

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

OCT 19 2016

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO



STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of:

DAVID CURTIS HOLLINGSWORTH,
No. 203887,

A Member of the State Bar

) Case No. 16-PM-16982
)
) MOTION TO REVOKE PROBATION;
) MEMORANDUM OF POINTS AND
) AUTHORITIES; DECLARATION OF
) MICHAEL KANTERAKIS; 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 David Curtis Hollingsworth, 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 David Curtis Hollingsworth ("Respondent") in prior disciplinary case no. 12-O-10185 and to impose upon Respondent the entire period of suspension of one year previously stayed by order no. S221836 of the Supreme Court filed on November 20, 2014. The State Bar 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 a condition of probation, Respondent was ordered to comply with the State Bar Act and the Rules of Professional Conduct and to report such compliance in writing under penalty of perjury to the Office of Probation each

1 January 10, April 10, July 10, and October 10 ("quarterly reports"). Respondent has not
2 complied as follows:

3

Due Date	Filed Date	Comments
4/10/15	4/8/15	
7/10/15	7/10/15	
10/10/15	10/15/15	Late
1/10/16	1/22/16	Late
4/10/16		Not filed
7/10/16		Not filed
10/10/16		Not filed

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10 This motion is also based on the attached Memorandum of Points and Authorities, the
11 attached Declaration of Michael Kanterakis, the attached exhibits, and all documents on file with
12 the court in this matter.

13 In accordance with rules 5.314(A) and 5.314(E) of the Rules of Procedure of the State
14 Bar of California, the Office of Probation requests that a hearing be held unless the Court, based
15 upon this motion and any response, determines that imposition of the discipline as requested
16 above is warranted.

17 **NOTICE – FAILURE TO RESPOND**

18 YOUR FAILURE TO FILE A RESPONSE WITHIN TWENTY (20) DAYS OF
19 SERVICE OF THIS MOTION WILL CONSTITUTE AN ADMISSION OF THE
20 FACTUAL ALLEGATIONS CONTAINED IN THIS MOTION AND MAY
21 RESULT IN THE IMPOSITION OF ACTUAL SUSPENSION PURSUANT TO
THE UNDERLYING DISCIPLINARY ORDER. ALSO, FAILURE TO
REQUEST A HEARING WILL CONSTITUTE A WAIVER OF YOUR RIGHT
TO A HEARING. SEE RULE 5.314(B) OF THE RULES OF PROCEDURE OF
THE STATE BAR.

22 **NOTICE – INACTIVE ENROLLMENT**

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

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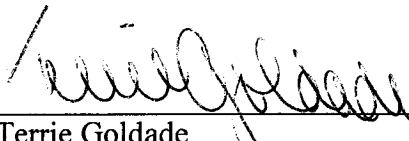
NOTICE – COST ASSESSMENT

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

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF PROBATION

DATED: October 18, 2016

By: 
Terrie Goldade
Supervising Attorney

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 November 20, 2014, the Supreme Court imposed discipline on Respondent
5 in case no. S221836. The Supreme Court suspended Respondent for one year but stayed the
6 execution of the suspension on the condition that Respondent comply with all terms of probation.

7 As a condition of probation, Respondent was ordered to comply with the State Bar Act
8 and the Rules of Professional Conduct and to report such compliance in writing under penalty of
9 perjury to the Office of Probation each January 10, April 10, July 10, and October 10 ("quarterly
10 reports"). Respondent has not complied as follows:

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Due Date	Filed Date	Comments
4/10/15	4/8/15	
7/10/15	7/10/15	
10/10/15	10/15/15	Late
1/10/16	1/22/16	Late
4/10/16		Not filed
7/10/16		Not filed
10/10/16		Not filed

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18 Consequently, the State Bar Court should recommend revocation of Respondent's probation.

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

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

24 It is presumed that Respondent was served with the disciplinary order of the Supreme
25 Court imposing a period of probation. The clerks of the reviewing courts have a duty to transmit
26 a copy of all decisions of those courts to the parties. (California Rules of Court, rule 8.532(a).)
27 Pursuant to Evidence Code section 664, there is a rebuttable presumption that such official duties
28 have been regularly performed. Therefore, absent any evidence to the contrary, it is presumed

1 that the Supreme Court clerk has complied with the duty to transmit to Respondent a copy of the
2 order placing Respondent on probation. (*In re Linda D.* (1970) 3 Cal.App. 3d 567; *People v.*
3 *Smith* (1965) 234 Cal.App.2d 407; *Fischer v. Lukens* (1919) 41 Cal.App. 358.)

4 B. Respondent's Violation of Probation Was Willful

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

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

16 II. RESPONDENT'S VIOLATION OF PROBATION WARRANTS THE IMPOSITION
17 OF THE FULL STAYED SUSPENSION.

18 In a probation revocation proceeding, the hearing judge may recommend actual
19 suspension up to the entire period of stayed suspension. (Rule 5.312, Rules of Procedure.) In
20 this case, the Supreme Court imposed a stayed suspension of one year. Based on the violation of
21 probation, the hearing judge should now recommend that Respondent be actually suspended for
22 the full period of stayed suspension.

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

25 In a probation revocation proceeding, the hearing judge may order the involuntary
26 inactive enrollment of a Respondent upon a finding that each of the elements of Business and
27 Professions Code section 6007(d) have occurred. (Rule 5.315, Rules of Procedure.) Those
28 elements have occurred where the Respondent is under an order of stayed suspension with a

1 period of probation and has violated that probation and where the hearing judge recommends a
2 period of actual suspension. (Business and Professions Code, section 6007(d)(1).) See *In the*
3 *Matter of Tiernan* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 523, 531-532. The order
4 enrolling a respondent inactive shall be effective upon service unless otherwise ordered by the
5 judge. (Rule 5.315, Rules of Procedure.)

6 CONCLUSION

7 The Supreme Court has stayed Respondent's suspension and placed him on probation,
8 and Respondent has violated that probation. The State Bar requests that the hearing judge
9 recommend revocation of Respondent's probation and the imposition of one year of actual
10 suspension. Furthermore, the hearing judge should order Respondent placed on involuntary
11 inactive enrollment until the suspension is effective and order Respondent to comply with Rule
12 9.20, California Rules of Court.

13 Respectfully submitted,

14 THE STATE BAR OF CALIFORNIA
15 OFFICE OF PROBATION

16
17 DATED: October 18, 2016

18 By: 

19 Terrie Goldade
20 Supervising Attorney
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Respondent; and (d) to memorialize contacts made or received by any Office of Probation employee concerning a Respondent and place such memoranda in the file.

7. A review of the probation file on Respondent reflects that a disciplinary order imposing probation is contained therein. A certified copy of said order, filed on November 20, 2014, is attached hereto and incorporated by reference as Exhibit 2. A certified copy of the stipulation filed July 11, 2014 is also included within Exhibit 2 for the Court's convenience. Pursuant to said order, Respondent was ordered to comply with the State Bar Act and the Rules of Professional Conduct and to report such compliance in writing under penalty of perjury to the Office of Probation each January 10, April 10, July 10, and October 10 ("quarterly reports"). Respondent has not complied as follows:

Due Date	Filed Date	Comments
4/10/15	4/8/15	
7/10/15	7/10/15	
10/10/15	10/15/15	Late
1/10/16	1/22/16	Late
4/10/16		Not filed
7/10/16		Not filed
10/10/16		Not filed

8. As Custodian of Records, I have reviewed the entire contents of the probation file on Respondent which reflects that the relevant portions of the disciplinary orders imposing probation and a letter confirming the terms and conditions of probation, including suspension, were provided to the Respondent on December 5, 2014.

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

- a. Reminder letter mailed to Respondent on December 5, 2014 outlining the terms and conditions of his probation.
- b. Required Probation Meeting Record completed for January 27, 2015 telephonic meeting with Respondent during which I reviewed with Respondent all of the terms and conditions of his probation.

- 1 c. Respondent's April 10, 2015 quarterly report filed April 8, 2015.
- 2 d. Respondent's July 10, 2015 quarterly report filed July 10, 2015.
- 3 e. July 15, 2015 e-mail from Respondent regarding his faxed July 10, 2015
- 4 quarterly report with a copy of that quarterly report attached.
- 5 f. October 15, 2015 fax from Respondent stating he had been in and out of the
- 6 hospital due to a motorcycle accident; his late October 10, 2015 quarterly
- 7 report was included.
- 8 g. Respondent's January 10, 2016 quarterly report filed late on January 22, 2016.
- 9 h. August 24, 2016 letter mailed to Respondent setting forth his non-compliance
- 10 with his conditions.
- 11 10. A complete review of the Respondent's file reflects that none of the letters
- 12 referred to above were returned to the State Bar of California, Office of Probation by the United
- 13 States Postal Service as undeliverable, or for any other reason.
- 14 11. On December 5, 2014, Respondent left me a telephonic voice mail message
- 15 stating that he received his Supreme Court order about a week ago and has questions.
- 16 12. On December 8, 2014, I left a telephonic voice mail message for Respondent
- 17 stating that I was returning his call and that I had mailed him a courtesy letter on December 5,
- 18 2014. I stated that he was to read it upon receipt and then call me to schedule his required
- 19 meeting.
- 20 13. On December 24, 2014, Respondent left me a telephonic voice mail message
- 21 regarding the required meeting; he was calling from Jonna Butler's telephone number.
- 22 14. On January 5, 2015, I left a voice mail message for Respondent returning his call.
- 23 I stated that he was to call and schedule his required meeting by January 19, 2015 and to have
- 24 my December 5, 2014 letter with him at his meeting.
- 25 15. On January 20, 2015, I left a voice mail message for Respondent stating that his
- 26 deadline to schedule his required meeting was January 19, 2015; I stated that he was to call me
- 27 back as soon as possible to schedule his meeting.
- 28

1 16. On January 21, 2015, Respondent left me a telephonic voice mail message stating
2 that he was expecting "that": he had called earlier to set up a meeting, there was no problem on
3 his end, but that he did not know about yours. He stated that he had read the letter.

