 2014
Saturday, August 9, 2014	June 17, 2014	July 3, 2014	September 18, 2014
Saturday, November 1, 2014	September 10, 2014	September 25, 2014	December 6, 2014

1. The MPRE fee for applications received on or before the regular receipt deadline is \$80. The MPRE fee for applications received after the regular receipt deadline but before the late receipt deadline is \$160.
2. To provide proof of successful passage of the MPRE to the Office of Probation, you **MUST**: a) during registration, select California as the jurisdiction to receive your score report; and b) send a copy of your score release to the Office of Probation on or before your due date. Failure to comply with these requirements will delay confirming your passage of the MPRE, and it may result in an automatic suspension in probation matters or a non-compliance referral in all other matters.
3. Requests for special accommodations during the examination must be made to the National Conference of Bar Examiners in advance of the examination.

**Passing scaled score 86**

*\*Information may change, please check the NCBE's website for the most current information.*

Revised 10/31/13

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<p><b>IN THE MATTER OF</b>  <b>Timothy D. Myers</b></p> <p><b>CASE NO(s): S213798 (12-O-17220)</b></p> <p><b>Probation</b></p>	<p><i>(For Office of Probation Use Only)</i></p>
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**QUARTERLY REPORT**

**First Report Due: April 10, 2014**  
*(for period January 10, 2014 through March 31, 2014)*

**Final Report Due: January 10, 2016**  
*(for period January 1, 2016 through January 10, 2016)*

**Due:**  **January 10, 20\_\_**  **April 10, 20\_\_**  **July 10, 20\_\_**  **October 10, 20\_\_**  
*(for period 10/1 through 12/31) (for period 01/01 through 3/31) (for period 4/1 through 6/30) (for period 7/1 through 9/30)*

*Make sufficient copies of this form for future use and mail reports to State Bar of California, Attn: Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.*

*Place an "X" before each of the statements below that applies to you:*

**Compliance with State Bar Act and Rules; and Report on SBC Proceedings**

During the reporting period noted above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation; and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

**Or**

During the reporting period above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation except:

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*(attach declaration under penalty of perjury if more space is needed);*  
and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

Timothy D. Myers  
Case No. S213798 (12-O-17220)  
Page 2

### Current Address

\_\_\_ Within 10 days of any change, I reported to the Membership Records Office and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information including current name, office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

### Suspension

\_\_\_ I did not practice law at any time during the reporting period noted above or applicable portion thereof during which I was suspended pursuant to the Supreme Court order in this case.

### State Bar Ethics School

\_\_\_ I have registered for the State Bar Ethics School course given on \_\_\_\_\_.

\_\_\_ I have completed the State Bar Ethics School course given on \_\_\_\_\_.  
A copy of my certificate of completion is attached if not previously submitted.

### Multi-State Professional Responsibility Examination

\_\_\_ I have registered for the MPRE given on \_\_\_\_\_.

\_\_\_ I have taken the MPRE given on \_\_\_\_\_ and am awaiting the results.

\_\_\_ I passed the MPRE given on \_\_\_\_\_. A copy of my results is attached if not previously submitted.

\_\_\_ I did not pass the MPRE given on \_\_\_\_\_ and have re-scheduled to take the examination given on \_\_\_\_\_.

Timothy D. Myers  
Case No. S213798 (12-O-17220)  
Page 3

**Restitution**

- I have completed restitution, and attached are front/back copies of the cancelled checks or a declaration (must include amount and date paid) from the payee acknowledging receipt of the payment.
  
- I have made restitution payments, and attached are front/back copies of the cancelled checks or a declaration (must include amount and date paid) from the payee acknowledging receipt of the payment.

I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

Date: \_\_\_\_\_  
(Date of actual signature)

Signature: \_\_\_\_\_  
Timothy D. Myers  
(Please sign in blue ink)

**Office of Probation**  
**QUARTERLY REPORT INSTRUCTIONS**

1. The enclosed Quarterly Report form has been tailored to reflect the conditions of your discipline that are to be reported to the Office of Probation. Please review it carefully. If you believe that it does not accurately reflect your conditions, immediately contact the Office of Probation. Note that even if the Office of Probation makes an error, you are required to timely complete all of your ordered conditions. The report form is provided as a courtesy only, and you are not required to use it.
2. The Office of Probation will **NOT** provide you with multiple copies of the courtesy Quarterly Report form. **YOU MUST MAKE ENOUGH COPIES TO USE FOR ALL FUTURE QUARTERLY AND FINAL REPORTS**. In the future, one additional copy may be provided if you make a written request with an explanation under penalty of perjury why you need such copy made.
3. For each quarter's report, mark the box for the correct reporting period and write in the correct year. Place an "X" in front of each condition that applies to your activities during each respective reporting period. Provide all required information.
4. Your report may be signed and mailed at the end of your business day on the last day of the month of each calendar quarter (i.e., March 31st, June 30th, September 30th and December 31st). **YOUR REPORT WILL BE REJECTED IF YOU DATE, SIGN, AND/OR SEND IT BEFORE THE LAST DAY OF THE LAST MONTH OF EACH CALENDAR QUARTER.**

REPORTING PERIOD	REPORT TO BE RECEIVED IN THE OFFICE OF PROBATION BY
January 1 - March 31	April 10
April 1 - June 30	July 10
July 1 - September 30	October 10
October 1 - December 31	January 10

