



ORIGINAL

1 THE STATE BAR OF CALIFORNIA
2 OFFICE OF PROBATION
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6 Los Angeles, California 90017-2515
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PUBLIC MATTER

FILED

APR 30 2015

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

STATE BAR COURT
HEARING DEPARTMENT - SAN FRANCISCO

<p>11 In the Matter of:</p> <p>12 WILLIAM BLACKFORD LOOK, JR., 13 No. 66631,</p> <p>14 A Member of the State Bar</p>	<p>) Case No. 15-PM-12172</p> <p>)</p> <p>) MOTION TO REVOKE PROBATION; 15) MEMORANDUM OF POINTS AND 16) AUTHORITIES; DECLARATION OF TERESE 17) LAUBSCHER; EXHIBITS 1 THROUGH 3; 18) PROBATION REVOCATION RESPONSE 19) FORM [Rule 5.310 et seq., Rules of Procedure 20) of the State Bar]</p>
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21 **TO: The State Bar Court and William Blackford Look, Jr., Respondent:**

22 **PLEASE TAKE NOTICE THAT** the State Bar of California, Office of Probation,
23 hereby moves pursuant to Rules of Procedure of the State Bar of California, rules 5.310, et seq.,
24 to revoke the probation imposed upon William Blackford Look, Jr. ("Respondent") in prior
25 disciplinary case no. 11-O-17894 and to impose upon Respondent the entire period of suspension
26 of two years previously stayed by order no. S218353 of the Supreme Court filed on July 9, 2014.
27 The State Bar requests that Respondent remain on actual suspension and until Respondent
28 complies with Standard 1.2(c)(1), Attorney Standards for Attorney Sanctions for Professional
Misconduct. The State Bar further requests that Respondent be ordered to comply with rule
9.20, California Rules of Court, and that Respondent be placed on involuntary inactive
enrollment pursuant to Business and Professions Code section 6007(d).

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

1 As a condition of probation, Respondent was ordered to comply with the provisions of
2 the State Bar Act, the Rules of Professional Conduct, and all of the conditions of his probation.
3 He was also ordered to submit written quarterly reports to the Office of Probation on each
4 January 10, April 10, July 10, and October 10 of the period of probation (“quarterly reports”).
5 Under penalty of perjury, he was ordered to state in each quarterly report whether he complied
6 with the State Bar Act, the Rules of Professional Conduct, and all of the conditions of probation
7 during the preceding calendar. Respondent has not complied in that his quarterly reports
8 submitted for October 10, 2014 and January 10, 2015 do not state whether he has complied with
9 the State Bar Act, the Rules of Professional Conduct, and all of the conditions of probation; his
10 quarterly report due April 10, 2015 was late.

11 **1. October 10, 2014 Quarterly Report**

12 On his October 10, 2014 quarterly report, Respondent checked the box stating “During
13 the reporting period above or portion thereof, I have complied with all provisions of the State
14 Bar Act, Rules of Professional Conduct, and all conditions of probation except:” and then wrote
15 in “see attached”. The quarterly report form stated, after the space provided for Respondent to
16 set forth his exceptions, “attach a declaration under penalty of perjury if more space is needed”.
17 Respondent’s attachment was not made under penalty of perjury and stated the following:

18 This disciplinary action is still not final and review in the related Ninth Circuit
19 Court of Appeals, Case No. 12-17764 and a petition for certiorari before the
20 United States Supreme Court on direct appeal from this case are pending.
21 Because of what may become unnecessary expense and effort Respondent is
22 deferring scheduling the Ethics Class and MSPRE (both of which he previously
23 completed and which cover no material relevant to this case, which is based on
24 issues of federal pre-trial procedure the application of which cannot be
25 definitively decided by a state court—including the State Bar Court), or any other
26 affirmative requirement. Given what Respondent continues to regard as an
27 oppressive prosecution pursued in disregard of the pending federal cases and
28 Respondent’s civil rights under the 5th and 14th Amendments, it is unfair to insist
on premature compliance with the terms of probation given time for compliance is
ample after 2014. Pending the outcome of the federal cases which are likely to
impact this dispute Respondent has deferred scheduling classes or the MSPRE.
There was no change in my contact information.

On October 10, 2014, Respondent’s probation deputy telephoned Respondent and left a
voice mail message stating that (1) his quarterly report was unclear whether he was reporting

1 whether he was compliant, (2) his attachment was not a declaration signed and dated under
2 penalty of perjury, and (3) his proof of completion of Ethics School and the MPRE were not due
3 that quarter. He was told to resubmit his report and call if he had any questions.

4 On October 14, 2014, the Office of Probation received a new quarterly report from
5 Respondent. He wrote on the Ethics School and MPRE sections of his report "not due this
6 quarter". Respondent attached a declaration under penalty of perjury to the quarterly report
7 form; the substance of the declaration was virtually identical to the language previously provided
8 with his first submitted quarterly report in relation to writing in "see attached" regarding his
9 report that he was in compliance "except" for what he listed. With his quarterly report was a
10 letter dated October 11, 2014. Among other things the letter stated "**the attachment read as**
11 **intended means I have not satisfied all terms of probation to date but have not violated any**
12 **terms of probation during the quarter.**" Emphasis in original. The letter was not made under
13 penalty of perjury and did not state whether he was in compliance with the State Bar Act and the
14 Rules of Professional Conduct.

15 On December 12, 2014, the Office of Probation called Respondent and left a voice mail
16 message stating that his resubmitted quarterly report was ambiguous regarding whether he had
17 complied. As such, he was not in compliance with his probation and could call if he had
18 questions.

19 Also on December 12, 2014, the Office of Probation mailed Respondent a letter stating
20 that his quarterly reports contained ambiguous statements and that he checked the box stating
21 that he was in compliance "except", but did not specify violations. The letter explained that if he
22 wished to report non-compliance, he was to specify which rule or condition he violated; if he
23 wished to report compliance, he should select the first paragraph on the report. The Office of
24 Probation's letter went on to state that, in his October 11, 2014 letter, he stated that he intended
25 to report that he had not violated probation, but that he had not satisfied all of the probation
26 conditions. The Office of Probation's letter continued "If that is what you mean to report, then
27 you need to actually do so; the reports you have provided do not state that. You are not required
28 to use the quarterly report forms provided to you as a courtesy by the Office of Probation." The

1 letter went on to state that he could be referred for non-compliance and that he could file a
2 motion with the Court.

3 On December 17, 2014, Respondent submitted a third quarterly report for October 10,
4 2014. He did not write anything on the form in relation to Ethics School or the MPRE. He
5 checked the box stating that that he had complied "except" and again wrote in "see attached".
6 Respondent's attachment was almost a page long stating, generally, that he had deferred
7 scheduling Ethics Class and MSPRE and that he had become aware of two matters wherein he
8 had remained on service lists after the effective date of his suspension. Nowhere in his
9 attachment did he state whether his actions were or were not in compliance with the State Bar
10 Act, the Rules of Professional Conduct, or his probation conditions.

11 On December 23, 2014, the Office of Probation mailed Respondent a letter noting that
12 Respondent had not specified a violation in relation to his attachment to his third submitted
13 quarterly report. The letter went on to state as follows:

14 (1) Do you mean to report that you are not in compliance with your probation
15 conditions? I will remind you again that you are not in violation of your
16 probation until your deadline for a condition has passed. (2) Do you mean to
17 report that you are not in compliance with the State Bar Act and/or the Rules of
18 Professional Conduct? You reported in your 9.20 compliance declaration that you
19 didn't have clients and so didn't give notice to opposing counsel or the courts. Is
20 this not true?

18 ***Please submit a compliant October 2014 quarterly report immediately.*** Your
19 noncompliance can be automatically referred for review and determination of
20 further action which may lead to the imposition of additional discipline. You are
21 reminded that your January 2015 quarterly report is due no later than January 10,
22 2015. (Emphasis in original.)

21 On January 2, 2015, the Office of Probation received a letter from Respondent stating, in
22 part, that in his view all three reports already submitted were adequate reports. He went on to
23 state "There is a difference between being compliant with the terms of probation and submitting
24 an adequate report. Either option could be true and the other not, or both true. I feel I have
25 submitted conforming and adequate reports and stated in the attachments relevant information
26 relating to compliance with the terms of probation, if there was an issue, exactly as the form
27 requires."

1 To date, Respondent has not reported in a clear and unequivocal manner in a quarterly
2 report due October 10, 2014 whether he has complied with the State Bar Act, the Rules of
3 Professional Conduct, and all of the conditions of probation.

4 **2. January 10, 2015 Quarterly Report**

5 On his January 10, 2015 quarterly report, Respondent checked the box reporting "During
6 the reporting period above or portion thereof, I have complied with all provisions of the State
7 Bar Act, Rules of Professional Conduct, and all conditions of probation except:" and wrote in
8 "see attached decl." The attached declaration was substantively similar to the declaration the
9 Office of Probation had received on December 17, 2014, which was attached to Respondent's
10 third submission of a quarterly report for October 10, 2014. Respondent's attachment was
11 almost a page long stating, generally, that he had deferred scheduling Ethics Class and MSPRE
12 and that he had become aware of two matters wherein he had remained on service lists after the
13 effective date of his suspension. Nowhere in his attachment did he state whether his actions
14 were or were not in compliance with the State Bar Act, the Rules of Professional Conduct, or his
15 probation conditions.

16 On January 16, 2015, the Office of Probation mailed Respondent a letter noting that the
17 Office of Probation had received Respondent's letter dated December 28, 2014 declining to
18 submit a compliant October 2014 quarterly report. Because Respondent's January 2015 report
19 contained the same substance as his October 2014, it was not compliant, as was set forth in the
20 Office of Probation's letters dated December 12 and 23, 2014.

21 To date, Respondent has not reported in a clear and unequivocal manner in a quarterly
22 report due January 10, 2015 whether he has complied with the State Bar Act, the Rules of
23 Professional Conduct, and all of the conditions of probation.

24 **3. April 10, 2015 Quarterly Report**

25 On Thursday, April 9, 2015, Respondent signed his quarterly report which was due
26 Friday, April 10, 2015. The United States Postal Service Priority Mail envelope label included
27
28

1 the following statements "Priority Mail 2-Day" and "Expected Delivery Date: 04/11/15". As
2 such, when he mailed his quarterly report, he knew that it would be late.¹

3 This motion is also based on the attached Memorandum of Points and Authorities, the
4 attached Declaration of Terese Laubscher, the attached exhibits, and all documents on file with
5 the court in this matter.

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

10 **NOTICE – FAILURE TO RESPOND**

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

19 **NOTICE – INACTIVE ENROLLMENT**

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

28 **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

¹ The online United States Postal Service tracking service at USPS.com states that the quarterly report was delivered on Saturday, April 11, 2015; the State Bar offices are not open on Saturdays. The State Bar actually received the quarterly report on Monday, April 13, 2015. In either event, the quarterly report was late. In that quarterly report, Respondent checked the box stating that he complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation.

1 THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE
2 SECTION 6086.10. SEE RULE 5.129, ET SEQ., RULES OF PROCEDURE OF
3 THE STATE BAR.

4 Respectfully submitted,

5 THE STATE BAR OF CALIFORNIA
6 OFFICE OF PROBATION

7 DATED: April 29, 2015

8 By: 

9 Terrie Goldade
10 Supervising Attorney
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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 July 9, 2014, the Supreme Court imposed discipline on Respondent in case
5 no. S218353. The Supreme Court suspended Respondent for two years but stayed the execution
6 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 provisions of
8 the State Bar Act, the Rules of Professional Conduct, and all of the conditions of his probation.
9 He was also ordered to submit written quarterly reports to the Office of Probation on each
10 January 10, April 10, July 10, and October 10 of the period of probation (“quarterly reports”).
11 Under penalty of perjury, he was ordered to state in each quarterly report whether he complied
12 with the State Bar Act, the Rules of Professional Conduct, and all of the conditions of probation
13 during the preceding calendar. Respondent has not complied in that his quarterly reports
14 submitted for October 10, 2014 and January 10, 2015 do not state whether he has complied with
15 the State Bar Act, the Rules of Professional Conduct, and all of the conditions of probation; his
16 quarterly report due April 10, 2015 was late.

17 1. October 10, 2014 Quarterly Report

18 On his October 10, 2014 quarterly report, Respondent checked the box stating “During
19 the reporting period above or portion thereof, I have complied with all provisions of the State
20 Bar Act, Rules of Professional Conduct, and all conditions of probation except:” and then wrote
21 in “see attached”. The quarterly report form stated, after the space provided for Respondent to
22 set forth his exceptions, “attach a declaration under penalty of perjury if more space is needed”.

23 Respondent’s attachment was not made under penalty of perjury and stated the following:

24 This disciplinary action is still not final and review in the related Ninth Circuit
25 Court of Appeals, Case No. 12-17764 and a petition for certiorari before the
26 United States Supreme Court on direct appeal from this case are pending.
27 Because of what may become unnecessary expense and effort Respondent is
28 deferring scheduling the Ethics Class and MSPRE (both of which he previously
completed and which cover no material relevant to this case, which is based on
issues of federal pre-trial procedure the application of which cannot be
definitively decided by a state court—including the State Bar Court), or any other
affirmative requirement. Given what Respondent continues to regard as an

1 oppressive prosecution pursued in disregard of the pending federal cases and
2 Respondent's civil rights under the 5th and 14th Amendments, it is unfair to insist
3 on premature compliance with the terms of probation given time for compliance is
4 ample after 2014. Pending the outcome of the federal cases which are likely to
5 impact this dispute Respondent has deferred scheduling classes or the MSPRE.
6 There was no change in my contact information.

7 On October 10, 2014, Respondent's probation deputy telephoned Respondent and left a
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9 whether he was compliant, (2) his attachment was not a declaration signed and dated under
10 penalty of perjury, and (3) his proof of completion of Ethics School and the MPRE were not due
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13 Respondent. He wrote on the Ethics School and MPRE sections of his report "not due this
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21 penalty of perjury and did not state whether he was in compliance with the State Bar Act and the
22 Rules of Professional Conduct.

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24 message stating that his resubmitted quarterly report was ambiguous regarding whether he had
25 complied. As such, he was not in compliance with his probation and could call if he had
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28 that his quarterly reports contained ambiguous statements and that he checked the box stating
29 that he was in compliance "except", but did not specify violations. The letter explained that if he
30 wished to report non-compliance, he was to specify which rule or condition he violated; if he

1 wished to report compliance, he should select the first paragraph on the report. The Office of
2 Probation's letter went on to state that, in his October 11, 2014 letter, he stated that he intended
3 to report that he had not violated probation, but that he had not satisfied all of the probation
4 conditions. The Office of Probation's letter continued "If that is what you mean to report, then
5 you need to actually do so; the reports you have provided do not state that. You are not required
6 to use the quarterly report forms provided to you as a courtesy by the Office of Probation." The
7 letter went on to state that he could be referred for non-compliance and that he could file a
8 motion with the Court.

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10 2014. He did not write anything on the form in relation to Ethics School or the MPRE. He
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14 had remained on service lists after the effective date of his suspension. Nowhere in his
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16 Act, the Rules of Professional Conduct, or his probation conditions.

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18 Respondent had not specified a violation in relation to his attachment to his third submitted
19 quarterly report. The letter went on to state as follows:

20 (1) Do you mean to report that you are not in compliance with your probation
21 conditions? I will remind you again that you are not in violation of your
22 probation until your deadline for a condition has passed. (2) Do you mean to
23 report that you are not in compliance with the State Bar Act and/or the Rules of
24 Professional Conduct? You reported in your 9.20 compliance declaration that you
25 didn't have clients and so didn't give notice to opposing counsel or the courts. Is
26 this not true?

24 ***Please submit a compliant October 2014 quarterly report immediately.*** Your
25 noncompliance can be automatically referred for review and determination of
26 further action which may lead to the imposition of additional discipline. You are
27 reminded that your January 2015 quarterly report is due no later than January 10,
28 2015. (Emphasis in original.)

27 On January 2, 2015, the Office of Probation received a letter from Respondent stating, in
28 part, that in his view all three reports already submitted were adequate reports. He went on to

1 state "There is a difference between being compliant with the terms of probation and submitting
2 an adequate report. Either option could be true and the other not, or both true. I feel I have
3 submitted conforming and adequate reports and stated in the attachments relevant information
4 relating to compliance with the terms of probation, if there was an issue, exactly as the form
5 requires."

6 To date, Respondent has not reported in a clear and unequivocal manner in a quarterly
7 report due October 10, 2014 whether he has complied with the State Bar Act, the Rules of
8 Professional Conduct, and all of the conditions of probation.

