



**ORIGINAL**

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**State Bar Court of California  
Hearing Department  
San Francisco**

**PUBLIC MATTER**

Counsel For The State Bar  <b>Terrie Goldade</b> <b>1149 S. Hill St.</b> <b>Los Angeles, CA 90015</b>  Bar # 155348	Case Number (s) <b>08-PM-13648</b>	(for Court's use)  <div style="text-align: center;"> <p><b>FILED</b> <i>[Signature]</i></p> <p>DEC 08 2008</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p> </div>
In Pro Per Respondent  <b>Glenn R. Wilson</b> <b>2141 Tuolumne St., Ste. #B</b> <b>Fresno, CA 93721</b>  Bar # 183727	Submitted to: <b>Settlement Judge</b>	
In the Matter Of: <b>Glenn R. Wilson</b>  Bar # 183727  A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>PROBATION VIOLATION—"PM" PROCEEDING</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

**Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.**

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted **October 30, 1996**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **11** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.

- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- costs added to membership fee for calendar year following effective date of discipline (no actual suspension).
  - until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure (actual suspension).
  - costs to be paid in equal amounts prior to February 1 for the following membership years: (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
  - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
  - costs entirely waived

**B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline** [see standard 1.2(f)]
- (a)  State Bar Court case # of prior case **06-O-14524; 07-O-12852**
  - (b)  Date prior discipline effective **April 2, 2008**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct: rules 1-300(B), 3-110(A), 3-700(D)(2), 4-100(B)(3). State Bar Act/Business and Professions Code sections 6103.**
  - (d)  Degree of prior discipline **one year suspension, stayed; 2 years probation, 30 days actual suspension**
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **Respondent violated multiple conditions of his probation.**
- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.**

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2)  **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted in good faith.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

See stipulation attachment.

**D. Discipline (choose only one):**

- (1)  **Probation extended:** Respondent's probation in \_\_\_\_\_ is extended for \_\_\_\_\_.

- (2)  **Probation revoked; Probation Reinstated; Actual Suspension:** Respondent's probation is revoked and reinstated for 18 months on the same terms and conditions as previously imposed in **S159814**. The terms of probation remain the same as in the prior order except as indicated below. In addition, Respondent must be actually suspended from the practice of law for **30 days**.
- (3)  **Probation revoked; Probation Reinstated; No Actual Suspension:** Respondent's probation is revoked and reinstated for \_\_\_\_\_ on the same terms and conditions as previously imposed in \_\_\_\_\_. The terms of probation remain the same as in the prior order except as indicated below.
- (4)  **Probation revoked; Probation not Reinstated; Actual Suspension:** Respondent's probation is revoked. Respondent must be suspended from the practice of law for \_\_\_\_\_.

**E. In addition to conditions previously imposed by the Supreme court in its prior order, the following new conditions are recommended by this stipulation:**

- (1)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (3)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar **and** to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4)  Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state in each report whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any

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inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.

- (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions             |

**F. Other Conditions Negotiated by the Parties:**

- (1)  **Probation Conditions Deleted or Modified:** :
- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the provisions of subdivisions (a) and (c) of rule 9.20, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.
- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the provisions of subdivisions (a) and (c) of rule 9.20, California Rules of Court, within 120 and 130 days, respectively, from the effective date of the Supreme Court order herein.

Attachment language (if any):

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the specified statute.

1. On October 19, 2007, Respondent executed a Stipulation re Facts, Conclusions of Law and Disposition with the State Bar in State Bar Court Case Nos. 06-O-14524 and 07-O-12852 ("Stipulation"). The Hearing Department of the State Bar Court filed an order approving the Stipulation on November 7, 2007.