5. Your original signed and dated report must be physically received in the Office of Probation on or before the tenth of January, April, July, and October. If the tenth falls on a weekend or holiday, you must send your report so that it is received no later than the last State Bar business day before the 10th; The State Bar is not open on weekends or holidays and does not receive mail on those days. State Bar observed holidays include among others, New Year's day, Cesar Chavez Day, Independence Day, and Columbus day. For all conditions, being even one day late means that you are not in compliance.
6. The report must contain an original signature in order to be filed with the Office of Probation. It is recommended that you sign each report using blue ink. Because your report must be made under penalty of perjury, you must date it the date you sign it and not pre-date it or post-date it. See, Code of Civil Procedure section 2015.5.
7. Because it is your responsibility to have an original, compliant report in to the Office of Probation by the tenth, and because some Respondents have claimed that their reports were lost in the mail, you may choose to send your reports in a manner that provides you with proof of delivery.
8. The Office of Probation files your report as of the date it is received, and **NOT** the date you mail it.
9. The Office of Probation will **NOT** contact you before and/or after each quarterly report is due. You must calendar all of your deadlines to ensure timely receipt by the Office of Probation.
10. Each report is to be a perpetual document and is to reflect past and/or current status or compliance.
11. Each of your reports must be a clear and unequivocal statement of your compliance. See *In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244. If it is not, it can be rejected for filing.

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If you have any questions regarding this information, please contact May Fernandez in the Office of Probation at (213)765-1035.

**Office of Probation**  
**PROOF OF PAYMENT INFORMATION**

1. **THERE ARE ONLY TWO METHODS OF PROOF ACCEPTED:**

- A. Copy of the negotiated check (front and back); or
- B. An original declaration signed by the payee, which must specify the amount received, the date it was received, and which should include current contact information for the payee, including a valid telephone number.

2. Generally, proof of receipt of payment is required by the deadline, NOT just sending of the payment. If you are even one day late, you are not in compliance.

3. It is possible to obtain copies of the backs of negotiated cashier's checks. However, it generally costs more money and takes more time than obtaining the backs of business or personal checks.

4. If you are relying upon the payee to sign a declaration, it is recommended that you provide with each payment a declaration for the payees to use as well as a stamped envelope addressed to:

The State Bar of California  
Attn: Office of Probation  
845 South Figueroa Street  
Los Angeles, CA 90017-2515

5. Sometimes payees move and do not provide the State Bar or you with updated contact information. If this happens, you still must comply with your order to make restitution. To do so, you may need to prove that you made good faith efforts to locate the payee(s) through internet searches, hiring an investigator, etc. Keep track of all of your efforts. If you do not eventually locate the payee, you may choose to file a motion to modify your restitution condition so that you are permitted to pay the funds to the Client Security Fund ("CSF") instead of to the payee; if/when the payee contacts the State Bar, the money will then be transferred.

6. If CSF pays out on a matter, it is recommended that you pay the individual payee(s) first. If CSF makes a payment, you may owe money directly to the payee(s) as well as money to CSF. For example, if you are to pay \$5,000 principal to a payee with 10% interest accruing annually from January 1, 2001, and CSF pays the payee \$5,000 on January 1, 2006, you must pay the payee the interest on the \$5,000 from January 1, 2001 through January 1, 2006. You will owe CSF the \$5,000 in principal, plus interest from January 1, 2006, plus processing costs. Contact CSF for the exact amount owed to it.

7. If you have many payees, or will not start restitution immediately, it is recommended that you contact all of the payees IMMEDIATELY to let them know that you have been ordered to pay them and to request that they keep you and the Office of Probation updated as to any change in their contact information. It is also recommended that you provide them with your Probation Deputy's name and telephone number in case they have any questions that you cannot answer for them.

8. Keep track of your payments. When you get close to paying off a payee, contact the Office of Probation so that the exact amount owed to the payee as of the date you plan to make the final payment can be accurately calculated.

9. Keep copies of everything you send to the Office of Probation so that if questions arise they may be easily addressed. Do not send multiple copies of the same payments unless specifically requested to do so (e.g. if there is something illegible on the copies you previously sent).

10. Good faith efforts must be made to acquire resources to pay restitution. Any failure to make restitution may reflect adversely on your rehabilitation. *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138; *In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525. Financial difficulties may be considered in mitigation, not culpability, if they are extreme and result from circumstances that are not reasonably foreseeable or that were beyond your control; your entire financial condition, not just income, is to be considered. *In the Matter of Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. at 311. Because restitution is a measure of rehabilitation, you are to pay the amount ordered even if at a later date a separate agreement is obtained such that the payee will accept less (or file a motion to obtain an order modifying the restitution condition). *Id.*

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## NOTICE OF COUNSEL REPRESENTATION

Respondent: Timothy D. Myers

State Bar Case #: S213798 (12-O-17220)

Member Number: 199356

Counsel Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Respondent Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Counsel Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please complete and return this form to the Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.

