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

<p>Counsel for the State Bar</p> <p><b>Susan I. Kagan</b> Supervising Attorney 180 Howard St. San Francisco, CA 94105 (415) 538-2037</p> <p>Bar # 214209</p>	<p>Case Number(s): <b>16-O-13118-PEM</b></p>	<p>For Court use only</p> <p style="text-align: center; font-size: 24pt; font-weight: bold;">PUBLIC MATTER</p> <p style="text-align: center; font-size: 24pt; font-weight: bold;">FILED</p> <p style="text-align: center; font-size: 18pt; font-weight: bold;">SEP 27 2018</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p><b>Charles Wallace Coppock</b> 1014 Hopper Ave # 425 Santa Rosa, CA 95403-1613 (707) 363-6699</p> <p>Bar # 79458</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT</p> <p><b>DISBARMENT</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: <b>CHARLES WALLACE COPPOCK</b></p> <p>Bar # 79458</p> <p>A Member of the State Bar of California (Respondent)</p>		



**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 **April 13, 1978**.
- (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 resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **10** 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. It is recommended that (check one option only):
- Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a member who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs."
  - Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:  
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

**B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline:**
- (a)  State Bar Court case # of prior case: **06-O-11603 (S187073) [See Exhibit 1]**
  - (b)  Date prior discipline effective: **January 13, 2010**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **Business and Professions Code sections 6106 [moral turpitude] and 6068(k) [failure to comply with conditions of disciplinary probation]; Rules of Professional Conduct, rules 1-300 [aiding in the unauthorized practice of law and 1-311 [failure to provide written notice of employing a suspended attorney].**
  - (d)  Degree of prior discipline: **30-day actual suspension.**
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below:  
**See pages 6-7.**
- (2)  **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3)  **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4)  **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.

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- (5)  **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.
- (6)  **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code or the Rules of Professional Conduct.
- (7)  **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.
- (8)  **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of Respondent's misconduct.
- (10)  **Lack of Candor/Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11)  **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. **See page 7.**
- (12)  **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13)  **Restitution:** Respondent failed to make restitution.
- (14)  **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [Standards 1.2(i) & 1.6]. 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 likely to recur.
- (2)  **No Harm:** Respondent did not harm the client, the public, or the administration of justice. **See page 7.**
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of Respondent's misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of Respondent's 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 Respondent.
- (7)  **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.

- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct, Respondent suffered extreme emotional difficulties or physical or mental 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 Respondent, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct. **See page 7.**
- (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 Respondent's control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in Respondent's personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's extraordinarily 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 Respondent's misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**  
**Pretrial Stipulation. See page 7.**

**D. Recommended Discipline:**

**Disbarment**

Respondent is disbarred from the practice of law in California and Respondent's name is stricken from the roll of attorneys.

**E. Additional Requirements:**

- (1) **California Rules of Court, Rule 9.20:** Respondent must comply with the requirements of California Rules of Court, rule 9.20, and 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 imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (2)  **Restitution (Single Payee):** Respondent must make restitution in the amount of \$ \_\_\_\_\_, plus 10 percent interest per year from \_\_\_\_\_, to \_\_\_\_\_ (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5).

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- (3)  **Restitution (Multiple Payees):** Respondent must make restitution to each of the following payees (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

<i>Payee</i>	<i>Principal Amount</i>	<i>Interest Accrues From</i>

- (4)  **Other Requirements:** It is further recommended that Respondent be ordered to comply with the following additional requirements:

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:                            CHARLES WALLACE COPPOCK

CASE NUMBER:                                16-O-13118-PEM

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 16-O-13118-PEM (State Bar Investigation)

**FACTS:**

1. At all relevant times herein, respondent maintained a client trust account ("CTA) at Bank of America, account number 0016xxxxxxx.
2. From November 2, 2015, through May 16, 2016, respondent made 32 electronic payments from his CTA totaling approximately \$17,000 from respondent's funds commingled in respondent's CTA.
3. From November 23, 2015, through February 18, 2016, respondent issued 17 CTA checks totaling approximately \$12,000 from respondent's funds commingled in respondent's CTA.
4. On February 26, 2016, respondent deposited \$100.50 in personal funds into his CTA. On February 29, 2016, respondent deposited \$61.00 in personal funds into his CTA.

**CONCLUSIONS OF LAW:**

5. By depositing funds belonging to respondent into respondent's client trust account and by commingling funds belonging to respondent in respondent's client trust account, respondent deposited and commingled funds in a bank account labelled "Trust Account," "Client's Funds Account" or words of similar import, in willful violation of rule 4-100(A) of the Rules of Professional Conduct.

**AGGRAVATING CIRCUMSTANCES.**

**Prior Record of Discipline (Std. 1.5(a)):** Respondent has three prior records of discipline:

Case No. 06-O-11603 (S187073), effective January 13, 2010. Respondent was actually suspended for 30 days. Respondent aided in the unauthorized practice of law in violation of rule 1-300, committed an act of moral turpitude in violation of section 6106, associated professionally with a member who was suspended from the practice of law and failed to provide written notice of that association to the State Bar in violation of rule 1-311 and failed to comply with the conditions of disciplinary probation in violation of section 6068(k). In mitigation, respondent displayed spontaneous cooperation and candor with the State Bar during the disciplinary investigation and proceedings, demonstrated remorse and successfully completed the Alternative Discipline Program. In aggravation,

respondent had two prior records of discipline and his misconduct significantly harmed the public and administration of justice.

