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STATE BAR COURT
HEARING DEPARTMENT - LOS ANGELES

14 In the Matter of:) Case No. 14-R-02604 - YDR
15)
16 TIMOTHY ERIC MEYER,) STATE BAR'S [PROPOSED] AMENDED
17 Former No. 101098,) RESPONSE TO PETITION FOR
18) REINSTATEMENT
19)
20) [Rule 9.10(f), Cal. Rules of Court; Rules 5.440
21 A Petitioner for Reinstatement.) et seq., Rules of Procedure of State Bar of
22 California]

23 The State Bar of California, by and through the Office of the Chief Trial Counsel and its
24 Senior Trial Counsel Kimberly G. Anderson and Deputy Trial Counsel Kim Kasreliovich ("State
25 Bar"), hereby submits its response to Petitioner Timothy Eric Meyer's ("Petitioner") petition for
26 reinstatement to the State Bar of California ("Reinstatement Petition"), pursuant to rule 9.10(f) of
27 the California Rules of Court and rules 5.440 through 5.446 of the Rules of Procedure of the
28 State Bar of California ("Rules of Procedure").

Discovery in this matter is ongoing. Accordingly, in providing this response, the State Bar specifically reserves its right to supplement this response with and rely on additional reasons to oppose Petitioner's application for reinstatement to the State Bar of California that are not known or readily apparent at this time.



1 **I. POSITION OF THE STATE BAR**

2 The State Bar contends that Petitioner does not currently possess the requisite
3 rehabilitation, or present moral character qualifications for reinstatement within the meaning of
4 Rule 9.10(f) of the California Rules of Court and Rule 5.445(A) of the Rules of Procedure of the
5 State Bar of California to warrant his reinstatement to membership in the State Bar of California.
6 In addition, Petitioner has not demonstrated sustained exemplary conduct over a lengthy period
7 of time. The State Bar therefore opposes Petitioner's reinstatement after resignation with
8 charges pending.

9 **II. MISCONDUCT LEADING TO PETITIONER'S RESIGNATION WITH**
10 **CHARGES PENDING**

11 In his first case for reinstatement, case no. 06-R-11946, Petitioner stipulated to all of the
12 following misconduct which led to his resignation with charges pending:

13 Petitioner was previously admitted to the State Bar of California on December 1, 1981,
14 and was assigned bar number 101098.

15 On November 3, 1998, a felony complaint was filed in the Los Angeles Municipal Court,
16 Beverly Hills Judicial District, case no. SA 034147, charging Petitioner with three counts of
17 grand theft in violation of Penal Code, section 487, subdivision (a). The alleged victims were
18 Farmer's Insurance Company and Petitioner's former clients, Peter Sotos and Joycelyn Jackson.

19 The complaint alleged that the acts comprising grand theft occurred between November
20 and December 1996.

21 On February 19, 1999, Petitioner entered into a plea of nolo contendere to count one and
22 was convicted of violating Penal Code section 487, subdivision (a), a felony, by committing
23 grand theft by embezzlement of funds he received on Sotos' behalf on December 12, 1996.

24 On April 26, 1999, Petitioner was sentenced to one day in county jail and summary
25 probation for 12 months on conditions including that he pay restitution of \$27,000. Petitioner
26 paid the restitution on May 26, 1999 to Farmers, Jackson and Sotos.

1 On July 17, 1999, Petitioner was placed on interim suspension as a result of his criminal
2 conviction. Since that date, Petitioner has not been entitled to practice law in California.

3 On November 10, 1999, the judgment in criminal case number SA 034147 was set aside,
4 Petitioner was allowed to withdraw his nolo contendere plea; and the charges filed against
5 Petitioner were amended to allege count one as a misdemeanor pursuant to Penal Code, section
6 17(b)(4). Petitioner entered a plea of not guilty and the criminal case was dismissed pursuant to
7 Penal Code, section 1203.4.

8 On May 8, 2000, Petitioner stipulated that the factual criteria for summary disbarment
9 pursuant to section 6102(c) were met by Petitioner's February 19, 1999, conviction.

10 On December 12, 2000, the Review Department of the State Bar Court, in case number
11 99-C-10003, issued a recommendation that Petitioner be summarily disbarred a result of the facts
12 underlying his February 19, 1999, criminal conviction.

13 On January 19, 2001, Petitioner submitted his resignation with charges pending to the
14 Hearing Department of the State Bar Court. The disciplinary charges pending against Petitioner
15 at the time included misappropriation of client funds in addition to the facts and circumstances
16 surrounding Petitioner's February 19, 1999, criminal conviction.

17 On March 9, 2001, the Supreme Court issued an order in case number S095653 accepting
18 Petitioner's resignation with charges pending.