2. On March 3, 2008, the California Supreme Court filed an Order in Case No. S159814 (State Bar Court Case Nos. 06-O-14524 and 07-O-12852) that Respondent be suspended from the practice of law for a period of one year, that execution of suspension be stayed and that Respondent be placed on probation for a period of two years subject to the conditions of probation as recommended by the Hearing Department of the State Bar Court in its order approving the Stipulation filed on November 7, 2007 and that he be actually suspended for 30 days. Respondent was ordered to comply with the following terms and conditions of probation, among others:

a. As a condition of probation, Respondent was ordered to within 30 days from the effective date of discipline—by May 2, 2008—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, Respondent was to meet either in person or by telephone with his probation deputy. Respondent did not comply in that he failed to contact the Office of Probation and schedule a meeting. On May 14, 2008, the Office of Probation left a telephonic voice mail message for Respondent, and, as a result, an initial meeting was subsequently conducted on May 28, 2008.

b. As a condition of probation, Respondent was ordered to comply with the State Bar Act and the Rules of Professional Conduct and report such compliance quarterly to the Office of Probation each January 10, April 10, July 10, and October 10 ("quarterly reports"). Respondent did not comply in that his first quarterly report, which was due July 10, 2008, was not filed until October 1, 2008.

c. As a condition of probation, Respondent was ordered to within 10 days of the effective date of his discipline—by April 12, 2008—make restitution to Bryan Thies in the total amount (including principal and interest) of \$2,000. Respondent was to furnish satisfactory evidence of restitution in the first quarterly report required—for July 10, 2008. Respondent did not comply in that he did not make restitution until May 14, 2008 and did not provide proof of such restitution until October 1, 2008.

3. On March 14, 2008, the Office of Probation mailed an initial letter to Respondent at his membership records address outlining the terms and condition of his probation. The letter stated, among other things, the following:

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**You must also -- within 30 days from the effective date of discipline -- schedule a meeting with me to discuss the terms and conditions of your discipline.**  
(Emphasis in original.)

The letter set forth conditions and deadlines, including that Respondent was to make restitution to Bryan Thies by April 12, 2008; contact the Office of Probation for his initial meeting by May 2, 2008; submit quarterly reports beginning July 10, 2008; and submit proof of restitution by July 10, 2008. The letter advised Respondent of the following:

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 321 and 550, 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 noncompliance referral** which may lead to the imposition of additional discipline.  
(Emphasis in original.)

Enclosed with the letter were a number of attachments, including a quarterly report form created for Respondent as a courtesy, quarterly report instructions, and proof of payment instructions. Respondent received the letter.

4. On May 14, 2008, the Office of Probation left a telephonic voice mail message for Respondent stating that he was noncompliant with his condition requiring contact. Respondent was requested to call back. On that same day, the Office of Probation mailed Respondent a letter reminding Respondent that he had not scheduled the required meeting and that he was to have paid Bryan Thies by April 12, 2008. The letter cautioned Respondent of the following:

The Office of Probation does not intend to send any further reminder letters regarding compliance due dates or lack of receipt of compliance documentation. In the future, your non-compliance can be automatically referred for review and determination of further action which may lead to the imposition of additional discipline.

It also advised Respondent that:

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 the proper motion with the Hearing Department or Review Department of the State Bar Court, prior to the compliance due date.* (See rules 271, 321, and 550, et seq., Rules of Procedure of the State Bar Court.) A copy of the motion must be served on the

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Office of Probation. *The Office of Probation does not have the authority to extend compliance due dates or modify the terms and conditions of a discipline order.*  
(Emphasis in original.)

Included with the letter was a complete copy of the March 14, 2008 letter with attachments. Respondent received the letter.

5. On May 28, 2008, the Office of Probation received a telephonic voice mail message from the "law office of Glenn R. Wilson" stating that the call was made to schedule an appointment with the Office of Probation and leaving a telephone number. Also on May 28, 2008, the Office of Probation telephoned Respondent and proceeded to conduct the initial meeting. During that meeting, among other things, Respondent verified that he had received the letters referenced above. The conditions of his probation and the reporting schedule and requirements, including his quarterly reporting and restitution requirements were reviewed. Respondent stated that he had mailed a cashiers check to Thies. He was informed that he should refer to the proof of payment instruction sheet sent in the March 14, 2008 letter so that he could submit the required proof of receipt.

Legal Conclusion: By failing to timely contact the Office of Probation by May 2, 2008 to schedule a meeting to review the terms and conditions of his probation; by failing to timely file his Quarterly Report due July 10, 2008; and by failing to timely make restitution and timely provide proof of the restitution, Respondent wilfully violated Business and Professions Code, section 6068(k).