9 **2. January 10, 2015 Quarterly Report**

10 On his January 10, 2015 quarterly report, Respondent checked the box reporting "During
11 the reporting period above or portion thereof, I have complied with all provisions of the State
12 Bar Act, Rules of Professional Conduct, and all conditions of probation except:" and wrote in
13 "see attached decl." The attached declaration was substantively similar to the declaration the
14 Office of Probation had received on December 17, 2014, which was attached to Respondent's
15 third submission of a quarterly report for October 10, 2014. Respondent's attachment was
16 almost a page long stating, generally, that he had deferred scheduling Ethics Class and MSPRE
17 and that he had become aware of two matters wherein he had remained on service lists after the
18 effective date of his suspension. Nowhere in his attachment did he state whether his actions
19 were or were not in compliance with the State Bar Act, the Rules of Professional Conduct, or his
20 probation conditions.

21 On January 16, 2015, the Office of Probation mailed Respondent a letter noting that the
22 Office of Probation had received Respondent's letter dated December 28, 2014 declining to
23 submit a compliant October 2014 quarterly report. Because Respondent's January 2015 report
24 contained the same substance as his October 2014, it was not compliant, as was set forth in the
25 Office of Probation's letters dated December 12 and 23, 2014.

26 To date, Respondent has not reported in a clear and unequivocal manner in a quarterly
27 report due January 10, 2015 whether he has complied with the State Bar Act, the Rules of
28 Professional Conduct, and all of the conditions of probation.

1 **3. April 10, 2015 Quarterly Report**

2 On Thursday, April 9, 2015, Respondent signed his quarterly report which was due
3 Friday, April 10, 2015. The United States Postal Service Priority Mail envelope label included
4 the following statements "Priority Mail 2-Day" and "Expected Delivery Date: 04/11/15". As
5 such, when he mailed his quarterly report, he knew that it would be late.²

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

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

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

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

21 B. Respondent's Violation of Probation Was Willful

22 Violation of a condition of probation must be willful to warrant discipline. (*In the Matter*
23 *of Potack* (1991 Review Dept.) 1 Cal. State Bar Ct. Rptr. 525.) A willful failure is demonstrated
24 by a general purpose or willingness to permit the omission and can be proven by direct or

25 ² The online United States Postal Service tracking service at USPS.com states that the
26 quarterly report was delivered on Saturday, April 11, 2015; the State Bar offices are not open on
27 Saturdays. The State Bar actually received the quarterly report on Monday, April 13, 2015. In
28 either event, the quarterly report was late. In that quarterly report, Respondent checked the box
 stating that he complied with all provisions of the State Bar Act, Rules of Professional Conduct,
 and all conditions of probation.

1 circumstantial evidence. (*Durbin v. State Bar* (1979) 23 Cal.3d 461; *Zitny v. State Bar* (1966) 64
2 Cal.2d 787.) It does not require bad faith.

3 The burden of proof in a probation revocation proceeding is the preponderance of the
4 evidence. (Rule 5.311, Rules of Procedure.) For purposes of determining culpability, it is
5 misguided to distinguish between "substantial" and "insubstantial" or "technical" violations of
6 probation conditions. (*In the Matter of Potack*, supra.)

7 Probation furthers the fundamental purposes of attorney discipline only when the
8 attorneys are effectively monitored to ensure (1) they do not again engage in misconduct, and (2)
9 they are undertaking to conform their conduct to the ethical strictures of the profession. At a
10 minimum, quarterly reports are an important step toward rehabilitation because it requires the
11 attorney, four times a year, to review and reflect upon his professional conduct in light of the
12 minimum professional standards that are set forth in the State Bar Act and the Rules of
13 Professional Conduct and to review his conduct to ensure he is complying with his probation
14 conditions. (*In the Matter of Weiner* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 759, 763-
15 764.) If, for example, an attorney is not in compliance with probation, and depending upon how
16 the attorney is not in compliance, the Office of Probation may prepare a "referral" which could
17 lead to additional discipline, or notify the Office of the Chief Trial Counsel's Intake department
18 to investigate whether new charges should be brought.

19 Quarterly Reports must constitute a clear and unequivocal statement of Respondent's
20 compliance. (*In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244, 252-
21 253.) Respondent's failure to comply with probation demonstrates a lack of concern about
22 professional responsibilities, and therefore, probation should be revoked.

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

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

1 for the full period of stayed suspension. Respondent should remain suspended and until
2 Respondent complies with Standard 1.2(c)(1), Attorney Standards for Attorney Sanctions for
3 Professional Misconduct. (*In the Matter of Luis* (Review Dept. 2004) 4 Cal. State Bar Ct. Rptr.
4 737).

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

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

16 CONCLUSION

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

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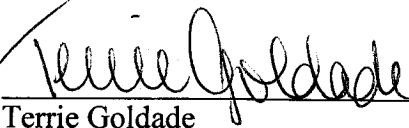
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the hearing judge should order Respondent placed on involuntary inactive enrollment until the suspension is effective and order Respondent to comply with Rule 9.20, California Rules of Court.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF PROBATION

DATED: April 29, 2015

By: 
Terrie Goldade
Supervising Attorney

1 compliance, determine the appropriate action, which may include preparing a “referral” which
2 could lead to additional discipline, or notifying the Office of the Chief Trial Counsel’s Intake
3 department to investigate whether new charges should be brought.

4 7. A review of the probation file on Respondent reflects that a disciplinary order
5 imposing probation is contained therein. A copy of said order, filed on July 9, 2014, is attached
6 hereto and incorporated by reference as Exhibit 2. A copy of the Opinion filed March 7, 2014 as
7 well as a copy of the Decision filed February 4, 2013 are also included within Exhibit 2 for the
8 Court's convenience.

9 8. Pursuant to said order, as a condition of probation, Respondent was ordered to
10 comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of
11 the conditions of his probation. He was also ordered to submit written quarterly reports to the
12 Office of Probation on each January 10, April 10, July 10, and October 10 of the period of
13 probation (“quarterly reports”). Under penalty of perjury, he was ordered to state in each
14 quarterly report whether he complied with the State Bar Act, the Rules of Professional Conduct,
15 and all of the conditions of probation during the preceding calendar. Respondent has not
16 complied in that his quarterly reports submitted for October 10, 2014 and January 10, 2015 do
17 not state whether he has complied with the State Bar Act, the Rules of Professional Conduct, and
18 all of the conditions of probation; his quarterly report due April 10, 2015 was late.

19 a. **October 10, 2014 Quarterly Report**

20 On his October 10, 2014 quarterly report, Respondent checked the box stating
21 “During the reporting period above or portion thereof, I have complied with all
22 provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of
23 probation except:” and then wrote in “see attached”. The quarterly report form stated,
24 after the space provided for Respondent to set forth his exceptions, “attach a declaration
25 under penalty of perjury if more space is needed”. Respondent’s attachment was not
26 made under penalty of perjury and stated the following:

27 This disciplinary action is still not final and review in the related Ninth
28 Circuit Court of Appeals, Case No. 12-17764 and a petition for certiorari
before the United States Supreme Court on direct appeal from this case are

1 pending. Because of what may become unnecessary expense and effort
2 Respondent is deferring scheduling the Ethics Class and MSPRE (both of
3 which he previously completed and which cover no material relevant to
4 this case, which is based on issues of federal pre-trial procedure the
5 application of which cannot be definitively decided by a state court—
6 including the State Bar Court), or any other affirmative requirement.
7 Given what Respondent continues to regard as an oppressive prosecution
8 pursued in disregard of the pending federal cases and Respondent's civil
9 rights under the 5th and 14th Amendments, it is unfair to insist on
10 premature compliance with the terms of probation given time for
11 compliance is ample after 2014. Pending the outcome of the federal cases
12 which are likely to impact this dispute Respondent has deferred scheduling
13 classes or the MSPRE. There was no change in my contact information.

8 On October 10, 2014, Respondent's probation deputy telephoned Respondent and
9 left a voice mail message stating that (1) his quarterly report was unclear whether he was
10 reporting whether he was compliant, (2) his attachment was not a declaration signed and
11 dated under penalty of perjury, and (3) his proof of completion of Ethics School and the
12 MPRE were not due that quarter. He was told to resubmit his report and call if he had
13 any questions.

14 On October 14, 2014, the Office of Probation received a new quarterly report
15 from Respondent. He wrote on the Ethics School and MPRE sections of his report "not
16 due this quarter". Respondent attached a declaration under penalty of perjury to the
17 quarterly report form; the substance of the declaration was virtually identical to the
18 language previously provided with his first submitted quarterly report in relation to
19 writing in "see attached" regarding his report that he was in compliance "except" for
20 what he listed. With his quarterly report was a letter dated October 11, 2014. Among
21 other things the letter stated "**the attachment read as intended means I have not**
22 **satisfied all terms of probation to date but have not violated any terms of probation**
23 **during the quarter.**" Emphasis in original. The letter was not made under penalty of
24 perjury and did not state whether he was in compliance with the State Bar Act and the
25 Rules of Professional Conduct.

26 On December 12, 2014, the Office of Probation called Respondent and left a
27 voice mail message stating that his resubmitted quarterly report was ambiguous regarding
28

1 whether he had complied. As such, he was not in compliance with his probation and
2 could call if he had questions.

3 Also on December 12, 2014, the Office of Probation mailed Respondent a letter
4 stating that his quarterly reports contained ambiguous statements and that he checked the
5 box stating that he was in compliance "except", but did not specify violations. The letter
6 explained that if he wished to report non-compliance, he was to specify which rule or
7 condition he violated; if he wished to report compliance, he should select the first
8 paragraph on the report. The Office of Probation's letter went on to state that, in his
9 October 11, 2014 letter, he stated that he intended to report that he had not violated
10 probation, but that he had not satisfied all of the probation conditions. The Office of
11 Probation's letter continued "If that is what you mean to report, then you need to actually
12 do so; the reports you have provided do not state that. You are not required to use the
13 quarterly report forms provided to you as a courtesy by the Office of Probation." The
14 letter went on to state that he could be referred for non-compliance and that he could file
15 a motion with the Court.

16 On December 17, 2014, Respondent submitted a third quarterly report for October
17 10, 2014. He did not write anything on the form in relation to Ethics School or the
18 MPRE. He checked the box stating that that he had complied "except" and again wrote
19 in "see attached". Respondent's attachment was almost a page long stating, generally,
20 that he had deferred scheduling Ethics Class and MSPRE and that he had become aware
21 of two matters wherein he had remained on service lists after the effective date of his
22 suspension. Nowhere in his attachment did he state whether his actions were or were not
23 in compliance with the State Bar Act, the Rules of Professional Conduct, or his probation
24 conditions.

25 On December 23, 2014, the Office of Probation mailed Respondent a letter noting
26 that Respondent had not specified a violation in relation to his attachment to his third
27 submitted quarterly report. The letter went on to state as follows:
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(1) Do you mean to report that you are not in compliance with your probation conditions? I will remind you again that you are not in violation of your probation until your deadline for a condition has passed. (2) Do you mean to report that you are not in compliance with the State Bar Act and/or the Rules of Professional Conduct? You reported in your 9.20 compliance declaration that you didn't have clients and so didn't give notice to opposing counsel or the courts. Is this not true?

Please submit a compliant October 2014 quarterly report immediately. Your noncompliance can be automatically referred for review and determination of further action which may lead to the imposition of additional discipline. You are reminded that your January 2015 quarterly report is due no later than January 10, 2015. (Emphasis in original.)

On January 2, 2015, the Office of Probation received a letter from Respondent stating, in part, that in his view all three reports already submitted were adequate reports. He went on to state "There is a difference between being compliant with the terms of probation and submitting an adequate report. Either option could be true and the other not, or both true. I feel I have submitted conforming and adequate reports and stated in the attachments relevant information relating to compliance with the terms of probation, if there was an issue, exactly as the form requires."

To date, Respondent has not reported in a clear and unequivocal manner in a quarterly report due October 10, 2014 whether he has complied with the State Bar Act, the Rules of Professional Conduct, and all of the conditions of probation.

b. January 10, 2015 Quarterly Report

On his January 10, 2015 quarterly report, Respondent checked the box reporting "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:" and wrote in "see attached decl." The attached declaration was substantively similar to the declaration the Office of Probation had received on December 17, 2014, which was attached to Respondent's third submission of a quarterly report for October 10, 2014. Respondent's attachment was almost a page long stating, generally, that he had deferred scheduling Ethics Class and MSPRE and that he had become aware of two matters wherein he had remained on service lists after the effective date of his suspension. Nowhere in his attachment did he state whether his actions were or were not

1 in compliance with the State Bar Act, the Rules of Professional Conduct, or his probation
2 conditions.

3 On January 16, 2015, the Office of Probation mailed Respondent a letter noting
4 that the Office of Probation had received Respondent's letter dated December 28, 2014
5 declining to submit a compliant October 2014 quarterly report. Because Respondent's
6 January 2015 report contained the same substance as his October 2014, it was not
7 compliant, as was set forth in the Office of Probation's letters dated December 12 and 23,
8 2014.

9 To date, Respondent has not reported in a clear and unequivocal manner in a
10 quarterly report due January 10, 2015 whether he has complied with the State Bar Act,
11 the Rules of Professional Conduct, and all of the conditions of probation.

12 c. **April 10, 2015 Quarterly Report**

13 On Thursday, April 9, 2015, Respondent signed his quarterly report which was
14 due Friday, April 10, 2015. The United States Postal Service Priority Mail envelope
15 label included the following statements "Priority Mail 2-Day" and "Expected Delivery
16 Date: 04/11/15". As such, when he mailed his quarterly report, he knew that it would be
17 late.³

18 9. As Custodian of Records, I have reviewed the entire contents of the probation file
19 on Respondent which reflects that the relevant portions of the disciplinary orders imposing
20 probation and a letter confirming the terms and conditions of probation, including suspension,
21 were provided to the Respondent on August 4, 2014.

22 10. The following documents, attached hereto and incorporated by reference
23 collectively as Exhibit 3, are contained in the Office of Probation file maintained on respondent:
24

25 ³ The online United States Postal Service tracking service at USPS.com states that the
26 quarterly report was delivered on Saturday, April 11, 2015; the State Bar offices are not open on
27 Saturdays. The State Bar actually received the quarterly report on Monday, April 13, 2015. In
28 either event, the quarterly report was late. In that quarterly report, Respondent checked the box
stating that he complied with all provisions of the State Bar Act, Rules of Professional Conduct,
and all conditions of probation.

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a. Reminder letter mailed to Respondent on August 4, 2014 outlining the terms and conditions of his probation. Among other things, the letter stated the following:

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.
...

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. . . .

Enclosed with the letter was a document entitled QUARTERLY REPORT INSTRUCTIONS. In paragraph 1 of those instructions, it stated "The report form is provided as a courtesy only, and you are not required to use it." In paragraph 11, it stated "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."

- b. Required Probation Meeting Record dated September 9, 2014.
- c. Supervising Attorney's notes for required meeting on September 9, 2014.
- d. Respondent's noncompliant quarterly report for October 10, 2014 received October 9, 2014.
- e. Respondent's noncompliant quarterly report for October 10, 2014 received October 14, 2014 with letter from Respondent dated October 11, 2014.
- f. Letter to Respondent mailed December 12, 2014.
- g. Respondent's noncompliant quarterly report for October 10, 2014 received December 17, 2014.
- h. Letter to Respondent mailed December 23, 2014.
- i. Letter from Respondent dated December 28, 2014.
- j. Respondent's noncompliant quarterly report for January 10, 2015 received January 12, 2015.

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- k. Letter to Respondent mailed January 16, 2015.
- l. Respondent's April 10, 2015 quarterly report filed late on April 13, 2015.
- m. USPS.com printout for Respondent's April 10, 2015 quarterly report showing that Respondent presented his quarterly report for mailing at 3:01 p.m. on April 9, 2015 and that it was delivered on April 11, 2015 at 9:01 a.m.
- n. E-mail from Antonio Gonzalez, State Bar of California Supervisor, Office & Reception Services, on April 14, 2015 stating that the State Bar does not get post office deliveries after hours or weekends.

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

12. On September 8, 2014, Respondent telephoned me and left a voice mail message stating that he wanted to have his meeting with me. That same day, I telephoned him and left him a return voice mail message.

13. On September 8, 2014, Respondent telephoned me. We scheduled his required meeting for Tuesday, September 9, 2014 at 10:30 a.m.

14. On September 9, 2014, Respondent telephoned me and we conducted his meeting. See paragraphs 10.b. and 10.c. above.

15. On October 10, 2014, I telephoned Respondent and left a voice mail message stating that (1) his quarterly report was unclear whether he was reporting whether he was compliant, (2) his attachment was not a declaration signed and dated under penalty of perjury, and (3) his proof of completion of Ethics School and the MPRE were not due that quarter. He was told to resubmit his report and call if he had any questions.

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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 TERESE LAUBSCHER EXHIBITS 1 THROUGH 5; 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 9406 and **regular mail** mailed at Los Angeles, on the date shown below, addressed to:

William Blackford Look, Jr.
PO Box 1381
Monterey, CA 93942

Courtesy copy by regular mail to:
William Blackford Look, Jr.
PO Box 1381
Monterey, CA 93942

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: April 29, 2015

SIGNED: 

Mia Hibler
Declarant

Counsel for Respondent	(for Court use)
In the Matter of Bar # A member of the State Bar of California ("Respondent")	Case no(s). 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

March 10, 2015

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 WILLIAM BLACKFORD LOOK, JR., #66631.