19 In addition to the grand theft committed by Petitioner against Farmer's Insurance,
20 Jackson, and Sotos, Petitioner's professional misconduct prior to his resignation from the State
21 Bar included the following:

22 (A) In 1996, Petitioner misappropriated approximately \$33, 333 from George Villanueva,
23 his client at the time. The Client Security Fund ("CSF") reimbursed Villanueva \$33,
24 333 for his loss. On April 11, 2006, Petitioner reimbursed CSF for the \$33, 333
25 principal it paid to Villanueva and the costs associated therewith. At the time of
26 Petitioner's resignation with charges pending, Villanueva's complaint against
27 Petitioner was not filed in State Bar Court.
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1 (B) In 1996, Petitioner misappropriated approximately \$20,500 from Carol McGinnis, his
2 client at the time. The CSF reimbursed McGinnis \$20,500 for her loss. On April 11,
3 2006, Petitioner reimbursed CSF for the \$20,500 principal it paid to McGinnis and
4 the costs associated therewith. At the time of Petitioner's resignation with charges
5 pending, McGinnis complaint against Petitioner was not filed in State Bar Court.

6 (C) In May – July 1997, Petitioner misappropriated approximately \$16,400 from Connie
7 Koch, his client at the time. Koch did not make a claim with CSF and was not
8 reimbursed for her loss. However, Koch filed a complaint with the State Bar against
9 Petitioner, and Petitioner thereafter reimbursed Koch for her loss in September 1997.
10 At the time of Petitioner's resignation with charges pending, Koch's complaint
11 against Petitioner was filed and pending before the State Bar Court.

12 (D) In April – July 1997, Petitioner misappropriated approximately \$4,500 from Kim
13 Pisapia, his client at the time. Pisapia did not make a claim with CSF and was not
14 reimbursed for her loss. However, Pisapia filed a complaint with the State Bar against
15 Petitioner, who thereafter reimbursed Pisapia for her loss in August 1997.

16 (E) In late 1997 – early 1998, Petitioner misappropriated approximately \$10,000 from
17 Joseph Speel, his client at the time. The CSF reimbursed Speel \$10,000 for his loss.
18 On April 11, 2006, Petitioner reimbursed CSF for the \$10,000 principal it paid to
19 Speel and the costs associated therewith. At the time of Petitioner's resignation with
20 charges pending, Speel's complaint against Petitioner was not filed in State Bar
21 Court.

22 Other disciplinary matters pending against Respondent at the time of his resignation with charges
23 pending were:

24 Case no. 98-O-000525 / Complainant Becker (Filed)

25 Case no. 97-O-16744 / Complainant Franklin (Unfiled)

26 Case no. 00-O-10423 / Complainant Schaffer (Unfiled)

27 Case no. 98-O-01535 / Complainant McCray (Unfiled)

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Case no. 98-O-01583 / Complainant Fischer

III. POINTS OF LAW

Petitioner contends that he is now rehabilitated, that he possesses the requisite present moral qualifications for readmission, and that he can demonstrate present learning and ability in the general law in order to warrant his readmission to the practice of law. The State Bar does not believe that Petitioner has met his burden.

A. The Standard for Reinstatement

Rule 5.445(A) provides as follows:

Petitioners for reinstatement must:

- (1) pass a professional responsibility examination within one year prior to the filing the petition;
- (2) establish their rehabilitation;
- (3) establish present moral qualifications for reinstatement; and
- (4) establish present ability and learning in the general law by providing proof that they have taken and passed the Attorney's Examination by the Committee of Bar Examiners within three years prior to the filing of the petition.

The well-established practice in reinstatement cases is to begin the analysis by reviewing the Petitioner's showing in light of the moral shortcomings which led to his disbarment or resignation. (*In the Matter of Ainsworth* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 894, 897.) Petitioner must prove eligibility for readmission by clear and convincing evidence. (*Id.* at p. 899.) The Supreme Court has consistently held "the burden of proof of good moral character is substantially more rigorous for an attorney seeking reinstatement than for a first time applicant." (*In re Menna* (1995) 11 Cal.4th 975, 986; see also *Tardiff v. State Bar* (1980) 27 Cal.3d 395, 403.) Indeed, "[t]he person seeking reinstatement . . . is required to adduce stronger proof of his present honesty and integrity than one seeking admission for the first time whose character has never been in question." (*Calaway v. State Bar* (1986) 41 Cal.3d 743, 745-746.)

The underlying misconduct which led to Petitioner's resignation with charges pending was serious and criminal. Therefore, Petitioner must not only prove that he has overcome the problems which led to his criminal conduct, but also show that his character, honesty, integrity,

1 candor, and general morality demonstrate “most clearly and convincingly” that Petitioner is
2 worthy of the profession and can be entrusted with the responsibilities and obligations of an
3 attorney at law. The critical issues to determine here are whether Petitioner has established his
4 rehabilitation and present moral qualifications for readmission by clear and convincing
5 evidence.