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THE STATE BAR  
OF CALIFORNIA

845 South Figueroa Street, Los Angeles, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL  
ENFORCEMENT

TELEPHONE: (213) 765-1309  
FAX: (213) 765-1029  
TDD: (213) 765-1566  
<http://www.calbar.ca.gov>

## State Bar of California 2014 Ethics/Client Trust Accounting ("CTA") School Schedule

<b>LOS ANGELES</b>			
845 S. Figueroa St., Los Angeles			
Class	Day	Date	Time
Ethics	Thurs	02/20	9a - 4p
CTA	Fri	02/21	9a - 12p
Ethics	Thurs	05/1	9a - 4p
CTA	Fri	05/2	9a - 12p
Ethics	Thurs	06/19	9a - 4p
CTA	Fri	06/20	9a - 12p
Ethics	Thurs	08/21	9a - 4p
CTA	Fri	08/22	9a - 12p
Ethics	Thurs	10/23	9a - 4p
CTA	Fri	10/24	9a - 12p
Ethics	Thurs	12/18	9a - 4p
CTA	Fri	12/19	9a - 12p

<b>SAN FRANCISCO</b>			
180 Howard St., San Francisco			
Class	Day	Date	Time
Ethics	Thurs	03/13	9a - 4p
CTA	Fri	03/14	9a - 12p
Ethics	Thurs	06/19	9a - 4p
CTA	Fri	06/20	9a - 12p
Ethics	Thurs	09/18	9a - 4p
CTA	Fri	09/19	9a - 12p
Ethics	Thurs	12/04	9a - 4p
CTA	Fri	12/05	9a - 12p

You can register for Ethics School and/or Client Trust Accounting School by: 1) mailing application form with payment to the address on the form; or 2) going online at [www.calbar.ca.gov](http://www.calbar.ca.gov): Home > Attorneys > Lawyer Regulation > Ethics Schools, go to end of section and click on Register Now, or click on Class Schedule and Registration. You are **NOT** registered until your payment is received. If you have any questions, please contact Letty Ramos at (213) 765-1309.

*Information may change, please check the State Bar website for the most current information.*

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THE STATE BAR  
OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL  
ENFORCEMENT

TELEPHONE: (213) 765-1309  
FAX: (213) 765-1029  
TDD: (213) 765-1566  
<http://www.calbar.ca.gov>

## State Bar of California Ethics/CTA School Information

Ethics and Client Trust Accounting classes are given throughout the year at the State Bar offices:

**LOS ANGELES**  
845 S. Figueroa Street  
Los Angeles, CA 90017-2515

**SAN FRANCISCO**  
180 Howard Street  
San Francisco, CA 94105

Ethics School is all day (9:00 a.m. to 4:00 p.m.), with a lunch break. The fee for the course is \$150.00. Client Trust Account School is held for three (3) hours, (9:00 a.m. to 12:00 Noon). The fee for the course is \$100.00.

**Please note that pursuant to Rules of Procedure of the State Bar of California, rule 3201, you will NOT receive Minimum Continuing Legal Education credit if your attendance at Ethics School or Client Trust Accounting School is required by a Decision or Order of the State Bar Court or Supreme Court.**

If your attendance at Ethics School is not required by a Decision or Order of the State Bar court or Supreme Court, you may receive six (6) hours of Minimum Continuing Legal Education credit upon successful completion of the class. If your attendance at CTA School is not required by a Decision or Order of the State Bar Court or Supreme Court, you may receive three (3) hours of Minimum Continuing Legal Education credit upon successful completion of the class.

An application form and a schedule of classes are enclosed for your convenience. Fees **MUST** be submitted with the application in order to secure a seat in the class. Classes for some dates may fill up quickly. Payment for classes must be in the form of a personal check, money order or cashier's check. **CASH PAYMENTS WILL NOT BE ACCEPTED.**

Please indicate on the application form, by checking the appropriate space, whether you are attending the class as a result of a Decision of the Court after a hearing; as a result of a stipulated disposition; pursuant to an Agreement in Lieu of Discipline; voluntarily by letter agreement with the Office of Chief Trial Counsel or the Committee of Bar Examiners for Bar applicants, or voluntarily for some other reason.

If you have a question about probation, please direct your inquiries in writing to the State Bar of California, Attention: Office of Probation, 845 S. Figueroa Street, Los Angeles, CA 90017-2515.

OFFICE OF THE CHIEF TRIAL COUNSEL

Letty Ramos  
Administrative Secretary

Enc.

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THE STATE BAR  
OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL  
ENFORCEMENT

TELEPHONE: (213) 765-1309  
FAX: (213) 765-1029  
TDD: (213) 765-1566  
<http://www.calbar.ca.gov>

## State Bar of California Ethics/CTA School Application Enrollment Form

DATE: \_\_\_\_\_  
 APPLICANT'S NAME: \_\_\_\_\_ SBN: \_\_\_\_\_  
 APPLICANT'S ADDRESS: \_\_\_\_\_  
 CITY, STATE, ZIP: \_\_\_\_\_  
 PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_  
 E-MAIL ADDRESS: \_\_\_\_\_

**LOS ANGELES**  
 845 South Figueroa Street  
 Los Angeles, CA 90017-2515

**SAN FRANCISCO**  
 180 Howard Street  
 San Francisco, CA 94105

ETHICS (\$150) DATE OF CLASS: \_\_\_\_\_ LOCATION (LA OR SF): \_\_\_\_\_  
 CTA (\$100) DATE OF CLASS: \_\_\_\_\_ LOCATION (LA OR SF): \_\_\_\_\_

Return completed Application Enrollment Form with personal check, money order or cashier's check made payable to the State Bar of California, Attention: Letty Ramos, Office of the Chief Trial Counsel, 845 S. Figueroa Street, Los Angeles, CA, 90017-2515. Upon receipt of your application and payment, a confirming reservation letter will be mailed to you. If you have any questions, please contact Letty Ramos at (213) 765-1309 or by fax at (213) 765-1029.