THE STATE BAR OF CALIFORNIA

Louise Turner
Custodian of Membership Records

00001 /

THE STATE BAR OF CALIFORNIA
REGISTRATION CARD

LEAVE THIS SECTION
BLANK

66631

Look | William | Blackford, Jr.
Surname (Please Print or Type) | Given Name or Names

OFFICE ADDRESS:

Street and number 11 Highland Ct.

City - State Ukiah CA Zip Code 95482

No.

12-15-75

Date Admitted

Date of birth 01/06/49 Place of birth Washington D. C.

If not born in United States, when and where naturalized? N/A

Undergraduate degree from U.C. Berkeley Law degree from Santa Clara

Dates and places of prior admission to practice none 0770

Dates and places of actual practice prior to admission in California none

Date 12/04/75

MICROFILMED

Signature William Blackford Jr.



THE STATE BAR OF CALIFORNIA

MEMBER RECORDS & COMPLIANCE

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

March 10, 2015

TO WHOM IT MAY CONCERN:

I, Louise Turner, Custodian of Membership Records of the State Bar of California, hereby certify that attached is a full, true and correct copy of the address history on file in the Membership Records Department of the State Bar of California for WILLIAM BLACKFORD LOOK, JR., #66631 from February 14, 1986 to the date of this certificate.

THE STATE BAR OF CALIFORNIA

A handwritten signature in cursive script that reads "Louise Turner".

Louise Turner
Custodian of Membership Records

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MM595R2

MEMBER ADDRESS CHANGE HISTORY

Print Date: 3/10/15

Member #: 066631

Date of Admission: 12/15/1975 Status: Not Eligibl Effective: 8/08/2014

Name: William Blackford Look, Jr.

Address:

Eff: 1/22/2013

PO Box 1381
Monterey CA 93942

Eff:12/07/1999

P O Box 1381
Monterey CA 93942 1381

Eff:11/04/1991

200 Camino Aguajito #200
Monterey CA 93940

Eff:12/17/1987

448 Pacific St
Monterey CA 93940

Eff: 7/31/1986

2600 Garden Road, #214
Monterey CA 93940

Eff: 2/14/1986

P.O. Box 223860
26613 Carmel Center Pl
Carmel CA 93922

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SUPREME COURT
FILED

State Bar Court No. 11-O-17894

JUL - 9 2014

S218353

Frank A. McGuire Clerk

IN THE SUPREME COURT OF CALIFORNIA

Deputy

En Banc

In re WILLIAM BLACKFORD LOOK, JR., on Discipline.

The petition for review filed as of June 18, 2014, is denied.

The court orders that William Blackford Look, Jr., State Bar Number 66631, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. William Blackford Look, Jr., is suspended from the practice of law for the first year of probation;
2. William Blackford Look, Jr., must comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its opinion filed on March 7, 2014; and
3. At the expiration of the period of probation, if William Blackford Look, Jr., has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

William Blackford Look, Jr., must take and pass the Multistate Professional Responsibility Examination during the period of his suspension 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).)

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

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

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

JUL 9 2014

____ day of _____ 20____

By: _____

Deputy

CANTIL-SAKAUYE

Chief Justice

00001

PUBLIC MATTER — NOT DESIGNATED FOR PUBLICATION

FILED

MAR 07 2014 JB

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

In the Matter of)	Case No. 11-O-17894
)	
WILLIAM BLACKFORD LOOK, JR.,)	OPINION
)	
A Member of the State Bar, No. 66631.)	
<hr/>		

This is the third disciplinary proceeding for William Blackford Look, Jr. In July 2012, the Office of the Chief Trial Counsel of the State Bar (State Bar) filed a one-count Notice of Disciplinary Charges (NDC), alleging that Look willfully disobeyed two federal court orders in violation of Business and Professions Code section 6103. After a two-day trial in November 2012, a hearing judge found him culpable as charged. Because Look proved no mitigating circumstances and has a record of two prior impositions of discipline, the hearing judge recommended a one-year suspension.

Look appeals. He admits that he received, but did not comply with, the court orders. But he contends the hearing judge denied him due process, violated his right to equal protection of the law, and committed other procedural errors. He also claims he should be exonerated because the court orders are void, and even if valid, he did not violate them willfully or in bad faith. Look alternatively argues that if we find him culpable, the recommended one-year suspension is excessive. The State Bar did not appeal and asks that we affirm the hearing judge's recommendation. Based on our independent review (Cal. Rules of Court, rule 9.12), we adopt the hearing judge's culpability finding and recommended discipline.

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I. CONSTITUTIONAL AND PROCEDURAL ISSUES RAISED ON REVIEW

Look raises several constitutional and procedural issues on review. The State Bar correctly observes that Look fails to explain how many of these claims are relevant to issues involved in this appeal. As detailed below, we find none of his arguments persuasive.¹

A. Look Failed to Show He Was Denied Due Process

Look claims the hearing judge violated his right to due process by relying on published review department opinions to find him culpable of misconduct. He argues that this court lacks authority to “generate binding precedents” because the enabling statute for the State Bar Court “does not include any reference to generating precedential decisions.” Look’s contention is without merit.

The California Supreme Court has “inherent authority over the discipline of licensed attorneys in this state” but the Legislature is allowed to regulate the practice of law as long as it does not impede the Court’s authority. (*In re Attorney Discipline System* (1998) 19 Cal.4th 582, 592, 602.) The Supreme Court has delegated to the State Bar of California the power to act on its behalf in disciplinary matters (Bus. & Prof. Code, § 6087),² and the Legislature authorized the State Bar of California to promulgate rules of procedure governing attorney discipline (§ 6086). Under these rules, our opinions designated for publication are binding on the hearing department and citable as precedent in the State Bar Court after adoption by a Supreme Court order. (Rules Proc. of State Bar, rule 5.159(B).) Therefore, reliance on our published opinions does not violate Look’s right to due process.

¹ We have considered and rejected as meritless all other claims not specifically addressed in this opinion.

² All further references to sections are to this source unless otherwise noted.

B. Look Failed to Show He Was Denied Equal Protection

Look also contends that the State Bar violated his “right to equal protection of the law” when it applied a “double standard” by not prosecuting opposing counsel for his conduct in the underlying federal lawsuit, which is discussed below. In that lawsuit, opposing counsel filed a declaration asserting that Look engaged in the unauthorized practice of law based on an incorrect suspension date. The State Bar called opposing counsel as a witness in Look’s disciplinary hearing. During cross-examination, opposing counsel apologized for the mistake in determining the effective date of Look’s suspension. Look asserts that “accepting [opposing counsel’s] lame excuse at hearing that it was an ‘honest mistake’ to falsely swear under oath Respondent was breaking the law, sets a double standard and violates equal protection of the law.”

Look is culpable of failing to obey court orders in violation of section 6103. He failed to show either that opposing counsel committed the same violation and was not prosecuted, or that Look is a member of a class against which the section is discriminatorily applied. (*In re Hallinan* (1954) 43 Cal.2d 243, 246-247.) Thus, Look fails to make the required showing of selective prosecution to sustain his contention that he was denied equal protection of the law.

C. Look’s Other Claims of Procedural Error Do Not Warrant Relief

Look asserts the hearing judge committed error by refusing to abate his disciplinary trial while he sought to vacate a civil contempt order that was issued after he violated the two federal court orders at issue. However, as the hearing judge found, Look’s disciplinary proceeding is based on grounds independent of the finding of contempt. Accordingly, we find that the hearing judge did not abuse her discretion when she denied Look’s motion for abatement. (*In the Matter of Aulakh* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 690, 695 [abuse of discretion standard of review applied to procedural rulings].)

Finally, Look claims he was prejudiced in preparing for his disciplinary trial because the State Bar did not timely disclose his former client's waiver of the attorney-client privilege. According to Look, because "the State Bar kept silent about the waiver," it "forced a complete redo of his trial plan less than a week from trial." Even if, arguendo, the State Bar did not disclose the waiver, Look is not entitled to relief since he failed to articulate with specificity how he had to adjust his trial plan or that he suffered any cognizable prejudice. (See *Stuart v. State Bar* (1985) 40 Cal.3d 838, 845 [Supreme Court requires showing of specific prejudice before procedural errors will invalidate determination of hearing panel in disciplinary proceedings].)

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The record clearly and convincingly supports the findings by the hearing judge,³ which we summarize below.

A. Look Failed to Comply with Two Court Orders

In December 2009, Jody Von Haar hired Look to pursue claims for injuries she sustained when three police officers allegedly used excessive force on her after a traffic stop. In July 2010, Look filed a complaint on behalf of Von Haar in the United State District Court for the Northern District of California. After the initial complaint and a first amended complaint were dismissed due to various deficiencies, he filed a second amended complaint in March 2011. During the course of his representation, Look failed to comply with two court orders, as discussed below.

1. Discovery Order. After Look failed to appear at a case management conference, the district judge issued a May 4, 2011 order that required the parties to comply with multiple discovery deadlines (discovery order). The discovery order was due to Look's repeated failure to cooperate with defense counsel. The judge warned Look that if his client did not comply with

³ Clear and convincing evidence leaves no substantial doubt and is sufficiently strong to command the unhesitating assent of every reasonable mind. (*Conservatorship of Wendland* (2001) 26 Cal.4th 519, 552.)

the deadlines, the court may issue an order to show cause (OSC) why the case should not be dismissed or why Look and his client should not be sanctioned. Look admits he received the discovery order but did not comply with the designated deadlines.

2. Withdrawal Order. After Look failed to comply with the discovery order, the district judge ordered Look to show cause why the matter should not be dismissed for failure to prosecute. Look responded that neither he nor Von Haar had the funds to conduct discovery, and he was seeking substitute counsel. The district judge ordered Look to file a motion to withdraw as counsel by July 15, 2011, if he were unable to continue representing Von Haar for financial reasons (withdrawal order). Look admits he received the withdrawal order but did not comply with the July 15, 2011 deadline.

Rather than file a motion to withdraw, Look filed a case management statement on August 24, 2011 — a month past the court-ordered deadline. In it, he requested “leave to withdraw unilaterally as counsel of record” due to his present inability to contact Von Haar and his pending suspension from the practice of law.⁴ At an August 31, 2011 case management conference, the district judge told Look that she was considering imposing sanctions against him for not filing the motion to withdraw. Look claimed he misunderstood the withdrawal order and believed she had requested that he file a substitution of counsel. He also stated that he overlooked the language requiring him to file a motion to withdraw.

The next day, the district judge issued another OSC why Look should not be sanctioned for, among other things, failing to comply with the discovery and withdrawal orders. In his September 6, 2011 response, Look claimed that he did not comply with the *discovery* order because: (1) he did not have funds to pay for discovery; (2) he was conferring with possible

⁴ As discussed below, Look stipulated with the State Bar in March 2011 that he committed ethical misconduct in another matter. As a result, the Supreme Court suspended him for 120 days effective September 9, 2011.

substitute counsel, and discovery dates would have to be rescheduled if new counsel took over the case; and (3) if the case ultimately had to be dismissed, starting discovery would be pointless. Look also provided reasons for not complying with the *withdrawal* order that differed from those he provided at the August 31, 2011 conference, including that he mistakenly failed to calendar it, and he did not need to file it because he had decided to dismiss the case. After the case management conference, but before the OSC hearing, Look filed a notice of voluntary dismissal of the case with Von Haar's consent. He also filed a motion to withdraw.

Following the OSC hearing, the district judge issued an order on September 12, 2011, finding Look in contempt. The judge based her finding on multiple grounds, including Look's failure to comply with the discovery and withdrawal orders. The judge also decided to: (1) not impose sanctions; (2) grant Look's motion to withdraw due to his pending disciplinary suspension; and (3) deny the voluntary dismissal until Von Haar had an opportunity to be heard.⁵ The judge also referred the matter to the State Bar.

Nearly one year later, and after the start of this disciplinary proceeding, Look filed a motion for relief and to purge the contempt, and sought to have the district judge withdraw her referral to the State Bar. His principal argument was that the civil contempt order was criminal in nature because it was imposed as a punitive rather than remedial measure. On November 15, 2012, the district judge issued an order vacating her ruling that Look was in contempt, finding that he "raised a legitimate question as to whether the Civil Contempt Order was criminal in nature. Moreover, the Court's primary purpose in issuing the Civil Contempt Order was to outline Mr. Look's conduct in this case and to refer Mr. Look to the State Bar so that it can

⁵ The court then ordered Von Haar to show cause why the matter should not be dismissed for failure to prosecute. Von Haar did not appear at the OSC hearing on October 27, 2011, and the court dismissed the case with prejudice.

determine whether any further action should be taken. The finding of contempt itself was not essential to accomplishing this purpose.”

Although the district judge vacated the finding of contempt, she declined to withdraw her referral to the State Bar because Look had engaged in unprofessional conduct by directly violating her orders. The judge concluded that Look’s explanations were inconsistent and not credible. As a result, she affirmed her factual findings in the civil contempt order as well as the referral of the matter to the State Bar. Look asserts on review that he appealed the district court’s November 15, 2012 order and the appeal is still pending.

B. Look’s Failure to Comply with the Orders Is a Willful Violation of Section 6103

Section 6103 provides that an attorney’s “willful disobedience or violation of an order of the court requiring him to do or forbear an act connected with or in the course of his profession, which he ought in good faith to do or forbear, and any violation of the oath taken by him, or of his duties as such attorney, constitute causes for disbarment or suspension.” The State Bar charged Look with willfully disobeying court orders for failing to comply with the court-ordered discovery deadlines and failing to timely file a motion to withdraw as ordered. Look admits he did not comply with the orders, but argues that he is not culpable because: (1) the orders are void since the civil case has been dismissed and the contempt order vacated; (2) his noncompliance was not willful but a result of excusable neglect (discovery order) and negligence (withdrawal order); and (3) he did not act in bad faith. The hearing judge correctly rejected Look’s defenses and found him culpable as charged.

1. Look Was Subject to Final and Binding Orders

To establish that Look willfully disobeyed a court order under section 6103, the evidence must first show that he knew there was a final, binding court order. (*In the Matter of Maloney and Virsik* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 774, 787 [attorney’s knowledge of

final, binding order is essential element of violation].) Although Look admits he knew about the orders, he contends that he cannot *now* be culpable of violating them as they are no longer valid since the federal action was dismissed and the contempt order was vacated. We disagree.

We conclude the federal court's orders were final and binding. To begin, Look concedes that dismissal of the federal action has been final since October 2011. Since the judgment of dismissal is final, the preceding discovery and withdrawal orders that merged with it are also final. (See *Envtl. Prot. Info. Ctr., Inc., v. Pac. Lumber Co.* (9th Cir. 2001) 257 F.3d 1071, 1075 [interlocutory orders entered prior to final judgment merge into judgment].) Further, the district judge's November 15, 2012 order, which vacated the contempt order, did not vacate or void the discovery and withdrawal orders. The judge specifically found that Look engaged in unprofessional conduct by directly violating those orders, and she denied his request to be relieved of any obligations set forth in them. We agree with the district court's conclusions.

2. Look's Noncompliance Was Willful

To prove that Look's violation of a court order under section 6103 was willful, it must be established that he " " 'knew what he was doing or not doing and that he intended either to commit the act or to abstain from committing it.' [Citations.]" ' ' ' (In *the Matter of Maloney and Virsik, supra*, 4 Cal. State Bar Ct. Rptr. at p. 787, citing *King v. State Bar* (1990) 52 Cal.3d 307, 314.) However, violating an order while holding an objectively reasonable good faith belief can be a defense because, under such circumstances, the order would not objectively be one with which an attorney "ought in good faith" to comply and the failure to comply would be reasonable. (See, e.g., *In the Matter of Boyne* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 389, 404-405 [paying sanctions from account that had sufficient funds when check was written but was closed by bank prior to check clearing does not violate § 6103].) Look argues his violation of the orders was not willful because (1) his lack of financial resources was substantial

justification not to comply with the discovery order, and (2) he negligently failed to calendar the due date for filing the motion to withdraw. Neither assertion is a defense in this case.

Look's financial hardship does not negate his willfulness in failing to comply with the discovery order. As the district judge found, Look could not unilaterally decide to ignore the order. His financial straits did not prevent him from informing the court of his inability to comply with its order or from seeking a stay of discovery until he found substitute counsel. "An attorney with an affirmative duty to the courts and his clients whose interests were affected cannot sit back and await contempt proceedings before complying with or explaining why he or she cannot obey a court order." (*In the Matter of Boyne, supra*, 2 Cal. State Bar Ct. Rptr. at p. 404; see *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr 41, 47.) Look's decision to do nothing was willful and not objectively reasonable. (See *Maltaman v. State Bar* (1987) 43 Cal.3d 924, 952 ["no plausible belief in the right to ignore final, unchallengeable orders one personally considers invalid"].)