6 **B. Petitioner Bears a Heavy Burden of Proof**

7 A petitioner seeking reinstatement has the burden of proving that he meets the
8 requirements for readmission to the practice of law. That burden is a heavy one. (*Feinstein v.*
9 *State Bar* (1952) 39 Cal.2d 541, 545; *In the Matter of Giddens* (Review Dept. 1990) 1 Cal State
10 Bar Ct. Rptr. 25, 30.) The required showing has been stated as a lengthy period of “sustained
11 exemplary conduct.” (*Menna, supra*, at p. 990.) Even though Petitioner resigned with charges
12 pending and was not disbarred, he must still meet the same high burden for readmission. (*In the*
13 *Matter of Rudman* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 546, 552.) Moreover, in
14 reinstatement proceedings, unlike in disciplinary proceedings, the petitioner is not entitled to the
15 benefit of the doubt if equally reasonable inferences may be drawn from a proven fact. (*Menna,*
16 *supra*, at p. 986.)

17 The State Bar is not required to rebut a petitioner’s showing of rehabilitation, present
18 moral fitness, or present learning and ability in the law with clear and convincing adverse
19 evidence in order to prevail. (*Ainsworth, supra*, at p. 899; *see also In the Matter of Kirwan*
20 (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 630, 636.) Instead, the State Bar need only
21 proffer, “sufficient evidence to lower the persuasiveness of the petitioner’s evidence so that he
22 does not meet his burden to prove his case by clear and convincing evidence.” (*Ainsworth,*
23 *supra*, at p. 899; *In the Matter of Kirwan* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 630,
24 636.) In fact, “the State Bar may elect not to present any adverse evidence if it concludes that
25 petitioner’s showing is insufficient to establish his case by clear and convincing evidence.”
26 (*Kirwan, supra*, at p. 636.)

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C. Petitioner is Required to Show Rehabilitation

The Supreme Court has insisted that one who has been disbarred must establish by affirmative evidence that the rehabilitation of his character has been successful and that such a person cannot, and indeed should not, be reinstated to the practice of law, “except upon the *most clear and convincing evidence*, nay, we will say upon *overwhelming, proof of reform* - proof which [the court] could with confidence lay before the world in justification of a [judgment] again installing him in the profession.” (*In re Stevens* (1922) 59 Cal. App. 251, 254-255 (emphasis added); see also *Feinstein, supra*, at pp. 546-547.)

Seventy-three years after the *Stevens* decision (and forty-three years after the *Feinstein* decision), the Supreme Court’s view of the requisite standard of proof remains virtually unchanged:

[A]n applicant for reinstatement ‘must show by the *most clear and convincing evidence* that efforts made toward rehabilitation have been successful’ In our judgment, such ‘*overwhelming*’ proof must include *at a minimum* a lengthy period of not only unblemished, but *exemplary* conduct. (*Menna, supra*, at pp. 986, 989 (emphases added).)

In the Supreme Court’s view, “[a]ctions speak louder than words. Sustained exemplary conduct must include proof applicant is making amends to the victims and the community he harmed.” (*Id.* at p. 990.) Sustained exemplary conduct must be more than what is ordinarily expected of members of society. (*Seide v. Committee of Bar Examiners* (1989) 49 Cal.3d 933, 941.) Furthermore, an errant attorney who seeks reinstatement “must understand his or her professional responsibilities [citation omitted] and must show a proper attitude toward his or her misconduct [citation omitted].” (*In the Matter of Brown* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 309, 317.) Ultimately, “to establish rehabilitation, petitioner must show by clear and convincing evidence ‘sustained exemplary conduct over an *extended period of time.*’ [Citation.]” (*In the Matter of Bellicini* (Review Dept. 2006) 4 Cal State Bar Ct. Rptr. 883. 893.)

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1 **D. Petitioner Is Required to Show Present Moral Qualifications**

2 “The term ‘good moral character’ has traditionally been defined in terms of the absence
3 of proven acts that have been historically considered manifestations of moral turpitude.”
4 (*Kirwan, supra*, at p. 634; *see also Menna, supra*, at p. 983.) It also includes, “‘qualities of
5 honesty, fairness, candor, trustworthiness, observance of fiduciary responsibility, respect for
6 and obedience to the laws of the state and the nation and respect for the rights of others and for
7 the judicial process’ . . . Thus, any act or conduct bearing on any of these qualities is relevant in
8 a reinstatement proceeding.” (*Kirwan, supra*, at pp. 634-635; *see also Menna, supra*, at p. 983.)

9 **E. Petitioner Is Required to Show Present Learning and Ability**
10 **in the General Law**

11 Petitioner must also prove that he currently has both the learning and the ability to
12 practice law. This is because the public must be protected from incompetency as well as
13 knavery. (*In re Cate* (1926) 77 Cal. App. 495, 504.) Petitioner must, therefore, present positive
14 evidence that he has kept up with the general law and has the current ability to perform as an
15 attorney at law. Some of the factors to be considered include, “the nature of his pursuits since
16 [disbarment or resignation], with particular reference to the question whether his employments
17 have required the exercise of mental activity[,] the extent to which he has kept himself informed
18 in the law and in the changes which have been effected in it and in its administration[.]” (*Cate,*
19 *supra*, at pp. 501-502.) In addition, evidence of Petitioner’s knowledge and ability in the law
20 should be, at least in part, documentary or proven through objective evidence. (*In the Matter of*
21 *McCray* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 373, 385.)