4 17. On January 22, 2015, Respondent left me a telephonic voice mail message stating
5 that he was trying to schedule a meeting with David Carr, that he had read my letter a couple of
6 times, and that this was his fourth time calling.

7 18. On January 26, 2015, I left a telephonic voice mail message for Respondent
8 returning his call about the required meeting that was supposed to have been scheduled by
9 January 19, 2015. I stated that he was to call me to schedule it.

10 19. On January 26, 2015, Respondent left me a telephonic voice mail message stating
11 "how about 11 a.m. tomorrow?"

12 20. On January 27, 2015, I left Respondent a telephonic voice mail message
13 confirming his required meeting for 11 a.m. "today".

14 21. On January 27, 2015, I conducted the required meeting by telephone with
15 Respondent.

16 22. On April 7, 2015, Respondent left me a telephonic voice mail message stating that
17 he had a question about page 2 of the quarterly report.

18 23. On April 8, 2015, I left Respondent a telephonic voice mail message returning his
19 call and stating that I did not know what his question was about the quarterly report and he
20 should call me.

21 24. On Sunday, July 10, 2015, Respondent left me a telephonic voice mail message
22 asking for my e-mail address.

23 25. On Sunday, July 10, 2015, Respondent left Supervising Attorney Terrie Goldade
24 a voice mail message asking for Probation Deputy Kanterakis/my e-mail address. Respondent
25 stated that he thought he had been given it before but that he could not find it.

26 26. On July 14, 2015, I left a telephonic voice mail for Respondent leaving my e-mail
27 address and the department's fax number. I stated that his quarterly report due January 10, 2015
28 had not been received.

27. On July 15, 2015, Respondent left me a telephonic voice mail question stating that he had received my telephonic voice mail from "yesterday". He stated that he had faxed a copy of his quarterly report before 5 on Friday. He said that he had also sent it, because he could not find the e-mail address. He stated that the only e-mail address he found on the internet was for a girl who said there was no one there to give the e-mail or that she was not allowed to give it out.

28. On July 16, 2015, I telephoned Respondent and informed him that I was incorrect in my telephonic voice mail message: his July 10, 2015 was timely faxed and received by the Office of Probation. I reminded him that his next quarterly report was due October 10, 2015 and that his MPRE proof of passage was due December 20, 2015. Respondent stated that he would petition the Supreme Court to remove the MPRE condition and that it was too late to register for the August MPRE; he said he would take the November MPRE.

29. On October 22, 2015, Respondent left me a telephonic voice mail message stating that he needed clarification on his dates.

30. On October 26, 2015, I left a telephonic voice mail message for Respondent reminding him that his condition continues until December 20, 2016; that his proof of passage of the MPRE was due by December 20, 2015; and, that if he had not already registered for the November 2015 MPRE, he could make a motion to the State Bar Court for an extension of time.

31. On January 29, 2016, the Review Department filed an order suspending Respondent effective February 22, 2016 because he had not passed the Multistate Professional Responsibility Examination; Respondent remains suspended pursuant to that order.

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

Executed this 18th day of October, 2016 at Los Angeles, California.

Michael Kanterakis
Declarant

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 MICHAEL KANTERAKIS
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 9871 and **regular mail** mailed at Los Angeles, on the date shown below, addressed to:

David C. Hollingsworth
Law Office of David C. Hollingsworth
4617 N West Ave
Fresno, CA 93705

Courtesy copy by regular mail to:
David C. Hollingsworth
Law Office of David C. Hollingsworth
4617 N West Ave
Fresno, CA 93705

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: October 18, 2016

SIGNED: _____

Mia Hibler
Mia Hibler
Declarant

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

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

October 12, 2016

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 DAVID CURTIS HOLLINGSWORTH, #203887.

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

FIRST

MIDDLE

HOLLINGSWORTH

DAVID

CURTIS

(PLEASE PRINT IN BLACK INK, OR TYPE)

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

FIRM
NAME

D.C. HOLLINGSWORTH ENT. INC.

ADDRESS

4617 N. WEST AVE

CITY

FRESNO

STATE

CA ZIP 93705+0001

FOREIGN
COUNTRY

TELEPHONE

559 226-4890

FAX

E-MAIL

PLACE OF BIRTH

BIRTH DATE

MONTH 09 DAY 24 YEAR 54 FRESNO, CA.

State Bar Use Only

SCHOOL CODE

UNDERGRADUATE
DEGREE FROM:

HUMBOLDT STATE UNIV.

CITY

ARCATA

STATE

CA

SCHOOL CODE

LAW DEGREE
FROM:

SAN JOAQUIN College of LAW

CITY

FRESNO

STATE

CA

DATES AND PLACES OF

PRIOR ADMISSION TO PRACTICE

NONE

MAIL

RESTRICTION

Rev 10/99

State Bar Use Only

203887

NUMBER

12 06 99

DATE ADMITTED

FEES \$

W.C. \$

S.C. \$

TOTAL \$

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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 Dec 6, 1999 SIGNED

(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 - 6 1999 SIGNED

(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. See instructions for the cost. Please indicate which certificate you wish to order. Do not include payment at this time. You will be billed.

STANDARD CERTIFICATE

☒ CUSTOMIZED CERTIFICATE

INFORMATION PROVIDED ON THIS FORM BECOMES PUBLIC RECORD

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THE STATE BAR OF CALIFORNIA

MEMBER RECORDS & COMPLIANCE

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

September 16, 2016

TO WHOM IT MAY CONCERN:

I, J. Robert McPhail, 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 DAVID CURTIS HOLLINGSWORTH, #203887 from December 6, 1999 to the date of this certificate.

THE STATE BAR OF CALIFORNIA

J. Robert McPhail
Custodian of Membership Records

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MM595R2

MEMBER ADDRESS CHANGE HISTORY

Print Date: 9/16/16

Member #: 203887

Date of Admission: 12/06/1999 Status: Not Eligibl Effective: 2/22/2016

Name: David C. Hollingsworth

Address: LAW OFFICE OF DAVID C. HOLLINGSWORTH Eff: 8/19/2014

4617 N West Ave
Fresno CA 93705

LAW OFFICE OF DAVID C. HOLLINGSWORTH Eff: 8/21/2013

516 W Shaw Ave Ste 200
Fresno CA 93704

Law Offices of DAVID C. HOLLINGSWORTH Eff: 10/12/2011
7th Fl
2014 Tulare St Ste 707
Fresno CA 93721

Law Offices of David C. Hollingsworth Eff: 12/27/2005

2014 Tulare St Ste 707
Fresno CA 93721

Eff: 2/22/2001

2014 Tulare St
Fresno CA 93721

Eff: 12/06/1999

D C Hollingsworth Ent Inc
4617 N West Ave
Fresno CA 93705 0001

NOV 20 2014

(State Bar Court No. 12-O-10185)

Frank A. McGuire Clerk

S221836

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re DAVID CURTIS HOLLINGSWORTH on Discipline

The court orders that David Curtis Hollingsworth, State Bar Number 203887, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. David Curtis Hollingsworth must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 11, 2014; and
2. At the expiration of the period of probation, if David Curtis Hollingsworth has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

David Curtis Hollingsworth 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 within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

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 David Curtis Hollingsworth 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

21 day of November 20 14
Clerk

By:  Deputy

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(Do not write above this line.)

State Bar Court of California Hearing Department San Francisco STAYED SUSPENSION		
Counsel For The State Bar Tammy M. Albertsen Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2527 Bar # 154248	Case Number(s): 12-O-10185-PEM	For Court use only PUBLIC MATTER FILED JUL 11 2014 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel For Respondent Thornton L. Davidson 6485 N. Palm Avenue, Suite 105 Fresno, CA 93704 (559) 478-4119 Bar # 166487	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: DAVID CURTIS HOLLINGSWORTH Bar # 203887 A Member of the State Bar of California (Respondent)		

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 6, 1999**.
- (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 **11** pages, not including the order.
- (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".

(Effective January 1, 2014)

Stayed Suspension

(Do not write above this line.)