Case No. 01-C-4882 (S1113874), effective July 5, 2003. Respondent received a three-year stayed suspension. Respondent was convicted of driving under the influence in 2001, with two prior convictions in 1998. In mitigation, respondent received credit for candor and cooperation, severe health problems and chemical dependency treatment. In aggravation, respondent had a prior record of discipline and committed multiple acts of misconduct.

Case No. 84-O-18456 (S001886), effective April 2, 1988. Respondent was actually suspended for 90 days for engaging in a scheme to defraud in violation of Business and Professions Code section 6106. Respondent opened a trust account for the improper purpose of permitting a former client hide assets and then failed to supervise the account, which the former client later used to defraud a third party. In mitigation, respondent was given limited credit for no prior record of discipline, emotional difficulties, lack of harm, good faith and good character.

**Multiple Acts of Wrongdoing (Std. 1.5(b)):** Respondent's numerous instances of commingling personal funds in a client trust account over a six-month period represents multiple acts of misconduct.

#### **MITIGATING CIRCUMSTANCES.**

**Lack of Harm to Client, Public or Administration of Justice (Std. 1.6(c)):** Respondent's misconduct did not harm any of his clients because he only maintained personal funds in his client trust account.

**Extreme Emotional, Physical, or Mental Difficulties and Disabilities (Std. 1.6(d)):** Respondent has been diagnosed with bipolar disorder and has suffered many manic episodes over the years, including during the time that respondent committed misconduct in this matter. Respondent's misconduct was directly caused by his mental health condition. Respondent sought treatment and his condition has since stabilized. In addition to the above, respondent also suffered extreme emotional difficulties when his wife died. Prior to her death, respondent's wife acted as his bookkeeper and helped him manage his banking. After her death, respondent's bank accounts were in disarray and he started using his client trust account as a personal account. Respondent has since stopped misusing and commingling funds in his client trust account.

**Pretrial Stipulation:** By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

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

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to standards are to this source).

The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of high professional standards; and preservation of public confidence in the legal profession. (*In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) Any discipline recommendation that deviates from the Standards must include clear reasons for the departure. (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given Standard, in addition to the factors set forth in the specific Standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In this matter, respondent commingled personal funds in his client trust account in violation of rule 4-100(A) of the Rules of Professional Conduct. Standard 2.2(a) applies to violations of rule 4-100 and provides: "Actual suspension of three months is the presumed sanction for commingling or failure to promptly pay out entrusted funds." In aggravation, respondent has three prior records of discipline and committed multiple acts of misconduct. In mitigation, respondent was experiencing mental and physical difficulties that directly caused the misconduct. In addition, he is entitled to mitigation for family problems, no harm and entering into a pretrial stipulation.

Standard 1.8(b) also applies based on respondent's three prior records of discipline. Standard 1.8(b) provides: "If a member has two or more prior records of discipline, disbarment is appropriate in the following circumstances, unless the most compelling mitigating circumstances clearly predominate or the misconduct underlying the prior discipline occurred during the same time period as the current misconduct: 1. Actual suspension was ordered in any one of the prior disciplinary matters; 2. The prior disciplinary matters coupled with the current record demonstrate a pattern of misconduct; or 3. The prior disciplinary matters coupled with the current record demonstrate the member's unwillingness or inability to conform to ethical responsibilities."

Here, respondent commingled personal funds in a client trust account over a six-month period. Respondent's misconduct is serious and aggravated by three prior records of discipline, one of which was for misconduct involving mishandling his trust account. There is no reason to deviate from the disbarment sanction recommended by standard 1.8(b) since the most compelling mitigating circumstances do not predominate and the instant misconduct did not occur during the same time period as the prior misconduct. Respondent meets two of the factors addressed in standard 1.8(b) supporting disbarment. First, actual suspension was ordered in two of respondent's prior disciplines. Second, respondent's long disciplinary history, which included mishandling of his trust account, demonstrate that he is unable or unwilling to conform his conduct.



In light of the serious and repetitive nature of respondent's misconduct, and his inability or unwillingness to conform his conduct, disbarment is necessary to protect the public and will serve the purposes of attorney discipline.

**COSTS OF DISCIPLINARY PROCEEDINGS.**

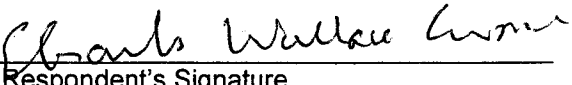
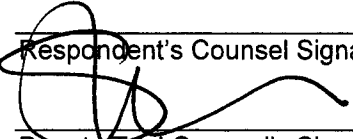

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of September 4, 2018, the prosecution costs in this matter are \$3,669. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

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In the Matter of: CHARLES WALLACE COPPOCK	Case Number(s): 16-O-13118-PEM
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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 Facts, Conclusions of Law, and Disposition.

Date <u>7-23-18</u>	 Respondent's Signature	Charles Wallace Coppock Print Name
Date	 Respondent's Counsel Signature	N/A Print Name
Date <u>9/17/18</u>	 Deputy Trial Counsel's Signature	Susan I. Kagan Print Name

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In the Matter of: CHARLES WALLACE COPPOCK	Case Number(s): 16-O-13118-PEM
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### DISBARMENT 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.

1. On page 7 of the stipulation, in the paragraph entitled Extreme Emotional, Physical, or Mental Difficulties and Disabilities, "Prior to her death, respondent's wife acted as his bookkeeper and helped his manage his banking. After her death, respondent's bank accounts were in disarray and he starting using is client trust account as a personal account" is deleted, and in its place is inserted "Prior to her death, respondent's wife acted as his bookkeeper and helped him manage his banking. After her death, respondent's bank accounts were in disarray and he starting using his client trust account as a personal account."