22 **IV. BASIS FOR STATE BAR’S POSITION**

23 The State Bar contends that Petitioner will not meet his burden of proof in establishing
24 his rehabilitation and present moral qualifications for readmission.

25 Even if Petitioner were able to meet his initial burden, the State Bar intends to rebut
26 Petitioner’s showing by presenting evidence refuting his rehabilitation and present moral
27 qualifications for readmission. The grounds that the State Bar will use to oppose Petitioner's
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1 Reinstatement Petition will depend in part on the evidence that Petitioner offers, as well as what
2 issues develop during formal discovery. At this early stage, the State Bar anticipates relying on
3 at least the following:

4 **A. Petitioner Has Not Demonstrated Rehabilitation from His Misconduct or**
5 **the Present Moral Qualifications to be Readmitted**

6 1. Previous Court Decisions Found Additional Acts of Misconduct Which
7 Occurred Since Petitioner's Resignation

8 In both of the previous decisions denying Petitioner's reinstatement, the State Bar Court
9 made findings that Petitioner committed the following acts which rebutted a showing of
10 exemplary conduct and acts of misconduct since his resignation in 2001. The court should
11 consider these additional acts of misconduct when determining the universe of misconduct from
12 which Petitioner must rehabilitate. Petitioner has not rehabilitated from the misconduct leading
13 to his resignation with charges pending *or* from the additional acts of misconduct found by the
14 court to have occurred after his resignation. A summary of those acts and the findings of the
15 court, as well as the impact on the present petition for reinstatement, are as follows:

16 **Petitioner Failed to Comply with Rule 9.20**

17 Petitioner Failed to Comply with rule 9.20¹ pursuant to his resignation until trial in his
18 second reinstatement case. Petitioner's declaration of compliance was to be filed by May 18,
19 2001 and he finally filed it March 21, 2012. (*In the Matter of Timothy Eric Meyer*, Hearing
20 Department Decision, May 31, 2012, pg. 10.) Given the seriousness of the misconduct which
21 led to Petitioner's resignation and the additional misconduct for failing to comply with rule 9.20
22 *which continued into 2012*, Petitioner cannot meet his burden to demonstrate sustained
23 exemplary conduct.

24 **Petitioner Engaged in the Unauthorized Practice of Law**

25 Petitioner engaged in the unauthorized practice of law on two occasions after he was
26 placed on interim suspension. On July 21, 1999, four days after being placed on interim
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28 ¹ Formerly rule 955, California Rules of Court

1 suspension, Petitioner signed an ex parte application for an order shortening time and it was
2 filed the next day. (*Id.* at pg. 11.) On November 4, 1999, Petitioner appeared as counsel for a
3 client at a hearing and his presence is reflected in the minute order. (*Id.*) Petitioner's actions
4 engaging in the unauthorized practice of law rebut any showing he makes of sustained
5 exemplary conduct.

6 **Petitioner Made Misrepresentations to the California Commission on Teacher**
7 **Credentialing**

8 On March 7, 2001, Petitioner completed an application for an emergency 30-day
9 substitute teaching credential and submitted it to the California Commission on Teacher
10 Credentialing ("CCTC"). In the application Petitioner lied about his conviction and involvement
11 in the State Bar disciplinary system by stating that he had never been convicted of a crime and
12 had never been the subject of an investigation by a licensing agency. (*Id.*) Several months after
13 submitting his false application, Petitioner sent a "clarifying" letter to the CCTC which
14 contained explanations for his conduct that the court in the second decision denying Petitioner's
15 reinstatement found "misleading". (*Id.* at p. 12.) Petitioner stated that he learned there were not
16 enough funds in his trust account, omitting that his misappropriation of funds for his own use
17 was the reason for the deficit of funds. (*In the Matter of Timothy Eric Meyer*, Hearing
18 Department Decision, January 10, 2008, pg. 9.) Petitioner stated that all the claimants were
19 eventually paid, omitting that CSF actually paid the claimants, not Petitioner. (*Id.*) Finally,
20 Petitioner stated that he had resigned from the State Bar and the matter had been dismissed
21 without discipline, omitting that he resigned *with charges pending* because he would have been
22 summarily disbarred. (*Id.*, italics added.) The judge's decision after Petitioner's first petition
23 stated, "Taken as a whole, Petitioner's letter lacked important information that should have been
24 disclosed to the credentialing commission. Petitioner made these incomplete statements for the
25 purpose of securing a teaching credential, which he may have been at risk of not obtaining if all
26 the facts surrounding his misconduct were known to the commission." (*Id.*) Ultimately, a
27 consent determination order was approved between Petitioner and CCTC whereby Petitioner
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1 agreed to withdraw his teaching application as a result of the misrepresentations. (*Id.* at pg. 10-
2 11.)

