

FILED

MAR 05 2015

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)
)
STEPHAN C. WILLIAMS,)
)
A Member of the State Bar, No. 37755.)
_____)
)

Case No. 14-Q-05052
RECOMMENDATION ON
RESIGNATION

On September 12, 2014, Stephan C. Williams, filed his resignation with disciplinary charges pending. In light of the grounds set forth in California Rules of Court, rule 9.21(d),¹ we recommend Williams's resignation be accepted because (1) he cooperated in this proceeding by complying with rule 9.20 and stipulating as to facts and conclusions of law; (2) he suffers from cognitive impairment, (3) due to his cognitive impairment, his pending discipline cases may be significantly delayed, and (4) he is 82 years old, willing to forfeit his license, and is unlikely to return to the practice of law. We see no harm to the public under the circumstances presented here. We conclude that the acceptance of Williams's resignation would be consistent with the need to protect the public, the courts, and the legal profession.

I. BACKGROUND

A. Prior Records of Discipline (08-O-13070; 12-N-16263)

Williams was admitted to practice law in California on January 11, 1966. He has two prior records of discipline.

¹ All further references to rules are to this source unless otherwise noted.

First, on May 16, 2012, the Supreme Court ordered Williams suspended for one year, execution stayed, and placed on probation for two years subject to conditions, including 90 days of actual suspension and payment of restitution. (*In re Stephan C. Williams on Discipline* (S198358) State Bar Court case no. 08-O-13070.) Williams stipulated that he failed to deposit funds for the benefit of a client in a trust account and committed acts of moral turpitude by misappropriating client funds and attempting to discharge a court reporter's fee in bankruptcy in violation of Rules of Professional Conduct, rule 4-100(A) and Business and Professions Code section 6106. Second, on April 22, 2013, the Supreme Court ordered Williams suspended for two years, execution stayed, and placed on probation for three years subject to conditions, including actual suspension for the first year of probation. (*In re Stephan C. Williams on Discipline* (S208530) State Bar Court case no. 12-N-16263.) Williams stipulated that he willfully violated an order of the court and violated rule 9.20 when he failed to file a declaration in compliance with rule 9.20 in violation of Supreme Court's order in case number S198358.

B. Pending Discipline (13-O-10218; 14-O-03560; 14-O-03561)

On July 25, 2013, a Notice of Disciplinary Charges (NDC) was filed in State Bar Court case number 13-O-10218, charging Williams with five counts of misconduct for unauthorized practice of law, moral turpitude, failure to obey a court order and failure to report a judicial sanction in violation of Business and Professions Code sections 6068, subdivisions (a) and (o)(3), 6103 and 6106. On July 22, 2014, a second NDC was filed in State Bar Court case numbers 14-O-03560 and 14-O-03561, charging Williams of two violations of Business and Professions Code section 6068, subdivision (k) for failure to comply with conditions attached to his disciplinary probations in State Bar Court case numbers 08-O-13070 (S198358) and 12-N-16263 (S208530).

In October 2014, the parties entered into a Stipulation as to Facts and Conclusions of Law. Williams stipulated that the Supreme Court order in State Bar Court case number 08-O-13070 (S198353) required that while on probation, he had to file quarterly reports, attend Ethics School within a year of the order, contact the Office of Probation within 30 days of the order, and comply with the provisions of rule 9.20. Although he received the order, he failed to timely submit quarterly reports, attend Ethics School, or contact the Office of Probation. Further, his rule 9.20 declaration improperly certified he was not representing any clients in any pending matter. In fact, he continued to represent four clients, failed to disclose to the superior court that he was not entitled to practice law, and did not report to the State Bar that he had been sanctioned by superior court in the amount of \$7,869.19. Williams also stipulated that contrary to the Supreme Court order in State Bar Court case number 12-N-16263 (S208530), he failed to submit timely quarterly reports. Williams stipulated that he violated Business and Professions Code sections 6068, subdivisions (a), (k) and (o)(3), 6103, 6106, 6125 and 6126, and that these multiple acts of misconduct constitute an aggravating circumstance. He also stipulated that he is 82 years old, suffers from a decline in cognitive functions since at least 2013 and has been found by a clinical psychologist to lack “ ‘the capacity to engage in the complex cognitive functions necessary for appropriate conduct of an attorney[.]’ ”

C. Office of the Chief Trial Counsel’s Recommendation

On November 3, 2014, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed a report recommending that the resignation be accepted because Williams is 82 years old and has stipulated that he suffers from a decline of cognitive functions.²

² OCTC’s report included a confidential document, which was not considered in making this recommendation and is ordered sealed.