#### **PENDING PROCEDURES.**

The disclosure date referred to, on page one, paragraph A.(7) was November 18, 2008.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of Probation has informed respondent that as of November 18, 2008, the estimated prosecution costs in this matter are approximately \$1,546. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

#### **AUTHORITIES SUPPORTING DISCIPLINE.**



Standard 2.6, subsection (a), states that culpability of a member of a violation of Business and Professions Code, section 6068(k), shall result in disbarment or suspension depending upon the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3.

An attorney who violated his probation by failing to timely complete restitution and by failing to timely attend Ethics School, received two years' probation with a condition that he was to be actually suspended for the first 30 days. *In the Matter of Gorman* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 567. Neither bad purpose nor intentional evil is required to establish willful violations of disciplinary probation. *Id.* at 572. An attorney's cooperation in stipulating to facts warrants some mitigative consideration. *Id.* More serious sanctions are assigned to probation violations closely related to reasons for imposition of previous discipline or to rehabilitation. *Id.* at 573-574.

In this matter, Respondent's underlying disciplinary violation was in relation to failing to competently perform because he had failed to file an opening brief in the Ninth Circuit despite numerous orders and default orders and had not responded to an OSC re: *in forma pauperis* in wilful violation of Rules of Professional Conduct, rule 3-110(A). Respondent also stipulated that he had disobeyed court orders because he had failed to respond in any way to numerous court orders in wilful violation of Business and Professions Code section 6103. Respondent further stipulated that he failed to render a timely accounting by failing to provide the accounting for approximately two years and not until State Bar proceedings were initiated, in wilful violation of rule 4-100(B)(3). Respondent stipulated that by substituting into an appeal and filing documents with the Ninth Circuit, he engaged in the unauthorized practice of law in another jurisdiction in violation of rule 1-300(B). In another client matter, Respondent stipulated that he failed to refund unearned fees in willful violation of rule 3-700(D)(2).

#### **OTHER CIRCUMSTANCES CONSIDERED IN RESOLVING THIS MATTER**

Respondent has timely filed his quarterly report due October 10, 2008.

On October 23, 2008, Respondent completed Ethics School; his deadline is April 2, 2009.

Respondent took the MPRE on November 8, 2008 and is awaiting the results; his deadline is April 2, 2009.

#### **WAIVER OF ANY VARIANCES**

The parties stipulate to waive any variance in the language, allegations, and conclusions of law between this stipulation and the Notice of Motion and Motion to Revoke Probation filed on September 19, 2008.

Respondent acknowledges that this stipulation contains language, allegations, and a conclusion of law which may differ from the language, allegations, and conclusion of law contained in the Notice of Motion and Motion to Revoke Probation filed on September 19, 2008. The parties further stipulate to waive the right to have any amendment to the Notice of Motion and Motion to Revoke Probation.

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In the Matter Of <b>Glenn R. Wilson</b>	Case Number(s): <b>08-PM-13648</b>
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**ORDER**

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Dec 8, 2008  
Date

Pat McElroy  
Judge of the State Bar Court


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In the Matter of Glenn R. Wilson	Case number(s): 08-PM-13648
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### SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

11/26/08  
Date

  
Respondent's Signature


Glenn R. Wilson  
Print Name

12/21/08  
Date

\_\_\_\_\_  
Respondent's Counsel Signature

\_\_\_\_\_  
Print Name

12/21/08  
Date

  
Deputy Trial Counsel's Signature

Terrie Goldade  
Print Name

Supervising Attorneys



**CERTIFICATE OF SERVICE**

[Rule 62(b), Rules Proc.; 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 December 8, 2008, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING**

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

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

**GLENN R. WILSON  
LAW OFCS GLENN WILSON  
2141 TUOLUMNE ST STE B  
FRESNO, CA 93721**

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

by overnight mail at , California, addressed as follows:

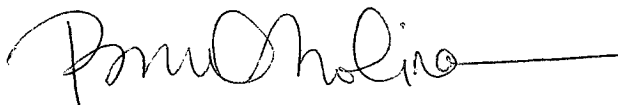
by fax transmission, at fax number . No error was reported by the fax machine that I used.

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

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

**TERRIE GOLDADE**, Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on December 8, 2008.



Bernadette C.O. Molina  
Case Administrator  
State Bar Court