3 To date, Petitioner still has not shown rehabilitation from this misconduct.

4 **Petitioner Made Misrepresentations to the Los Angeles Unified School District**

5 On March 7, 2001, Petitioner signed and submitted an employment application to the
6 Los Angeles Unified School District (“LAUSD”). Petitioner continued his misrepresentations
7 stating that he had never been convicted of a crime when in fact he had been convicted of a
8 crime. (*Id.*)

9 **Petitioner Made Misrepresentations to the Los Angeles Superior Court**

10 On March 11, 2002, Petitioner filed a Motion for Rehabilitation with the Los Angeles
11 County Superior Court. In his motion, Petitioner misrepresented that he had obeyed all laws and
12 court orders even though he had violated the Supreme Court order to file his rule 9.20
13 compliance declaration. In addition, Petitioner represented to the court that all of his victims had
14 been paid full restitution. In reality, the Client Security Fund (“CSF”) of the State Bar had made
15 full restitution to Petitioner’s victims. Petitioner himself would not reimburse CSF for several
16 years to come. (*Id.* at pg. 10.) Petitioner reimbursed CSF on April 11, 2006 during the pendency
17 of his first petition for reinstatement.

18 **Petitioner Made Misrepresentations on his Application to Teach at Bishop**
19 **Aleman High School**

20 On June 6, 2005, Petitioner applied to be a teacher at a private school, Bishop Alemany
21 High School. Petitioner lied about his conviction, lied about ever having been found guilty of
22 immoral conduct, and lied about ever having been denied a teaching credential. Petitioner was
23 in fact convicted of a crime, the crime clearly involved moral turpitude, and only by consent
24 decree was he allowed to withdraw his teaching application rather than have it denied. (*Id.* at pg.
25 10-11.)

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1 **Petitioner Made Misrepresentations on his Resume**

2 In August 2002, Petitioner applied for a teaching position at Mary Immaculate School,
3 Petitioner provided a resume which stated that he had “retired” from the practice of law. As is
4 clear from section II above, Petitioner did not “retire” from the practice of law. The Hearing
5 Department judge found that this was an additional misrepresentation and stated, “The record in
6 this matter is replete with examples of petitioner’s attempts to omit important information
7 concerning his criminal conviction and resignation from the State Bar with charges
8 pending....Half-truths, omissions, and untruthful statements certainly indicate a failed attempt
9 at rehabilitation.” (*Id.* at pg. 11.) Petitioner’s current reinstatement petition does not show any
10 rehabilitation from this misconduct.

11 **Petitioner Omitted Lawsuits and Judgments from Previous Petitions**

12 In both petitions for reinstatement, Petitioner omitted five lawsuits and subsequent
13 judgments against Petitioner totaling nearly \$400,000. This information was specifically
14 requested in the petition. The five lawsuits and judgments are:

- 15 (A) A default judgment entered against Petitioner on April 22, 1997, in the amount of
16 \$1,532, in the case of *Personal Attorney Services v. Meyer*, Los Angeles Superior Court
17 case number 523765.
- 18 (B) A default judgment entered against Petitioner on March 25, 1999, in the amount of
19 \$303,000, in the case of *Jackson v. Meyer*, Los Angeles Superior Court case number
20 SC054221. The plaintiff Jackson was a former client of Petitioner.
- 21 (C) A default judgment entered against Petitioner on August 3, 1999, in the amount of
22 \$66,093.10, in the case of *Richard Basch v. Meyer*, Los Angeles Superior Court case
23 number SC054213. The plaintiff Basch was a former client of Petitioner.
- 24 (D) A default judgment entered against Petitioner on August 10, 2000, in the amount of
25 \$4,215, in the case of *United Merchants Association v. Meyer*, Los Angeles County
26 Superior Court case number 99K04694.

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1 (E) A default judgment entered against Petitioner on November 15, 1999, in the amount of
2 \$16,270.48, in the case of *Executive Car Leasing v. Meyer*, Los Angeles Municipal
3 Court case number 99C01252.

4 Petitioner's omission of these judgments was raised as a significant issue in the first
5 decision denying Petitioner reinstatement and yet it repeated itself in the second petition. Again,
6 the court raised this omission as a serious issue in its second decision denying Petitioner
7 reinstatement. (*In the Matter of Timothy Eric Meyer*, Hearing Department Decision, May 31,
8 2012, pg. 15.)

