



**PUBLIC MATTER**

**FILED**

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**SEP - 8 2015**

**STATE BAR COURT OF CALIFORNIA**

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

**HEARING DEPARTMENT – SAN FRANCISCO**

In the Matter of	)	Case Nos.: <b>14-O-02554-LMA</b> (14-O-03200;
	)	14-O-02924; 14-O-04269)
<b>CHARLES GREGORY WILLIAMS,</b>	)	
	)	<b>DECISION AND ORDER OF INVOLUNTARY</b>
<b>Member No. 172907,</b>	)	<b>INACTIVE ENROLLMENT</b>
	)	
<b>A Member of the State Bar.</b>	)	

Respondent Charles Gregory Williams (respondent) is charged with 16 counts of misconduct. He failed to participate either in person or through counsel, and his default was entered. The Office of the Chief Trial Counsel (State Bar) filed a petition for disbarment under rule 5.85 of the Rules of Procedure of the State Bar.<sup>1</sup>

Rule 5.85 provides the procedure to follow when an attorney fails to participate in a disciplinary proceeding after receiving adequate notice and opportunity. The rule provides that, if an attorney's default is entered for failing to respond to the notice of disciplinary charges (NDC) and if the attorney fails to have the default set aside or vacated within 90 days, the State Bar will file a petition requesting the court to recommend the attorney's disbarment.<sup>2</sup>

In the instant case, the court concludes that the requirements of rule 5.85 have been satisfied and, therefore, grants the petition and recommends that respondent be disbarred from the practice of law.

<sup>1</sup> Unless otherwise indicated, all references to rules are to the Rules of Procedure of the State Bar.

<sup>2</sup> If the court determines that any due process requirements is not satisfied, including adequate notice to the attorney, it must deny the petition for disbarment and take other appropriate action to ensure that the matter is promptly resolved. (Rule 5.85(F)(2).)

## FINDINGS AND CONCLUSIONS

Respondent was admitted to practice law in this state on December 8, 1994, and has been a member of the State Bar of California since that time.

### **Procedural Requirements Have Been Satisfied**

The State Bar filed and properly served the NDC in this proceeding on December 22, 2014 at respondent's membership-records address by certified mail, return receipt requested. The NDC notified respondent that his failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.) On that same date, a copy of the NDC was sent to respondent by first-class mail to his official address.

Thereafter, on February 2, 2015, the State Bar left respondent a voicemail at his official telephone number for State Bar purposes and advised him that the State Bar intended to file a motion for entry of default in this matter.

Respondent failed to file a response to the NDC. On February 4, 2015, the State Bar properly filed and served a motion for entry of respondent's default on respondent at his membership-records address by certified mail, return receipt requested. The motion complied with all the requirements for a default, including a supporting declaration of reasonable diligence by the State Bar declaring why the additional steps to provide notice to respondent once the NDC was actually filed and served on respondent. (Rule 5.80.) The motion also notified respondent that, if he did not timely move to set aside his default, the court would recommend his disbarment.

Respondent did not file a response to the motion, and his default was entered on February 20, 2015. The order entering the default was properly served on respondent at his membership-records address by certified mail, return receipt requested. However, the order was returned undelivered to the State Bar Court marked "Unclaimed [¶] Unable to Forward."

In the order entering default, the court also ordered that respondent be involuntarily enrolled as an inactive member of the State Bar of California under Business and Professions Code section 6007, subdivision (e),<sup>3</sup> effective three days after service of the order. Respondent has continuously been involuntarily enrolled inactive under that order since that time.

Respondent did not seek to have his default set aside or vacated. (Rule 5.83(C)(1) [attorney has 90 days to file motion to set aside default].) On May 27, 2015, the State Bar properly filed and served a petition for disbarment after default on respondent at his membership-records address by certified mail, return receipt requested. The State Bar reported in the petition that (1) it had not had any direct contact with respondent after his default was entered; (2) there is one disciplinary proceeding pending against respondent; (3) respondent has no prior record of discipline; and (4) the Client Security Fund has not made any payments due to respondent's conduct.

Respondent did not respond to the petition for disbarment or move to set aside or vacate the default. The case was submitted for decision on June 23, 2015.

### **The Admitted Factual Allegations Warrant the Imposition of Discipline**

Upon entry of a respondent's default, the factual allegations (but not the charges or conclusions) in the NDC were deemed admitted and no further proof was or is required to establish the truth of such facts. (Rule 5.82.) As set forth below in greater detail, the factual allegations in the NDC support the conclusion that respondent is culpable as charged on all 11 counts of misconduct and, therefore, violated a statute, rule or court order that would warrant the imposition of discipline. (Rule 5.85(F)(1)(d).)

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<sup>3</sup> All further statutory references are to the Business and Professions Code.

**Case Number 14-O-02554 (Ventura Matter)**

Counts One and Two – respondent willfully violated sections 6068, subdivision (a)/6125/6126 (unauthorized practice of law) by holding himself out as entitled to practice law and actually practicing law between July 12 and 23, 2013 by entering into a fee agreement with a client and rendering legal services to him. On these same facts, there is not clear and convincing evidence that respondent willfully violated section 6106 (moral turpitude).

