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FILED
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STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

5 THE STATE BAR OF CALIFORNIA
6 OFFICE OF THE CHIEF TRIAL COUNSEL,
7 HEARING DEPARTMENT-LOS ANGELES

8 In the Matter of:

Case No: 15-0-13949

9 Rodger B. Haglund, II

ANSWER

10 No. 216427

Declaration of Rodger Haglund in Support

11
12 A member of the State Bar Of CA

Hearing Date: TBD
Hearing Time: TBD
Dept: TBD

Judge: TBD

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17 **TO: The State Bar of California, Office of the Chief Trial Counsel: Alex Hackert**
18 **Deputy Trial Counsel:**

19
20 **Rodger Haglund here in after referred to as:** Respondent submits his declaration
21 and evidence in support of his Answer to the State Bar Notice OF Disciplinary Charges.

22 First, Hackert's demand that my attorney provide a letter of representation within just
23 a couple of days over the Presidents Day long weekend holiday is/was totally
24 unreasonable, in fact the State Bar has violated B and P code § 6068 (i) which states
25 "This subdivision shall not be construed to require an attorney to cooperate with a
26 request him or herto comply with a request for information or other matters within an
27 unreasonable period of time in light of the time constraints of the attorney's practice."
28

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1 I can only hope that the state bar does NOT continue this unreasonable practice during
2 this matter.

3 CASE HISTORY

4 That on or about the years of 2009 and 2010 respondent received advanced monies
5 form various clients to perform loan modifications on their family homes, this task was
6 for nearly all the clients, however a few other clients advanced monies for debt
7 collections. Respondent did not perform any services for most of the clients but not all
8 of them and Respondent was terminated and failed to account for the funds.

9 This prompted multiple complaints to the State Bar of California.

10 That because of Respondents total candor, cooperation and remorse a stipulation
11 was reached which notes mitigating circumstances including respondent's emotional
12 difficulties at the time of the misconduct. Respondent was recovering from the death of
13 his father, his father's best friend and two of respondent's good friends. Also Family
14 problems at the time of the misconduct, Respondent was recovering from the failure of
15 his then 14-year marriage. See stipulation

16 I Attorney George Granby have been actively practicing law for over 41 years over
17 these years I have observed thousands of attorneys and have found that 90 % of the
18 calif state bar licensed Attorney's although qualified according to the Rules to practice
19 do NOT and should not be representing the The State Bar or the court system.

20 Upon extensive interview with Respondent I determined that he is within the 10% of
21 Attorney's although Not qualified yet because of the Current Probation violation's has
22 the Right Attitude, That a Professional should have in representing and assisting
23 members of the general public especially "Never to reject, for consideration personal to
24 himself or herself, the cause of the defenseless or the oppressed" consistent with B and
25 P sec a6068 (h) This is why want to support him Pro -bono

26 The State Bar contends in the stipulation that the various violations of Rules of
27 Professional Conduct was "in willful violation of the rules", Respondent contends that
28 the violations although multiple do exhibit a pattern; however the pattern was over only

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1 one period of time .ie two year period which was during the time of his plights and thus
2 were NOT willful violations, in particular since respondent practiced and served the
3 general public for several years consistent with his obligations to do so since December
4 4, 2001. See Haglund declaration.

5 B and P code § 6868(i) states that I have a duty to cooperate with and participate in
6 any state bar investigation. Respondent fully intends to continue participating as has
7 been demonstrated since the inception of these proceedings.

8 Respondent requests the State Bar invoke General Rule 1-100 that because these
9 were NOT willful breaches on this Notification, the Board of Governors / State Bar
10 should not exercise its power to discipline respondent further as provided by law.

11 That even our Criminal Justice System provides that persons on probation as
12 respondent is in this administrative setting that sincerely expresses remorse and not
13 willfully in violation of probation, get a second chance and an EXTENTION on the
14 probation so that the Criminal and or Violator in this proceeding can comply with the
15 probation conditions, especially in this case where the only harm is to respondent
16 because he is the person STILL suspended from practicing law, his PROFESSION.
17 Thus there is NO harm to any one including the general public.

18 This seems to be the most practical solution Because this is the Best way to protect the
19 General public and compensate for the harm done Because the Respondent will have
20 the additional time needed to tender to the violated clients' restitution.

21
22 PER B&P CODE § 6068 I am to support the Constitution, including the fifth
23 amendment there to thus, I am entitled to be supported by the Constitution as well
24 therefore I am entitled to all privileges guaranteed by the Constitution.