9 **Petitioner Failed to Make Efforts to Satisfy the Judgments**

10 Part and parcel with Petitioner's failure to disclose the lawsuits and judgments in past
11 reinstatement petitions, is Petitioner's failure to make restitution or even adequate efforts to pay
12 the judgments. In the first decision denying Petitioner's reinstatement, the court wrote at great
13 length about the importance of restitution in a reinstatement case. Ultimately the court found
14 that Petitioner had not demonstrated that he had made restitution in accordance with his ability
15 to pay. (*In the Matter of Timothy Eric Meyer*, Hearing Department Decision, January 10, 2008,
16 pg. 22.) Despite this lengthy warning from the court, in his second petition for reinstatement
17 filed on August 18, 2011, Petitioner still failed to make restitution, leading the court to opine,
18 "Petitioner's efforts at making restitution to former clients, satisfying judgments against him,
19 and paying legal obligations owed by him have been directly proportional to the pressure
20 imposed on him to do so by others." (*In the Matter of Timothy Eric Meyer*, Hearing Department
21 Decision, May 31, 2012, pg. 17.) Case law is abundantly clear that in a reinstatement case,
22 attitude towards rehabilitation and restitution, is just as important as actually making restitution.
23 "Rehabilitation is a state of mind." (*Brown, supra*, at p. 317.) Although Petitioner finally
24 disclosed the judgments against him in his present petition, he has continued to demonstrate an
25 indifference towards paying them.

26 It is not only Petitioner's misconduct which led to his resignation with charges pending
27 that he must overcome. Petitioner must also overcome all the additional acts of misconduct
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1 found the by court in the two decisions denying his reinstatement. Without any efforts to correct
2 the misconduct as described above, Petitioner's third attempt at reinstatement is predetermined
3 to fail.

4 2. Petitioner Has Failed to Rehabilitate From the Misconduct Pointed Out
5 to Him by the Court in Previous Decisions and He Has Failed to
6 Rehabilitate From the Misconduct that Led to His Resignation

7 Petitioner made his first effort at reinstatement in 2006 and his second in 2011. From that
8 time and through the present, Petitioner has been under the scrutiny of the State Bar Court and it
9 should be expected that he would not only refrain from additional criminal activity but also raise
10 the character of his conduct to near perfection. The Supreme Court discussed these expectations
11 in *In re Gossage* (2000) 23 Cal.4th 1080, 1099, stating:

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13 Since persons under the direct supervision of correctional
14 authorities are required to behave in exemplary fashion,
15 little weight is generally placed on the fact that a bar
16 applicant did not commit additional crimes or continue
17 addictive behavior while in prison or while on probation or
18 parole. (*Menna, supra*, 11 Cal.4th 975, 989; *Seide, supra*,
49 Cal.3d 933, 941.) **Similarly, good conduct generally is
expected from someone who has applied for admission
with, and whose character is under scrutiny by, the
State Bar.** (See *In re Giddens* (1981) 30 Cal.3d 110, 116
[177 Cal.Rptr. 673, 635 P.2d 166].) (Bold added.)

19 The fact that Petitioner has been under the scrutiny of the court and has still failed to
20 correct the majority of the issues raised above is alarming. The most glaring issue still
21 outstanding is Petitioner's failure to satisfy the judgments against him. Both of Petitioner's prior
22 decisions included significant discussions of Petitioner's failure to pay debts he was legally and
23 morally obligated to pay or otherwise demonstrate efforts to pay those debts in accordance with
24 his ability to pay.

25 Yet again, Petitioner has made no such efforts. Although Petitioner now has listed
26 judgments and debts in the present petition, the only one Petitioner has satisfied is *Vinel Moore*
27 *v. Timothy Meyer* after the plaintiff renewed his judgment.

1 Regarding other judgments in his current reinstatement petition, Petitioner appears to
2 maintain his reliance on the 10 year statute of limitations. Petitioner states multiple times in his
3 disclosure statement that many of the judgments have “expired due to the 10 year rule.” Most
4 troubling are the judgments against Petitioner by Jocelyn Jackson (\$303,285.50), Thomas
5 Lackey (\$300, 250.50), and Richard Basch (\$66,093.10). These are all former clients and victims
6 of Petitioner. In each of these cases Petitioner has failed to satisfy the judgments and states that
7 they have expired due to the 10 year rule. It appears to be Petitioner’s position that since the
8 statute of limitations has elapsed, he is free and clear. Petitioner is woefully mistaken. “While
9 restitution ‘is not necessarily determinative of whether rehabilitation has been proven,’ it is a
10 legitimate and substantial factor to be considered ‘in the overall factual showing made by the
11 individual seeking reinstatement.’ (*Hippard v. State Bar, supra*, 49 Cal.3d at p. 1093, 264
12 Cal.Rptr. 684, 782 P.2d 1140 [denying application for reinstatement based in part upon
13 petitioner's failure to demonstrate a meaningful attempt to make restitution or an inability to do
14 so].)” (*Menna, supra*, at p. 990.)

15 Even after notice from the court that failure to pay these debts is an issue and while under
16 continued scrutiny during the pendency of the new petition, Petitioner refuses to fulfill his legal
17 *and moral* obligations. As discussed above, the Supreme Court has stated that when restitution
18 and amends are at issue, “[a]ctions speak louder than words.” (*Id.*) In the case of Petitioner, his
19 inaction is deafening.