Count Three – there is not clear and convincing evidence that respondent willfully violated rule 3–110(A) of the Rules of Professional Conduct (not performing competently) as the allegations are unclear about whether he was or was not entitled to practice law during the time in which he was alleged to not perform competently.

Count Four – respondent willfully violated section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to two State Bar investigation letters regarding case no. 14–O–02554

**Case Number 14-O-03200 (Brice Matter)**

Count Five – there is not clear and convincing evidence that respondent willfully violated rule 3–110(A) of the Rules of Professional Conduct (not performing competently) as the allegations are unclear about whether he was or was not entitled to practice law during the time in which he was alleged to not perform competently.

Count Six – there is not clear and convincing evidence that respondent willfully violated section 6068, subdivision (b) (failure to obey court order) by not complying with the May 22, 2014 order to pay sanctions in *Brice v. Menlo College*, San Mateo County Superior Court case no. CIV524787 as the allegations do not indicate that the sanctions were ordered against respondent.

Count Seven – respondent willfully violated section 6068, subdivision (o)(3) (failure to report judicial sanctions) by not reporting \$1900 ordered in sanctions against him in *Brice v. Menlo College*, San Mateo County Superior Court case no. CIV524787.

Count Eight – respondent willfully violated rule 3-700(A)(2) of the Rules of Professional Conduct (improper withdrawal from employment) by not informing his client that he was withdrawing from employment after appearing at a May 20, 2014 hearing.

Count Nine – respondent willfully violated section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to two State Bar investigation letters regarding case no. 14-O-03200.

**Case Number 14-O-02924 (NSF Checks)**

Count 10 – respondent willfully violated section 6106 (moral turpitude) by knowingly or grossly negligently issuing a check for \$250 against insufficient funds (NSF check) from his client trust account (CTA) on January 31, 2014.

Count 11 – respondent willfully violated section 6068, subdivision (i) by failing to provide a substantive response to a State Bar investigation letter regarding his NSF check.

**Case Number 14-O-04269 (Soules Matter)**

Counts 12 and 13 – respondent willfully violated rule 4-100(A) of the Rules of Professional Conduct (failure to maintain client funds in trust account) by failing to maintain a \$25,000 balance in client settlement proceeds in his client trust account (CTA). Also, between December 10, 2013 and January 10, 2014, respondent willfully violated section 6106 (moral turpitude) by dishonestly or grossly negligently misappropriating \$25,000 that he was required to maintain on behalf of his client.

Count 14 – respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct (failure to render accounts of client funds) by not rendering an appropriate accounting

to the client regarding \$25,000 in settlement funds after the client's requests for such an accounting on February 12 and 19, 2014.

Count 15 – respondent willfully violated rule 4-100(B)(4) of the Rules of Professional Conduct (failure to pay client funds promptly) by not paying the client any portion of the \$25,000 to which she was entitled as requested by the client on February 12, 2014.

Count 16 – respondent willfully violated section 6068, subdivision (i) by failing to provide a substantive response to a State Bar investigation letter regarding allegations of misconduct in case no. 14-O-04269.

### **Disbarment is Recommended**

Based on the above, the court concludes that the requirements of rule 5.85(F) have been satisfied, and respondent's disbarment is recommended. In particular:

- (1) the NDC was properly served on respondent under rule 5.25;
- (2) reasonable diligence was used to notify respondent of the proceedings prior to the entry of his default;
- (3) the default was properly entered under rule 5.80; and
- (4) the factual allegations in the NDC deemed admitted by the entry of the default support a finding that respondent violated a statute, rule or court order that would warrant the imposition of discipline.

Despite reasonable notice and opportunity, respondent failed to participate in this disciplinary proceeding. As set forth in the Rules of Procedure of the State Bar, the court recommends disbarment.

## **RECOMMENDATIONS**

### **Disbarment**

The court recommends that respondent Charles Gregory Williams be disbarred from the practice of law in the State of California and that his name be stricken from the roll of attorneys.

### **Restitution**

The court further recommends that Charles Gregory Williams be ordered to make restitution to Barbara Soules in the amount of \$25,000.00 plus 10 percent interest per year from December 10, 2013 (or to the Client Security Fund to the extent of any payment from the fund to Barbara Soules, plus interest and costs, in accordance with Business and Professions Code section 6140.5). Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

### **California Rules of Court, Rule 9.20**

The court also recommends that respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20 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.

### **Costs**

The court further recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, such costs being enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

## **ORDER OF INVOLUNTARY INACTIVE ENROLLMENT**

In accordance with Business and Professions Code section 6007, subdivision (c)(4), the court orders that Charles Gregory Williams, State Bar number 172907, be involuntarily enrolled

as an inactive member of the State Bar of California effective three calendar days after the service of this decision and order. (Rules Proc. of State Bar, rule 5.111(D).)

Dated: September 8, 2015.

  
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**LUCY M. 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 September 8, 2015, I deposited a true copy of the following document(s):

### DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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:

CHARLES G. WILLIAMS  
46542 PASEO PADRE PKWY  
FREMONT, CA 94539

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

SUSAN I. KAGAN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on September 8, 2015.



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Mazie Yip  
Case Administrator  
State Bar Court