

FILED

JUL 15 2015

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6 CORECIA JOY WOO

**STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO**

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8 **STATE BAR COURT OF CALIFORNIA**
9 **HEARING DEPARTMENT – SAN FRANCISCO**

10 In the Matter of) Case Nos. 15-C-10250 and 15-C-10251
11) (Consolidated)
12)
13) **RESPONDENT CORECIA JOY WOO'S**
14) **RESPONSE TO NOTICE OF HEARING**
15) **ON CONVICTION**
16)
17) (Rule 5.345(B), Rules Proc. of State Bar)

18 **COMES NOW RESPONDENT CORECIA JOY WOO** (hereinafter "Respondent"), by and
19 through her attorney, Scott J. Drexel, and hereby provides the following response to the Notice
20 of Hearing in the above-referenced proceedings, which were consolidated by this Court on July
21 6, 2015.

22 **A. STATE BAR COURT CASE NO. 15-C-10251**

23 Respondent admits that she was convicted of one misdemeanor count of violating
24 Vehicle Code section 23152(a) in Sacramento Superior Court Case No. 98T04529 on October
25 28, 1998.

However, Respondent denies that her misdemeanor conviction, which occurred more
than sixteen (16) years ago, involved moral turpitude or other misconduct warranting discipline
within the meaning of Business and Professions Code sections 6101 or 6102. Respondent
submits that this proceeding against her should be dismissed with prejudice.



1 As a First Affirmative Defense, Respondent respectfully submits that the State Bar's
2 prosecution of this misdemeanor conviction is precluded by laches and by the provisions of Rule
3 5.21 of the Rules of Procedure of the State Bar of California ("Rules of Procedure") because the
4 State Bar had actual knowledge of Respondent's 1998 misdemeanor conviction at or shortly
5 after the time that Respondent was convicted and has either failed to initiate or has elected not
6 to initiate a disciplinary proceeding against her for more than 16 years and is now precluded
7 from doing so.

8 As a Second Affirmative Defense, Respondent respectfully submits that her 1998
9 misdemeanor conviction for a violation of Vehicle Code section 23152(a) was Respondent's first
10 conviction of a DUI offense and that, in light of the uniform, long-standing and well-established
11 policy of the State Bar, the State Bar Court and the Supreme Court of California that, absent the
12 existence of serious aggravating circumstances surrounding the offense (e.g., death or serious
13 injury to another individual, significant property damage or the commission of serious improper
14 conduct by the attorney directed toward law enforcement officials), the initiation of a disciplinary
15 proceeding and/or the imposition of discipline upon the respondent attorney is unwarranted.

16 As a Third Affirmative Defense, Respondent submits that her 1998 misdemeanor
17 conviction occurred prior to her admission to the practice of law in 2001 and that the Committee
18 of Bar Examiners' decision that Respondent possessed the requisite good moral character for
19 admission to the practice law despite its knowledge of Respondent's conviction and that the
20 Supreme Court subsequently admitted Respondent to the practice of law constitutes *res*
21 *judicata* and a binding determination that Respondent's 1998 misdemeanor conviction did not
22 involve moral turpitude or other misconduct warranting discipline.

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1 As a Fourth Affirmative Defense, Respondent submits that her 1998 misdemeanor
2 conviction is so remote in time from the 2013 misdemeanor conviction charged in State Bar
3 Court Case No. 15-C-10250 that it cannot be considered as a prior conviction for purposes of
4 determining the issue of "other misconduct warranting discipline" in this proceeding.
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6 **B. STATE BAR COURT CASE NO. 15-C-10250**

7 Respondent admits that she was convicted of one misdemeanor count of violating
8 Vehicle Code section 23152(b) in Sacramento Superior Court Case No. 13T03472 on October
9 2, 2013.

10 However, Respondent denies that her misdemeanor conviction, or the facts and
11 circumstances surrounding that conviction, involved moral turpitude or other misconduct
12 warranting discipline within the meaning of Business and Professions Code section 6101 or
13 6102. As a result, this proceeding against her should be dismissed with prejudice.

14 As a First Affirmative Defense, Respondent submits that, because her 1998 conviction of
15 a misdemeanor violation of Vehicle Code section 23152(a) occurred more than 15 years prior to
16 her 2013 misdemeanor conviction of a violation of Vehicle Code section 23152(b), it is so
17 remote in time that it should not and cannot be considered or used as a basis for determining
18 whether the 2013 conviction involved "other misconduct warranting discipline".
19

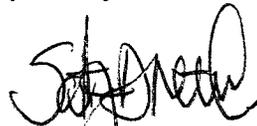
20 **C. DISPOSITION SOUGHT**

21 In light of the foregoing, Respondent respectfully submits that this Court should
22 conclude, as a matter of law, that neither Respondent's 1998 conviction of a misdemeanor
23 violation of Vehicle Code section 23152(a) nor her 2013 conviction of a misdemeanor violation
24 of Vehicle Code section 23152(b) involved moral turpitude or other misconduct warranting
25 discipline.

1 Respondent respectfully submits that this consolidated proceeding should be dismissed
2 in its entirety and that Respondent should be awarded costs in this proceeding.
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4 Dated: July 10, 2015
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6 Respectfully submitted,

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10 Scott J. Drexel
11 Attorney for Respondent
12 Corecia Joy Woo
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