Please indicate below the reason for your attendance:

- Supreme Court Order/State Bar Court Decision after hearing requiring attendance
- Supreme Court Order/State Bar Court Order following stipulated disposition requiring attendance
- Agreement in Lieu of Discipline
- Voluntary Agreement with the Office of the Chief Trial Counsel
- State Bar Applicant for Admission
- Voluntarily

**You can register for Ethics School and/or Client Trust Accounting School by: 1) mailing application form with payment to the address on the form; or 2) going online at [www.calbar.ca.gov](http://www.calbar.ca.gov): Home > Attorneys > Lawyer Regulation > Ethics Schools, go to end of section and click on Register Now, or click on Class Schedule and Registration. You are **NOT** registered until your payment is received. If you have any questions, please contact Letty Ramos at (213) 765-1309.**

**Fernandez, May**

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**From:** Microsoft Outlook  
**To:** 'tim@tdmlaw.com'  
**Sent:** Thursday, April 17, 2014 10:28 AM  
**Subject:** Relayed: Probation Non-Compliance

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

'tim@tdmlaw.com' ([tim@tdmlaw.com](mailto:tim@tdmlaw.com)) <<mailto:tim@tdmlaw.com>>

**Subject:** Probation Non-Compliance

1 TIMOTHY D. MYERS, Attorney at Law  
4911 Warner Avenue, Suite 219  
2 Huntington Beach, CA 92649  
(714) 840-0900  
3 Bar No. 199356

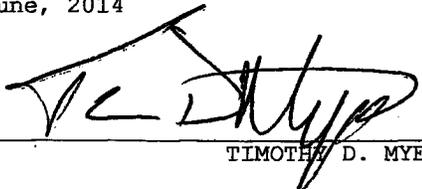
STATE BAR COURT

HEARING DEPARTMENT-LOS ANGELES

10  
11 In the Matter of ) Case No. 12-0-17220  
12 TIMOTHY D. MYERS ) Motion for Extension to  
13 ) pay restitution  
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17 Comes now Respondent and request this court grant an extension for Respondent to pay  
18 the ordered restitution. The Respondent was not able to work during the period of  
19 actual suspension and has suffered an extreme financial hardship. The Respondent is  
20 requesting a 90 day extension to allow him to arrange for the payment of the ordered  
21 restitution.

23 Dated this 24 day of June, 2014

24  
25   
26 \_\_\_\_\_  
TIMOTHY D. MYERS,

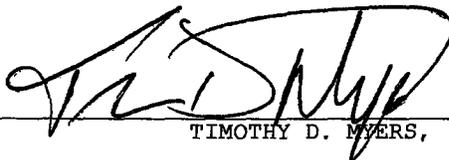
1 Declaration of Timothy D. Myers

2 I Timothy D. Myers am the party in the above referenced action. I provide the  
3 following declaration based on my own knowledge and belief.

- 4 1. For more than the past year I have been under extreme financial hardship.  
5 2. I am behind on a number of personal bills.  
6 3. I am the father of 8 children, 7 of which still depend on my for their  
7 sustenance.  
8 4. At this time, I am unable to pay the court ordered restitution and am  
9 requesting a 90 day extension in which to do so.  
10 5. I currently have some expected income that will provide for the restitution  
11 within the requested 90 days.

12 I swear under penalty of perjury that the foregoing is true and correct to the best of  
13 my knowledge.

14 Dated this 24 day of June, 2014

15   
16 \_\_\_\_\_  
17 TIMOTHY D. MYERS,

1 DECLARATION OF SERVICE

2 By

3 Overnight Delivery

4 Case Number: 12-O-17220

5  
6 I, the undersigned, am over the age of eighteen (18) years and not a party to  
7 the within action, whose business address and place of employment is 4911 Warner Ave.,  
8 Ste. 219, Huntington Beach California, declare that on the date shown below, I caused  
9 to be served a true copy of the within document described as "Motion to Extend Time"  
10 by Overnight Mail addressed to

11 State Bar of California  
12 Office of the Chief Trial Counsel  
13 1149 South Hill Street  
14 Los Angeles, CA 90015-2299

15  
16 By placing the document, together with this declaration in an envelope designated by  
17 USPS as an overnight delivers.

18  
19 I am readily familiar with the procedures for mailing with the United States  
20 Postal Service as well as the overnight procedures for the United States Postal  
21 Service.

22 I am aware that on motion of the party served, service is presumed invalid if  
23 postal cancellation date or postage meter date on the envelope or package is more  
24 than one day after date of deposit of mailing contained in the affidavit.

25 I declare under penalty of perjury under the laws of the State of California,  
26 that the foregoing is true and correct. Executed at Huntington Beach, California June  
27 24, 2014.