- (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):

- ☐ Costs are added to membership fee for calendar year following effective date of discipline.
- ☒ 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 [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline**
- (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 or a separate attachment entitled "Prior Discipline."
- (2) ☐ **Dishonesty:** Respondent's misconduct was intentional, 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.
- (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 8.**

(Effective January 1, 2014)

Stayed Suspension

(Do not write above this line.)

- (8) ☐ **Restitution:** Respondent failed to make restitution.
- (9) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. 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, the public, or the administration of justice.
- (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 with a good faith belief that was honestly held and reasonable.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental 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 the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (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 extraordinarily 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.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances

(Effective January 1, 2014)

Stayed Suspension

(Do not write above this line.)

**No Prior Record of Discipline;
Pretrial Stipulation;
Good Character;
Pro Bono/Community Activities**

(See, attachment pages 8-9.)

(Effective January 1, 2014)

Stayed Suspension

D. Discipline:

(1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of **one (1) year**.
- 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 1.2(c)(1), 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:

The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent is placed on probation for a period of **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

E. Additional Conditions of Probation:

- (1) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) ☒ 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.
- (3) ☒ 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.
- (4) ☒ 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.

- (5) ☐ 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.

(Do not write above this line.)

- (6) ☒ 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.
- (7) ☐ 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 State Bar Ethics School, and passage of the test given at the end of that session.
- ☒ No Ethics School recommended. Reason: **Respondent successfully completed Ethics School on December 5, 2013.**
- (8) ☐ 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.
- (9) ☐ 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 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 within one year. **Failure to pass the MPRE results in actual suspension without 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) ☒ **Other Conditions:**
- No Client Trust Accounting School recommended. Respondent successfully completed Client Trust Accounting School on December 6, 2013.**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: DAVID CURTIS HOLLINGSWORTH
CASE NUMBER: 12-O-10185-PEM

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/or Rules of Professional Conduct.

Case No. 12-O-10185 (Complainant: Connie Gatewood)

Facts.

1. On July 19, 2007, Respondent was hired by Connie Gatewood ("Gatewood") to represent her in a matter styled, *Marriage of Lovelace*, Fresno County Superior Court Case No. 08CEFL01320.
2. From April 25, 2011 through July 21, 2011, Respondent received two checks totaling \$1,900, which represented funds Respondent received on behalf of Gatewood in the *Lovelace* matter. Instead of depositing the \$1,900 into a client trust account, Respondent deposited the funds into his general operating account.
3. In October 2011, the State Bar opened an investigation in case number 12-O-10185 after receiving a complaint against Respondent from Gatewood. On September 19, 2012, Respondent entered an Agreement in Lieu of Discipline ("ALD") with the State Bar to resolve case number 12-O-10185. As part of the ALD, Respondent was required to:
 - A. Timely submit three (3) quarterly reports by the due dates of January 10, 2013, April 10, 2013 and July 10, 2013;
 - B. Submit the final report by September 19, 2013;
 - C. Attend Ethics School by September 19, 2013; and
 - D. Attend Client Trust Accounting School by September 19, 2013.
4. Thereafter, Respondent failed to comply with the conditions attached to the ALD, as follows:
 - A. Respondent failed to timely submit three (3) quarterly reports by January 10, 2013, April 10, 2013 and July 10, 2013;
 - B. Respondent failed to submit the final report by September 19, 2013;
 - C. Respondent failed to attend Ethics School by September 19, 2013; and

D. Respondent failed to attend Client Trust Accounting School by September 19, 2013.

5. Respondent has since complied with the conditions attached to the ALD.

Conclusions of Law.

6. By failing to deposit two checks totaling \$1,900 received on behalf of Gatewood into a client trust account, Respondent failed to deposit funds received for the benefit of the client in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, in wilful violation Rules of Professional Conduct, rule 4-100(A).
7. By failing to timely submit (3) quarterly reports by January 10, 2013, April 10, 2013 and July 10, 2013, by failing to submit the final report by September 19, 2013, by failing to attend Ethics School by September 19, 2013 and by failing to attend Client Trust Accounting School by September 19, 2013, Respondent failed to comply with the conditions attached to an Agreement in Lieu of Discipline in willful violation of Business and Professions Code section 6068(l).

ADDITIONAL FACTS RE: AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct (Std. 1.2(b) (ii)): Respondent's failure to deposit client funds in trust and failure to comply with conditions of an ALD represent multiple acts of misconduct.

MITIGATING CIRCUMSTANCES.

No Prior Record of Discipline: Although Respondent's misconduct is serious, he has no prior record of discipline in approximately 11.5 years of practice prior to the first act of misconduct at issue herein and is entitled to mitigation. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 2013); *In the Matter of Stamper* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 96, 106, fn. 13.)

Pretrial Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of the Chief Trial Counsel prior to trial, thereby saving the State Bar Court time and resources. (*Silva-Zidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

Good Character: Respondent's good character is attested to by several references in the general community consisting of three (3) former clients, three (3) long term employees and one (1) reference from the local legal community, all of whom are aware of the full extent of Respondent's misconduct. Respondent's six character references state uniformly that the misconduct at issue was highly aberrational for Respondent. They know him to be honest and hardworking and to take cases that other attorneys would not, thus providing important access to the legal system for those who may not otherwise be able to obtain it.

Pro Bono: Respondent performed pro bono work and community activities over many years, particularly involving the homeless and the deaf communities in the greater Fresno area. Specifically, Respondent works with the Deaf and Heard-of-Hearing Service Center, where he gives free lectures and provides free legal services. He also served as a nominal-fee arbitrator for the Better Business Bureau. Respondent has volunteered as a Judge Pro Tem on several occasions. He has volunteered as a mediator

for family law matters, again free of charge. He has also provided, and continues to provide, free legal services and consultation for the homeless to assist them in obtaining government financial assistance, substance abuse and mental health referrals and permanent housing qualification. (*In the Matter of Respondent K* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 335, 359 ["Civic service can deserve recognition as a mitigating circumstance under this standard."].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silverton* (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.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given Standard, in addition to the factors set forth in the specific Standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In this matter, Respondent admits to committing more than one act of professional misconduct. Standard 1.7(a) requires that where a Respondent "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed."

The more severe sanction applicable to Respondent's misconduct is found in standard 2.2, which applies to Respondent's failure to deposit client funds in trust and provides that "suspension or reproof is appropriate for any other violation of Rule 4-100" [which does not include misappropriation, commingling or failing to promptly pay out entrusted funds].

In this matter, Respondent failed to deposit two checks totaling \$1,900 in client funds into his client trust account. He then violated six (6) conditions of his ALD. Respondent's misconduct is serious. However, Respondent has since come into compliance with the conditions of the ALD, which demonstrates that he can comply with ethical responsibilities.

In aggravation, Respondent committed multiple acts of misconduct. Respondent is entitled to mitigation

for 11.5 years of practice without discipline and for entering into this stipulation. Respondent is also entitled to mitigation for good character pro bono/community activities.

On balance, discipline at the mid-range recommended by the standards is appropriate. A one-year stayed suspension with probation conditions for two (2) years will serve the purpose of attorney discipline.

Case law is also instructive. In *Conroy v. State Bar* (1990) 51 Cal.3d 799, an attorney had received a private reproof with a condition that he take the PRE within one year. The attorney inexplicably failed to take the PRE within the year, although he did ultimately take it outside the due date. In upholding the recommendation of discipline including 60 days' actual suspension, the Supreme Court noted the several serious aggravating circumstances surrounding this misconduct, including the attorney's prior record of discipline, his failure to participate in the subsequent proceedings and his failure to appreciate the gravity of his earlier misdeeds.

The misconduct in the instant case, while serious, is less serious than that considered by the Supreme Court in *Conroy* because of the differences in the levels of aggravation and mitigation. The attorney in *Conroy* had significant aggravation with virtually no mitigation. In the instant matter, Respondent has participated in these proceedings, has no prior record of discipline and has provided evidence of good character and pro bono/community activities.

COSTS OF DISCIPLINARY PROCEEDINGS.


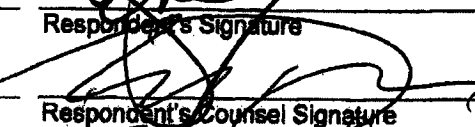
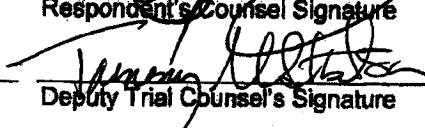
Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of April 25, 2014, the prosecution costs in this matter are \$6,944.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: DAVID CURTIS HOLLINGSWORTH	Case number(s): 12-O-10185-PEM
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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.

<u>7/1/14</u>		<u>David Curtis Hollingsworth</u>
Date	Respondent's Signature	Print Name
<u>7/1/14</u>		<u>Thornton L. Davidson</u>
Date	Respondent's Counsel Signature	Print Name
<u>7/7/14</u>		<u>Tammy M. Albertsen</u>
Date	Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of: DAVID CURTIS HOLLINGSWORTH	Case Number(s): 12-O-10185-PEM
--	--

STAYED 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.