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 Rules Proc. of State Bar, rule 5.58(E) & (F).) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after the filed date of the Supreme Court order. (See Cal. Rules of Court, rule 9.18(a).)**

Respondent Charles Wallace Coppock is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Date

Sept 27, 2018

  
LUCY ARMENDARIZ  
Judge of the State Bar Court

SUPREME COURT  
FILED

(State Bar Court No. 06-O-11603)

DEC 14 2010

Frederick K. Ohlrich Clerk

S187073

**IN THE SUPREME COURT OF CALIFORNIA**

Deputy

**En Banc**

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In re CHARLES WALLACE COPPOCK on Discipline

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The court orders that Charles Wallace Coppock, State Bar Number 79458, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for five years subject to the following conditions:

1. Charles Wallace Coppock is suspended from the practice of law for the first 30 days of probation with credit given for inactive enrollment, which was effective March 9, 2010, through April 11, 2010;
2. Charles Wallace Coppock must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on July 9, 2010; and
3. At the expiration of the period of probation, if Charles Wallace Coppock has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

Charles Wallace Coppock must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

**EXHIBIT**

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

I, Frederick K. Ohlrich, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

14 day of December 2010

Clerk

By:   
Deputy

**GEORGE**

Chief Justice

**PUBLIC MATTER**

**FILED**

JUL 09 2010

STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

**STATE BAR COURT OF CALIFORNIA**

**HEARING DEPARTMENT – SAN FRANCISCO**

In the Matter of

**CHARLES WALLACE COPPOCK,**

Member No. 79458,

A Member of the State Bar.

) Case No. 06-O-11603-PEM

) **DECISION AND ORDER SEALING**  
) **CERTAIN DOCUMENTS**

**I. INTRODUCTION**

In this original disciplinary proceeding, respondent **Charles Wallace Coppock** was accepted for participation in the State Bar Court's Alternative Discipline Program (ADP). Because respondent has successfully completed the ADP, the court will recommend to the Supreme Court that respondent be suspended from the practice of law in California for three years, that execution of that period of suspension be stayed, and that he be placed on probation for five years subject to certain conditions, including an actual suspension of 30 days, with credit given for his prior inactive enrollment, from March 9, 2010 through April 11, 2010, during his participation in the program. (Rules Proc. of State Bar, rule 803; Bus. & Prof. Code, § 6233.)

**II. PERTINENT PROCEDURAL HISTORY**

Following the filing of a Notice of Disciplinary Charges (NDC) against respondent by the State Bar of California's Office of the Chief Trial Counsel (State Bar) on October 2, 2006,

respondent requested referral for evaluation of his eligibility for participation in the State Bar Court's ADP. The State Bar filed an opposition to respondent's participation in the ADP. The court denied the motion.

Respondent had contacted the State Bar's Lawyer Assistance Program (LAP) to assist with his mental health issues and signed a LAP Participation Plan on October 15, 2002.

Respondent submitted a declaration to the court on March 1, 2007, which established a nexus between respondent's mental health issues and his misconduct in this matter.

The parties entered into a Stipulation Re Facts and Conclusions of Law (Stipulation). The Stipulation, filed April 20, 2010, sets forth the factual findings, legal conclusions, and mitigating and aggravating circumstances in this matter.

The court issued a Confidential Statement of Alternative Dispositions and Orders, dated April 30, 2007, formally advising the parties of (1) the discipline which would be recommended to the Supreme Court if respondent successfully completed the ADP and (2) the discipline which would be recommended if respondent failed to successfully complete, or was terminated from, the ADP. After agreeing to those alternative possible dispositions, respondent and his counsel executed the Contract and Waiver for Participation in the State Bar Court's ADP; the court accepted respondent for participation in the ADP; and respondent's period of participation in the ADP began on April 30, 2007.

Respondent thereafter participated successfully in both the LAP and the State Bar Court's ADP. On April 20, 2010, after receiving a Certificate of One Year of Participation in the Lawyer Assistance Program – Mental Health, the court filed an order finding that respondent has successfully completed the ADP.

### III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The parties' Stipulation, including the court's order approving the Stipulation, is attached hereto and hereby incorporated by reference, as if fully set forth herein. Respondent stipulated to willfully violating: (1) Rule 1-300(A) of the Rules of Professional Conduct of the State Bar of California by aiding another person in the unauthorized practice of law; (2) Business and Professions Code section 6106, by committing an act of moral turpitude; (3) Rule 1-311(B) of the Rules of Professional Conduct by associating professionally with a member who was suspended from the practice of law; (4) Rule 1-311(D) of the Rules of Professional Conduct by failing to file the written notice before or at the time respondent professionally associated with a suspended member to work in his office; and (5) Business and Professions Code section 6068, subdivision (k), by violating a probation condition.

In aggravation, respondent has two prior records of discipline. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(b)(i).)<sup>1</sup> Respondent's misconduct harmed significantly the public and the administration of justice. (Std. 1.2(b)(iv).)

In mitigation, respondent displayed spontaneous cooperation and candor with the State Bar during the disciplinary investigation and proceedings (std. 1.2(e)(v)); and he demonstrated remorse (std. 1.2(e)(vii)). In addition, it is appropriate to consider respondent's successful completion of the ADP as a further mitigating circumstance in this matter. (Std. 1.2(e)(iv).)

### IV. DISCUSSION

The purpose of State Bar disciplinary proceedings is not to punish the attorney but, rather, to protect the public, preserve public confidence in the legal profession, and maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

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<sup>1</sup> All further references to standard(s) or std. are to this source.



In determining the appropriate alternative discipline recommendations if respondent successfully completed the ADP, the court considered the discipline recommended by the parties, as well as certain standards and case law. In particular, the court considered standards 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 2.3, 2.6 and 2.10.