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Signed Jean Propoggia,  
Declarant

RECEIVED

JUL 08 2014

OFFICE OF THE CHIEF TRIAL COUNSEL

LOS ANGELES

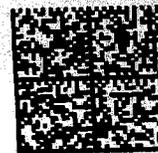


The Law Offices of  
**Timothy D. Myers**  
4911 Warner Ave. Ste. 219  
Huntington Beach, CA 92649

**State Bar of California**  
**Office of the Chief Trial Counsel**  
**1149 South Hill Street**  
**Los Angeles, CA 90015-2299**



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**\$5.60**  
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AIR MAIL

**PRIORITY MAIL 1-DAY™**

EXPECTED DELIVERY 06/25/2014

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SHIP TO:

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**LOS ANGELES CA 90015-2212**

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THE STATE BAR OF CALIFORNIA  
OFFICE OF PROBATION  
TERRIE GOLDADE, No. 155348  
SUPERVISING ATTORNEY  
845 South Figueroa Street  
Los Angeles, California 90017-2515  
Telephone: (213) 765-1000

**FILED**  
**JUL 10 2014**  
STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

STATE BAR COURT  
HEARING DEPARTMENT - LOS ANGELES

In the Matter of: ) Case No. 12-O-17220 (S213798)  
Timothy David Myers, )  
No. 199356, ) OPPOSITION TO MOTION FOR  
A Member of the State Bar ) EXTENSION TO PAY RESTITUTION;  
 ) DECLARATION OF TERRIE GOLDADE

The Office of Probation opposes Respondent's motion.

On July 23, 2013, Respondent signed a stipulation agreeing that he failed to timely file a notice of appeal, in violation of Rules of Professional Conduct, Rule 3-110(A); failed to refund fees paid to him to file the notice of appeal, in violation of RPC, rule 30700(D)(2); and knowingly made a false statement to the State Bar by misrepresenting that he had not been employed to represent his clients in the appeal, in violation of Business and Professions Code section 6106. Respondent stipulated that he would be actually suspended for 90 days and that he would complete restitution within 30 days of the effective date of his discipline. On August 20, 2013, this Court served and filed its order approving the stipulation. On December 11, 2013, the Supreme Court filed its order imposing discipline. As such, Respondent's ninety day suspension began January 10, 2014, and his restitution became due by February 9, 2014.

1 On January 21, 2014, the Office of Probation mailed Respondent a letter reminding him  
2 of all of his conditions and deadlines. The letter stated that a request for extension of time must  
3 be filed with the State Bar Court and that failure to timely comply could result in a non-  
4 compliance referral which might lead to the imposition of additional discipline.

5 On February 12, 2014, Respondent left a voice mail message stating that he had been out  
6 of town on a family matter, but wanted to schedule his meeting.

7 On February 13, 2014, the Office of Probation called Respondent at the number he had  
8 left in his voice mail message. The phone number was to Experian, and Respondent could not be  
9 reached there. The Office of Probation telephoned Respondent's membership records telephone  
10 number, reached a receptionist, and received a corrected telephone number.

11 On February 13, 2014, the Office of Probation left a voice mail message for Respondent  
12 asking that he call back to schedule his meeting.

13 On February 19, 2014, Respondent left a voice mail message stating that he was calling  
14 to schedule a meeting, that he would be out of the office for the rest of the day, and would call  
15 back the next day.

16 On February 19, 2014, Respondent filed a Rule 9.20 compliance declaration.

17 On February 20, 2014, the Office of Probation mailed Respondent a letter informing him  
18 that his Rule 9.20 compliance declaration was not in compliance because he did not include an  
19 address for future communications.

20 On February 20, 2014, the Office of Probation returned Respondent's call. Respondent  
21 was asked if he had reviewed the letter and had it with him. He said that he did, but it would be  
22 better to have the meeting the next morning.

23 On February 21, 2014, the Office of Probation conducted the required meeting.  
24 Respondent was reminded that his Rule 9.20 compliance declaration was rejected because he did  
25 not include an address. He was told that if he was going to file a new declaration, he should do it  
26 as soon as possible because it would be late even if it was compliant. Respondent was reminded  
27 that he was late in contacting the Office of Probation and out of compliance with restitution. He  
28 was told that his noncompliance could be referred and might lead to further discipline. He was

1 told to take care of it as soon as possible. He was reminded that he could consider filing a  
2 motion if he was unable to meet conditions by the deadlines.

3 On April 11, 2014, the Office of Probation received (but could not file) Respondent's  
4 first quarterly report, which was due by April 10, 2014.

5 On April 14, 2014, the Office of Probation telephoned Respondent and informed him that  
6 his April quarterly report could not be filed because it was not a complete report. He had only  
7 filled out the first page and then attached a declaration only as to a pending matter. Respondent  
8 said he would send a new one overnight.

9 On April 16, 2014, the Office of Probation received and filed Respondent's quarterly  
10 report, which was due by April 10, 2014.

11 On April 17, 2014, the Office of Probation mailed and e-mailed Respondent a letter  
12 noting his noncompliance with his conditions, and that he could be referred for such. The letter  
13 also noted that if he could not timely comply with his conditions, he must file a motion with the  
14 State Bar Court. A copy of the January 21, 2014 letter was enclosed.

15 On June 16, 2014, the Office of Probation telephoned Respondent and told him that he  
16 had been sent 2 letters. Respondent stated that he had not received them. When his e-mail and  
17 regular address were reviewed with him, he stated that he remembered receiving them. He was  
18 told that because he had not filed a motion or provided proof of payment of restitution, the Office  
19 of Probation would be filing a motion to revoke his probation. He said that he was at a  
20 graduation, but that he would take care of it.

21 As set forth above, Respondent has not just failed to comply with his restitution  
22 condition; he has been late with every condition required of him to date, some of which required  
23 only a de minimis cost.