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.)

Date

JUL 15 2014


LUCY ARMENDARIZ
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 San Francisco, on July 11, 2014, 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 San Francisco, California, addressed as follows:

THORNTON L. DAVIDSON
THE ERISA LAW GROUP, LLP
6485 N PALM AVE STE 105
FRESNO, CA 93704

- ☐ by certified mail, No. _____, with return receipt requested, through the United States Postal Service at _____, California, addressed as follows:

- ☐ by overnight mail at _____, California, addressed as follows:

- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.

- ☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Tammy M. Albertsen, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on July 11, 2014.

Case Administrator
State Bar Court

00014

1 **DAVID C. HOLLINGSWORTH, SBN # 203887**
2 **LAW OFFICES OF DAVID C. HOLLINGSWORTH**
3 **516 W. Shaw Avenue, Suite 200**
4 **Fresno, California 93704**
5 **Telephone: (559) 221-2560**
6 **Facsimile: (559) 221-4955**
7 **Email: dhplus12@yahoo.com**

FILED

NOV 25 2013

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

8 **STATE BAR COURT**
9 **HEARING DEPARTMENT - SAN FRANCISCO**

10 In the Matter of:) Case No.: 12-O-10185
11 DAVID CURTIS HOLLINGSWORTH)
12 No. 203887) **ANSWER**
13)
14 A Member Of The State Bar)
15)

16 **JURISDICTION**

- 17 1. Without waiving any defense, Jurisdiction as stated in the Notice of Disciplinary Charges is
18 not contested. Counsel for the State Bar sent two Notices which appear to be identical -
19 one sent regular mail, the other sent certified mail Return Receipt Requested. I was not
20 present when the notices arrived in the post box used by my office nor did I sign the return
21 receipt for the Notices. Neither notice had attached to it a signed "DECLARATION OF
22 SERVICE BY REGULAR AND CERTIFIED MAIL".

23 **COUNT 1**

24 **Alleged Violation Of Business And Professions Code, Section 6068(1)**

25 **[Alleged Failure To Comply With The Conditions Attached To An Agreement In Lieu Of**
26 **Discipline]**

27 **2A. Failing to timely submit three (30 quarterly reports by the due dates of January 10, 2013,**
28 **April 10, 2013 and July 10, 2013. -- DENY**

- 1 2B. Failing to submit the final report by the due date of September 19, 2013-- DENY
2
3 2C. Failing to attend Ethics school by the due date of September 19, 2013--DENY; and
4
5 2D. Failing to attend Ethics school by the due date of September 19, 2013-- DENY

6 COUNT 2

7 Alleged Violation Of Rules of professional conduct, rule 4-100(A)

8 [Alleged Failure To Deposit Client Funds in Trust Account]

- 9 3. From on or about April 25, 2011 through or on about July 21 2011, Respondent received
10 on behalf of Respondent's client, Connie Gatewood, two checks totaling \$1,900.
11 Respondent failed to deposit \$1,900 in funds received for the benefit of the client in a bank
12 account labeled "Trust Account," "Client's Funds Account" or words of similar import, in
13 willful violation Rules of Professional Conduct, rule 4-100(A). - DENY

14 Affirmative defenses:

- 15 1. Nothing was "intentional"
16 2. My agreement in lieu of discipline did not require the action alleged
17 3. The action performed satisfied the agreement in lieu of discipline.
18 4. The action performed materially and substantially complied with agreement in lieu of
19 discipline (technical violation but substantial performance)
20 5. All actions alleged not performed were attempted in good faith but for circumstances
21 beyond my control they not completed

22 RESPECTFULLY SUBMITTED,
23 LAW OFFICES OF DAVID C. HOLLINGSWORTH

24 DATED: NOVEMBER 12, 2013

25 
26 DAVID C. HOLLINGSWORTH
27 Member
28

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): David C. Hollingsworth SBN 203887 516 W. Shaw Ave., Suite 200 Fresno, California 93704 TELEPHONE NO.: 559-221-2560 FAX NO. (Optional): 559-221-4955 E-MAIL ADDRESS (Optional): dhplus12@yahoo.com ATTORNEY FOR (Name): David Curtis Hollingsworth		FOR COURT USE ONLY CASE NUMBER: 12-O-10185 JUDGE: DEPT.:
SUPERIOR COURT OF CALIFORNIA, COUNTY OF State Bar Court STREET ADDRESS: 180 Howard Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, 94105-1639 BRANCH NAME:		
PLAINTIFF/PETITIONER: The State Bar of California DEFENDANT/RESPONDENT: David Curtis Hollingsworth		
PROOF OF SERVICE—CIVIL Check method of service (only one): <input type="checkbox"/> By Personal Service <input checked="" type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax <input type="checkbox"/> By Electronic Service		

(Do not use this proof of service to show service of a Summons and complaint.)

- At the time of service I was over 18 years of age and not a party to this action.
- My residence or business address is:
516 W. Shaw Ave., Suite 200, Fresno, CA 93704
- ☐ The fax number or electronic service address from which I served the documents is (complete if service was by fax or electronic service):
- On (date): **11-22-13** I served the following documents (specify): **Answer**

☐ The documents are listed in the Attachment to Proof of Service—Civil (Documents Served) (form POS-040(D)).

5. I served the documents on the person or persons below, as follows:

a. Name of person served: **State Bar Court**

b. ☒ (Complete if service was by personal service, mail, overnight delivery, or messenger service.)

Business or residential address where person was served:

180 Howard Street, San Francisco, Ca 94105-1639

c. ☐ (Complete if service was by fax or electronic service.)

(1) Fax number or electronic service address where person was served:

(2) Time of service:

☒ The names, addresses, and other applicable information about persons served is on the Attachment to Proof of Service—Civil (Persons Served) (form POS-040(P)).

6. The documents were served by the following means (specify):

a. ☐ By personal service. I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

CASE NAME: In the Matter of: David Curtis Hollingsworth	CASE NUMBER: 12-O-10185
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6. b. ☒ **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (specify one):

- (1) ☐ deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- (2) ☒ placed 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.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (city and state): Fresno, California

- c. ☐ **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d. ☐ **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.)
- e. ☐ **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.
- f. ☐ **By electronic service.** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed in item 5.

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

Date: 11/25/13

Melissa Mooradian

(TYPE OR PRINT NAME OF DECLARANT)

► Melissa Mooradian

(SIGNATURE OF DECLARANT)

(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

DECLARATION OF MESSENGER

- ☐ **By personal service.** I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package, which was clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (date):

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

Date:

(NAME OF DECLARANT)

► _____
(SIGNATURE OF DECLARANT)

FILED

NOV 27 2013

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

1 **DAVID C. HOLLINGSWORTH, SBN # 203887**
2 **LAW OFFICES OF DAVID C. HOLLINGSWORTH**
3 516 W. Shaw Avenue, Suite 200
4 Fresno, California 93704
5 Telephone: (559) 221-2560
6 Facsimile: (559) 221-4955
7 Email: dhplus12@yahoo.com

8 **STATE BAR COURT**
9 **HEARING DEPARTMENT - SAN FRANCISCO**

10 In the Matter of:) Case No.: 12-O-10185
11 DAVID CURTIS HOLLINGSWORTH)
12 No. 203887) **FIRST AMENDED ANSWER**
13)
14 A Member Of The State Bar)

15
16 **JURISDICTION**

17 1. Without waiving any defense, Jurisdiction as stated in the Notice of Disciplinary Charges is
18 not contested. Counsel for the State Bar sent two Notices which appear to be identical -
19 one sent regular mail, the other sent certified mail Return Receipt Requested. I was not
20 present when the notices arrived in the post box used by my office nor did I sign the return
21 receipt for the Notices. Neither notice had attached to it a signed "DECLARATION OF
22 SERVICE BY REGULAR AND CERTIFIED MAIL".