25
26 Respondent fully understands that an attorney has several duties under §6068. For
27 example:

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1 1. To support the constitution and laws of the United States and of this State, 2.
2 To maintain the respect due to the courts of justice and judicial officers, 3. To
3 counsel or maintain those actions, proceedings or defenses only as appear to him or
4 her legal or just..., 4. To employ, for the purpose of maintaining the causes
5 confided to him or her those means only as are consistent with truth and never to
6 seek to mislead the judge or any judicial officer by an artifice or false statement of
7 fact or law, 5. To advance no fact prejudicial to the honor or reputation of a party
8 or witness, unless required by the justice of the cause with which he or she is
9 charged.

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11 **Answer to Count One**

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13 Respondent failed to comply with conditions attached to respondent's disciplinary
14 probation in State Bar Case No's 09-0-19349 ,10-0-06151,10-0-07863,10-0-09480,10-
15 0-10802,10-0-11349,11-0-011397and11-0-15879

16
17 I submit herewith my best effort to respond to the Bar's allegations A thru D.

18
19 **DECLARATION OF Rodger B. Haglund II, IN SUPPORT OF ANSWER to the State**
20 **Bar's Notice of Disciplinary Charges Count One:**

21
22 1. I am over the age of 18 years, a licensed California Attorney since 2001, having
23 Bar #216427.

24 2. If sworn as a witness, I can testify competently to the contents of this
25 Declaration.

26 3. This Declaration is based upon my personal knowledge, except as to those
27 matters which are therein alleged on information and belief and as to those matters, I
28 believe them to be true.

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1 4. This Declaration is in lieu of personal testimony pursuant to § 2009 and
2 2015.5 of the California Code of Civil Procedure, Rule 1225 of the California Rules of
3 Court, *Reifler vs. Superior Court* (1974) 39 Cal.App.3d 479, and *Marriage of*
4 *Stevenot* (1984) 154 Cal.App.3d 1051.

5 5. As to "A" I did fail to contact the Office of Probation to schedule a meeting
6 within the 30 days from the effective date of the discipline. However, this failure was
7 NOT a willful Failure because I was still in Texas and could not attend a meeting at that
8 time that since I can NOT practice my profession which was earning me my living I must
9 perform other less lucrative tasks so as to be able to live and save so as to pay the
10 restitution required.

11 6. Regardless of this delay there is NO prejudice to anyone except me as I am
12 continuing on suspension and NOT practicing any law and therefore cannot be any
13 threat of harm to the interest of any clients or to the public much less any substantial
14 threat as there are NO clients. See B and P code § 6007(c)

15 7. Respondent requests the State Bar invoke General Rule 1-100 that because
16 these violations or the probation violations were NOT willful breaches on this
17 Notification, the Board of Governors / State Bar should not exercise its power to
18 discipline respondent further as provide by law.

19 8. That I am now in California again and I WILL schedule a meeting with the
20 Office of Probation asap.

21 9. As to "B" I did fail to timely submit a quarterly report due by April 10, 2014 to
22 the Office of Probation Because I was working as a tax preparer for Tax Services of
23 America/Jackson-Hewitt during that time period. April 15th was the final day to submit
24 tax returns, and I was working 10-14 hour days at that time. It was merely an oversight
25 due to the complexity of my schedule at that time.

26 10 Again I was in Texas and no access to my California Records, and there was
27 actually nothing to Report at that time, as I had not practiced law. Although I did submit
28 that report shortly after the April 10, 2014 deadline.

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1 11. Regardless of this delay there is NO prejudice to anyone except me as I am
2 continuing on suspension and NOT practicing any law and therefore cannot be any
3 threat of harm to the interest of any clients or to the public much less any substantial
4 threat as there are NO clients. See B and P code § 6007(c)

5 12. Respondent requests the State Bar invoke General Rule 1-100 that because
6 these violations and the probation violations were NOT willful breaches on this
7 Notification, the Board of Governors / State Bar should not exercise its power to
8 discipline respondent further as provide by law.

9 13. As to "C" failing to attend State Bar Ethics School, pass the test at the end of
10 Ethics School and submit proof of same to the Office of Probation by August 11, 2013. I
11 did fail to timely comply, I was in Texas, However the violation was NOT a willful breach
12 because even before notice of this probation violation I enrolled in Bar Ethics School
13 and I am scheduled to take the exam on Saturday August 13, 2016 in San Fernando
14 valley at the University of West Los Angeles. This failure is approx. One Year late,
15 again this delay was not willful. I was out of the state.

16 14. However this failure was NOT a willful Failure because I was still in Texas and
17 could not attend the school or take the test at that time that since I can NOT practice my
18 profession which was earning me my living I must perform other less lucrative tasks so
19 as to be able to live and save so as to pay the restitution required.