Because respondent has now successfully completed the ADP, this court, in turn, now recommends to the Supreme Court the imposition of the lower level of discipline, set forth more fully below, contained in the Confidential Statement.

## V. RECOMMENDATIONS

### A. Recommended Discipline

It is hereby recommended that respondent **Charles Wallace Coppock**, State Bar Number 79458, be suspended from the practice of law in California for three years, that execution of that period of suspension be stayed, and that he be placed on probation<sup>2</sup> for a period of five years subject to the following conditions:

1. Respondent must be actually suspended from the practice of law for the first 30 days of his probation, with credit given for inactive enrollment, which was effective March 9, 2010, through April 11, 2010 (Bus. & Prof. Code, § 6233);
2. During the probation period, respondent must comply with the provisions of the State Bar Act and the Rules of Professional Conduct of the State Bar of California;
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 after the effective date of discipline, respondent must contact the Office of Probation and schedule a meeting with respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, respondent must meet with the probation deputy either in person or by telephone. During the period of

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<sup>2</sup> The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

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 whether there are any proceedings pending against him 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 thirty (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 the probation period;

6. Subject to the assertion of applicable privileges, respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation which are directed to respondent personally or in writing relating to whether respondent is complying or has complied with the probation conditions;
7. 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;
8. Respondent must comply with all provisions and conditions of his Participation Agreement/Plan with the Lawyer Assistance Program (LAP) and must provide the Office of Probation with certification of completion of the LAP. Respondent must immediately report any non-compliance with any provision(s) or condition(s) of his Participation Agreement/Plan to the Office of Probation. Respondent must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and his compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. Respondent will be relieved of this condition upon providing to the Office of Probation satisfactory certification of completion of the LAP; and
9. Respondent must abstain from use of any alcoholic beverages, and must not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.

At the expiration of the period of probation, if respondent has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

**B. Multistate Professional Responsibility Examination**

It is further recommended that respondent be ordered to take and pass the Multistate Professional Responsibility Examination (MPRE) within one year after the effective date of the Supreme Court's disciplinary order in this matter and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

**C. Costs**

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.


**VI. DIRECTION RE DECISION AND ORDER SEALING CERTAIN DOCUMENTS**

The court directs a court case administrator to file this Decision and Order Sealing Certain Documents. Thereafter, pursuant to rule 806(c) of the Rules of Procedure of the State Bar of California (Rules of Procedure), all other documents not previously filed in this matter are ordered sealed pursuant to rule 23 of the Rules of Procedure.

It is further ordered that protected and sealed material will only be disclosed to: (1) parties to the proceeding and counsel; (2) personnel of the Supreme Court, the State Bar Court and independent audiotape transcribers; and (3) personnel of the Office of Probation when necessary for their duties. Protected material will be marked and maintained by all authorized individuals in a manner calculated to prevent improper disclosures. All persons to whom protected material is disclosed will be given a copy of this order sealing the documents by the person making the disclosure.

**IT IS SO ORDERED.**

Dated: July 9, 2010

  
PAT McELROY  
Judge of the State Bar Court

**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 July 9, 2010, I deposited a true copy of the following document(s):

**DECISION AND ORDER SEALING CERTAIN DOCUMENTS**

**STIPULATION RE FACTS AND CONCLUSIONS OF LAW**

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 WALLACE COPPOCK  
4787 OLD REDWOOD HWY  
SANTA ROSA, CA 95403**

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:

**Erica Dennings, Enforcement, San Francisco**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on July 9, 2010.

  
**George Hue  
Case Administrator  
State Bar Court**

(Do not write above this line.)

<b>State Bar Court of California</b> Hearing Department San Francisco PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES		
<b>Counsel For The State Bar</b>  Maria J. Oropeza Office of the Chief Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2569  Bar # 182660	<b>Case Number (s)</b> 06-O-11603  <b>LODGED</b> <i>[Signature]</i> APR 30 2007 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO	<b>(for Court's use)</b>  <b>CONFIDENTIAL</b> <b>PUBLIC MATTER</b>  <b>FILED</b> APR 20 2010 <i>[Signature]</i> STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
<b>Counsel For Respondent</b>  Michael E. Kinney, Esq. 438 First St., Fourth Floor Santa Rosa, CA 95401 (707) 527-4141  Bar # 77018	<b>Submitted to: Program Judge</b>  <b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
<b>In the Matter Of:</b> C. Wallace Coppock  Bar # 79458  A Member of the State Bar of California (Respondent)		

**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 April 13, 1978.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 10 pages, excluding 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".

(Do not write above this line.)

- (6) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

**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 **01-C-4882 (S113874)**.
- (b)  Date prior discipline effective **July 5, 2003**.
- (c)  Rules of Professional Conduct/ State Bar Act violations: **Business and Professions Code section 6068(a)**.
- (d)  Degree of prior discipline **three-years stayed suspension; five-years probation; probation conditions and costs**.
- (e)  If Respondent has two or more incidents of prior discipline, use space provided below:

**State Bar Court case # 84-O-18456, Coppock v. State Bar (S001886). Discipline effective April 2, 1988. Rules of Professional Conduct/State Bar Act violations: Business and Professions Code section 6106; rules 4-100 [client trust account] and 3-110 [competence and duty to supervise]. Degree of Discipline two-years stayed suspension; two-years probation; 90-days actual suspension and restitution and interest.**

- (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 \_\_\_\_\_ 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.
- (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)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances are involved.**

**Additional mitigating circumstances:**

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:       C. Wallace Coppock, Bar No. 79458  
CASE NUMBER(S):        06-O-11603 ET AL.