23 **COUNT 1**

24 **Alleged Violation Of Business And Professions Code, Section 6068(1)**

25 **[Alleged Failure To Comply With The Conditions Attached To An Agreement In Lieu Of**
26 **Discipline]**

27 **2A. Failing to timely submit three (3) quarterly reports by the due dates of January 10, 2013,**
28 **April 10, 2013 and July 10, 2013. -- DENY**

1 2B. Failing to submit the final report by the due date of September 19, 2013-- DENY

2 2C. Failing to attend Ethics school by the due date of September 19, 2013--DENY; and

3 2D. Failing to attend Trust Fund Accounting school by the due date of September 19, 2013--
4 DENY

5
6 COUNT 2

7 Alleged Violation Of Rules of professional conduct, rule 4-100(A)

8 [Alleged Failure To Deposit Client Funds in Trust Account]

- 9 3. From on or about April 25, 2011 through or on about July 21 2011, Respondent received
10 on behalf of Respondent's client, Connie Gatewood, two checks totaling \$1,900.
11 Respondent failed to deposit \$1,900 in funds received for the benefit of the client in a bank
12 account labeled "Trust Account," "Client's Funds Account" or words of similar import, in
13 willful violation Rules of Professional Conduct, rule 4-100(A). – DENY

14
15 AFFIRMATIVE DEFENSES:

- 16 a) I performed all the acts that were required under my Agreement In Lieu Of Discipline with
17 the State Bar (hereafter, "Agreement"),.
18 b) My Agreement with the State Bar did not require the actions alleged.
19 c) The act or omission to act on my part that the State bar alleges that I should have done, as a
20 matter of law, is not required.
21 d) The term of the Agreement that describes the duty that the State Bar alleges I did not
22 comply with is **vague and ambiguous** in that I didn't know if I should wait to send out my
23 quarterly report until the quarter that I am certifying my compliance in was over first before
24 I certified it, OR if I should Certified my compliance for the entire quarter BEFORE the
25 quarter was over.
26 e) My actions that I performed were materially and substantially in compliance with
27 agreement (hyper-technical violation but still there was substantial compliance). In the
28 alternative, any deviations in my acts or omission(s) to act that differs from the
expectations that the State Bar's might have under the Agreement was de minimus.

- 1 f) If any act or omission to act on my part was required under my Agreement, was not done
2 intentionally, i.e. the computer or software responsible for the office calendaring system
3 malfunctioned or the employee responsible for ensuring the reminder to issue the quarterly
4 report timely made an error in inputting the reminder in our new cloud based calendar
5 system (www.goclio.com), which we did in fact upgrade our calendaring system during the
6 relevant dates mention in the complaint by gradually changing over from the local server
7 based system Abacus to an internet cloud based system, Clio.
- 8 g) On at least one occasion, was physically ill and unable to comply on the date due.
- 9 h) The term(s) of my Agreement, even if *arguendo*, my submission of the first three (3)
10 quarterly reports were untimely, the State Bar waived any right to now complain of their
11 untimeliness due to the person who receives my reports told me that timeliness' of my
12 reports was no longer a problem. In the alternative, by the State Bar telling the past three
13 reports were not a problem, the State Bar was informing me that they were modifying the
14 Agreement slightly to include a grace period "window" of which, if the reports are received
15 within that grace period window, it was not a problem that the State Bar would come back
16 and complain about.
- 17 i) All actions alleged not performed were attempted in good faith but for circumstances
18 beyond my control, I was not able to comply with the Agreement, i.e. I made three good
19 faith attempts at attending the Ethics school and the Trust Fund Accounting School in Los
20 Angeles to no avail. On my first attempt, Fresno Superior Court scheduled a trial which
21 conflicted with the firm time set for the schools but at the time there were plenty of time to
22 complete the schools before the agreement period ended in September. On my second
23 attempt to drive from Fresno to Los Angeles to attend the schools, my radiator
24 malfunctioned and I broke down on the way. I was told that I had to reschedule the schools.
25 My third attempt, I was forced to stop along the way on the Highways in Los Angeles
26 several times for significant periods of time due to the road handlers for Cal Trans. I had
27 left Fresno at 4AM with plenty of time to get to the schools. I was anticipating delays in
28 traffic and had left with almost 2 hours to spare. However, because of some extensive
work that was being done on the highway and overpasses by Caltrans, I saw that even with
that buffer, I was probably going to be a little late. I called ahead to Ms. Lettie Ramos of
the State Bar who helped me reschedule the schools on the first 2 attempts who said she

1 was going to inform the instructor of the problem. I was about 45 minutes late and
2 requested if I could work through the 1 hour lunch to make up the time while the others had
3 lunch which was denied, so I had to drive back to Fresno.

- 4 j) Regarding Count 2, Ms. Gatewood waived the requirement that the \$1900 had to be placed
5 in the trust account as the State Bar alleges. I contest the legal contention that ALL money
6 received on behalf of the client must be deposited into the trust account. The
7 circumstances like circumstances alleged by the State Bar in count 2 namely, the attorney's
8 receipt of money less the undisputed expenses that have already been fronted by the
9 attorney and approval by the client in writing to be allowed to use that money to pay down
10 on what is owed to the attorney, does not violate rule 4-100 of the Rules of Professional
11 Conduct.

12 Although Ms. Gatewood claims she doesn't remember me personally telling her promptly
13 of receiving these funds, and that she personally approved my recommendation to hold a
14 \$900 check for a while which was sent to me unsolicited by surprise by the defendant. Ms.
15 Gatewood and I had a long discussion that because the check came with a note that
16 implied that by cashing Defendant's check, we may by agreeing to the terms of a payment
17 plan that Defendant wanted us to agree to that he had written on the check and in the letter
18 he sent me. We were not in agreement with his payment plan.

19 At that time, Ms. Gatewood was way behind in reimbursing me \$2400 worth of undisputed
20 expenses that I had paid out of my own pocket in her case. When Gatewood and I decided
21 to cash the check, I told her that I was going to use the \$1900 to pay down some of the
22 expenses she owed me which she agree to BEFORE the check was deposited in any
23 account. In addition, the terms of our retainer provides by agreement that payments to be
24 used to pay expenses are mine upon receipt whether the source of the money is directly
25 from the client or indirectly from the client via the Defendant. Since the terms in our
26 retainer agreement requires that the first money received is to be used to pay the expenses,
27
28

the money is mine on receipt and I am not required to put my money in the trust account
only to immediately take it out and put it into the operations account.

RESPECTFULLY SUBMITTED,

LAW OFFICES OF DAVID C. HOLLINGSWORTH

DATED: NOVEMBER 23 2013



DAVID C. HOLLINGSWORTH
Member

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): David C. Hollingsworth SBN 203887 516 W. Shaw Ave., Suite 200 Fresno, California 93704 TELEPHONE NO.: 559-221-2560 FAX NO. (Optional): 559-221-4955 E-MAIL ADDRESS (Optional): dhplus12@yahoo.com ATTORNEY FOR (Name): David Curtis Hollingsworth		FOR COURT USE ONLY CASE NUMBER: 12-O-10185 JUDGE: DEPT.:
SUPERIOR COURT OF CALIFORNIA, COUNTY OF State Bar Court STREET ADDRESS: 180 Howard Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, 94105-1639 BRANCH NAME:		
PLAINTIFF/PETITIONER: The State Bar of California DEFENDANT/RESPONDENT: David Curtis Hollingsworth		
PROOF OF SERVICE—CIVIL Check method of service (only one): <input type="checkbox"/> By Personal Service <input checked="" type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax <input type="checkbox"/> By Electronic Service		

(Do not use this proof of service to show service of a Summons and complaint.)

- At the time of service I was over 18 years of age and not a party to this action.
- My residence or business address is:
516 W. Shaw Ave., Suite 200, Fresno, CA 93704
- ☐ The fax number or electronic service address from which I served the documents is (complete if service was by fax or electronic service):
- On (date): **11-25-13** I served the following documents (specify): **First Amended Answer**

☐ The documents are listed in the Attachment to Proof of Service—Civil (Documents Served) (form POS-040(D)).

5. I served the documents on the person or persons below, as follows:

- Name of person served: **State Bar Court**
- ☒ (Complete if service was by personal service, mail, overnight delivery, or messenger service.)

Business or residential address where person was served:

180 Howard Street, San Francisco, Ca 94105-1639

- ☐ (Complete if service was by fax or electronic service.)

(1) Fax number or electronic service address where person was served:

(2) Time of service:

- ☒ The names, addresses, and other applicable information about persons served is on the Attachment to Proof of Service—Civil (Persons Served) (form POS-040(P)).

6. The documents were served by the following means (specify):

- ☐ By personal service. I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

CASE NAME:

In the Matter of: David Curtis Hollingsworth

CASE NUMBER:

12-O-10185

6. b. ☒ **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (specify one):

- (1) ☐ deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- (2) ☒ placed 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.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (city and state): Fresno, California

- c. ☐ **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d. ☐ **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.)
- e. ☐ **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.
- f. ☐ **By electronic service.** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed in item 5.

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

Date: 11/25/13

Melissa Mooradian

(TYPE OR PRINT NAME OF DECLARANT)


(SIGNATURE OF DECLARANT)

(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

DECLARATION OF MESSENGER

- ☐ **By personal service.** I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package, which was clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (date):

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

Date:

(NAME OF DECLARANT)

 _____
(SIGNATURE OF DECLARANT)

(This Attachment is for use with form POS-020)

Date and Time of Service

[illegible]

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
2 OFFICE OF THE CHIEF TRIAL COUNSEL
3 JAYNE KIM, No. 174614
4 CHIEF TRIAL COUNSEL
5 JOSEPH R. CARLUCCI, No. 172309
6 DEPUTY CHIEF TRIAL COUNSEL
7 SUSAN I. KAGAN, No. 214209
8 ASSISTANT CHIEF TRIAL COUNSEL
9 TAMMY M. ALBERTSEN, No. 154248
10 DEPUTY TRIAL COUNSEL
11 180 Howard Street
12 San Francisco, California 94105-1639
13 Telephone: (415) 538-2527

FILED

OCT 29 2013

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

12 In the Matter of:) Case No. 12-O-10185
13 DAVID CURTIS HOLLINGSWORTH,) NOTICE OF DISCIPLINARY CHARGES
14 No. 203887,)
15 A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

17 IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
18 WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
19 THE STATE BAR COURT TRIAL:

- 19 (1) YOUR DEFAULT WILL BE ENTERED;
- 20 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
21 WILL NOT BE PERMITTED TO PRACTICE LAW;
- 22 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
23 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
24 AND THE DEFAULT IS SET ASIDE, AND;
- 25 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
26 SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
27 OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
28 ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

The State Bar of California alleges:

///

///

1 JURISDICTION

2 1. DAVID CURTIS HOLLINGSWORTH ("Respondent") was admitted to the practice
3 of law in the State of California on December 6, 1999, was a member at all times pertinent to
4 these charges, and is currently a member of the State Bar of California.