20 15. Regardless of this delay there is NO prejudice to anyone except me as I am
21 continuing on suspension and NOT practicing any law and therefore cannot be any
22 threat of harm to the interest of any clients or to code § 6007(c)

23 16. As to "D" failing to pay restitution and submit proof of same to the Office of
24 Probation by the end of respondent's term of probation on August 11, 2015, I did fail to
25 pay restitution and proof of same by August 11, 2015. However, the failures were NOT
26 willful because:
27
28

1 17. I could not pay the restitution timely because I can NOT practice my profession
2 which was earning me my living I must perform other less lucrative tasks so as to be
3 able to live and save so as to pay the restitution required.

4 18. *Regardless of this delay there is NO prejudice to anyone except me as I am*
5 *continuing on suspension and NOT practicing any law and therefore cannot be any*
6 *threat of harm to the interest of any clients or to the public much less any substantial*
7 *threat as there are NO clients. See B and P code § 6007(c)*

8 19. I have been saving so as to pay the restitution, again there has been NO
9 prejudice to anyone except me as I am continuing on suspension and NOT practicing
10 any law and therefore cannot be any threat of harm to the interest of any clients or to
11 the public much less any substantial threat as there are NO clients. See B and P code
12 § 6007(c)

13 20. That I practiced and served the general public for several years consistent with
14 my obligations and desire to do so since December 4, 2001. See Haglund declaration.
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16

17
18 **Conclusion**

19 Respondent submits that because is/was NO prejudice to anyone except me as I
20 am continuing on suspension and NOT practicing any law and therefore cannot be any
21 threat of harm to the interest of any clients or to the public much less any substantial
22 threat as there are NO clients. See B and P code § 6007(c).
23

24 The State Bar should continue respondent's probation to August 11, 2017 to allow
25 respondent to comply with the State Bar's Probation so that respondent can then after
26 becoming in full compliance with the requirements to practice his profession again and
again began to serve the public.

27 I declare under penalty of perjury under the laws of the State of California that the
28 foregoing is true and correct.

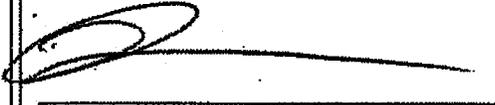
ANSWER AND DECLARATION OF RODGER HAGLUND

1 Dated March 5, 2016

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Rodger B. Haglund II
Declarant/Affiant

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Respectfully Submitted,

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DATED: March 6, 2016



GEORGE GRANBY, Attorney
For: Rodger B. Haglund II

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<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): George Granby Attorney SBN 64143 33175 Temecula Pkwy suit A-130 Temecula Ca. 92592</p> <p>TELEPHONE NO.: 562-422-6450</p> <p>E-MAIL ADDRESS (Optional): _____ FAX NO. (Optional): _____</p> <p>ATTORNEY FOR (Name): Rodger B Haglund II</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF State Bar Of California</p> <p>STREET ADDRESS: 845 South Figueroa Street</p> <p>MAILING ADDRESS: same</p> <p>CITY AND ZIP CODE: Los Angeles Calif. 90017</p> <p>BRANCH NAME: The State Bar of California</p>	
<p>PETITIONER/PLAINTIFF: The State Bar of California</p> <p>RESPONDENT/DEFENDANT: Rodger B. Haglund II</p>	
<p>PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL</p>	<p>CASE NUMBER: 15-0-139-49</p>

(Do not use this Proof of Service to show service of a Summons and Complaint.)

- I am over 18 years of age and not a party to this action. I am a resident of or employed in the county where the mailing took place.
- My residence or business address is:
33175 Temecula Pkwy Suite -130 Temeula Calif. 92592
- On (date): **March, 7, 2016** I mailed from (city and state): **Temecula Calif** the following documents (specify): **Answer and Declaration of Rodger B. Haglund II**

The documents are listed in the Attachment to Proof of Service by First-Class Mail—Civil (Documents Served) (form POS-030(D)).

- I served the documents by enclosing them in an envelope and (check one):
 - depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
- The envelope was addressed and mailed as follows:
 - Name** of person served: **The State Bar of Calif. Attn Alex Hackert Dep Counsel**
 - Address** of person served:
845 South Figueroa Street, Los Angeles Calif 90017-2515

The name and address of each person to whom I mailed the documents is listed in the Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (POS-030(P)).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **March 7, 2016**

George Granby Attorney

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)



(SIGNATURE OF PERSON COMPLETING THIS FORM)