**FACTS AND CONCLUSIONS OF LAW.**

**Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.**

**Statement of Facts: Count One (Case No. 06-O-1103)**

1. C. Wallace Coppock ("respondent") was admitted to practice law in the State of California on April 13, 1978, was a member at all times pertinent to these charges and is currently a member of the State Bar of California.
2. Respondent wilfully violated Rules of Professional Conduct, rule 1-300(A), by aiding a person or entity in the unauthorized practice of law, as follows:
3. Respondent and member James Joseph Bajgrowicz shared office space between June 1999 through April 10, 2006.
4. Respondent employed and associated professionally with member Bajgrowicz as a paralegal in his office and in conjunction with California Property Management ("CPM"). Member Bajgrowicz was not entitled to practice law effective January 15, 2006 through July 15, 2006. Respondent was aware of member Bajgrowicz's not entitled status. Bajgrowicz provided respondent with a former client by the name of California Property Management ("CPM").
5. Prior to January 15, 2006, respondent and member Bajgrowicz entered into an agreement wherein respondent would provide legal services to CPM, in the filing of unlawful detainer actions and associated pleadings; respondent would make any and all court appearances associated with the cases. Bajgrowicz would work directly with CPM in preparing the unlawful detainer actions and associated pleadings.
6. Pursuant to the agreement, respondent would review and sign the completed unlawful detainers and associated pleadings prepared by Bajgrowicz, which would thereafter be filed.
7. Pursuant to the agreement, respondent was to be paid \$100 for each filed unlawful detainer action. Respondent would be paid his regular hourly fee for any other work performed.
8. After January 15, 2006, and continuing through the period of the business agreement described in paragraphs 4 through 7 of this stipulation, respondent failed to supervise Bajgrowicz in his work on the unlawful detainer actions for CPM..
9. On March 8, 2006, in order to save time in the filing of the unlawful detainer actions, respondent suggested member Bajgrowicz sign respondent's name to unlawful detainer complaints and provided an exemplar of his signature.
10. On March 23, 2006, respondent notified the State Bar that member Bajgrowicz had forged respondent's name on at least one matter.
11. After his suspension and while working under's respondent's supervision but prior to the dates listed below, member Bajgrowicz engaged in the unauthorized practice of law



by giving legal advice and counsel to CPM on unlawful detainer actions, by signing respondent's name on unlawful detainer actions filed on behalf of property owners whose authorized agent was CPM and by having those actions filed as follows:

Matter	Date of Forgery	Date Filed
<i>John Bannister v. Clawson</i> , Solano County Superior Court case no. FCM 093199	February 24, 2006	February 28, 2006
<i>David Heiman v. Chaironi</i> , Sonoma County Superior Court case no. 185978	March 14, 2006	March 14, 2006
<i>Denise Goyuhenetche v. Wade</i> , Sonoma County Superior Court case no. 185993	March 15, 2006	March 15, 2006
<i>Rene Mora v. Gammon</i> , Sonoma County Superior Court case no. 185994	March 14, 2006	March 15, 2006
<i>Greg Stilson v. Hoening</i> , Sonoma County Superior Court case no. 186016	March 16, 2006	March 17, 2006
<i>Greg Stilson v. Thompson</i> , Sonoma County Superior Court case no. 186017	March 16, 2006	March 17, 2006
<i>Cole-Dutton LLC v. Clifton</i> , Sonoma County Superior Court case no. 186088	March 21, 2006	March 22, 2006
<i>Dang Puoung v. Morphis/Rocks</i> , Sonoma County Superior Court case no. 186090	March 21, 2006	March 22, 2006
<i>Cole-Dutton LLC v. Sherill</i> , Sonoma County Superior Court case no. 186091	March 21, 2006	March 22, 2006

Conclusions of Law: Count One (Case No. 06-O-11603)

12. By failing to supervise member Bajgrowicz and allowing member Bajgrowicz to render legal advice to CPM, authorizing Bajgrowicz to sign respondent's name to documents that respondent had not reviewed, and by allowing Bajgrowicz to have direct contact with CPM via the business agreement, respondent wilfully violated rule 1-300(A) of the Rules of Profession Conduct, by aiding and abetting the unauthorized practice of law.

Statement of Facts: Count Two (Case No. 06-O-11603)

13. Respondent wilfully violated Business and Professions Code, section 6106, by committing an act involving moral turpitude, dishonesty or corruption, as follows:

14. The allegations contained in count one of this stipulation are herein incorporated by reference as if set forth in full.

15. At all times relevant to this stipulation, respondent was fully aware of member Bajgrowicz's not entitled status.

16. On March 8, 2006, respondent suggested that in order to save time in the filing of the unlawful detainer actions, that member Bajgrowicz sign respondent's name to the pleadings. Respondent signed a blank piece of paper and provided it to member Bajgrowicz, to utilize for the forgery of his name on pleadings. The untrue signatures were submitted to courts via the pleading filing process.

17. Respondent avers that he rescinded his authorization for the use of the blank piece of paper bearing his signature. Respondent did not destroy the blank piece of paper bearing his signature and left it with member Bajgrowicz.

18. On March 22, 2006, respondent became aware that member Bajgrowicz, had forged respondent's signature to file an unlawful detainer action entitled *Stilson v. Thompson*.

19. Thereafter, respondent learned that member Bajgrowicz had filed at least nine matters, by forging respondent's signature to the pleadings.