5 COUNT ONE

6 Case No. 12-O-10185
7 Business and Professions Code, section 6068(l)
[Failure to Comply with Agreement in Lieu of Discipline]

8 2. Respondent failed to comply with conditions attached to an Agreement In Lieu of
9 Discipline related to the disposition of State Bar Case no. 12-O-10185, as follows, in willful
10 violation of Business and Professions Code, section 6068(l) by:

- 11 A. Failing to timely submit three (3) quarterly reports by the due dates of January 10,
12 2013, April 10, 2013 and July 10, 2013; and
13 B. Failing to submit the final report by the due date of September 19, 2013; and
14 C. Failing to attend Ethics School by the due date of September 19, 2013; and
15 D. Failing to attend Client Trust Accounting School by the due date of September 19,
16 2013.

17 COUNT TWO

18 Case No. 12-O-10185
19 Rules of Professional Conduct, rule 4-100(A)
[Failure to Deposit Client Funds in Trust Account]

20 3. From on or about April 25, 2011 through on or about July 21, 2011, Respondent
21 received on behalf of Respondent's client, Connie Gatewood, two checks totaling \$1,900.
22 Respondent failed to deposit \$1,900 in funds received for the benefit of the client in a bank
23 account labeled "Trust Account," "Client's Funds Account" or words of similar import, in wilful
24 violation Rules of Professional Conduct, rule 4-100(A).

25 NOTICE - INACTIVE ENROLLMENT!

26 YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
27 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
28 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN

1 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
2 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
3 RECOMMENDED BY THE COURT.

4 **NOTICE - COST ASSESSMENT!**

5 IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
6 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
7 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
8 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
9 PROFESSIONS CODE SECTION 6086.10.

10 Respectfully submitted,

11 THE STATE BAR OF CALIFORNIA
12 OFFICE OF THE CHIEF TRIAL COUNSEL

13 DATED: October 29, 2013

14 By: 

15 TAMMY M. ALBERTSEN
16 Deputy Trial Counsel
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I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, 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 San Francisco, on the date shown below, a true copy of the within

in a sealed envelope placed for collection and mailing as regular mail and certified mail, return receipt requested, Article No.: 7196 9008 9111 6240 2277, at San Francisco, on the date shown below, addressed to:

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

Signed:

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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 October 17, 2016

State Bar Court, State Bar of California,
Los Angeles

By

Clerk

[Signature]

00032



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>

Michael Angelo Kanterakis: (213) 765-1410

December 5, 2014

David Curtis Hollingsworth
LAW OFFICE OF DAVID C. HOLLINGSWORTH
4617 N West Ave
Fresno, CA 93705

OFFICE OF PROBATION
ADDRESS VERIFIED
December 5, 2014

BY: 

In re: S221836

In the Matter of David Curtis Hollingsworth

Dear David Curtis Hollingsworth:

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 November 20, 2014, the Supreme Court of California filed an Order, effective December 20, 2014, suspending you from the practice of law for a period of one year, staying execution and placing you on probation upon certain conditions for a period of two years.

You must schedule a meeting with me to discuss the terms and conditions of your discipline within 30 days from the effective date of discipline. Make sure you read this letter including all attachments before the required meeting.

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 **December 20, 2015**. You must 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.

00001

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, proof of compliance must be physically received in the Office of Probation by your due date. **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 | January 19, 2015 |
| 2. Quarterly Reports | Quarterly, beginning April 10, 2015 |
| 3. MPRE | December 20, 2015 |
| 4. Final Report | December 20, 2016 |

You are reminded that all Quarterly Reports are due **on or before the 10th day** after the end of each quarter. **If the 10th 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 **December 20, 2016.**

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.**

David Curtis Hollingsworth
December 5, 2014
Page 3

Enclosed are copies of the Supreme Court Order and conditions of probation, which you have already received from the Courts or your counsel, Multi-State Professional Responsibility Examination schedule, Quarterly Report with instructions, and Notice of Counsel Representation form.

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,



Michael Angelo Kanterakis
Probation Deputy

/mak
Enclosures

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NOV 20 2014

(State Bar Court No. 12-O-10185)

S221836

Frank A. McGuire Clerk

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re DAVID CURTIS HOLLINGSWORTH on Discipline

The court orders that David Curtis Hollingsworth, State Bar Number 203887, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. David Curtis Hollingsworth must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 11, 2014; and
2. At the expiration of the period of probation, if David Curtis Hollingsworth has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

David Curtis Hollingsworth 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 within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

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 David Curtis Hollingsworth 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

21 day of November 20 14
Clerk

By: 
Deputy

00004

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of one (1) year.

- 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 1.2(c)(1), 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:

The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent is placed on probation for a period of two (2) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

E. Additional Conditions of Probation:

- (1) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) ☒ 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.
- (3) ☒ 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.
- (4) ☒ 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.

- (5) ☐ 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.

- (6) ☒ 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.
- (7) ☐ 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 State Bar Ethics School, and passage of the test given at the end of that session.
- ☒ No Ethics School recommended. Reason: Respondent successfully completed Ethics School on December 5, 2013.
- (8) ☐ 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.
- (9) ☐ 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 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 within one year. Failure to pass the MPRE results in actual suspension without 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) ☒ **Other Conditions:**
- No Client Trust Accounting School recommended. Respondent successfully completed Client Trust Accounting School on December 6, 2013.

00006

IN THE MATTER OF
David Curtis Hollingsworth

CASE NO(s): S221836

Probation

(For Office of Probation Use Only)

QUARTERLY REPORT

☐ **First Report Due: April 10, 2015**
(for period December 20, 2014 through March 31, 2015)

☐ **Final Report Due: December 20, 2016**
(for period October 1, 2016 through December 20, 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** (please list specific **violations or exceptions** - - do NOT list pending proceedings in this space):

(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.

00007

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

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 _____.

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: _____
David Curtis Hollingsworth
(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.

If you have any questions regarding this information, please contact Michael Angelo Kanterakis in the Office of Probation at (213)765-1410.

00009

MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION ("MPRE")

2015 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 opens on Monday, December 15, 2014

Test Dates*	Regular Registration Deadline (\$80)*	Late Registration Deadline (\$160)*	Scores Tentatively Released by
Saturday, March 28, 2015	February 5, 2015	February 12, 2015	May 2, 2015
Saturday, August 15, 2015	June 25, 2015	July 2, 2015	September 19, 2015
Saturday, November 7, 2015	September 17, 2015	September 24, 2015	December 12, 2015

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**: 1) during registration, select California as the jurisdiction to receive your score report; **AND** 2) 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

00010

**Information may change at any time, please check the NCBE's website for current information.*

Revised 11/05/14

NOTICE OF COUNSEL REPRESENTATION

Respondent: David Curtis Hollingsworth

State Bar Case #: S221836

Member Number: 203887

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.

00011

REQUIRED PROBATION MEETING RECORD

Case Name:

David Curtis Hollingsworth

Member No.:

203887 Case Number: 5231836

Contact:

Contact Date: 12-24-14 Date of Required Meeting: 1-27-2015

Compliance Date: 1-19-15

☐ In Person Meeting (State Bar Offices - LA)

☒ Telephonic Meeting

☒ Verified Respondent received copy of reminder probation letter & supporting documents

☒ Discussed conditions of probation / approval / ALD / ADP agreement (please circle one)

☒ Discussed reporting schedule & requirements

☒ 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.

☒ 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.

☒ Verified Respondent's current mailing address & telephone number

Home

Same as SB Membership Records address & telephone number

New / Alternate (please circle one) address or telephone number:

Cell: (559) 840-2347

Cell: (559) 477-4338

Home: (559) 213-3200

☒ 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.):

☒ If condition involves drug lab testing, remind Respondent that he will be contacted for random lab testing even if represented by counsel. (The condition is non-delegable)

☒ 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.