Look also failed to sufficiently prove that his failure to comply with the withdrawal order was due to negligence. (See *Patarak v. Williams* (2001) 91 Cal.App.4th 826, 829 ["[w]illful conduct does not require a purpose or specific intent ... [h]owever, it does require more than negligence or accidental conduct".]) During the litigation, Look offered varying excuses for his failure to file the required motion to withdraw as counsel, including: (1) he misunderstood the order; (2) he believed the order required him to file a substitution of counsel, not a motion; (3) he mistakenly failed to calendar the due date; and (4) he decided not to file the motion because he was going to dismiss the case. The last excuse, which the district judge found to be entirely inconsistent with Look's prior statements, involved intentional rather than negligent conduct. Given Look's inconsistent reasons for not complying with the withdrawal order, we agree with the district judge that his claim of negligence is not credible. (See *Conner v. State Bar* (1990)

50 Cal.3d 1047, 1055 [credibility determinations made by judge who heard and saw witness entitled to great weight]; see also Rules Proc. of State Bar, rule 5.155(A) [hearing judge's findings of fact and credibility assessment entitled to great weight on review].)

3. Bad Faith Is Not an Element of a Section 6103 Violation

Lastly, Look argues that any violation of section 6103 also necessarily requires proof of bad faith, which he contends the State Bar failed to prove. He relies on *Maltaman v. State Bar*, *supra*, 43 Cal.3d 924. We find his reliance is misplaced because the issue in that case was not whether the attorney's deliberate violation of court orders constituted a violation of section 6103, but whether it involved moral turpitude in violation of section 6106. The Supreme Court held that "noncompliance [with court orders] involves moral turpitude for disciplinary purposes only if the attorney acted in either 'objective' or 'subjective' bad faith." (*Id.* at p. 951 [bad faith if no plausible grounds for noncompliance or if attorney believed no plausible grounds, even if such grounds existed].) Although the Court determined that the attorney's noncompliance was not a violation of section 6103 because he was acting as an estate representative, not as an attorney, it concluded that he acted in bad faith and therefore his disobedience of the orders involved moral turpitude in violation of section 6106. (*Id.* at p. 954.) We find no authority to support the proposition that bad faith is an essential element of a section 6103 violation, and conclude it is not. (See *In re Rose* (2000) 22 Cal.4th 430 [attorney violated § 6103 by willfully violating probation order]; *Barnum v. State Bar* (1990) 52 Cal.3d 104 [attorney violated § 6103 by willfully violating bankruptcy court orders].)

III. AGGRAVATION AND MITIGATION

Look does not contest the hearing judge's finding that he failed to prove any mitigating circumstances. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct,

former std. 1.2(e).)⁶ We agree, and like the hearing judge, also find that the only factor in aggravation is Look's two prior records of discipline. (Former std. 1.2(b)(i).)

Look was admitted to the practice of law in California on December 15, 1975, and was disciplined in 1989 and in 2011. The records are summarized as follows:

**1. *In the Matter of William Blackford Look, Jr.* (Bar Misc. 5674)
Cal. State Bar Ct. No. 88-C-11156**

On June 22, 1989, Look was privately reprovved, without conditions, after he stipulated that his misdemeanor conviction for violating Penal Code section 415 (disturbing the peace) involved misconduct warranting discipline. Look's conviction stemmed from a confrontation with a party in a labor dispute, which resulted in his nolo contendere plea to a misdemeanor violation of disturbing the peace. In mitigation, Look had no prior record of discipline, displayed remorse, and cooperated. There were no aggravating circumstances.

**2. *In re William Blackford Look, Jr.* (S193599)
Cal. State Bar Ct. No. 08-O-12932**

On August 10, 2011, the Supreme Court ordered Look suspended from the practice of law for two years, stayed, and placed him on probation for two years subject to conditions, including 120 days' suspension. Look stipulated to misconduct in a single client matter. Between 2007 to 2008, he failed to maintain in trust more than \$40,000 in disputed client funds, obtained a pecuniary interest adverse to his client, and failed to provide an accounting. Look further stipulated that his prior discipline record was an aggravating circumstance and that no mitigating circumstances were involved.

⁶ Effective January 1, 2014, the standards were amended. Since this case was heard and submitted in 2013, we apply the former standards and all further references are to the earlier version. However, as noted, the amendments would not alter our conclusion.

IV. LEVEL OF DISCIPLINE

The purpose of attorney discipline is not to punish the attorney, but to protect the public, the courts, and the legal profession, to preserve public confidence in the profession, and to maintain high professional standards for attorneys. (Former std. 1.3.) “To impose discipline consistent with the goal of protecting the public, we ‘balance all relevant factors including [aggravating and] mitigating circumstances on a case-to-case basis.’ [Citation.]” (*Sugarman v. State Bar* (1990) 51 Cal.3d 609, 618.) We begin with the standards, which the Supreme Court instructs us to follow whenever possible. (*In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.)

Former standard 1.7(b) is the most severe sanction applicable to Look’s misconduct and addresses disciplinary recidivism.⁷ Under this standard, if an attorney commits professional misconduct and “has a record of two prior impositions of discipline . . . the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate.” However, even in the absence of any mitigation, the Supreme Court has not automatically imposed disbarment under this standard. (See *Conroy v. State Bar* (1991) 53 Cal.3d 495 [one-year suspension for failing to competently perform and moral turpitude with no mitigation but aggravated by no cooperation, a prior private reproof, and a prior 60-day suspension].) “[W]e are not required to apply standard 1.7(b) rigidly, without regard to the facts of the prior matters. [Citations.]” (*In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525, 539-540.) Instead, it is necessary that we conduct “a careful examination of the substance and nature of [Look’s] disciplinary history . . . with due regard to the facts and circumstances of his present misconduct.” (*In the Matter of Shalant* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 829, 842.) Although this is Look’s third

⁷ Former standard 2.6(b) also applies to this case; it calls for disbarment or suspension for a violation of section 6103 based on the gravity of the offense or the harm, if any.

disciplinary matter, we agree with the hearing judge that disbarring him “would be manifestly unjust, would not further the objectives of attorney discipline, and would be punitive in nature.”

The substance and nature of the misconduct in Look’s prior discipline and this proceeding do not support disbarment here. First, the facts in his two prior disciplinary proceedings are not only dissimilar from each other, but are also quite different from the misconduct in this case. (See *Arm v. State Bar* (1990) 50 Cal.3d 763, 780 [habitual course of conduct or repetition of offenses are factors to consider when deciding to impose disbarment under former std. 1.7(b)].) Second, Look’s misconduct in his first disciplinary matter was not serious, as reflected by the imposition of a private reproof without conditions. (See *In the Matter of Buckley* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 201, 205 [absence of severity of priors was factor making disbarment manifestly unjust under former std. 1.7(b)].) Finally, when viewed cumulatively, Look’s overall misconduct does not indicate that he is unable to conform to ethical norms or that the risk of future misconduct is great. (See *In the Matter of Hunter* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 63, 80 [disbarment under former std. 1.7(b) appropriate where current misconduct viewed together with priors indicated inability to conform to ethical norms].) The totality of his three disciplinary proceedings involves three matters and five counts of culpability — over the course of 25 years. There is no evidence of moral turpitude, client harm, evil intent, or bad faith. Therefore, we find strict application of former standard 1.7(b) is unwarranted.⁸

However, we disagree with Look that a one-year suspension is excessive. In recommending the appropriate level of discipline, we also look to case law for guidance. Here

⁸ Disbarment also would not be mandated under the revised standards for attorney discipline effective January 1, 2014. Although new standard 1.8 provides for a similar presumption of disbarment for two prior records, the revisions do not disturb the cases cited above as to the application of the standards in cases of recidivism. (New std. 1.1 [revised standards based on “longstanding decisions of the California Supreme Court”].)

we find instructive *In the Matter of Riordan, supra*, 5 Cal. State Bar Ct. Rptr. 41, and *In the Matter of Katz* (Review Dept. 1995) 3 Cal. State Bar Ct Rptr. 430. Riordan received a six-month stayed suspension after he failed to obey two Supreme Court orders, failed to competently perform, and failed to report judicial sanctions. His misconduct was mitigated by a 17-year legal career with no prior record of discipline. Katz received a two-year suspension for committing acts involving moral turpitude, filing a bad faith bankruptcy petition, and violating two bankruptcy court orders. Katz had a prior record of discipline that also involved moral turpitude, committed his misconduct while on disciplinary probation, and lacked remorse.

Although Look's current misconduct is not as extensive as in *Riordan*, his prior discipline record makes his case significantly more serious. However, his misconduct is less serious than *Katz* due to the absence of conduct involving moral turpitude and the fact that Look was not *yet* on disciplinary probation when he committed his current misconduct. But Look did commit the present misconduct *after* he stipulated to misconduct in his second discipline case — at a time when he should have had a heightened awareness of his ethical duties. We believe the appropriate discipline falls between that imposed in *Riordan* and *Katz*. Guided by these cases and the standards, we conclude that a one-year period of suspension will adequately protect the public and preserve the integrity of the legal profession.

V. RECOMMENDATION

For the foregoing reasons, we recommend that William Blackford Look, Jr., be suspended from the practice of law for two years, that execution of that suspension be stayed, and that he be placed on probation for two years on the following conditions:

1. He must be suspended from the practice of law for the first year of his probation.
2. He must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of his probation.

3. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including his current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, he must report such change in writing to the Membership Records Office and the State Bar Office of Probation.
4. Within 30 days after the effective date of discipline, he must contact the Office of Probation and schedule a meeting with his assigned probation deputy to discuss the terms and conditions of probation. Upon the direction of the Office of Probation, he must meet with the probation deputy either in person or by telephone. During the period of probation, he must promptly meet with the probation deputy as directed and upon request
5. Subject to the assertion of applicable privileges, he must answer fully, promptly, and truthfully, any inquiries of the Office of Probation that are directed to him personally or in writing, relating to whether he is complying or has complied with the conditions contained herein.
6. He 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, he must state whether he has complied with the State Bar Act, the Rules of Professional Conduct, and all of the conditions of probation during the preceding calendar quarter. In addition to all quarterly reports, a final report, containing the same information, is due no earlier than 20 days before the last day of the probation period and no later than the last day of the probation period.
7. Within one year after the effective date of the discipline herein, he must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and passage of the tests given at the end of that sessions. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and he shall not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)
8. The period of probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. At the expiration of the period of probation, if he has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

We further recommend that Look be ordered to take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners during the period of his suspension and to provide satisfactory proof of such passage to the Office of Probation within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

We also recommend that Look be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding. Failure to do so may result in disbarment or suspension.

Finally, we recommend that costs be awarded to the State Bar in accordance with section 6086.10, such costs being enforceable both as provided in section 6140.7 and as a money judgment.

REMKE, P. J.

WE CONCUR:

EPSTEIN, J.

PURCELL, J.

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. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on March 7, 2014, I deposited a true copy of the following document(s):

OPINION FILED MARCH 7, 2014

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

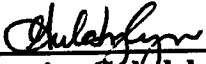
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**WILLIAM B. LOOK, JR.
PO BOX 1381
MONTEREY, CA 93942**

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

CYDNEY T. BATCHELOR, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 7, 2014.



Jasmine Guladzhyan
Case Administrator
State Bar Court



STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of)	Case No.: 11-O-17894-LMA
)	
WILLIAM BLACKFORD LOOK, JR.,)	DECISION
)	
Member No. 66631,)	
)	
<u>A Member of the State Bar.</u>)	

Introduction¹

In this contested disciplinary proceeding, respondent William Blackford Look, Jr., is charged with one count of disobeying court orders regarding discovery and withdrawal.

This court finds, by clear and convincing evidence, that respondent is culpable of the alleged misconduct. In view of respondent's misconduct and the evidence in aggravation, the court recommends, among other things, that respondent be suspended from the practice of law for two years, that execution of suspension be stayed, that he be placed on probation for two years and that he be actually suspended for one year.

Significant Procedural History

The State Bar of California, Office of the Chief Trial Counsel (State Bar), initiated this proceeding by filing a Notice of Disciplinary Charges (NDC) on July 31, 2012. Respondent filed a response on August 10, 2012.

¹ Unless otherwise indicated, all references to rules refer to the State Bar Rules of Professional Conduct. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

A hearing was held on November 19-20, 2012. Deputy Trial Counsel Treva R. Stewart represented the State Bar. Respondent represented himself. This matter was submitted on November 21, 2012, following the State Bar's closing statement.

Findings of Fact and Conclusions of Law

Respondent was admitted to the practice of law in California on December 15, 1975, and has been a member of the State Bar of California at all times since that date.

Facts

On December 23, 2009, respondent was hired by Jody Von Haar ("Von Haar") to represent her in her claims for injuries resulting from an arrest and excessive force incident on or about September 15, 2009.

On July 8, 2010, respondent filed a complaint on behalf of Von Haar entitled *Jody Lynn Von Haar v. City of Mountain View et al.*, U.S. District Court case number 10-CV-02995 (the Von Haar matter).

Meanwhile, in January 2011, respondent began to prepare for an upcoming disciplinary suspension from the practice of law (State Bar Court case No. 08-O-12932; "the disciplinary matter"), which would include finding a substituting attorney for the Von Haar matter. On March 9, 2011, he signed a stipulation for actual suspension.

On March 14, 2011, respondent filed a second amended complaint on behalf of Von Haar.

On March 31, 2011, the court in the Von Haar matter set a case management conference for May 4, 2011. Respondent was served with and received a notice of the case management conference.

On April 4, 2011, the disciplinary matter was approved and filed by the State Bar Court.

On April 11, 2011, respondent contacted attorney Andy Schwartz regarding referral of the Von Haar matter.

On April 14, 2011, respondent sent an email to Claudia Leed ("Leed"), opposing counsel in the Von Haar's matter, which stated that he may substitute out of the case as he anticipated travelling out of state for several months.

On May 3, 2011, respondent contacted another attorney, Charles Warner, regarding referral of the Von Haar matter.

On May 4, 2011, the case management conference proceeded. Respondent did not appear for the case management conference. The court issued a case management order, ordering the parties to meet and confer and to complete certain discovery between May 11 and May 25, 2011. Respondent was served with and received the order.

On May 13, 2011, respondent sent Von Haar a letter requesting that she update him on her intentions on representation.

Respondent did not complete the discovery as specified in the May 4, 2011 order.

On May 26, 2011, defendants filed a notice informing the court that respondent failed to comply with the May 4, 2011 order. Respondent received the notice and did not respond to it.

On June 6, 2011, the court issued an order to show cause ("OSC") why the case should not be dismissed for failure to prosecute. The order stated that plaintiff failed to comply with discovery deadlines imposed in the May 4, 2011 order. Plaintiff was ordered to file a written response to defendants' May 26, 2011 notice of non-compliance by June 20, 2011; otherwise, the entire action would be dismissed without prejudice for failure to prosecute. Respondent received the OSC.

On June 8, 2011, respondent sent Von Haar an email which stated in part: "I had no luck so far in finding a new attorney...The best is likely to be to substitute out and substitute you in pro per. That will buy more time."

On June 17, 2011, respondent filed a response, wherein he stated that he and plaintiff lacked the financial resources to prosecute the case and that plaintiff had been seeking new counsel.

On June 30, 2011, respondent contacted a third attorney, Tony Boscovich, regarding referral of the Von Haar matter.

On July 2, 2011, the court issued an order requiring respondent to file a motion to withdraw from representation pursuant to Civil Local Rule 11-5 by July 15, 2011. The order was served on respondent and he received the order.

But respondent forgot to calendar the July 15, 2011 deadline for filing the motion to withdraw. Consequently, respondent did not file a motion to withdraw by July 15.

On July 19, 2011, respondent wrote to Von Haar, stating that they need to meet and discuss filing a substitution of attorneys.

On September 2, 2011, respondent filed a notice of dismissal, where he stated "the failure to sooner dismiss was a result of inadvertence and mistake in the lack of communication between counsel and client."

Respondent's actual suspension from the practice of law in the disciplinary matter became effective on September 9, 2011.

Conclusions

Count One - (§ 6103 [Failure to Obey a Court Order])

Section 6103 provides, in pertinent part, that a willful disobedience or violation of a court order requiring an attorney to do or forbear an act connected with or in the course of the

attorney's profession, which an attorney ought in good faith to do or forbear, constitutes cause for suspension or disbarment.

Respondent admits at trial that he failed to comply with the two court orders; but he argues that the first order re discovery was due to lack of funds and that the second order re motion to withdraw was due to excusable neglect because he forgot to calendar the deadline. Respondent contends that his conduct was not willful, intentional or done in bad faith.

The court rejects his contentions as unmeritorious.

It is well-settled that to be found culpable of willfully violating section 6103, the State Bar need not prove that respondent violated court orders in bad faith. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41.) Willfulness is established by proof that the attorney acted or omitted to act purposely. (*In the Matter of Respondent C* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 439.)

