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**STATE BAR COURT
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Nathan W. Drage (130448)
1465 South 700 West
Salt Lake City, Utah 84104
Phone: (801) 326-0441

STATE BAR COURT
HEARING DEPARTMENT - LOS ANGELES

In the matter of:)	Case No. 15-J-12016
)	
Nathan W. Drage,)	
No. 130448)	[2 nd Re-filed] ANSWER TO
)	FIRST AMENDED
)	NOTICE OF
)	DISCIPLINARY CHARGES
)	
)	

Pro se Respondent Nathan W. Drage, having recently received the "First Amended Notice of Disciplinary Charges" hereby preliminarily answers and responds as follows:

1. Respondent admits the information provided in paragraph 1 of the First Amended Notice.
2. In answering and responding to paragraphs 2 through 5, Respondent states that the events leading up to an October 13, 2010 entry of formal discipline by the Utah Bar Association (hereafter the "UBA Matter") are as follows:



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- a) The UBA Matter grew out of a complaint filed by a friend of twenty years and business partner of some twelve years (at the time).
- b) At the time (late 2008 and early 2009), my partner was frustrated that I was consumed in duties and responsibilities relating to the needs of my law firm clients, rather than focusing on matters of business.
- c) According to him, file complained to the UBA to get my attention.
- d) I am informed that my then partner subsequently asked the attorney at the UBA Office of Professional Conduct ("OPC") to drop the matter. This was done without any request of my partner on my part.
- e) According to my then partner, he endeavored to have OPC counsel drop the matter because he had merely been frustrated and upset with me because of my responsibilities to my clients and that what he had originally alleged was not entirely factual.
- f) The matter was not dropped by OPC and a formal complaint was filed in February 2010. Immediately thereafter, bar counsel requested a change of judges.
- g) I accepted service on March 1, 2010 and in latter March the matter was assigned to a new judge.

1 h) During this time I had been a tenant in a building wherein the
2 owner had become embroiled in a dispute regarding sale of the
3 building. At or about the time a response was due, on April 15,
4 2010 I was served a Motion for a Temporary Restraining Order to
5 force my law firm to vacate the office building because of the
6 (disputed) sale of the building by the owner.

7 i) Thus, during this exact period of time I was force to move my
8 entire law office which had occupied two floors of that building for
9 nine years. This was an unexpected and major undertaking for me
10 at the time.

11 j) One June 7, 2010, I faxed the UBA complaint, along with my
12 suggested responses, to a law firm whom I consulted to represent
13 me in the now formal UBA matter. While that law firm was
14 completing clearance of a possible conflict in representing me, the
15 OPC attorney filed a Request for Entry of Default.

16 k) Furthermore, I had completed my move to a new location and
17 provided that address to the UBA, which was duly updated on the
18 books and records of the UBA. Nonetheless, the OPC sent the
19 Request for Default to my firm's old address.

20 l) The occupants of at my prior address later forwarded the notice to
21 my new address, but it was not received until June 17th.

22 m) Upon receipt, I immediately contacted OPC counsel.
23
24

1 n) While my intended legal counsel was still completing a conflicts
2 clearance, on June 17, 2010 I filed an answer to the complaint filed
3 by OPC.

4 o) Also on the morning of June 17th I spoke with OPC counsel,
5 informed him that I had filed an answer in advance of my attorney
6 making an appearance, and respectfully requested that I be allowed
7 a brief extension (to that morning - when I answered) without
8 default (I was not aware or informed that a default certificate had
9 been entered just a few days before).

10 p) Clearly, I had *not* received “notice” of the request for default and,
11 therefore, any entry of a default would not, in my mind, be proper.
12 Thus, my request for time to file an answer was reasonable.

13 q) Shockingly, OPC counsel would not grant me *any* time to file an
14 answer. Indeed, OPC counsel stated that his office would oppose
15 any attempt by me to answer the complaint.

16 r) I was quite amazed by statements from OPC counsel because 1) in
17 modern practice we always want matters resolved “on the merits”
18 and not by some procedural advantage, and 2) because in my two
19 decades as an attorney I had conducted myself with great civility
20 and extended courtesies to fellow attorneys whenever they
21 requested of me additional time to file an answer or memorandum,
22 etc. Such civility is regularly encouraged and emphasized by most
23

1 bar associations (including the Utah Bar Association). And yet,
2 there I was, confronted with a situation in which an attorney, even
3 an OPC attorney, would not grant me the extension to file my
4 answer (which I had already filed that day; also I still was not
5 aware that a default certificate had issued).

6 s) Notwithstanding that I had 1) received notification late do to an
7 error in mailing by OPC, and 2) already answered the complaint,
8 the Court entered a default judgment on June 21, 2010.

9 t) Consequently, a week later on June 28, 2010, I filed a motion to set
10 aside the default *and* requested a hearing.

11 u) On August 3, 2010, the Court granted my motion.

12 v) Strangely, without a hearing and any opportunity to be heard on
13 the matter, the Court reversed itself on August 11, 2010 and
14 reinstated the default. The Court's reasoning was that it had
15 thought my Motion to Set Aside was unopposed because there was
16 no opposition on file and that thereafter, bar counsel informed the
17 court its opposition carried the wrong case number and, therefore,
18 inadvertently not filed in my case.

19 w) By the date of the reinstatement of the default, my legal counsel
20 had cleared any conflict to assist me in the matter. I was then
21 advised that given that the default had been reinstated by the Court,
22 I was at a tremendous disadvantage in defending myself and
23

1 I have completed all my obligations to the Utah Bar Association relating
2 to those allegations. My probation concluded about three years ago.

3 I feel that an action to impose additional sanctions at this time is
4 duplicative of what has already occurred and could lead the public to incorrectly
5 conclude that I engaged in new acts that violate California Bar rules.

6 Notwithstanding the foregoing, I will fully cooperate with the California
7 Bar Association to resolve the matter in an expeditious and amicable manner. I
8 am in regular communication with California Bar counsel towards that end.

9 Re-dated to the current day of September 14, 2015 for the purpose of re-
10 filing.

11 Respectfully submitted,

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14 Nathan W. Drage, Pro se

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CERTIFICATE OF SERVICE

Though the State Bar has confirmed received service of the Answer and Response to the First Amended Complaint, I hereby certify that on September 14, 2015, via US Mail Overnight Service, I did file the original and a copy and mailed, via same service, a true and correct copy of the foregoing to Bar Counsel:

Attorneys for State Bar of California

Sue Hong, Deputy Trial Counsel

Michael Glass, Senior Trial Counsel

Melanie J. Lawrence, Assistant Chief Trial Counsel

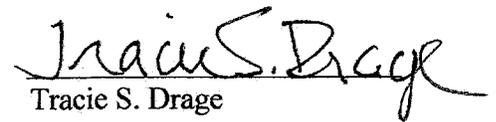
Joseph R. Carlucci, Deputy Chief Trial Counsel

Jayne Kim, Chief Trial Counsel

State Bar of California

845 South Figueroa Street

Los Angeles, California 90017-2515


Tracie S. Drage