20 In addition to Petitioner’s failure to fulfill his financial obligations, he has failed to make
21 any amends to the victims of his misrepresentations. In both prior decisions denying Petitioner
22 reinstatement the court has found that Petitioner made misrepresentations between May 2001 and
23 June 2005, and that they demonstrate his lack of moral qualification. The Supreme Court in *In re*
24 *Glass* (2014) 58 Cal.4th 500, discussed Glass’ efforts (or lack thereof) to correct the record where
25 he made misrepresentations. The Supreme Court noted that Glass had not made sufficient efforts
26 to identify and correct his fabrications, “He never fully cooperated with his employers to clarify
27 the record, failed to carefully review the editorials they published to describe the fabrications to
28

1 their readership, made misrepresentations to The New Republic regarding some of his work
2 during the period he purported to be cooperating with that magazine, and indeed some of this
3 fabrications did not come to light until the California State Bar proceedings.” (*Id.* at 523.) The
4 State Bar Court found that Petitioner made misrepresentations to the CCTC, the LAUSD, the Los
5 Angeles Superior Court, Bishop Alemany High School, and on his resume all since his
6 resignation with charges pending. To date, Petitioner has made no efforts to correct his
7 misrepresentations to any of the agencies or organizations he lied to. It is clear from the *Glass*
8 case that an applicant for admission or reinstatement cannot be of good moral character and still
9 allow misrepresentations to stand.

10 3. Petitioner Has Failed to Show Any Rehabilitation from his
11 Misrepresentations to the Superior Court Judge with Respect to His
12 Motion for Rehabilitation

13 The previous decisions denying Petitioner’s reinstatement have noted that nearly all of
14 Petitioner’s misrepresentations were self-serving misrepresentations to obtain his teaching
15 credential. At the heart of this web of deception, is an additional misrepresentation by Petitioner
16 to the Los Angeles Superior Court judge about the purpose of Petitioner’s Motion for
17 Rehabilitation. This ongoing misconduct and Petitioner’s failure to remedy this with the
18 Superior Court Judge demonstrates Petitioner’s lack of sustained exemplary conduct.

19 In February 2002, CCTC informed Petitioner that they had found probable cause to
20 deny his application for a 30 day substitute teaching permit based on the omissions of his
21 conviction and pending State Bar proceedings in his application. Shortly thereafter, Petitioner
22 informed CCTC of his intention to seek reconsideration of their decision.

23 On March 4, 2002, CCTC received Petitioner’s Motion for Reconsideration and Request
24 to Hold Ruling in Abeyance for 45 Days. Petitioner stated that the purpose of the abeyance was
25 to allow him time to seek and receive an order of rehabilitation from the sentencing judge in his
26 criminal matter. Petitioner also stated that concurrent with the Motion for Reconsideration, he
27 had filed the motion with the sentencing court requesting an order of rehabilitation.

1 Petitioner did not sign the motion for an order of rehabilitation until March 10, 2002 and
2 did not file it until March 11, 2002. Many of the declarations attached to the motion were not
3 signed until March 8, 2002. When Petitioner filed his Motion for Reconsideration with the
4 CCTC, he knew that he had not yet filed the motion for an order of rehabilitation and was
5 making a false statement.

6 In Petitioner's Motion for Order Determining that Defendant has been Rehabilitated for
7 One Year For the Purposes of School Employment, he entirely omitted his ongoing issues with
8 the CCTC. In his declaration, Petitioner stated that he had been a substitute teacher and now
9 wanted to become employed full-time as a high school teacher. Petitioner then went on to state
10 that he had applied for a teaching position with the Archdiocese of Los Angeles Catholic
11 Schools. Even though Petitioner has asked the CCTC to abate his case for 45 days pending this
12 order of rehabilitation, in the actual request to the court, Petitioner made little mention of
13 acquiring a public school teaching position in his application and entirely excluded his current
14 credentialing issues with the CCTC.

15 At the hearing on the Motion for Order Determining that Defendant has been
16 Rehabilitated, the judge repeatedly questioned Petitioner about why the reduction of his crime
17 from a felony to a misdemeanor and subsequent termination of probation was not sufficient.
18 The transcript reveals Petitioner again making material omissions about the purpose of his
19 request:

20 **THE COURT:** ...ARE YOU INDICATING THAT THE 1203.4 IS
21 NOT SUFFICIENT FOR THE BOARD OF EDUCATION?