Conclusions of Law: Count Two (Case No. 06-O-11603)

20. By suggesting that member Bajgrowicz forge respondent's signature on pleadings associated with the unlawful detainer actions and allowing member Bajgrowicz access to the blank piece of paper bearing respondent's signature, by failing to supervise member Bajgrowicz's activities while he was employed by respondent, respondent committed acts involving moral turpitude, dishonesty or corruption, a wilful violation of Business and Professions Code section 6106.

Statement of Facts: Count Three (Case No. 06-O-11603)

21. Respondent wilfully violated Rules of Professional Conduct, rule 1-311(B), by employing, associating professionally with, or aiding a person that respondent knew or reasonably should have known was suspended, to render legal consultation or advice to a client, to receive, disburse, or otherwise handle a client's funds, to engage in activities which constitute the practice of law, as follows:

22. The allegations contained in counts one through two of this stipulation are herein incorporated by reference as if set forth in full.

23. Respondent entered into a business agreement with member Bajgrowicz, wherein member Bajgrowicz would prepare all the pleadings in unlawful detainer actions for CPM, and respondent would sign the pleadings.

24. At all times relevant to this stipulation respondent was fully aware that member Bajgrowicz was not entitled to practice law.

25. Respondent never discussed with CPM any of the cases that were actually prepared and filed by member Bajgrowicz.

26. Respondent was never present when member Bajgrowicz received the unlawful detainer actions to be filed on CPM's behalf.

27. Respondent allowed member Bajgrowicz to render legal consultation to CPM..

28. Respondent allowed member Bajgrowicz to receive and disburse funds or otherwise handle the client's funds, by allowing member Bajgrowicz to pay the filing fees utilizing CPM's funds associated with filing the unlawful detainer actions.

29. Respondent allowed member Bajgrowicz to engage in activities that involved the practice of law, while member Bajgrowicz was on not entitled status.

Conclusions of Law: Count Three (Case No. 06-O-11603)

30. By engaging the services of and associating professionally with member Bajgrowicz in rendering legal consultation and advice to CPM, allowing member Bajgrowicz to receive, disburse or otherwise handle CPM funds, and allowing member Bajgrowicz to practice law while suspended, respondent wilfully violated rule 1-311(B) of the Rules of Professional Conduct.

Statement of Facts: Count Four (Case No. 06-O-11603)

31. Respondent wilfully violated rule 1-311(D) of the Rules of Professional Conduct, by employing a person the member knows is suspended without providing the State Bar with written notice as follows:

32. The allegations contained in counts one through three of this stipulation are herein incorporated by reference as if set forth in full.

33. Respondent employed and professionally associated with member Bajgrowicz, as a paralegal in his office, when member Bajgrowicz was not entitled to practice law in the State of California. Respondent was fully aware of member Bajgrowicz's status when he employed him in respondent's office.

34. Respondent failed to provide the written notice to the State Bar that he had employed and professionally associated with member Bajgrowicz, and that member Bajgrowicz would be prohibited from practicing law.

35. On April 11, 2006, respondent filed the termination notice as required by rule 1-311(F), but never filed the notice required by rule 1-311(D).

Conclusions of Law: Count Four (Case No. 06-O-11603)

36. By failing to file the written notice prior to or at the time respondent employed and professionally associated with member Bajgrowicz to work in his office, respondent wilfully violated rule 1-311(D) of the Rules of Professional Conduct.

Statement of Facts: Count Five (Case No. 06-O-11603)

37. Respondent wilfully violated Business and Professions Code, section 6068(k), by failing to comply with all conditions attached to any disciplinary probation, as follows:

38. Effective July 5, 2003, by order of the Supreme Court (S113874) respondent was placed on a three-stayed suspension, with a five-year probation term, which included the standard probation conditions.

39. The allegations contained in counts one through four of this stipulation are herein incorporated by reference as if set forth in full.

40. Among the probation conditions that respondent was required to abide by, was that he comply with all provisions of the State Bar Act and the Rules of Professional Conduct.

41. As set forth in counts one through four of this stipulation, respondent failed to comply with all provisions of the State Bar Act and the Rules of Professional Conduct.

Conclusions of Law: Count Five (Case No. 06-O-11603)

42. By failing to comply with the conditions attached to his disciplinary probation imposed by Supreme Court Order No. S113874, by way of failing to comply with all the provisions of the State Bar and the Rules of Professional Conduct, respondent wilfully violated Business and Professions Code section 6068(k).

#### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(7), was March 16, 2007.

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

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of March 16, 2007, the estimated prosecution costs in this matter are approximately \$2,296.00. Respondent acknowledges that this figure is an estimate. 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 1.7(b) states in pertinent part "if a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of two prior impositions of discipline as defined by Standard 1.2(f), the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate.

Standard 2.3 states in pertinent part "Culpability of a member of an act of moral turpitude, fraud, or intentional dishonesty toward a court, client, or another person or of concealment of a material fact to a court, client or another person shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law.

Standard 2.6 states in pertinent part "Culpability of a member of a violation of any of the following provisions of the Business and Professions Code shall result in disbarment or suspension depending on 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." Subsection (a) cites to Business and Professions code section 6068.

Standard 2.10 states in pertinent part "Culpability of a member of a violation of any provision of the Business and Professions Code not specified in these standards or a of a wilful violation of any Rule of Professional Conduct not specified in these standards shall result in reproof or suspension according to 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."

#### **AGGRAVATING CIRCUMSTANCES.**

Prior Discipline: Respondent has two previous impositions of discipline. In July 2003 the Supreme Court imposed a three-stayed suspension, five-year probation term on respondent for

his wilful violation of Business and Professions Code Section 6068(a), by way of a violation of Vehicle Code Section 23152(b). (Supreme Court Order Number S113874)

On March 3, 1988, the Supreme Court imposed a two-stayed suspension, placed respondent on a two-year probation term, conditioned on a 90 days actual suspension, restitution and the standard probation conditions, for his wilful violations of rule 4-100 and Business and Professions Code section 6106. Respondent opened a client trust account for the purpose of defrauding a client's creditors and then permitted the client to use the client trust account in furtherance of that fraud.