24 Respondent's motion fails to include a financial declaration. Respondent has failed to  
25 explain why he did not file his motion before he violated his condition. Respondent knew that he  
26 was going to be suspended for the first ninety days, but agreed to complete payment within the  
27 first thirty days; he has failed to explain what changed from the signing of the stipulation to the  
28 present such that he could not complete the restitution as agreed and as ordered. In paragraph 1

1 of his declaration in support of his motion, Respondent states that for more than the past year he  
2 has been under extreme financial hardship. A year from the signing of the declaration was June  
3 2013; Respondent signed his stipulation in July 2013, knowing that he was under extreme  
4 financial hardship.

5 Respondent has set forth no specific explanation regarding his "expected income" which  
6 will permit him to pay the restitution. See Respondent's Declaration in support of his motion,  
7 ¶5.

8 Pursuant to rule 5.300 of the Rules of Procedure of the State Bar of California a motion  
9 for modification of probation shall set forth facts that show the request is consistent with the  
10 protection of the public; the successful rehabilitation of the respondent; and the maintenance of  
11 the integrity of the legal profession. Respondent has failed to do so. This Opposition is based  
12 upon Respondent's motion, the declarations of Respondent and Terrie Goldade, and all  
13 documents in the Court's files in these matters.

14 Respectfully submitted,

15 THE STATE BAR OF CALIFORNIA  
16 OFFICE OF PROBATION

17  
18 Dated: July 9, 2014

19 BY: Terrie Goldade  
20 Terrie Goldade  
21 Supervising Attorney  
22  
23  
24  
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26  
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00098



1 clients in the appeal, in violation of Business and Professions Code section 6106. Respondent  
2 stipulated that he would be actually suspended for 90 days and that he would complete restitution  
3 within 30 days of the effective date of his discipline.

4 7) On August 20, 2013, this Court served and filed its order approving the stipulation.

5 8) On December 11, 2013, the Supreme Court filed its order imposing discipline. As  
6 such, Respondent's ninety day suspension began January 10, 2014, and his restitution became  
7 due by February 9, 2014.

8 9) On January 21, 2014, the Office of Probation mailed Respondent a letter reminding  
9 him of all of his conditions and deadlines. The letter stated that a request for extension of time  
10 must be filed with the State Bar Court and that failure to timely comply could result in a non-  
11 compliance referral which might lead to the imposition of additional discipline.

12 10) On February 12, 2014, Respondent left a voice mail message stating that he had been  
13 out of town on a family matter, but wanted to schedule his meeting.

14 11) On February 13, 2014, the Office of Probation called Respondent at the number he  
15 had left in his voice mail message. The phone number was to Experian, and Respondent could  
16 not be reached there. The Office of Probation telephoned Respondent's membership records  
17 telephone number, reached a receptionist, and received a corrected telephone number.

18 12) On February 13, 2014, the Office of Probation left a voice mail message for  
19 Respondent asking that he call back to schedule his meeting.

20 13) On February 19, 2014, Respondent left a voice mail message stating that he was  
21 calling to schedule a meeting, that he would be out of the office for the rest of the day, and would  
22 call back the next day.

23 14) On February 19, 2014, Respondent filed a Rule 9.20 compliance declaration.

24 15) On February 20, 2014, I mailed Respondent a letter informing him that his Rule 9.20  
25 compliance declaration was not in compliance because he did not include an address for future  
26 communications.

27

28

00100

1           16) On February 20, 2014, the Office of Probation returned Respondent's call.  
2 Respondent was asked if he had reviewed the letter and had it with him. He said that he did, but  
3 it would be better to have the meeting the next morning.

4           17) On February 21, 2014, the Office of Probation conducted the required meeting.  
5 Respondent was reminded that his Rule 9.20 compliance declaration was rejected because he did  
6 not include an address. He was told that if he was going to file a new declaration, he should do it  
7 as soon as possible because it would be late even if it was compliant. Respondent was reminded  
8 that he was late in contacting the Office of Probation and out of compliance with restitution. He  
9 was told that his noncompliance could be referred and might lead to further discipline. He was  
10 told to take care of it as soon as possible. He was reminded that he could consider filing a  
11 motion if he was unable to meet conditions by the deadlines.

12           18) On April 11, 2014, the Office of Probation received (but could not file)  
13 Respondent's first quarterly report, which was due by April 10, 2014.

14           19) On April 14, 2014, the Office of Probation telephoned Respondent and informed him  
15 that his April quarterly report could not be filed because it was not a complete report. He had  
16 only filled out the first page and then attached a declaration only as to a pending matter.  
17 Respondent said he would send a new one overnight.

18           20) On April 16, 2014, the Office of Probation received and filed Respondent's quarterly  
19 report, which was due by April 10, 2014.

20           21) On April 17, 2014, the Office of Probation mailed and e-mailed Respondent a letter  
21 noting his noncompliance with his conditions, and that he could be referred for such. The letter  
22 also noted that if he could not timely comply with his conditions, he must file a motion with the  
23 State Bar Court. A copy of the January 21, 2014 letter was enclosed.

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25 he had been sent 2 letters. Respondent stated that he had not received them. When his e-mail  
26 and regular address were reviewed with him, he stated that he remembered receiving them. He  
27 was told that because he had not filed a motion or provided proof of payment of restitution, the  
28

00101

1 Office of Probation would be filing a motion to revoke his probation. He said that he was at a  
2 graduation, but that he would take care of it.