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

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

Comments:

BY:

[Signature]

BY:

Respondent (signature & acknowledgment of in-person meeting)

00013

IN THE MATTER OF
David Curtis Hollingsworth

CASE NO(s): S221836

Probation

(For Office of Probation Use Only)

FILED

APR 08 2015

**OFFICE OF PROBATION
LOS ANGELES**

QUARTERLY REPORT

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(for period December 20, 2014 through March 31, 2015)

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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:

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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** (please list specific violations or exceptions - - do NOT list pending proceedings in this space):

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00015

Current Address

X

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*** Multi-State Professional Responsibility Examination**

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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: _____

David Curtis Hollingsworth
(Please sign in blue ink)

* HAVE NOT REGISTERED FOR THE MPRE AS YET.

envelope shipping

ORIGIN ID:TRMA (559) 840-2282
DAVID HOLLINGSWORTH
4617 N WEST AVE
FRESNO, CA 93705
UNITED STATES US

SHIP DATE: 07APR15
ACTWGT: 0.1 LB
CAD: 6992731/SSF01601

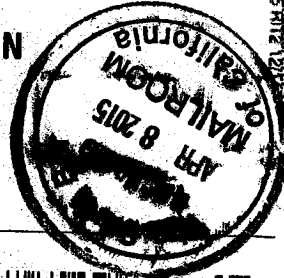
TO STATE BAR OF CALIFORNIA
ATTN: OFFICE OF PROBATION
845 S FIGUEROA ST

LOS ANGELES CA 90017

(559) 840-2282

REF:

DEPT:



FedEx
Express



Express
RECEIVED



OFFICE OF PROBATION
LOS ANGELES

WZ EMTA

OFFICE OF PROBATION
LOS ANGELES



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16:00
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RT 966
FZ 967

elope

RECEIVED

APR 08 2015

OFFICE OF PROBATION
LOS ANGELES

ATTENTION: MR. MICHAEL KANTERAKIS (213) 765-1439

IN THE MATTER OF David Curtis Hollingsworth CASE NO(s): S221836 Probation	(For Office of Probation Use Only) COMPLIANT JUL 10 2015 Office of Probation
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QUARTERLY REPORT

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Or

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00019

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Multi-State Professional Responsibility Examination

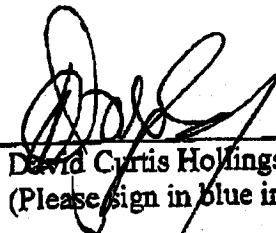
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I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

* Date

7/8/15
(Date of actual signature)

Signature:


David Curtis Hollingsworth
(Please sign in blue ink)

00020

* PURSUANT TO CALIFORNIA CODE OF CIVIL PROCEDURE
SECTION 1010.6, THIS "ELECTRONIC SERVICE" VIA
FACSIMILE OR EMAIL OF THIS REPORT SHALL BE
COMPLETE AT THE TIME OF THE ELECTRONIC TRANSMISSION
OF THE DOCUMENT OR AT THE TIME THAT THE ELECTRONIC
NOTIFICATION OF SERVICE OF THE DOCUMENT IS SENT.
ADDITIONAL REPORTS ARE SENT VIA "ELECTRONIC SERVICE"

Kanterakis, Michael

From: Dave Hollingsworth <lawrdude@yahoo.com>
Sent: Wednesday, July 15, 2015 5:21 PM
To: Kanterakis, Michael
Subject: QUARTERLY REPORT
Attachments: quarterly report 2.pdf

Hi Mr. Kanterakis:

Attached is the Quarterly Report that was faxed to you on Friday July 10, 2015 before close of business at phone number (213) 765-1439. My Fax confirmation Report confirmed that it was a successful fax as of 4:50 pm on Friday, July 10th.

Your phone message yesterday afternoon indicated that you have not received my Quarterly Report. Please confirm that you did in fact receive my fax at around 4:50 pm. Unless I am told otherwise, I will assume that the fax was received by your office in a timely manner.

Respectfully,

David C. Hollingsworth, Attorney at Law

LAW OFFICE OF DAVID C. HOLLINGSWORTH

4617 N. West Avenue
Fresno, California 93705

Phone (559) 840-2282
Fax (559) 840-2247

ATTENTION: MR. MICHAEL KANTERAKIS (213) 765-1439

IN THE MATTER OF David Curtis Hollingsworth CASE NO(s): S221836 Probation	<i>(For Office of Probation Use Only)</i> NOT COMPLIANT JUL 15 2015 <input checked="" type="checkbox"/> Not timely <input type="checkbox"/> Reporting Period Unclear <input type="checkbox"/> Compliance Unclear <input type="checkbox"/> Incorrectly dated <input type="checkbox"/> Other _____ Office of Probation
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QUARTERLY REPORT

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00023

Current Address

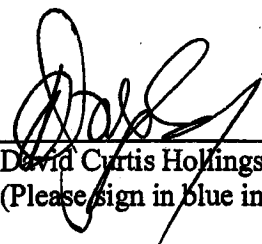
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I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

* Date: 7/8/15
(Date of actual signature)

Signature: 
David Curtis Hollingsworth
(Please sign in blue ink)

00024

* PURSUANT TO CALIFORNIA CODE OF CIVIL PROCEDURE
SECTION 1010.6, THIS "ELECTRONIC SERVICE" VIA
FACSIMILE OR EMAIL OF THIS REPORT SHALL BE
"COMPLETE AT THE TIME OF THE ELECTRONIC TRANSMISSION
OF THE DOCUMENT OR AT THE TIME THAT THE ELECTRONIC
NOTIFICATION OF SERVICE OF THE DOCUMENT IS SENT."
ADDITIONAL REPORTS ARE SENT VIA EMAIL AND U.S. MAIL.

Office DEPOT. OfficeMax®

complimentary fax cover sheet

number of pages including cover sheet: 3

attention to: MR. MICHAEL KANTERAKIS date: 10-15-15

company: LAW OFFICE OF DEH from: David C. Hollingsworth

phone #: (513) 765-1439 company: _____

fax #: (559) 213 765-1439 senders phone #: (559) 840-2282

comments: I HAVE BEEN IN AND OUT OF HOSPITAL

Due to an Motorcycle Accident which has made
it difficult to get this report out on time.

My Apologies. *DF*

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833201

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Fresno, CA. 93721
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ods00945cpc@officedepot.com

Office DEPOT.

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

Multi-State Professional Responsibility Examination

- ☒ ^{intend to register}
I have registered for the MPRE given on 10/16/15.
- 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 _____.

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.

* ^{JMH}
Date: 10/10/15
(Date of actual signature)

Signature: [Signature]
David Curtis Hollingsworth
(Please sign in blue ink)

00027

* PURSUANT TO CALIFORNIA CODE OF CIVIL PROCEDURE
SECTION 1010.6, THIS "ELECTRONIC SERVICE" VIA
FACSIMILE OR EMAIL OF THIS REPORT SHALL BE
"COMPLETE AT THE TIME OF THE ELECTRONIC TRANSMISSION
OF THE DOCUMENT OR AT THE TIME THAT THE ELECTRONIC
NOTIFICATION OF SERVICE OF THE DOCUMENT IS SENT."
ADDITIONAL REPORTS ARE SENT VIA EMAIL AND US MAIL.

ATTENTION: MR. MICHAEL KANTERAKIS (213) 765-1439

IN THE MATTER OF David Curtis Hollingsworth CASE NO(s): S221836 Probation	NOT COMPLIANT (For Office of Probation Use Only) OCT 15 2015 <input checked="" type="checkbox"/> Not timely <input type="checkbox"/> Reporting Period Unclear <input type="checkbox"/> Compliance Unclear <input type="checkbox"/> Incorrectly dated <input type="checkbox"/> Other _____ Office of Probation
--	--

QUARTERLY REPORT

☐ **First Report Due: April 10, 2015**
(for period December 20, 2014 through March 31, 2015)

☐ **Final Report Due: December 20, 2016**
(for period October 1, 2016 through December 20, 2016)

Due: ☐ January 10, 20__ ☐ April 10, 20__ ☐ July 10, 20__ ☒ October 10, 2015
(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** (please list specific violations or exceptions -- do NOT list pending proceedings in this space):

(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.

00028

ATTENTION: MR. MICHAEL KANTERAKIS (213) 765-437

<p>IN THE MATTER OF David Curtis Hollingsworth</p> <p>CASE NO(s): S221836</p> <p>Probation</p>	<p>(For Office of Probation) NOT COMPLIANT</p> <p>JAN 22 2016 <i>(initials)</i></p> <p> <input checked="" type="checkbox"/> Not timely <input type="checkbox"/> Reporting Period Unclear <input type="checkbox"/> Compliance Unclear <input type="checkbox"/> Incorrectly dated <input type="checkbox"/> Other </p> <p>Office of Probation</p>
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QUARTERLY REPORT

☐ First Report Due: April 10, 2015
(for period December 20, 2014 through March 31, 2015)

☐ Final Report Due: December 20, 2016
(for period October 1, 2016 through December 20, 2016)

Due: ☒ January 10, 2016 ☐ 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** (please list specific violations or exceptions - - do NOT list pending proceedings in this space):

(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

David Curtis Hollingsworth
Case No. S221836
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

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 _____.