Harm: By allowing member James Joseph Bajgrowicz (Bar No. 49253) to file pleadings with respondent's forged signature, failing to properly supervise Bajgrowicz, and by giving Bajgrowicz permission to file pleadings with respondent's name and signature, respondent harmed the administration of justice and the public.

#### **MITIGATING CIRCUMSTANCES.**

Candor/Cooperation: Respondent notified the State Bar of Bajgrowicz's misconduct involving the use of respondent's name, forged signatures, and of respondent's own role in assisting Bajgrowicz in the misconduct. Respondent cooperated with the State Bar in its investigation and in its prosecution of member Bajgrowicz.

Remorse: Respondent notified the State Bar of the misconduct and notified the clients about the misconduct. Immediately upon learning about the numerous unlawful detainer actions filed under his forged signature, respondent began trying to resolve the problems that member Bajgrowicz's misconduct created for the property owners and the tenants. Respondent promptly made the courts aware of the problems created by member Bajgrowicz's actions.

(Do not write above this line.)

In the Matter of  
C. Wallace Coppock

Case number(s):  
06-O-11603

### 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 Facts and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

March 22 2007  
Date

C. W. Coppock  
Respondent's Signature

C. Wallace Coppock  
Print Name

March 23 2007  
Date

Michael E. Kinney  
Respondent's Counsel Signature

Michael E. Kinney  
Print Name

March 29 2007  
Date

Maria J. Oropeza  
Deputy Trial Counsel's Signature

Maria J. Oropeza  
Print Name

(Do not write above this line.)

In the Matter Of C. Wallace Coppock	Case Number(s): 06-O-11603
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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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All court dates in the Hearing Department 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(b), Rules of Procedure.)

Date April 30, 2007 Pat McElroy  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**  
**[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]**

I am a Case Administrator of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on April 30, 2007, I deposited a true copy of the following document(s):

**CONFIDENTIAL STATEMENT OF ALTERNATIVE DISPOSITIONS AND  
ORDERS (Rules Proc. of State Bar, rule 803 (a))**

**STIPULATION RE FACTS AND CONCLUSIONS OF LAW**


**CONTRACT AND WAIVER FOR PARTICIPATION IN THE STATE BAR  
COURT'S ALTERNATIVE DISCIPLINE PROGRAM**

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

by personally delivering such documents to the following individuals at 180 Howard Street, 6th Floor, San Francisco, California 94105-1639:

**CHARLES W. COPPOCK, ESQ.**  
**MICHAEL E. KINNEY, ESQ.**  
**MARIA J. OROPEZA, ESQ.**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on  
April 30, 2007

  
**Laretta Cramer**  
Case Administrator  
State Bar Court



**FILED**

**PUBLIC MATTER**

APR 1 2 2010

STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

**STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – SAN FRANCISCO**

In the Matter of	)	Case No.: 06-O-11603
	)	
<b>CHARLES W. COPPOCK</b>	)	<b>ORDER TRANSFERRING</b>
	)	<b>MEMBER TO ACTIVE STATUS</b>
Member No. 79458	)	
	)	
<u>A Member of the State Bar.</u>	)	

**TO ALL PARTIES AND COUNSEL IN THE ABOVE ENTITLED MATTER:**

By order of this court filed March 2, 2010, petitioner Charles W. Coppock was enrolled on inactive membership status pursuant to Business and Professions Code section 6233<sup>1</sup> in the above-entitled matter. Petitioner's inactive enrollment was effective on March 9, 2010. On April 12, 2010, he made a motion for an order terminating his inactive status under the terms of his April 30, 2007 Contract and Waiver for Participation in the State Bar Court's Alternative Discipline Program (contract) and the court's Confidential Statement of Alternative Dispositions and Orders (disposition).

Under the terms of the contract and disposition petitioner may elect to serve, if he is in full compliance with the terms of the Alternative Discipline Program (ADP), the recommended discipline of thirty (30) days actual suspension during his participation in the ADP. On March 1, 2008, petitioner elected to take the 30 days of actual suspension during the period of March 9, 2010 to April 10, 2010. Petitioner has remained on inactive status since March 9, 2010.

<sup>1</sup> Unless otherwise indicated, all further reference to "section" refer to provisions of the Business and Professions Code.

Petitioner now seeks an order that will allow him to return to active membership status enrollment. Petitioner supports his petition with evidence that he has not engaged in the unauthorized practice of law since beginning his suspension on March 9, 2010, and that he is in full compliance with the requirements of his enrollment in the ADP. The State Bar does not object to respondent returning to active status effective April 12, 2010. The court having considered the petition and the attached declaration finds good cause to grant the petition. The court finds, by clear and convincing evidence, that there is no longer a basis for petitioner's involuntary inactive enrollment pursuant to section 6233.

ACCORDINGLY, it is ordered that the petition for transfer to active membership status is **GRANTED**. It is further ordered that the petitioner's inactive enrollment pursuant to section 6233 is hereby terminated and he shall be entitled to resume the practice of law in this state on April 12, 2010, upon his payment of all applicable State Bar fees and previously accessed costs.

**IT IS SO ORDERED.**

Dated: *April 12, 2010*

  
\_\_\_\_\_  
Pat McElroy  
Judge of the State Bar Court

**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 April 12, 2010, I deposited a true copy of the following document(s):


**ORDER TRANSFERRING MEMBER TO ACTIVE STATUS**

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 WALLACE COPPOCK  
4787 OLD REDWOOD HWY  
SANTA ROSA, CA 95403
- 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:

Erica Dennings, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on April 12, 2010.