22 **THE DEFENDANT:** I DON'T BELIEVE IT IS SUFFICIENT EITHER
23 FOR THE BOARD OF EDUCATION OR FOR PRIVATE SCHOOLS. I'M
24 APPLYING TO BE A TEACHER IN PRIVATE SCHOOLS, AND THIS, AS I
25 UNDERSTAND, IS AN ORDER THEY WOULD LIKE ME TO GET... [¶] THE
26 1203.4 IS SOMETHING THAT'S ACTUALLY IGNORED BY BOTH THE
27 CREDENTIALING BOARD IN SACRAMENTO AND BY PRIVATE SCHOOLS.
28 THEY WANT SOMETHING ELSE. (March 18, 2002 Transcript, pg. 2,
lines17-28)

THE COURT: ...I MEAN I CAN UNDERSTAND WHY THEY
WANT A CERTIFICATE OF, QUOTE, "REHABILITATION" FOR A SERIOUS
FELONY, BUT I CAN'T UNDERSTAND WHY A 1203.4 MISDEMEANOR

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REDUCTION FOR A MUCH LESS SERIOUS OFFENSE ISN'T MORE APPROPRIATE AND MAKE YOU AT LEAST MORE APPROPRIATE FOR THE POSITION YOU ARE SEEKING.

THE DEFENDANT: WELL, I ALREADY HAVE THAT, YOUR HONOR, AS YOU KNOW AND I GOT THAT TWO-AND-A-HALF-YEARS AGO, AND AS I SAID, WHEN YOU APPLY FOR ANY POSITION, IT REQUIRES A LICENSING, AND EVEN THOUGH IN TEACHING AT PRIVATE SCHOOLS DOESN'T, TEACHING IN PUBLIC SCHOOLS DOES -- 1203.4 IS QUITE EXPLICIT THAT YOU HAVE TO -- STILL HAVE TO DISCLOSE, AND THE OTHER SECTIONS INDICATE THAT THEY -- THEY REALLY -- IN A SENSE, YOUR HONOR, THEY REALLY IN A SENSE IGNORE IT. THEY STILL DO TREAT IT IS AS A -- (March 18, 2002 Transcript, pg. 3, lines14-26)

Petitioner knew when he made these statements that the CCTC didn't want an order of rehabilitation, they wanted him to be honest on his application. The court directly questioned Petitioner about why he needed this order and over and over Petitioner omitted any information about his issues with the CCTC and their denial of his certificate; information that was material and directly responsive to the court's inquiry. Furthermore, according the records of Mary Immaculate School, a private school, Petitioner had not yet applied to become a teacher there at the time he filed his motion or appeared before the court.

On March 18, 2002, the judge signed an order stating that Petitioner had lived an "honest and upright life and conformed to and obeyed all laws of the land." That same day, Petitioner, who had told the judge he wanted to teach in private school, sent the order with a cover letter to the CCTC asking that they take judicial notice of it.

Petitioner's deception and manipulation of the truth in order to obtain a teaching credential is deplorable. Under the Supreme Court's analysis in the *Glass* case above, Petitioner is obligated to correct his misrepresentations in order to demonstrate that he is rehabilitated and of sound moral character. As they stand uncorrected, Petitioner's actions before the CCTC and the Los Angeles Superior Court, demonstrate a dearth of exemplary conduct and good moral character.

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1 account records show further discrepancies and raise even further questions regarding
2 Petitioner's 2012 tax returns. The State Bar completed Petitioner's deposition on October 29,
3 2014 and Petitioner confirmed that this is his only checking account and that he has only one
4 additional savings account linked to it. Specifically, even though Petitioner claimed \$18,000 in
5 rental payments in 2012 as deductions for his home office, the records show that Petitioner did
6 not pay \$18,000 in rent for his apartment. Even though Petitioner claims on his 2012 tax returns
7 to have paid \$20,000 in legal fees as a business deduction, the bank records do not support his
8 claim.

9 **B. Petitioner is Required to Show Present Learning and Ability in the General**
10 **Law**

11 Respondent has provided documentation that he has passed the California State Bar
12 Examination and the Multistate Professional Responsibility Exam within the required time
13 frames for each exam.

14 **V. CONCLUSION**

15 The State Bar contends that Petitioner's evidence alone does meet his burden to show
16 rehabilitation and present moral qualifications by clear and convincing evidence. In addition,
17 the facts and circumstances surrounding the above-noted conduct demonstrate that Petitioner
18 lacks the requisite rehabilitation and present moral qualifications for reinstatement in the State
19 Bar of California at this time.

20 Respectfully submitted,


21 THE STATE BAR OF CALIFORNIA
22 OFFICE OF THE CHIEF TRIAL COUNSEL

23
24 DATED: November 3, 2014

By: 

25 KIMBERLY G. ANDERSON
26 Senior Trial Counsel

DATED: November 3, 2014

By: 
KIM KASRELIOVICH
Deputy Trial Counsel

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DECLARATION OF SERVICE BY REGULAR MAIL

CASE NUMBER: 14-R-02604-YDR

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, 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

State Bar's [Proposed] Amended Response to Petition for Reinstatement

in a sealed envelope placed for collection and mailing at Los Angeles, on the date shown below, addressed to:

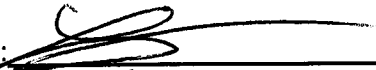
**Timothy Eric Meyer
4617 Willis Ave. #31
Sherman Oaks, CA 91403**

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: November 3, 2014

Signed: 
Lupe Pacheco
Declarant