II. CONSIDERATION OF THE GROUNDS SET FORTH IN RULE 9.21(d)

We have considered Williams's resignation under the grounds set forth in rule 9.21(d).

We summarize below the relevant information for each ground:

1. Whether the preservation of testimony is complete.

OCTC reports that preservation of testimony is complete. Therefore, this factor is not present.

2. Whether after transfer to inactive status, Williams has practiced law or has advertised or held himself out as entitled to practice law.

OCTC reports that "Respondent has not, insofar as the State Bar knows, since being transferred to inactive status, practiced law or held himself out as entitled to practice law."

3. Whether Williams performed the acts specified in rule 9.20(a)-(b).

Williams filed a rule 9.20 compliance declaration, stating that he had no clients, no client papers or other property to return, no unearned fees, and no pending client matters. OCTC's report noted that the Office of Probation had rejected Williams's declaration since he added "according to my memory" to the declaration. OCTC asserts that the additional statement should not be given much weight since Williams "suffers from ongoing cognitive decline, and likely cannot recall whether or not he complied with rule 9.20(a)-(b)."

4. Whether Williams provided proof of compliance with rule 9.20(c).

Williams's rule 9.20 compliance declaration was submitted on September 12, 2014.

5. Whether the Supreme Court has filed a disbarment order.

The Supreme Court has not filed a disbarment order.

6. Whether the State Bar Court has filed a decision recommending disbarment.

The State Bar Court has not filed a decision recommending Williams's disbarment.

7. Whether Williams previously resigned or has been disbarred and reinstated to the practice of law.

Williams has not previously resigned, been reinstated, or been disbarred in California.

8. Whether Williams entered a stipulation with OCTC as to facts and conclusions of law regarding pending disciplinary matters.

In October 2014, the parties entered into a Stipulation As to Facts and Conclusions of Law regarding the pending disciplinary matter.

9. Whether accepting Williams's resignation will reasonably be inconsistent with the need to protect the public, the courts, or the legal profession.

We recommend accepting Williams's resignation. Williams cooperated with OCTC by entering into a stipulation regarding the facts and conclusions of law as to the pending disciplinary matter and submitting a rule 9.20 compliance declaration. The stipulation provides a complete account of his misconduct and is available to the public and any licensing agency or other jurisdiction.

Further, Williams is 82 years old and unable to practice law. He has stipulated that he lacks the ability to engage in complex cognitive functions “ ‘necessary for appropriate conduct of an attorney[.]’ ” Due to this cognitive impairment, Williams's pending discipline cases may be delayed significantly. (See Bus. & Prof. Code, § 6007, subs. (b), (c).) Williams would be at least 87 years old before he is eligible to seek reinstatement. (Rules Proc. of State Bar, rule 5.442(B) [earliest reinstatement petition after resignation with charges pending is five years after filing date of resignation].) No other unresolved discipline matters or investigations are pending against him. Under these circumstances, we do not believe that public confidence in the discipline system will be undermined by accepting Williams's resignation. Permitting him to resign would be consistent with the need to protect the public, the courts and the legal profession.

III. RECOMMENDATION

We recommend that the Supreme Court accept the resignation of Stephan C. Williams, State Bar number 37755. We further recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6068.10, and that such costs be enforceable both as provided in section 6140.7 and as a money judgment.

PURCELL

Presiding Judge

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 Los Angeles, on March 5, 2015, I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED MARCH 5, 2015

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

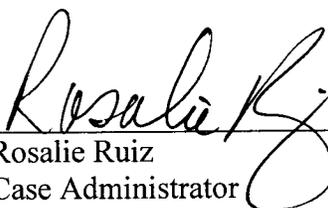
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

STEPHAN C. WILLIAMS
LAW OFC STEPHAN C WILLIAMS
PO BOX 5772
WALNUT CREEK, CA 94596

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

Heather E. Abelson, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 5, 2015.



Rosalie Ruiz
Case Administrator
State Bar Court