Here, there is clear and convincing evidence that by failing to comply with the discovery deadlines in violation of the court's order of May 4, 2011, and by failing to file a motion to withdraw as counsel by July 15, 2011 in violation of the court's July 2, 2011 order, respondent willfully disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of respondent's profession which he ought in good faith to do or forbear, in willful violation of section 6103.

Aggravation²

Prior Record of Discipline (Std. 1.2(b)(i).)

Respondent has two prior records of discipline.

² All references to standards (Std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

In his first prior record of discipline, respondent stipulated to a private reproof for a misdemeanor conviction of disturbing the peace that occurred more than 25 years ago in 1987. (State Bar Court case No. 88-C-11156; BM 5674, effective June 22, 1989.)

In his second prior record of discipline, respondent stipulated to two years' stayed suspension, two years' probation, and 120 days' actual suspension for three counts of misconduct in one client matter – distributing client funds before the disputed amount was resolved; failing to avoid adverse interests; and failing to render an accounting. (Supreme Court case No. S193599, effective September 9, 2011; State Bar Court case No. 08-O-12932.)

Other than his prior records of discipline, there are no other factors in aggravation demonstrated by clear and convincing evidence.

Mitigation

There are no mitigating factors. (Std. 1.2(e).)

Discussion

In determining the appropriate discipline to recommend in this matter, the court looks at the purposes of disciplinary proceedings and sanctions. Standard 1.3 sets forth the purposes of disciplinary proceedings and sanctions as “the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession.”

The applicable standards provide a broad range of sanctions ranging from suspension to disbarment. (Stds. 1.6, 1.7, and 2.6.)

Standard 1.6(b) provides that the specific discipline for the particular violation found must be balanced with any mitigating or aggravating circumstances, with due regard for the purposes of imposing disciplinary sanctions.

Standard 1.7(b) provides that, if an attorney has two prior records of discipline, the degree of discipline in the current proceeding must be disbarment unless the most compelling mitigating circumstances clearly predominate.

Standard 2.6 provides that violation of certain provisions of the Business and Professions Code must result in disbarment or suspension depending on the gravity of the offense or the harm to the victim, with due regard for the purposes of discipline.

Respondent argues that his first discipline should not be considered as a prior record of discipline because it was only a private reproof. On the contrary, a private reproof is clearly a prior discipline. The only exceptions are inactive enrollment; suspension for nonpayment of State Bar fees; interim suspension after conviction of crime; admonition; and agreements in lieu of discipline. (Rules Proc. of State Bar, rule 5.106(A) and (B).)

The State Bar urges that respondent be disbarred based on his two prior records of discipline under standard 1.7(b). "Merely declaring that an attorney has [two] impositions of discipline, without more analysis, may not adequately justify disbarment in every case." (*In the Matter of Miller* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 131, 136.)

The standards "do not mandate a specific discipline." (*In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 994.) It has been long-held that the court "is not bound to follow the standards in talismanic fashion. As the final and independent arbiter of attorney discipline, we are permitted to temper the letter of the law with considerations peculiar to the offense and the offender." (*Howard v. State Bar* (1990) 51 Cal.3d 215, 221-222.) While the standards are entitled to great weight (*In re Silverton* (2005) 36 Cal.4th 81, 92), they do not provide for mandatory disciplinary outcomes. Although the standards were established as guidelines, "ultimately, the proper recommendation of discipline rest[s] on a balanced

consideration of the unique factors in each case.” (*In the Matter of Oheb* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 920, 940.)

The court finds these cases instructive.

In *In the Matter of Shinn* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 96, 105, the Review Department found that a private reproof more than 20 years earlier, for improperly stopping payment on a \$500 check to another law firm, was too remote in time to merit significant weight on the issue of degree of discipline.

In *In the Matter of Respondent X* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 592, the attorney who had no prior discipline in 18 years of practice was privately reproofed for failing to obey court orders. There, the Review Department noted “[t]he well-settled rule is that the degree of professional discipline is not derived from a fixed formula but from a balanced consideration of all factors.” (*Id.* at p. 605.) Thus, although standard 2.6 provided that a violation of section 6103 was ground for disbarment or suspension, the court stated that “discipline within that range is not mandated.” (*Ibid.*)

In *Arm v. State Bar* (1990) 50 Cal.3d 763, the Supreme Court declined to disbar the attorney who had been found culpable in a fourth disciplinary matter, concluding that the prior discipline, while inherently aggravating, did not show such a pattern that the most severe discipline was called for based on the record. (See *In the Matter of Bouyer* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 888, 893.)

Here, like *Shinn*, respondent’s misconduct of disturbing the peace occurred more than 25 years ago. The level of its severity and its remoteness in time are considered on the issue of the degree of discipline. The court finds that respondent’s first prior record of discipline does not merit significant weight and its effect is discounted. Therefore, standard 1.7(b), which is based

on two prior records of discipline, should not be strictly applied as the court has "grave doubts" about the recommendation's propriety. (*In re Morse* (1995) 11 Cal.4th 184, 206.)

Like the attorney in *Arm*, respondent's prior discipline did not establish that the most severe discipline was necessary. Respondent's failure to obey the two court orders, while inexcusable, does not sufficiently add to the severity to justify imposing disbarment. Indeed, disbarment would be manifestly unjust, would not further the objectives of attorney discipline, and would be punitive in nature.

Unlike the attorney in *Respondent X* who was privately reprovved but had no prior discipline, respondent was recently disciplined with an actual suspension of 120 days. Thus, the degree of discipline in this current proceeding should be greater than that was imposed in *Respondent X* and in respondent's prior proceeding.

In view of respondent's misconduct, the case law, the aggravating evidence, and the diminished weight of his first prior record of discipline, the court concludes that placing respondent on an actual suspension for one year would be appropriate to protect the public and to preserve public confidence in the profession.

Recommendations

It is recommended that respondent William Blackford Look, Jr., State Bar Number 66631, be suspended from the practice of law in California for two years, that execution of that period of suspension be stayed, and that respondent be placed on probation³ for a period of two years subject to the following conditions:

1. Respondent William Blackford Look, Jr., is suspended from the practice of law for the first one year of probation;

³ The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

2. Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of respondent's probation.
3. Within 30 days after 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. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including respondent's current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, respondent must report such change in writing to the Membership Records Office and the State Bar's Office of Probation.
5. During the probation period, respondent must report in writing quarterly to the Office of Probation. The reports must be postmarked no later than each January 10, April 10, July 10, and October 10 of the probation period. Under penalty of perjury, respondent must state in each report whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all of respondent's probation conditions during the preceding calendar quarter or applicable reporting period. If the first report would cover less than 30 days, no report is required at that time; however, the following report must cover the period of time from the commencement of probation to the end of that next quarter. In addition to all quarterly reports, a final report must be postmarked no earlier than 10 days before the last day of the probation period and no later than the last day of the probation period.
6. Subject to the assertion of applicable privileges, respondent must answer fully, promptly, and truthfully, any inquiries of the Office of Probation or any probation monitor that are directed to respondent personally or in writing, relating to whether respondent is complying or has complied with respondent's probation conditions.
7. Within one year after the effective date of the discipline herein, respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and passage of the test given at the end of that session.⁴ This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent will not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)
8. At the expiration of the probation period, if respondent has complied with all conditions of probation, respondent will be relieved of the stayed suspension.

⁴ If respondent has completed the course within the prior two years after the effective date of the discipline herein, respondent does not have to complete the State Bar Ethics School again. (Rules Proc. of State Bar, rule 5.135(A).)

Multistate Professional Responsibility Exam

It is recommended that respondent be ordered to take and pass the Multistate Professional Responsibility Examination (MPRE) within one year after the effective date of the Supreme Court order imposing discipline in this matter and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

California Rules of Court, Rule 9.20

It is further recommended that respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding. Failure to do so may result in disbarment or suspension.

Costs

It is recommended that costs be 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.

Dated: February 4, 2013



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 February 4, 2013, I deposited a true copy of the following document(s):

DECISION

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

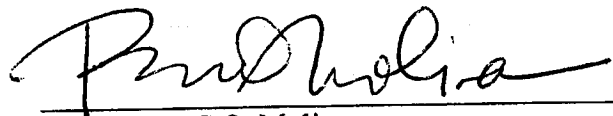
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

WILLIAM BLACKFORD LOOK, JR.
PO BOX 1381
MONTEREY, CA 93942

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

TREVA R. STEWART, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on February 4, 2013.



Bernadette C.O. Molina
Case Administrator
State Bar Court

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2 **The client is not the complaining witness and suffered no legally recognizable prejudice**
3 **as a result of any of the alleged misconduct by the attorney, which consists essentially of**
4 **missed case management or discovery dates in a case voluntarily dismissed by the client in**
5 **2011. This court should therefor dismiss the present action.**

6 **I. JURISDICTIONAL CHALLENGES**

7 ***A. This court lacks jurisdiction to enforce the Federal Rules of Civil Procedure***

8 **This is not a federal forum and the Federal Rules of Civil Procedure (FRCP) do not**
9 **apply. The Office of State Bar Trial Counsel (SBTC) cannot therefor base an ethical**
10 **sanction on a violation of those rules or attempt to prove a violation in this forum as a basis**
11 **for sanctions. Among other reasons is that the FRCP contain provisions for resolving**
12 **violations of the rules in the federal courts, which are without doubt competent to police**
13 **their own proceedings. See, e.g., FRCP 37 (relating to discovery). The federal rules are**
14 **similar to California's own civil rules and Discovery Act, which specify the remedies that**
15 **attach for alleged wrongs in the litigation process.**

16 **To the extent the SBTC seek to 'rehash' pre-trial procedure disputes arising from a**
17 **now-dismissed federal case, the court lacks jurisdiction to decide those disputes.**

18 ***B. The lack of jurisdiction is not cured by the contempt citation in the federal court***

19 **This case can only proceed based on the contempt citation by the federal trial judge.**
20 **However, the contempt was irregular procedurally as well as substantively. Nor does the**
21 **citation for contempt ipso facto constitute a violation of a state rule that requires proof of**
22 **willful conduct. In the federal system civil contempt is remedial in nature and, for that**
23 **reason, does not require a finding of willful conduct. *McComb v. Jacksonville Paper Co.***
24 **(1949) 336 U.S. 187, 191; *General Signal Corp. v. Donallco, Inc.* (9th Cir. 1986) 787 F.2d**
25 **1376, 1379. Thus SBTC will have the burden of proving the alleged conduct was willful ab**
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2 initio in this proceeding. In short the federal proceedings cannot serve as a substitute for
3 clear and convincing evidence of willful conduct in this forum.

4 ***C. The contempt citation is subject to collateral attack***

5 An invalid contempt citation is void and subject to collateral attack. *Hovey v. Elliott*
6 (1897) 167 U.S. 409, 414; *Java Oil Limited v. Sullivan* (2008) 168 Cal.App.4th 1178, 1187-
7 1188.

8 ***D. The contempt citation is void under federal law***

9 The distinction between a criminal and a civil contempt in the federal system depends
10 on whether the penalty is coercive and curable by complying with the court order in issue,
11 or not. *Hicks v. Feiock* (1988) 486 U.S. 624, 633-634. Because the purpose of a federal
12 contempt is to compel compliance with an order, it must be applied narrowly in order to
13 secure obedience for the benefit of the aggrieved party. *International Union, United Mine*
14 *Workers of America v. Bagwell* (1994) 512 U.S. 821, 828-829 ; *Spallone v. U.S.* (1990) 493
15 U.S. 265, 276; *United States v. Wilson* (1975) 421 U.S. 309, 319. And a civil contempt is
16 regarded as a 'severe' penalty and should not be imposed if there is any fair ground for
17 doubt as to the alleged misconduct. *MAC Corporation of America v. Williams Patent*
18 *Crusher* (Fed. Cir. 1985) 767 F.2d. 882, 885.

19 On the other hand, if a penalty of as little as \$50 is imposed as a sanction rather than an
20 incentive to comply, then the contempt is criminal in nature and the full constitutional
21 procedural array required by the 4th, 5th, and 6th Amendments (including the right to a jury
22 trial) must be afforded to the accused. *International Union etc. v. Bagwell, supra*; 512 U.S.
23 at 826, 829; *Penfield Co. v. SEC* (1947) 330 U.S. 585, 590.

24 If a civil contempt is imposed under circumstances where the contemnor is unable to
25 comply or the circumstances indicate the sanction will not compel compliance because the
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2 proceeding ended, a civil contempt is voided. *Shillitani v. U.S.* (1966) 384 U.S. 364, 371-372;
3 see *Maggio v. Zeitz* (1948) 333 U.S. 56.

4 The federal trial court's contempt citation violated all of these rules. First, the
5 proceedings were not criminal and did not proceed with the procedural requirements of a
6 criminal contempt hearing. Instead, the contempt was based on a Order to Show Cause to
7 appear on less than five business day's notice without, inter alia, a chance to conduct any
8 discovery or adduce relevant evidence. Even as a civil contempt hearing it was irregular.

9 Second, at hearing the federal court granted leave to withdraw, thus mooting any
10 disobedience of the prior order to file a motion to withdraw. (See Notice paragraph 12.)
11 The court cited counsel for contempt reciting a 'laundry list' of various case management
12 and discovery orders allegedly violated. However at that point, because counsel had been
13 relieved as counsel of record, he lacked any further ability to correct or comply with such
14 orders. Since a voluntary request for dismissal was already on file, the order simply could
15 not serve any remedial purpose in the case. That rendered the contempt an abuse of
16 discretion and erroneous as a matter of law. In short it was not a situation the contempt
17 power could resolve, and the federal trial court should have kept to the proscribed
18 remedies for pre-trial and discovery procedure in the federal system. This court lacks
19 jurisdiction to go back and "handle it different."

20 ***E. This court lacks jurisdiction to enforce federal local rules***

21 The order to file a motion to withdraw referenced in the Notice (par. 12) contains a
22 reference to the FRCP and local rules, and refers to the lack of funds to finance discovery
23 disclosed by respondent on behalf of the client in the papers filed prior to the July 2, 2011
24 hearing (also referenced in par. 12). Keeping it simple, those recitals were not findings of
25 fact nor findings of a violation of any of the rules referenced. The recitals served as a basis
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2 **or justification for the order to file a motion to withdraw. The court apparently was**
3 **sensitive to the implications of such an order on the contractual arrangements between**
4 **client and counsel as well as the client's right to chose counsel, by including references to**
5 **potential authority for withdrawal in the order itself. And, importantly, the order was an**
6 **order to file a motion to withdraw, not an order to withdraw. That is a critical distinction,**
7 **since it left open the issue of whether counsel would or could or should withdraw.**

8 **Keeping this simple, as a result this action is an attempt to litigate a motion that was not**
9 **actually filed and not litigated on the merits in the federal action. The contempt was based**
10 **on not filing the motion in accordance with the order, but nonetheless the court granted**
11 **leave to withdraw based on a subsequent pleading by counsel. Since the request for**
12 **voluntary dismissal had already been filed before the hearing on the contempt, and counsel**
13 **was allowed to withdraw, there is absolutely no legal or other basis for allowing SBTC to**
14 **litigate a "motion that never was" in this forum. Among other issues, California (SBTC)**
15 **would lack standing even if the motion could somehow proceed. Further the order**
16 **entrained the question of what the client wanted to do. If counsel agreed to stay and the**
17 **client chose to go forward despite the limited funds, the court could not have forced counsel**
18 **out of the case without depriving the client of her choice of counsel, for another issue.**

19 **Because the failure to file the motion on time was the basis for the contempt, not the**
20 **dicta by the federal trial court intended to justify the order, the motion was rendered moot**
21 **by that court by granting leave to withdraw and moot by dismissal of the case, this dispute**
22 **is by now long "old and cold and of no consequence" to anyone. That is, its of no practical**
23 **consequence except to Respondent who has to answer an ill-founded complaint, and the**
24 **client whose repose will be disturbed by being forced to be involved.**
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II. POLICY BASED CHALLENGES

A. A subjective decision cannot be adjudicated into a willful act

As a matter of policy this court should dismiss the Notice. This case will embroil the court in a process of second guessing Respondent's business judgment in taking the Von Haar case. That is what the case is really about: Punishing Respondent for taking a case he allegedly should not have taken in the first place for lack of funds to prosecute it. That by implication makes it Respondent's fault the client didn't recover anything in her PI case.

Aside from the obvious problem it is at best speculative to posit there would have been a recovery, as the Notice alleges Respondent took the case on over a year prior to the operative events. What appeared possible at that time, or nine months later when the complaint was filed, was different from what was clear in March or June 2011. The fee agreement does not oblige counsel to advance costs. Much transpired in the interim to affect counsel's ability to pay costs. The client has admitted she dismissed because she understood the lack of money, and herself had no funds to offer toward costs.