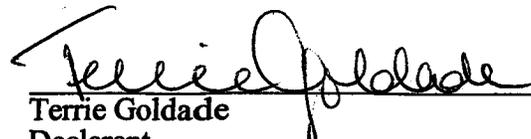
3 23) As set forth above, Respondent has not just failed to comply with his restitution  
4 condition; he has been late with every condition required of him to date, some of which required  
5 only a de minimis cost.

6 24) Respondent's motion fails to include a financial declaration. Respondent has failed  
7 to explain why he did not file his motion before he violated his condition. Respondent knew that  
8 he was going to be suspended for the first ninety days, but agreed to complete payment within  
9 the first thirty days; he has failed to explain what changed from the signing of the stipulation to  
10 the present such that he could not complete the restitution as agreed and as ordered. In  
11 paragraph 1 of his declaration in support of his motion, Respondent states that for more than the  
12 past year he has been under extreme financial hardship. A year from the signing of the  
13 declaration was June 2013; Respondent signed his stipulation in July 2013, knowing that he was  
14 under extreme financial hardship.

15 25) Respondent has set forth no specific explanation regarding his "expected income"  
16 which will permit him to pay the restitution. See Respondent's Declaration in support of his  
17 motion, ¶5.

18 I declare under penalty of perjury under the laws of the State of California that the  
19 foregoing is true and correct.

20 Executed July 9, 2014 at Los Angeles, California.

21  
22   
23 Terrie Goldade  
24 Declarant

24

25

26

27

28

00102

1 **DECLARATION OF SERVICE BY REGULAR MAIL**

2 **CASE NUMBER(s): 12-O-17220(S2137980 RAP**

3 I, the undersigned, over the age of eighteen (18) years, whose business  
4 address and place of employment is the State Bar of California, 845 S. Figueroa  
5 Street, Los Angeles, California 90017-2515, declare that I am not a party to the within  
6 action; that I am readily familiar with the State Bar of California's practice for collection  
7 and processing of correspondence for mailing with the United States Postal Service;  
8 that in the ordinary course of the State Bar of California's practice, correspondence  
9 collected and processed by the State Bar of California would be deposited with the  
10 United States Postal Service that same day; that I am aware that on motion of party  
11 served, service is presumed invalid if postal cancellation date or postage meter date on  
12 the envelope or package is more than one day after date of deposit for mailing  
13 contained in the affidavit; and that in accordance with the practice of the State Bar of  
14 California for collection and processing of mail, I deposited or placed for collection and  
15 mailing in the City and County of Los Angeles, on the date shown below, a true copy  
16 of the within

17 **OPPOSITION TO MOTION FOR EXTENSION TO PAY RESTITUTION;  
18 DECLARATION OF TERRIE GOLDADE**

19 in a sealed envelope placed for collection and mailing at Los Angeles, on the date  
20 shown below, addressed to:

21 **By United States Mail**

22 **Timothy D. Myers  
23 4911 Warner Ave Ste 219  
24 Huntington Beach, CA 92649**

25 in an inter-office mail facility regularly maintained by the State Bar of California  
26 addressed To:

27 N/A

28 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: July 10, 2014

SIGNED: 

Mia Hibler  
Declarant

00103

<p><b>IN THE MATTER OF</b>  <b>Timothy D. Myers</b></p> <p><b>CASE NO(s): S213798 (12-O-17220)</b></p> <p><b>Probation</b></p>	<p style="text-align: center;"><b>FILED</b></p> <p style="text-align: center;">(For Office of Probation Use Only)</p> <p style="text-align: center;">JUL 10 2014 mlf</p> <p style="text-align: center;"><b>OFFICE OF PROBATION</b>  <b>LOS ANGELES</b></p>
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**QUARTERLY REPORT**

**First Report Due: April 10, 2014**  
 (for period January 10, 2014 through March 31, 2014)

**Final Report Due: January 10, 2016**  
 (for period January 1, 2016 through January 10, 2016)

**Due:**  January 10, 20\_\_  April 10, 20\_\_  July 10, 2014  October 10, 20\_\_  
 (for period 10/1 through 12/31) (for period 01/01 through 3/31) (for period 4/1 through 6/30) (for period 7/1 through 9/30)

*Make sufficient copies of this form for future use and mail reports to State Bar of California, Attn: Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.*

*Place an "X" before each of the statements below that applies to you:*

**Compliance with State Bar Act and Rules; and Report on SBC Proceedings**

During the reporting period noted above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation; and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

**Or**

During the reporting period above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation except:

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\_\_\_\_\_ (attach declaration under penalty of perjury if more space is needed); and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

### Current Address

- Within 10 days of any change, I reported to the Membership Records Office and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information including current name, office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code

### Suspension

- I did not practice law at any time during the reporting period noted above or applicable portion thereof during which I was suspended pursuant to the Supreme Court order in this case.

### State Bar Ethics School

- I have registered for the State Bar Ethics School course given on 8/22/14.
- I have completed the State Bar Ethics School course given on \_\_\_\_\_.  
A copy of my certificate of completion is attached if not previously submitted.

### Multi-State Professional Responsibility Examination

- I have registered for the MPRE given on Nov 1, 2014.
- I have taken the MPRE given on \_\_\_\_\_ and am awaiting the results.
- I passed the MPRE given on \_\_\_\_\_. A copy of my results is attached if not previously submitted.
- I did not pass the MPRE given on \_\_\_\_\_ and have re-scheduled to take the examination given on \_\_\_\_\_.