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:

1/21/16
(Date of actual signature)

Signature:


David Curtis Hollingsworth
(Please, sign in blue ink)

00031

* PURSUANT TO CALIFORNIA CODE OF CIVIL PROCEDURE
SECTION 1010.6, THIS "ELECTRONIC SERVICE" VIA
FACSIMILE OR EMAIL OF THIS REPORT SHALL BE
"COMPLETE AT THE TIME OF THE ELECTRONIC TRANSMISSION
OF THE DOCUMENT OR AT THE TIME THAT THE ELECTRONIC
NOTIFICATION OF SERVICE OF THE DOCUMENT IS SENT."
ADDITIONAL REPORTS ARE SENT VIA EMAIL AND U.S. MAIL.

*** RX Result Report ***

The following RX job was succesful.

Job No.	5108
Address	5598402247
Name	
Start Time	01/22 04:42 PM
Call Length	00'43
Sheets	2
Result	OK

00032



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>

Michael Angelo Kanterakis: (213) 765-1410

Michael.Kanterakis@calbar.ca.gov

OFFICE OF PROBATION

ADDRESS VERIFIED

August 24, 2016

August 24, 2016

BY: 

David Curtis Hollingsworth
DBA LAW OFFICE OF DAVID C. HOLLINGSWORTH
4617 N West Ave
Fresno, CA 93705

In re: S221836

In the Matter of David Curtis Hollingsworth

Dear David Curtis Hollingsworth:

On December 5, 2014, this office sent you a letter (copy enclosed) for the purpose of reminding you of the terms and conditions of your probation imposed by the Supreme Court which became effective December 20, 2014.

The following chart summarizes your compliance and non-compliance with the conditions of your probation to date:

Condition	Due Date	Completion Date	Comments
Schedule Req'd. Mtg.	January 19, 2015	December 24, 2014	
Hold Required Mtg.	As Scheduled	January 27, 2016	
Quarterly Reports	April 10, 2015 July 10, 2015 October 10, 2015 January 10, 2016 April 10, 2016 July 10, 2016	April 8, 2015 July 10, 2015 October 15, 2015 January 22, 2016	LATE LATE Not Received by Office of Probation Not Received by Office of Probation
MPRE	December 20, 2015		Suspension Effective February 22, 2016

You are not in compliance with the terms and conditions of your probation, and you face a non-compliance referral which may result in the imposition of additional discipline and attendant costs (see attached). Even if you contact the Office of Probation, a referral may still be prepared. The Office of Probation will not send any further reminder letters regarding the aforementioned non-compliance or any future compliance due dates or lack of receipt of compliance documentation.

00033

David Curtis Hollingsworth

August 24, 2016

Page 2

Please be reminded that LATE completion, submission, or filing of proof/documents, does not mean you are in compliance. You will never be in compliance because being even one day late means that you are not in compliance with the terms and conditions of your probation.

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 Michael.Kanterakis@calbar.ca.gov.

Sincerely,



Michael Angelo Kanterakis
Probation Deputy

/mak

Enclosure(s)

00034



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>

Michael Angelo Kanterakis: (213) 765-1410

December 5, 2014

David Curtis Hollingsworth
LAW OFFICE OF DAVID C. HOLLINGSWORTH
4617 N West Ave
Fresno, CA 93705

OFFICE OF PROBATION

ADDRESS VERIFIED

December 5, 2014

BY: 

In re: S221836

In the Matter of David Curtis Hollingsworth

Dear David Curtis Hollingsworth:

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 November 20, 2014, the Supreme Court of California filed an Order, effective December 20, 2014, suspending you from the practice of law for a period of one year, staying execution and placing you on probation upon certain conditions for a period of two years.

You must schedule a meeting with me to discuss the terms and conditions of your discipline within 30 days from the effective date of discipline. Make sure you read this letter including all attachments before the required meeting.

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 **December 20, 2015**. You must 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.

00035

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, proof of compliance must be physically received in the Office of Probation by your due date. **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 | January 19, 2015 |
| 2. Quarterly Reports | Quarterly, beginning April 10, 2015 |
| 3. MPRE | December 20, 2015 |
| 4. Final Report | December 20, 2016 |

You are reminded that all Quarterly Reports are due on or before the 10th day after the end of each quarter. **If the 10th 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 December 20, 2016.

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.**

David Curtis Hollingsworth
December 5, 2014
Page 3

Enclosed are copies of the Supreme Court Order and conditions of probation, which you have already received from the Courts or your counsel, Multi-State Professional Responsibility Examination schedule, Quarterly Report with instructions, and Notice of Counsel Representation form.

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,



Michael Angelo Kanterakis
Probation Deputy

/mak
Enclosures

00037

NOV 20 2014

(State Bar Court No. 12-O-10185)

Frank A. McGuire Clerk

S221836

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re DAVID CURTIS HOLLINGSWORTH on Discipline

The court orders that David Curtis Hollingsworth, State Bar Number 203887, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. David Curtis Hollingsworth must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 11, 2014; and
2. At the expiration of the period of probation, if David Curtis Hollingsworth has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

David Curtis Hollingsworth 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 within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

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 David Curtis Hollingsworth 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

21 day of November 20 14
Clerk

By: (A)

00038

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of one (1) year.

- 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 1.2(c)(1), 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:

The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent is placed on probation for a period of two (2) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

E. Additional Conditions of Probation:

- (1) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) ☒ 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.
- (3) ☒ 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.
- (4) ☒ 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.

- (5) ☐ 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.

(Do not write above this line.)

- (6) ☒ 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.
- (7) ☐ 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 State Bar Ethics School, and passage of the test given at the end of that session.
- ☒ No Ethics School recommended. Reason: Respondent successfully completed Ethics School on December 5, 2013.
- (8) ☐ 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.
- (9) ☐ 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 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 within one year. Failure to pass the MPRE results in actual suspension without 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) ☒ **Other Conditions:**
- No Client Trust Accounting School recommended. Respondent successfully completed Client Trust Accounting School on December 6, 2013.

00040

IN THE MATTER OF
David Curtis Hollingsworth

CASE NO(s): S221836

Probation

(For Office of Probation Use Only)

QUARTERLY REPORT

☐ First Report Due: April 10, 2015
(for period December 20, 2014 through March 31, 2015)

☐ Final Report Due: December 20, 2016
(for period October 1, 2016 through December 20, 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** (please list specific violations or exceptions - - do NOT list pending proceedings in this space):

_____ (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.

00041

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

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 _____.

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: _____
David Curtis Hollingsworth
(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.

00043

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.

If you have any questions regarding this information, please contact Michael Angelo Kanterakis in the Office of Probation at (213)765-1410.

MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION ("MPRE")

2015 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 opens on Monday, December 15, 2014

Test Dates*	Regular Registration Deadline (\$80)*	Late Registration Deadline (\$160)*	Scores Tentatively Released by
Saturday, March 28, 2015	February 5, 2015	February 12, 2015	May 2, 2015
Saturday, August 15, 2015	June 25, 2015	July 2, 2015	September 19, 2015
Saturday, November 7, 2015	September 17, 2015	September 24, 2015	December 12, 2015

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**: 1) during registration, select California as the jurisdiction to receive your score report; **AND** 2) 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

00044

**Information may change at any time, please check the NCBE's website for current information.*

Revised 11/05/14

NOTICE OF COUNSEL REPRESENTATION

Respondent: David Curtis Hollingsworth

State Bar Case #: S221836

Member Number: 203887

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.

00045

Discipline Costs – 2016

Effective January 1, 2016.

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 Index¹ with 60% of the annual percentage change in the Employment Cost Index for Management, Professional and Related Occupations². For 2016, the adjustment is an increase of 2.39%.

For matters filed on or after January 1, 2016, the costs assessed are as follows:

Original Proceedings (Stage at which the matter settles)	Cost Assessment
Matters that go in Default	\$4,557
Matters that Settle Prior to Filing of a Notice of Disciplinary Charges	\$3,139
Matters that Settle during first 120 days of proceeding	\$3,669
Matters that Settle before Pretrial Statement is filed	\$5,816
Matters that Settle before trial but after Pretrial Statement is filed	\$7,609
Matters that proceed to a One-day trial	\$7,609
Matters that proceed to a Multi-day trial	\$17,159
Matters that proceed to the Review Department	\$20,989

Conviction Referrals (Stage at which the matter settles)	Cost Assessment
Matters that go into Default	\$3,075
Matters that Settle during the first 120 days of proceeding	\$2,567
Matters that Settle before Pretrial Statement is filed	\$5,507
Matters that Settle before trial but after Pretrial Statement is filed	\$7,228
Matters that proceed to a One-day trial	\$7,228
Matters that proceed into a Multi-day trial	\$13,162
Matters that proceed to the Review Department	\$18,814

Other Matters	Cost Assessment
Probation Revocation Proceedings	\$2,459
Rule 9.20 Proceedings	\$2,610

Additional Costs (as appropriate)	Cost Assessment
Each investigation matter over one	\$1,001
Each resignation	\$140
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))	

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

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