In the interim, starting in January 2012, efforts were made to find new counsel to take on the case. Despite persistent and repeated attempts to refer the case out, no other attorney would take it. These efforts were at least reasonable and it was appropriate for counsel to remain in the case to attempt to find new counsel, especially since the client did not wish to appear pro per.

Just as SBTC is seeking to re-hash now moot pretrial procedure in the federal case, they are also seeking to re-hash the decision making by counsel in taking the case, or later staying on in the case. But to get to the point, the decision by counsel of when to withdraw, especially to withdraw contrary to the wishes of the client, is highly subjective. So long as "reasonable minds" could differ on when withdrawal was appropriate and not

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2 **abandonment of the client's interests, it is impossible for the SBTC to carry a clear and**
3 **convincing burden of proof of willful misconduct. Thus this court should dismiss the**
4 **action.**

5 ***B. A lack of funds or lack of communication that makes it impractical or impossible to***
6 ***comply with court orders negates a contention the failure to comply was willful***

7 **A personal injury case taken on a contingency fee, such as the Von Haar case, is a form**
8 **of business venture where the client receives compensation and the attorney a profit if**
9 **there is a recovery and the contingent fee exceeds the costs and investment of time the**
10 **attorney makes in the case. The policy behind permitting contingent fees is that it allows**
11 **clients otherwise unable to afford to pay hourly fees access to the court system to redress a**
12 **tort. But because it is a form of business venture (law practice is a business not a charity or**
13 **public service) it requires capital investment and the largest component is court costs,**
14 **meaning the cost of conducting investigation and discovery and development of evidence.**
15 **In a personal injury case the latter inevitably entrains expenses for medical records and**
16 **medical testimony, as well as expenses for other experts on issues of duty and breach of**
17 **duty of care in a tort case such as, in the Von Haar case, a police procedure expert.**

18 **The business venture known as Von Haar vs. City of Mt. View lacked the capital to**
19 **succeed. The attorney ran out of money to invest (in substantial part due to financial**
20 **burdens and lost business resulting from a prior state bar disciplinary action) and the**
21 **client had none, such that by March 2011 there was no money even to conduct basic**
22 **discovery such as taking depositions. The alternative, of finding another attorney to take**
23 **the case on behalf of Ms. Von Haar, was attempted but also failed. As a consequence, the**
24 **case was later voluntarily dismissed con-jointly by attorney and client.**
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2 **The alleged misconduct by Respondent involving alleged failures to appear or failing to**
3 **cooperate in discovery as alleged, were a result of the foregoing lack of funds and the**
4 **attempt to find new counsel. As pointed out to the federal trial court (see Notice paragraph**
5 **11), it was simply not feasible to engage in setting a discovery schedule if plaintiffs lacked**
6 **the funds to conduct it, and if a new attorney was found, the discovery schedule would have**
7 **to be reworked to suit his or her schedule. The alternative of “going through the motions”**
8 **of conducting pseudo or “ghost” discovery scheduling carried with it a “Catch 22” risk of a**
9 **later motion to compel and demand for sanctions for frivolous conduct in not complying**
10 **with an agreement or scheduling discovery without the ability to complete it, or both.**
11 **Keeping it simple, compliance with the court’s orders was impractical if not impossible and**
12 **not willful or in bad faith.**

13 **It is noteworthy that postponement of the discovery activity by negotiation with**
14 **opposing counsel was attempted and both that attempt, an attempt to find new counsel and**
15 **lack of funds were reported to the trial court. Indeed, that information was the basis for**
16 **the federal court’s subsequent order to file a motion to withdraw, following the hearing in**
17 **July 2011. The very text of the order to file a motion to withdraw, referencing lack of**
18 **funds, clearly implies the trial court found those facts to be exculpatory and true since no**
19 **sanctions were imposed at that time..**

20 **Further, an attorney is required to take steps to avoid prejudice to the client before**
21 **withdrawing. This duty was a factor in regard to generating a discovery plan before**
22 **withdrawing from the case or otherwise committing the client to conduct any specific**
23 **discovery process. That is, opposing counsel had demonstrated a penchant for making**
24 **repeated demands for sanctions in even routine matters and otherwise demonstrated an**
25 **aggressive litigation ‘style.’ Leaving the client pro per with a discovery schedule she was**
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2 **incompetent to comply with, aside from the lack of funds, would almost certainly have lead**
3 **to one or more motions to compel and demands for sanctions for failure to comply with a**
4 **discovery order, once the discovery plan was approved by the court. Thus not only was the**
5 **failure to comply not willful, it was in the client's best interests not to be left pro per with a**
6 **fixed discovery plan and pending due dates she would violate by ignorance or mistake.**

7 **There was also still hope of finding new counsel at the time, an effort that continued on**
8 **the part of Respondent at least, from January into June 2011. A fixed discovery plan would**
9 **have been detrimental to finding new counsel, since many attorneys would be unwilling to**
10 **accept the burden of complying with a fixed and imminent discovery plan with dates and**
11 **preparation work-time very likely to conflict with such an attorney's other obligations.**

12 **Respondent was unable to contact the client from about June 1, 2012 for a period of**
13 **almost three months in which the client did not check in with counsel. As a consequence**
14 **counsel a) did not know whether the client had found another attorney or was talking to**
15 **someone; b) was unable to determine for sure whether the client wished to substitute in pro**
16 **per or, if not, dismiss the case; and c) could not provide notice to the client of the trial**
17 **court's order and provide advance notice attorney was withdrawing from the case. This**
18 **made it problematic to proceed.**

19 **In any case, the immediate reason for not filing the motion was simple negligent failure**
20 **to calendar it. As pointed out to the federal trial court, there are few if any valid excuses**
21 **for not calendaring or mis-calendaring a docket event or deadline. Mistakes in doing so are**
22 **perhaps the number one failing of practicing attorneys, especially litigators who must**
23 **'juggle' numerous calendar dates. Everyone knows the importance of calendar**
24 **management. But negligence is not willfulness. There is a complete lack of any**
25 **corroborative evidence to show attorney was motivated to avoid withdrawing or otherwise**
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deliberately avoid compliance. On the contrary, among others, there was a desire to cut short the loss the case represented and a desire to comply with a pending Rule 9.20 Order which would become effective in the near future. In short, respondent's conduct was not intentional; he simply forgot to timely calendar and file a motion likely to benefit him.

There was no harm done as a result of this failure and counsel did attempt (given the time constraints of Rule 9.20) to rectify the situation. First, contact was finally made with the client, the status of the case was discussed, respondent confirmed no new counsel, and the client opted not to proceed pro per and instead dismiss the action. A dismissal was then filed. Second, the federal trial court allowed counsel to withdraw from the case. Thus the entire matter has long since been rendered moot. This proceeding is oppressive and maliciously prosecuted contrary to law as a result, and the court should dismiss it.

FURTHER ANSWERING THE NOTICE OF DISCIPLINARY CHARGES FILED, RESPONDENT AVERS:

1. Respondent admits paragraph 3, 4, 5, 6, 7, 11, 12, 13, as to the fact(s) recited, but without admitting that the recitals are a complete statement of all relevant facts or refer to all relevant documents and pleadings, and without admitting any inferences, conclusions of fact or law, or arguments based thereon.

2. Respondent denies paragraphs 2, 8, 9, 10, 14.

As and for an affirmative defense, Respondent alleges that his conduct was not willful, intentional, or done in bad faith, was compelled by necessity and reasonable under the circumstances, was not done contrary to the best interests of the client, did not result in any harm to the client, and was rendered moot by voluntary dismissal of the action.

DATED: 8/8, 2012


William B. Look, Jr., pro per

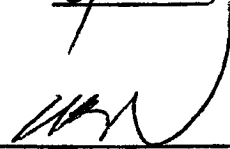
PROOF OF SERVICE BY MAIL

I declare that I am employed in the County of Monterey, California. I am over the age of eighteen years and not a party to the action herein. My business address is P. O. Box 1381, Monterey, California 93942.

On 8/8, 2012, I served the attached Answer on the following interested parties at their address of record, by placing a true copy thereof in a sealed envelope postage thereon fully prepaid, in the United States mail at Monterey, California:

**Office of State Bar Trial Counsel
State Bar of California
180 Howard Street
San Francisco CA 94105-1639**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on 8/8, 2012 at Monterey, California.



PUBLIC MATTER

FILED

JUL 31 2012

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

1 STATE BAR OF CALIFORNIA
 OFFICE OF THE CHIEF TRIAL COUNSEL
 JAYNE KIM, No. 174614
 2 CHIEF TRIAL COUNSEL
 JOSEPH R. CARLUCCI, No. 172309
 3 DEPUTY CHIEF TRIAL COUNSEL
 SUSAN I. KAGAN, No. 214209
 4 ASSISTANT CHIEF TRIAL COUNSEL
 SHERRIE B. MCLETCHIE, No. 85447
 5 SENIOR TRIAL COUNSEL
 TREVA R. STEWART, No. 239829
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STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of:)	Case No. 11-O-17894
WILLIAM B. LOOK, JR.,)	NOTICE OF DISCIPLINARY CHARGES
No. 66631,)	
A Member of the State Bar)	

NOTICE - FAILURE TO RESPOND!

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

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

The State Bar of California alleges:

00042

1 8. Respondent failed to complete the discovery specified in the May 4, 2011 order.

2 9. On or about May 26, 2011, defendants filed a notice informing the Court that
3 Respondent failed to comply with the May 4, 2011 order. Respondent was served with the
4 notice. Respondent received the notice. Respondent did not respond to the notice of non-
5 compliance.

6 10. On or about June 6, 2011, the Court issued an Order to Show Cause ("OSC") why the
7 case should not be dismissed for failure to prosecute. The order stated that plaintiff failed to
8 comply with discovery deadlines imposed in the May 4, 2011 order. Plaintiff was ordered to file
9 a written response to defendants' May 26, 2011 notice of non-compliance by June 20, 2011,
10 otherwise the entire action would be dismissed without prejudice for failure to prosecute.
11 Respondent was served with the OSC. Respondent received the OSC.

12 11. On or about June 17, 2011, Respondent filed a response, wherein he stated that he and
13 plaintiff lacked the financial resources to prosecute the case and that plaintiff had been seeking
14 new counsel.

15 12. On or about July 2, 2011, the Court issued an order requiring Respondent to file a
16 motion to withdraw from representation pursuant to Civil Local Rule 11-5 by July 15, 2011. The
17 order was served on Respondent. Respondent received the order.

18 13. Respondent did not file a motion to withdraw by July 15, 2011.

19 14. By failing to comply with the discovery deadlines in violation of the Court's order of
20 May 4, 2011, and failing to file a motion to withdraw as counsel by July 15, 2011 in violation of
21 the Court's July 2, 2011 order, Respondent wilfully disobeyed or violated an order of the court
22 requiring him to do or forbear an act connected with or in the course of Respondent's profession
23 which he ought in good faith to do or forbear.

24
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

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

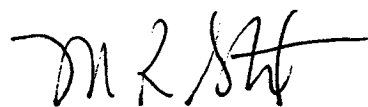
NOTICE - COST ASSESSMENT!

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.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: July 31, 2012

By: 

TREVA R. STEWART
Deputy Trial Counsel

DECLARATION OF SERVICE BY CERTIFIED AND REGULAR MAIL

CASE NO.: 11-O-17894

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

NOTICE OF DISCIPLINARY CHARGES

in a sealed envelope placed for collection and mailing as *certified mail, return receipt requested*, and in an additional sealed envelope as *regular mail*, at San Francisco, on the date shown below, addressed to:

Article No.: 7196 9008 9111 2191 2335
William Blackford Look, Jr.
P O Box 1381
Monterey, CA 93942-1381

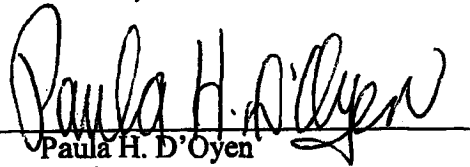
in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

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 San Francisco, California, on the date shown below.

DATED: July 31, 2012

Signed:


Paula H. D'Oyen
Declarant



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

ATTEST March 12, 2015
State Bar Court, State Bar of California,
Los Angeles

By *Shia Ray*
Clerk

The Court has also ordered you to comply with the provisions of Rule 9.20, California Rules of Court. Your affidavit must be timely filed with the State Bar Court by no later than **September 17, 2014**. Do NOT submit your original affidavit to the Office of Probation.

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

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

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

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

<u>Condition</u>	<u>Deadline(s)</u>
1. Contact Probation Deputy & Schedule Required Meeting	September 7, 2014
2. Rule 9.20	September 17, 2014
3. Quarterly Reports	Quarterly, commencing October 10, 2014
4. State Bar Ethics School	August 8, 2015

5. MPRE

During the period of your suspension, on or before August 8, 2015

6. Final Report

August 8, 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 **August 8, 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.

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

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).

William Blackford Look, Jr.

August 4, 2014

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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,



Terese Laubscher
Probation Deputy

/tl

Enclosures

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SUPREME COURT
FILED

JUL - 9 2014

State Bar Court No. 11-O-17894

S218353

IN THE SUPREME COURT OF CALIFORNIA

Frank A. McGuire Clerk
Deputy

En Banc

In re WILLIAM BLACKFORD LOOK, JR., on Discipline.

The petition for review filed as of June 18, 2014, is denied.

The court orders that William Blackford Look, Jr., State Bar Number 66631, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. William Blackford Look, Jr., is suspended from the practice of law for the first year of probation;
2. William Blackford Look, Jr., must comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its opinion filed on March 7, 2014; and
3. At the expiration of the period of probation, if William Blackford Look, Jr., has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

William Blackford Look, Jr., must take and pass the Multistate Professional Responsibility Examination during the period of his suspension 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).)

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

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

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

JUL 9 2014

day of _____ 20

By: _____

Clerk
Deputy

CANTIL-SAKAUYE

Chief Justice

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we find instructive *In the Matter of Riordan, supra*, 5 Cal. State Bar Ct. Rptr. 41, and *In the Matter of Katz* (Review Dept. 1995) 3 Cal. State Bar Ct Rptr. 430. Riordan received a six-month stayed suspension after he failed to obey two Supreme Court orders, failed to competently perform, and failed to report judicial sanctions. His misconduct was mitigated by a 17-year legal career with no prior record of discipline. Katz received a two-year suspension for committing acts involving moral turpitude, filing a bad faith bankruptcy petition, and violating two bankruptcy court orders. Katz had a prior record of discipline that also involved moral turpitude, committed his misconduct while on disciplinary probation, and lacked remorse.

Although Look's current misconduct is not as extensive as in *Riordan*, his prior discipline record makes his case significantly more serious. However, his misconduct is less serious than *Katz* due to the absence of conduct involving moral turpitude and the fact that Look was not yet on disciplinary probation when he committed his current misconduct. But Look did commit the present misconduct *after* he stipulated to misconduct in his second discipline case — at a time when he should have had a heightened awareness of his ethical duties. We believe the appropriate discipline falls between that imposed in *Riordan* and *Katz*. Guided by these cases and the standards, we conclude that a one-year period of suspension will adequately protect the public and preserve the integrity of the legal profession.

V. RECOMMENDATION

For the foregoing reasons, we recommend that William Blackford Look, Jr., be suspended from the practice of law for two years, that execution of that suspension be stayed, and that he be placed on probation for two years on the following conditions:

1. He must be suspended from the practice of law for the first year of his probation.
2. He must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of his probation.

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3. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including his current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, he must report such change in writing to the Membership Records Office and the State Bar Office of Probation.
4. Within 30 days after the effective date of discipline, he must contact the Office of Probation and schedule a meeting with his assigned probation deputy to discuss the terms and conditions of probation. Upon the direction of the Office of Probation, he must meet with the probation deputy either in person or by telephone. During the period of probation, he must promptly meet with the probation deputy as directed and upon request
5. Subject to the assertion of applicable privileges, he must answer fully, promptly, and truthfully, any inquiries of the Office of Probation that are directed to him personally or in writing, relating to whether he is complying or has complied with the conditions contained herein.
6. He 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, he must state whether he has complied with the State Bar Act, the Rules of Professional Conduct, and all of the conditions of probation during the preceding calendar quarter. In addition to all quarterly reports, a final report, containing the same information, is due no earlier than 20 days before the last day of the probation period and no later than the last day of the probation period.
7. Within one year after the effective date of the discipline herein, he must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and passage of the tests given at the end of that sessions. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and he shall not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)
8. The period of probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. At the expiration of the period of probation, if he has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

We further recommend that Look be ordered to take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners during the period of his suspension and to provide satisfactory proof of such passage to the Office of Probation within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

We also recommend that Look be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding. Failure to do so may result in disbarment or suspension.

Finally, we recommend that costs be awarded to the State Bar in accordance with section 6086.10, such costs being enforceable both as provided in section 6140.7 and as a money judgment.

REMKE, P. J.

WE CONCUR:

EPSTEIN, J.

PURCELL, J.