**Restitution**

- I have completed restitution, and attached are front/back copies of the cancelled checks or a declaration (**must include amount and date paid**) from the payee acknowledging receipt of the payment.
  
- I have made restitution payments, and attached are front/back copies of the cancelled checks or a declaration (**must include amount and date paid**) from the payee acknowledging receipt of the payment.

I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

Date: 7/9/14  
(Date of actual signature)

Signature:   
Timothy D. Myers  
(Please sign in blue ink)

**EXTREMELY URGENT**

Please Rush To Addressee

**RECEIVED**

JUL 10 2014

**OFFICE OF PROBATION  
LOS ANGELES**

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00107



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PHONE ( )

The State Bar of California  
Attn: Office of Probation  
845 South Figueroa St  
Los Angeles CA



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Date Accepted (MM/DD/YY) 7/9/10	Scheduled Delivery Time <input type="checkbox"/> 10:30 AM <input type="checkbox"/> 3:00 PM <input checked="" type="checkbox"/> 12 NOON	Insurance Fee \$	COD Fee \$
Time Accepted 12:07	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Return Receipt Fee \$	Live Animal Transportation Fee \$
Weight lbs. 2 ozs.	<input type="checkbox"/> Flat Rate Sunday/Holiday Premium Fee \$	Total Postage & Fees \$ 16.95	
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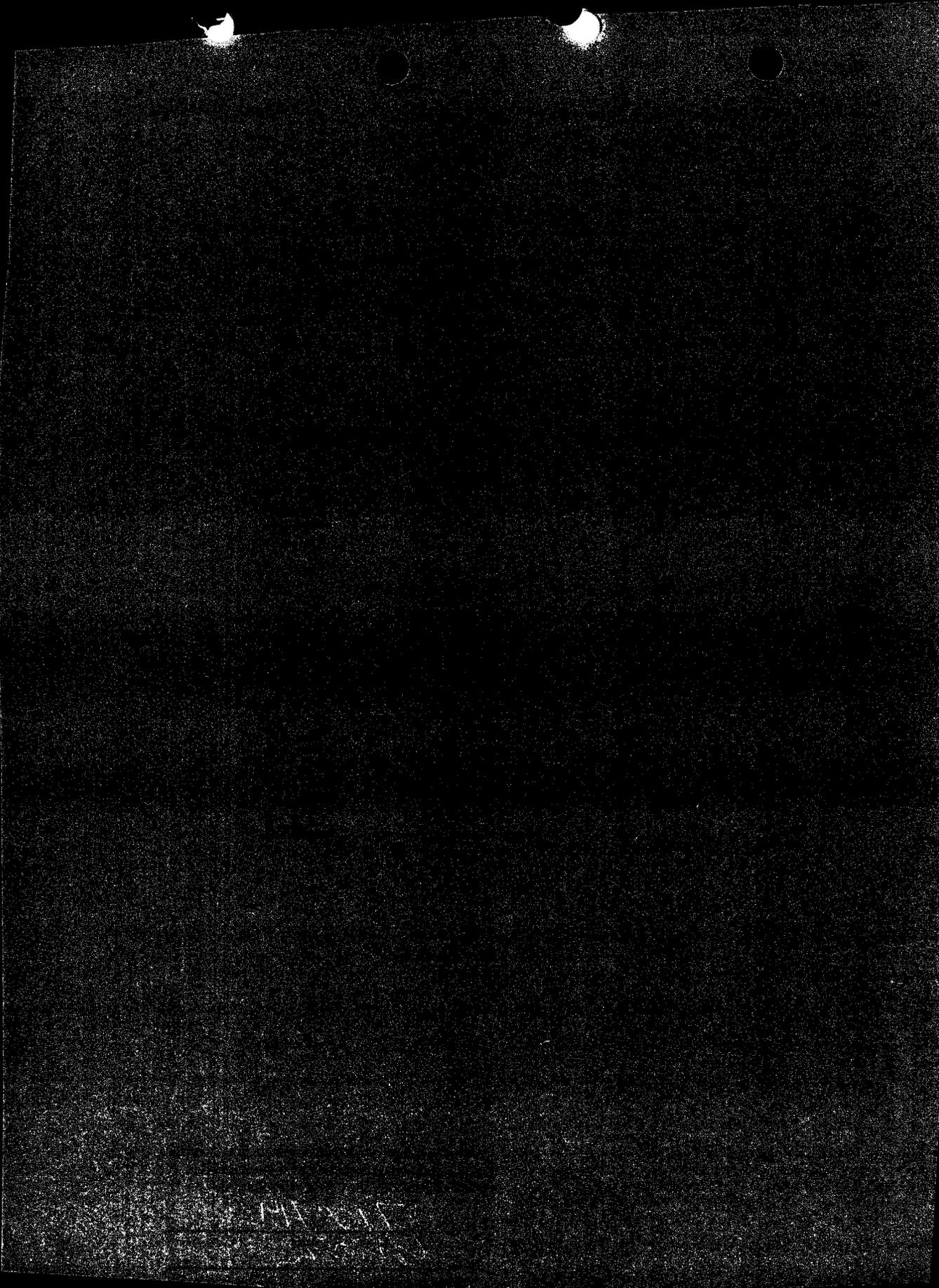


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00108