2014 California Rules of Court

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

(a) Disbarment, suspension, and resignation orders

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

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

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

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

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

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

(c) Filing proof of compliance

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

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

(d) Sanctions for failure to comply

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

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

Rule 9.20 amended and renumbered effective January 1, 2007; adopted as rule 955 effective April 4, 1973; previously amended effective December 1, 1990.

Division 6. Special Proceedings
Chapter 1. Rule 9.20 Proceedings

Rule 5.330 Nature of Proceeding

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

Rule 5.331 Definitions

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

Rule 5.332 Filing and Service of Declarations of Compliance

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

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

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

State Bar Court

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

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

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

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

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

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

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

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

[Signature]

(Print Name)

File this declaration at the State Bar Court, 845 S. Figueroa Street, 3rd Floor, Los Angeles, CA 90017-2515 (Approved by the State Bar Court Executive Committee 6/6/01; Revised 12/13/06)

MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION ("MPRE")

2014 Examination Schedule and Information

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

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

National Conference of Bar Examiners ("NCBE")

Website: www.ncbex.org

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

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

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

Passing scaled score 86

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

IN THE MATTER OF
William Blackford Look, Jr.

CASE NO(s): S218353 / 11-O-17894

Probation

(For Office of Probation Use Only)

QUARTERLY REPORT

First Report Due: October 10, 2014
(for period August 8, 2014 through September 30, 2014)

Final Report Due: August 8, 2016
(for period July 1, 2016 through August 8, 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:

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

Current Address

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

Suspension

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

State Bar Ethics School

___ I have registered for the State Bar Ethics School course given on _____.

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

Multi-State Professional Responsibility Examination

___ I have registered for the MPRE given on _____.

___ I have taken the MPRE given on _____ and am awaiting the results.

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

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

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: _____
William Blackford Look, Jr.
(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 Terese Laubscher in the Office of Probation at (213)765-1095.

NOTICE OF COUNSEL REPRESENTATION

Respondent: William Blackford Look, Jr.

State Bar Case #: S218353 / 11-O-17894

Member Number: 66631

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.

00016



THE STATE BAR
OF CALIFORNIA

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

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

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

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

LOS ANGELES			
845 S. Figueroa St., Los Angeles			
Class	Day	Date	Time
Ethics	Thurs	02/20	9a - 4p
CTA	Fri	02/21	9a - 12p
Ethics	Thurs	05/01	9a - 4p
CTA	Fri	05/02	9a - 12p
Ethics	Thurs	06/19	9a - 4p
CTA	Fri	06/20	9a - 12p
Ethics	Thurs	08/21	9a - 4p
CTA	Fri	08/22	9a - 12p
Ethics	Thurs	10/23	9a - 4p
CTA	Fri	10/24	9a - 12p
Ethics	Thurs	12/18	9a - 4p
CTA	Fri	12/19	9a - 12p

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

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

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



THE STATE BAR
OF CALIFORNIA

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

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

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

State Bar of California Ethics/CTA School Information

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

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

SAN FRANCISCO
180 Howard Street
San Francisco, CA 94105

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

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

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

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

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

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

OFFICE OF THE CHIEF TRIAL COUNSEL

Letty Ramos
Administrative Secretary

Enc.

00018



THE STATE BAR
OF CALIFORNIA

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

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

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

State Bar of California Ethics/CTA School Application Enrollment Form

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

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

SAN FRANCISCO
 180 Howard Street
 San Francisco, CA 94105

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

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

Please indicate below the reason for your attendance:

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

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

REQUIRED PROBATION MEETING RECORD

Case Name: William B. Look

Member No.: 66631 Case Number: 11-0-17894

Contact Compliance Date: 9-7-14 Contact Date: 9-8-14 Date of Required Meeting: 9-9-14

In-Person Meeting (State-Bar Offices - LA) Telephone Meeting

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

Discussed conditions of probation / revocation / 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

Same as SB Membership Records address & telephone number

New / Alternate (please circle one) address or telephone number: 831-238-6602 (cell)

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.) NA

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-delegatable) NA

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: See also SA Taddada's notes to file dated 9-9-14.

BY: J. Salom Probation Deputy Respondent (signature & acknowledgment of in-person meeting) n/a

Bill

9.9.14 10:30 Required Mtg for William Look w/Terese

① verified R got ltr - will go A, feel free 2 interrupt if Qs condtns p.2-3 = list dates OP receive by due date - Ustood

R = Q re Rule 9.20 - did u rvw ltr + all encl? yes, SCO 3
P 2d from bottom says - see? oh, alright, dif. from 1st QR
It's not a QR - is there a form for that?

Terese encourage u 2 rvw ltr again - R only has ltr itself encl. - Bear w/me

R disconnected + then cald bk + said sorry, must b cut u off - saw stuff in stack

Terese kp file of your docs - R: took me moment 2 loc R sees ct apr 9.20 - she rvwd due date, file w/st

he asked re adrs/movd - she dirctd him 2 adrs on both any more Qs 9.20 - no, that's clarified for me

MPRE: info sheet - he found it, not adminstred by SB, g website => 2015 schedule get from website - report

in adtn, once u get score, send me copy of rpt or don't k up took - Ustood - no Qs re MPRE - if u don't

→ send proof timely = auto susp - I Ustood ES by 8/8/15 nds proof - last 3p of ltr - only ordid do ES - c

schedule? I don't see, oh now I see, no MPRE - I can chk w/them + get date - Terese: do w/enuff time 2 get 2 me. I have til next yr, plenty of time - Terese - u

nd 2 wait til '15 to do ES.

QR: 2 p, R sees - only xptn to due on 10th, is final QR - see + don't sign early - time period on form - if sign/postmarked

rejectd, Qs? no - only orig filed, ez 2 if sign blue - U:
man h r b o l i n a r e c o n t a i n i t

register-
everyone raised
1st time
better-
now
max
MPRE
ES
clashes
bill up
sometimes

00023

Regard Mtg: 9/7 deadline - 9/8 call = out of compliance

Confirm adrs w/ Mem Records - if changes, notify us ASAP so

don't miss imp. mail - he said all current

no alternate contact - cell ok, mem # better

wouldn't ordinarily lk 2 4[↑] busns info

out of town most of last wk 4 family matrs

condtns SCO, no ability mod./xtnd by OP, you wld want

file w/tn SBC + serv OP - OK, 4 Ustnd

⇒ "I don't know how practical that is"

non-compliance referral

I asked Y-R had sistr die - couldn't do motion

told him tied into my 2d pt - not practicing for yr, ES

classes fill up - don't wait til last minute + unexpectd

things happen

R = I guess appropriate thing 2 say wld b 2 thank 4
comments + kp in mind

IN THE MATTER OF
William Blackford Look, Jr.

CASE NO(s): S218353 / 11-O-17894

Probation

RECEIVED
(For Office of Probation Use Only)
OCT 09 2014 TL
OFFICE OF PROBATION
LOS ANGELES

QUARTERLY REPORT

First Report Due: October 10, 2014
(for period August 8, 2014 through September 30, 2014)

Final Report Due: August 8, 2016
(for period July 1, 2016 through August 8, 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:

See Attached

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

Current Address

N/A

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

Suspension

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

State Bar Ethics School

N/A

I have registered for the State Bar Ethics School course given on Not done this quarter

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

Multi-State Professional Responsibility Examination

N/A

I have registered for the MPRE given on Not done this quarter

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: 10/3/2014
(Date of actual signature)

Signature: [Handwritten Signature]
William Blackford Look, Jr.
(Please sign in blue ink)

Attachement to Quarterly Report 10/10/14

This disciplinary action is still not final and review in the related Ninth Circuit Court of Appeals, Case No. 12-17764 and a petition for certiorari before the United States Supreme Court on direct appeal from this case are pending. Because of what may become unnecessary expense and effort Respondent is deferring scheduling the Ethics Class and MSPRE (both of which he previously completed and which cover no material relevant to this case, which is based on issues of federal pre-trial procedure the application of which cannot be definitively decided by a state court—including the State Bar Court), or any other affirmative requirement. Given what Respondent continues to regard as an oppressive prosecution pursued in disregard of the pending federal cases and Respondent's civil rights under the 5th and 14th Amendments, it is unfair to insist on premature compliance with the terms of probation given time for compliance is ample after 2014. Pending the outcome of the federal cases which are likely to impact this dispute Respondent has deferred scheduling classes or the MSPRE. There was no change in my contact information.

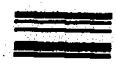
Attachment to Quarterly Report 10/10/14

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UNITED STATES





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<p>9405 5036 9930 0389 3693 22</p>	
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<p>RECEIVED STATE BAR OF CALIFORNIA LOS ANGELES CA 90017-2515</p> <p>SHIP TO: PROBATION OFFICE STATE BAR OF CALIFORNIA 805 FIGUEROA ST LOS ANGELES CA 90017-2515</p>	
<p>0004</p>  <p>W LOOK PO BOX 1381 MONTEREY CA 93942-1381</p> <p>Expected Delivery Date: 10/06/2014</p>	
<p>PRIORITY MAIL 2-DAY™</p>	
<p>usps.com 9405 5036 9930 0389 3693 22 0050 5000 0009 0017</p> <p>\$5.05 US POSTAGE Flat Rate Env</p>  <p>Commercial Base Pricing</p> <p>Mailed from 93942 062S00000000309</p> <p>10/03/14</p>	
<p>UNITED STATES POSTAL SERVICE®</p> <p>Click-N-Ship®</p>	

00030

<p>IN THE MATTER OF William Blackford Look, Jr.</p> <p>CASE NO(s): S218353 / 11-O-17894</p> <p>Probation</p>	<p style="text-align: center;">RECEIVED</p> <p style="text-align: center;">(For Office of Probation Use Only)</p> <p style="text-align: center;">OCT 14 2014 <i>TL</i></p> <p style="text-align: center;">OFFICE OF PROBATION LOS ANGELES</p>
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QUARTERLY REPORT

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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:

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:

See Attached

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

Current Address

N/A

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

Suspension

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

State Bar Ethics School

N/A

I have registered for the State Bar Ethics School course given on Not done this quarter

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

Multi-State Professional Responsibility Examination

N/A

I have registered for the MPRE given on Not done this quarter

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: 10/3/2014
(Date of actual signature)

Signature: [Signature]
William Blackford Look, Jr.
(Please sign in blue ink)

(Amended) Attachment to Quarterly Report 10/10/14

This disciplinary action is still not final and review in the related Ninth Circuit Court of Appeals, Case No. 12-17764 and a petition for certiorari before the United States Supreme Court on direct appeal from this case are pending. Because of what may become unnecessary expense and effort Respondent is deferring scheduling the Ethics Class and MSPRE (both of which he previously completed and which cover no material relevant to this case, which is based on issues of federal pre-trial procedure the application of which cannot be definitively decided by a state court—including the State Bar Court), or any other affirmative requirement. Given what Respondent continues to regard as an oppressive prosecution pursued in disregard of the pending federal cases and Respondent's civil rights under the 5th and 14th Amendments, it is unfair to insist on premature compliance with the terms of probation given time for compliance is ample after 2014. Pending the outcome of the federal cases which are likely to impact this dispute Respondent has therefore deferred scheduling classes or the MSPRE. There was no change in my contact information.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was made 10/11/14 at Monterey CA.



William B. Lock, Jr.

**William B. Look, Jr.
PO BOX 1381
Monterey CA 93942
831.372.1371**

October 11, 2014

**Terese Laubscher
State Bar Office of Probation
845 South Figueroa St.
LA CA 90017-2515**

re 11-O-17894 (S218353)

Dear Person:

I received a telephone contact after 4 pm on Friday October 10, 2014. In the message you indicated you had problems with the format and content of the Quarterly Report you received earlier in the week. Based on your comments I would say first they are consistent in taking advantage of ambiguities in the forms your office uses to hypothecate errors on my part, more or less consistent with this prosecution generally which is based on a self-serving interpretation of the State Bar Act contrary to its plain language by the State Bar. To make a technical point which bears on my dealings with the State Bar generally, the State Bar is not a rule making state agency and I dispute that your internal office procedures and forms have the legal status of regulations or even have sufficient status that strict compliance is an 'add-on' requirement for satisfying the conditions of probation imposed by the California Supreme Court. The Probation Department lacks authority to 'enhance' or 'augment' the actual terms of the Supreme Court order after the fact, since the State Bar lacks any authority to discipline attorneys except by reproof.

What that means in terms more specific to the quarterly report is, from the first contact with you and your supervising attorney, your office took the position I was not in compliance with your letter of August 4, 2014 because I contacted you on the last day to set up an appointment. Although the highlighted language in your letter states: "You must also schedule a meeting with me . . . within 30 days . . ." You and your supervising attorney claimed I was "already" not in compliance because I had not scheduled the meeting within 30 days, an interpretation which makes the actual language of the letter ambiguous. I read it as 'contact us within 30 days to make an appointment' which is what I did. You and your supervising attorney made it clear that wasn't good enough and I was supposed to both contact you and set the appointment within 30 days whatever the letter says.

For this reason when I completed the Quarterly Report I interpreted the language of the pre-printed form strictly to avoid another similar dispute, especially since the report must be signed under oath. Thus the reason I checked the "or" box on page 1 regarding compliance is because it provides "During the reporting period . . . I have complied with . . . all conditions of probation except:" and contains lines to fill in. Because my handwriting is not always clear I typed an attachment as the form indicates to do. And I checked that box because I have not completed all terms of probation as the quoted language requires.

First, compliance with the MPRE and Ethics Class referenced in the attachment may be routine but are nonetheless a part of the conditions of probation specified in the Supreme Court Order. Because I have not yet complied with those terms I literally did not comply with all terms of probation within the quarter as I indicated in the attachment.

Your message indicated the form was supposed to be interpreted to mean 'complied with everything I had to get done within this quarter' or something like that. That may seem clear to you but is not obvious to me given the terms of the form you provided and the form does not state anything like that. The language of the form is all-inclusive. Since before you took a 'strict' approach and now take a 'liberal' approach to interpreting language, the form is confusing as applied.

As for the declaration under penalty of perjury, the attachment was stapled as a part of the report which is signed under penalty of perjury. That makes the attachment 'covered' by the jurat at the end of the form which I did sign and complete. I should point out that it not common legal practice to re-verify or re-declare separately all attachments to a verified or declared pleading or similar document. For example, the Judicial Council litigation forms in common use provide for similar attachments (and even have an attachment form) but don't require a separate declaration because, if required, a verification or declaration is included in the 'main' form that the attachment becomes a part of.

Having filed probation reports in similar fashion in past it didn't occur to me I would suddenly be required to re-verify attachments since, technically, the attachment is not a separate 'stand alone' declaration, which is what the parenthetical language at the end of the fill-in spaces you are referring to implies. Without intending to admit there was anything wrong with the first version, I have enclosed another copy of the report with a jurat added to the attachment, to meet this ambiguity of the quarterly form.

You also stated you did not understand the attachment to the quarterly report. This letter and all communications with the State Bar are adversarial, since this case is not over and still in litigation. You will need to confer with your own counsel regarding the report. However the attachment read as intended means I have not satisfied all terms of probation to date but have not violated any terms of probation during the quarter.

Yours truly,



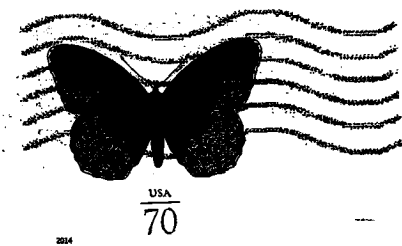
WILLIAM B. LOOK, JR

Enclosure: Quarterly Report with attachment

William B. Look, Jr.
PO BOX 1381
Monterey CA 93924

OAKLAND CA 946

11 OCT 2014 PM 4 1



00037

Confidential Matter

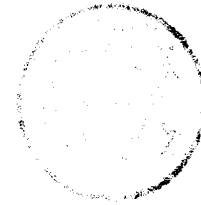
RECEIVED

OCT 14 2014

**OFFICE OF PROBATION
LOS ANGELES**



Terese Laubscher
State Bar Office of Probation
845 South Figueroa St.
LA CA 90017-2515



90017251545



AIRMAIL

B1

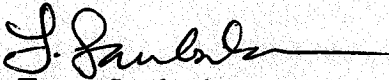
PROBATION DEPARTMENT
1000 JEFFERSON BLVD
LOS ANGELES, CA 90007

William B. Look, Jr.
December 12, 2014
Page 2

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

Please note that even if you are referred, you are **STILL REQUIRED TO TIMELY COMPLY** with all probation conditions in this matter. Additional violations may be subject to a separate non-compliance referral. If you have any questions regarding this matter, please contact me at (213) 765-1095.

Sincerely,



Terese Laubscher
Probation Deputy

/tl

Enclosures

00040

Discipline Costs - 2014

Pursuant to action by the State Bar's governing board in January 2011 and May 2012, the costs assessed for disciplinary matters are adjusted annually to account for changes in labor and other resource costs. The adjustment is calculated by combining 40% of the year-on-year percentage change in the Consumer Price Index¹ with 60% of the annual percentage change in the Employment Cost Index for Management, Professional and Related Occupations². For 2014, the adjustment is an increase of 2.31%.

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

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

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

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

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

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.

IN THE MATTER OF
William Blackford Look, Jr.

CASE NO(s): S218353 / 11-O-17894

Probation

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DEC 17 2014 TL

OFFICE OF PROBATION
LOS ANGELES

QUARTERLY REPORT

First Report Due: October 10, 2014
(for period August 1, 2014 through September 30, 2014)

Final Report Due: August 3, 2016
(for period July 1, 2016 through August 3, 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

X 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:

(See Attached)

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

Current Address

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

Suspension

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

State Bar Ethics School

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

Multi-State Professional Responsibility Examination

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

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: 12/14/2014
(Date of actual signature)

Signature: 
William Blackford Look, Jr.
(Please sign in blue ink)

(Second Amended) Attachment to Quarterly Report Originally served on or before 10/5/14:

Because federal appeals are still pending, Respondent has deferred scheduling the Ethics Class and MSPRE or any other affirmative probation requirement that is not due at this time. Since a message was received from the probation office demanding another revision of this report, Respondent has elected to respond and add the following, rather than wait until January 2015 to report further.


After sending in the prior amended report Respondent became aware of two matters wherein he remained on service lists after the effective date of the suspension. Both involved the same client. In one instance a non-party motion was made in a bankruptcy proceeding in October 2013 and although the motion had been concluded for several months Respondent was added to the general service list in the bankruptcy. As a result he received electronic notices after October 10, 2014 of general matters germane to the bankruptcy administration. Respondent has since had his name removed from that service list.

In the second instance, an appeal was filed in February 2014 in which Respondent was counsel of record; however there were several post-trial motions in the trial court, the last heard the week prior to the effective date of the suspension. A timely substitution of the clients pro per was filed in the trial court and respondent stopped doing further work on the case by the date of suspension. (The client had been given more than 30 days prior notice of the suspension.) Other than sending an email and reminder email about transfer of the client file, nothing was heard from the client until the last week of September 2014 when a new attorney contacted Respondent. Altogether there were contacts from 3 different attorneys and several further contacts about transfer of the file, until a new attorney was hired by the client in mid-October 2014.

However a letter-notice from the Court of Appeal dated October 15, 2014, indicated Respondent was still on the service list as counsel of record. Accordingly Respondent served a Notice of Non-representation (including a copy of the substitution and the suspension disclosures) with the court of appeal, and made a demand new counsel promptly file a substitution of attorney. So far as Respondent knows that was done, and he has received no further papers from the court.

Other than emails related to substitution of new counsel or delivery of the file, no legal services were provided to the former client after the substitution and no papers filed, etc., in either case. Respondent was unaware he remained on either service list until October 2014 as indicated.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was made 12/13/14 at Monterey CA.



William B. Look, Jr.

William B. Look, Jr.
PO BOX 1381
Monterey CA 93942
831.372.1371

December 14, 2014

Terese Laubscher
State Bar Office of Probation
845 South Figueroa St.
LA CA 90017-2515

re 11-O-17894 (S218353)

Dear Person:

I received a telephone message by cell phone 12/12/14 in which basically you state you don't like the way in which I revised the Quarterly probation report submitted for October 2014. I am not sure what the problem is this time given your comments about "a citation to a 9th Circuit Case" and so on. (That case is still pending.) I attempted in good faith to meet your last suite of disagreements with my original submission, and provided a revised declaration for the extra page incorporated into the report, among other changes. For the record, the original or first version was timely.

However, because of my duty to cooperate with the State Bar, and because of developments after the last submission, I will submit a third version of the October Quarterly report. As indicated in the report, I am doing so in lieu of waiting until the January 2015 report is due.

Yours truly,


WILLIAM B. LOOK, JR

Enclosure: Second Amended 10/14 Quarterly Report



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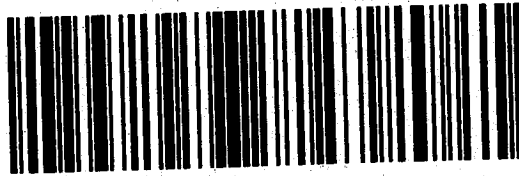
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William B. Look, Jr.
PO BOX 1381
Monterey CA 93942
831.372.1371

December 28, 2014

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JAN 02 2015

TL

OFFICE OF PROBATION
LOS ANGELES

Terese Laubscher
State Bar Office of Probation
845 South Figueroa St.
LA CA 90017-2515

re 11-O-17894 (S218353)

Dear Person:

I received the attached letter. I do not appreciate the uncooperative and hostile tone of your letter. I have attempted to comply with your repeated demands for revision of my report originally due October 5, 2014, and timely submitted in the first iteration. You have, in response to the original and my amended reports, alleged that my reports were non-compliant or ambiguous in some way, an allegation I dispute.

In general, your comments about my reports have each time related to the stylized or fixed language of the State Bar preprinted form and some problem you saw between that language and the attachment you asked me to provide. I did not write the language of the Probation Department's form. The problem is a 'semantic' problem, to the extent in your opinion there is any ambiguity. What I see is a conflict with the fixed language and the real world, where circumstances that may be related in the attachment the form calls for, often do not fit an "either x or y" or "black or white" or "compliant or not-compliant" dichotomy. You are reading the State Bar form as if there is either compliance or non-compliance in absolute terms and then claiming my reports are unclear. I don't agree with your interpretation (or misunderstanding) of my reports.

More specifically, I have tried to meet you half way and have now submitted two amended reports on your multiple requests. Your attached letter is a new demand for a third revision. At this point, at the end of December with a new report due in two weeks, I feel this is unreasonable and even irrational. You are repeating the same objections despite the changes in the revised reports. Your own letter is itself ambiguous in substantial part, especially the second paragraph which is hardly a clear statement exactly what you think was wrong with the last submission. It also assumes things to be the case which are not the case, such as misrepresenting the content of my 9.20 compliance declaration. Coupling your antagonistic comments with threats I regard as irascible.

Thus when you say please submit a compliant report my response is to say that, in my view, all three reports already submitted were adequate reports. There is a difference between being compliant with the terms of probation and submitting an adequate report. Either option could be true and the other not, or both true. I feel I have submitted conforming and adequate reports and stated in the attachments relevant information relating to compliance with the terms of probation, if there was an issue, exactly as the form requires.

A separate problem is the probation reports I am submitting have legal significance and therefore it is not appropriate for you to attempt to 'edit' or force me to revise them to suit your preferences. That is particularly so since this dispute is still pending in the Federal court system and the State Bar is still my de facto litigation adversary. And to be frank a lot of the problems you assert so far appear to me to be related to your inexperience with litigation and its processes. I doubt you had any working experience in the legal field before taking this job. If so you should have been familiar with a few obvious things.

For example, your reference to service on opposing counsel suggests a lack of experience of civil litigation. The term 'service' means sending a copy to all attorneys of record and any unrepresented parties. So when I said I 'served' a document that means the document was sent as notice to all attorneys. Thus the substitution referenced was served on opposing counsel and so was the later Notice I filed in the appeal referenced in my declaration. Be aware the June 2014 Supreme Court Order was rescinded by a July Order, creating a sort of notice and re-notice situation resulting in duplication of actual notice to the client and other parties. And there is the problem of privileged communications. This is a State Bar vs. Attorney dispute and there is no client waiver. You should be aware only the date and fact of various communications can be disclosed but not the content if privileged.

As for the problem of being 'left' on service lists, I had the same problem in 2011 of "ghost" entries in court computer systems. In 2011 I had a case that had been settled over six months that was not updated in the Case Management System. Thus I was served with papers for a 'ghost' hearing during my probation period and had to contact that court to correct the docket. There seems to be a "lag" or "drag" between the filing of documents and updating calendar and other computerized entries in some courts. So if they don't update after a case is concluded or I am substituted out, or whatever, I may not be aware of it for some time. Thus in the bankruptcy matter mentioned in my report, the actual legal services were in 2013 but I was retained on the service list into 2014. Be aware that in a bankruptcy a long list of creditors and other parties entitled to notice is generated. In the Detroit Bankruptcy for example the service list has well over 10,000 entries. Thus as stated in the report, I had to contact a court in two instances and ask them to update their records.

For the foregoing reasons I do not consider your demand for a fourth report to be reasonable or necessary. I decline to submit one since at this point it is obvious to me it would be futile as you would simply find fault with a fourth revision. It is my duty to cooperate and I will try to meet *reasonable* requests for information by the Probation Office but your last request is not reasonable. For the record, I am not violating the law. I complied in substance with Rule 9.20, did not practice law after the suspension date, and attempted in good faith to comply with the notice requirements of Rule 9.20 where I corrected any technical issue of non-compliance that arose during the probation period.

Yours truly,


WILLIAM B. LOOK, JR

Enclosure: Copy 12/23/14 letter.

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William Blackford Look

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CASE NO(s): S218353 / 11-O-17894

JAN 12 2016

Probation

OFFICE OF PROBATION
LOS ANGELES

QUARTERLY REPORT

First Report Due: October 10, 2014
(for period August 8, 2014 through September 30, 2014)

Final Report Due: August 8, 2016
(for period July 1, 2016 through August 8, 2016)

Due: January 10, 2015 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:

(SEE ATTACHED DECL.)

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

Current Address

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

Suspension

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

State Bar Ethics School

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

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

Multi-State Professional Responsibility Examination

I have registered for the MPRE given on _____.

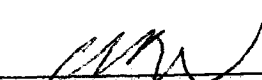
I have taken the MPRE given on _____ and am awaiting the results.

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

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

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: 1/6/2014
(Date of actual signature)

Signature: 
William Blackford Look, Jr.
(Please sign in blue ink)

Attachment to Quarterly Report 1/10/15:

Because federal appeals are still pending, Respondent has deferred scheduling the Ethics Class and MSPRE or any other affirmative probation requirement that is not due at this time. The following is similar to material included in the 10/5/2014 (Amended) Report because of the overlap in time during the two reporting periods.

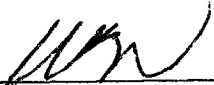
After sending in the initial report Respondent became aware of two matters wherein he remained on service lists after the effective date of the suspension. Both involved the same client. In one instance a non-party motion was made in a bankruptcy proceeding in October 2013 and although the motion had been concluded for several months Respondent was added to the general service list in the bankruptcy. As a result he received electronic notices after October 10, 2014 of general matters germane to the bankruptcy administration. Respondent has since had his name removed from that service list. In the second instance, an appeal was filed in February 2014 in which Respondent was counsel of record; however there were several post-trial motions in the trial court, the last heard the week prior to the effective date of the suspension. A timely substitution of the clients pro per was filed in the trial court and respondent stopped doing further work on the case by the date of suspension.

Other than sending an email and reminder email about transfer of the client file, nothing was heard from the client until August 26, 2014, when an inquiry for information was received from the client and his bankruptcy attorney. The next contact was October 2, 2014 also by email, which initiated a series of emails regarding retention of a new attorney for the appeal with three different attorneys and the client, which continued until a final contact regarding the file October 24, 2014.

During the latter series of communications a letter-notice from the Court of Appeal dated October 15, 2014 was served which indicated Respondent was still on the service list as counsel of record despite a prior substitution. Accordingly Respondent served a Notice of Non-representation (including a copy of the substitution and the suspension disclosures) with the court of appeal and on opposing counsel, and made a separate demand the client's new counsel promptly file a substitution of attorney. So far as Respondent knows that was done, and he has received no further papers from the court of appeal and has had no business contacts with the client nor with the new attorney since October 2014.

Other than emails related to substitution of new counsel, status of the appeal, or delivery of the file, or the above notice (for which Respondent did not request compensation), no legal services were provided to the former client after the substitution and no papers were prepared or filed relating to the merits in either case. Respondent's status was passive on either service list after the suspension date until removed in October 2014 as indicated.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was made 1/6/14 at Monterey CA.



William B. Look, Jr.

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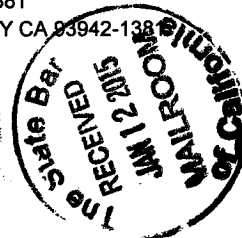
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00059

IN THE MATTER OF
William Blackford Look, Jr.

FILE
(For Office of Probation Use Only)

CASE NO(s): S218353 / 11-O-17894

APR 13 2015 *TL*

Probation

OFFICE OF PROBATION
LOS ANGELES

QUARTERLY REPORT

First Report Due: October 10, 2014
(for period August 2, 2014 through September 30, 2014)

Final Report Due: August 8, 2016
(for period July 1, 2016 through August 8, 2016)

Due: January 10, 20__ April 10, 20/5 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:

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

Current Address

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

Suspension

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

State Bar Ethics School

I have registered for the State Bar Ethics School course given on 6/22/15
 I have completed the State Bar Ethics School course given on _____
A copy of my certificate of completion is attached if not previously submitted.

Multi-State Professional Responsibility Examination

I have registered for the MPRE given on _____
 I have taken the MPRE given on 3/28/2015 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: 4/9/2015
(Date of actual signature)

Signature: [Signature]
William Blackford Look, Jr.
(Please sign in blue ink)



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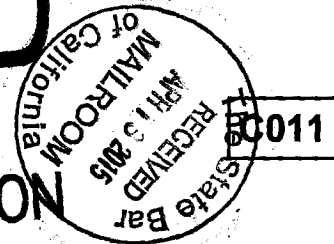
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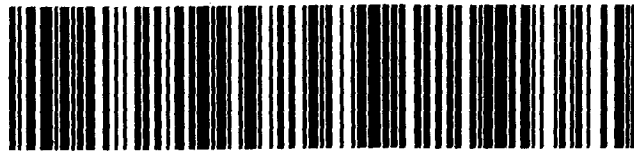
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April 11, 2015 , 6:27 am	Arrived at Post Office	LOS ANGELES, CA 90057
April 11, 2015 , 3:22 am	Arrived at USPS Facility	LOS ANGELES, CA 90052
April 10, 2015 , 6:22 am	Departed USPS Facility	RICHMOND, CA 94850
April 10, 2015 , 4:04 am	Arrived at USPS Facility	RICHMOND, CA 94850
April 10, 2015 , 3:00 am	Departed USPS Facility	SAN JOSE, CA 95101
April 9, 2015 , 8:45 pm	Arrived at USPS Origin Facility	SAN JOSE, CA 95101
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April 9, 2015 , 3:01 pm	Acceptance	CARMEL VALLEY, CA 93924

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USPS
UNITED STATES POSTAL SERVICE
FIRST CLASS PERMIT NO. 1000 WASHINGTON DC 20540
POSTAGE WILL BE PAID BY ADDRESSEE
NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

00068

Laubscher, Terese

From: Gonzalez, Antonio
Sent: Tuesday, April 14, 2015 1:28 PM
To: Goldade, Terrie
Cc: Laubscher, Terese
Subject: RE: William Look

We do not have a mailbox with the post office, nor do we get deliveries after hours or weekends. I don't understand why it would say the below other than it was probably delivered to the Foy Station (90057), which is where we pick-up our U.S. Mail on a daily basis. Really Weird...

Respectfully,

Antonio Gonzalez | Supervisor, Office & Reception Services | Office of General Services | State Bar of California
845 South Figueroa Street, Los Angeles, CA 90017 | LA 213-765-1113 | FAX 213-765-1699 | CELL 213-663-3379 | antonio.gonzalez@calbar.ca.gov

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From: Goldade, Terrie
Sent: Tuesday, April 14, 2015 10:52 AM
To: Gonzalez, Antonio
Cc: Laubscher, Terese
Subject: William Look

Good morning!

According to the USPS, the above R had his QR delivered on Saturday, 4/11/15. Is this possible?



On Time
Expected Delivery Day: **Saturday, April 11, 2015**

Product & Tracking Information

Postal Product:
Priority Mail 2-Day™

Extra Svc:
USPS Tracking™

DATE & TIME	STATUS OF ITEM
April 11, 2015 , 9:01 am	Delivered, In/At Mailbox

Your item was delivered in or at the mailbox at 9:01 am on April 11, 2015

April 11, 2015 , 6:27 am	Arrived at Post Office
April 11, 2015 , 3:22 am	Arrived at USPS Facility
April 10, 2015 , 6:22 am	Departed USPS Facility
April 10, 2015 , 4:04 am	Arrived at USPS Facility
April 10, 2015 , 3:00 am	Departed USPS Facility
April 9, 2015 , 8:45 pm	Arrived at USPS Origin Facility
April 9, 2015 , 5:43 pm	Departed Post Office
April 9, 2015 , 3:01 pm	Acceptance

The stamp from the mailroom says 4/13/15.
Thanks,

--
Terrie Goldade | Supervising Attorney
Office of Probation
The State Bar of California | 845 S. Figueroa St. | Los Angeles, CA 90017
213.765.1494 | terrie.goldade@calbar.ca.gov | fax: 213.765.1439

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