  
George Hae  
Case Administrator  
State Bar Court

FILED *LOS*

OCT 02 2006

STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

1 THE STATE BAR OF CALIFORNIA  
 2 OFFICE OF THE CHIEF TRIAL COUNSEL  
 3 SCOTT J. DREXEL, No. 65670  
 4 CHIEF TRIAL COUNSEL  
 5 RUSSELL G. WEINER, No. 94504  
 6 DEPUTY CHIEF TRIAL COUNSEL  
 7 LAWRENCE J. DAL CERRO, No. 104342  
 8 ASSISTANT CHIEF TRIAL COUNSEL  
 9 DONALD R. STEEDMAN, No. 104927  
 10 SUPERVISING TRIAL COUNSEL  
 11 ROBERT A. HENDERSON, No. 173205  
 12 DEPUTY TRIAL COUNSEL  
 13 180 Howard Street  
 14 San Francisco, California 94105  
 15 Telephone: (415) 538-2385

10 THE STATE BAR COURT  
 11 HEARING DEPARTMENT - SAN FRANCISCO

13 In the Matter of ) Case No: 06-O-11603  
 14 C. WALLACE COPPOCK, )  
 15 No. 79458 ) NOTICE OF DISCIPLINARY CHARGES  
 16 A Member of the State Bar. )

**NOTICE - FAILURE TO RESPOND!**

18 IF YOU FAIL TO FILE AN ANSWER TO THIS NOTICE WITHIN THE  
 19 TIME ALLOWED BY STATE BAR RULES, INCLUDING EXTENSIONS, OR  
 20 IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL, (1) YOUR  
 21 DEFAULT SHALL BE ENTERED, (2) YOU SHALL BE ENROLLED AS AN  
 22 INACTIVE MEMBER OF THE STATE BAR AND WILL NOT BE  
 23 PERMITTED TO PRACTICE LAW UNLESS THE DEFAULT IS SET ASIDE  
 24 ON MOTION TIMELY MADE UNDER THE RULES OF PROCEDURE OF  
 25 THE STATE BAR, (3) YOU SHALL NOT BE PERMITTED TO  
 26 PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOUR  
 27 DEFAULT IS SET ASIDE, AND (4) YOU SHALL BE SUBJECT TO  
 28 ADDITIONAL DISCIPLINE.

24 STATE BAR RULES REQUIRE YOU TO FILE YOUR WRITTEN  
 25 RESPONSE TO THIS NOTICE WITHIN TWENTY DAYS AFTER SERVICE.

26 IF YOUR DEFAULT IS ENTERED AND THE DISCIPLINE IMPOSED BY  
 27 THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD OF  
 28 ACTUAL SUSPENSION, YOU WILL REMAIN SUSPENDED FROM THE  
 PRACTICE OF LAW FOR AT LEAST THE PERIOD OF TIME SPECIFIED  
 BY THE SUPREME COURT. IN ADDITION, THE ACTUAL SUSPENSION  
 WILL CONTINUE UNTIL YOU HAVE REQUESTED, AND THE STATE

1 **BAR COURT HAS GRANTED, A MOTION FOR TERMINATION OF THE**  
2 **ACTUAL SUSPENSION. AS A CONDITION FOR TERMINATING THE**  
3 **ACTUAL SUSPENSION, THE STATE BAR COURT MAY PLACE YOU ON**  
4 **PROBATION AND REQUIRE YOU TO COMPLY WITH SUCH**  
5 **CONDITIONS OF PROBATION AS THE STATE BAR COURT DEEMS**  
6 **APPROPRIATE. SEE RULE 205, RULES OF PROCEDURE FOR STATE**  
7 **BAR COURT PROCEEDINGS.**

8 The State Bar of California alleges:

9 JURISDICTION

10 1. C. WALLACE COPPOCK ("Respondent") was admitted to the practice of law in  
11 the State of California on April 13, 1978, was a member at all times pertinent to these charges,  
12 and is currently a member of the State Bar of California.

13 COUNT ONE

14 Case No. 06-O-11603  
15 Rules of Professional Conduct, Rule 1-300(A)  
16 [Aiding the Unauthorized Practice of Law]

17 2. Respondent wilfully violated Rules of Professional Conduct, rule 1-300(A), by  
18 aiding a person or entity in the unauthorized practice of law, as follows:

19 3. Beginning on January 15, 2006 and at all times relevant to this Notice of  
20 Disciplinary Charges, James J. Bajgrowicz, SBN 49253 ("Bajgrowicz"), was not entitled to  
21 practice law due to his suspension in case number 04-O-13150 (S137837).

22 4. During the entire period of Bajgrowicz's suspension, both Bajgrowicz and  
23 respondent knew that Bajgrowicz was not entitled to practice law.

24 5. Respondent was at all relevant times to this notice an active member of the State  
25 Bar of California entitled to practice law.

26 6. Prior to his suspension, Bajgrowicz had a client, California Property Management  
27 ("CPM"), which managed residential real estate for property owners.

28 7. Sometime after Bajgrowicz knew he would be suspended, but prior to January 15,  
2006, respondent and Bajgrowicz entered into an agreement wherein respondent would provide  
legal services to CPM, in the filing of unlawful detainer actions. The agreement was that  
Bajgrowicz would work directly with CPM in preparing unlawful detainer actions. The

1 completed unlawful detainer action would be provided to respondent for respondent's review  
2 and signature. After review and signature, the unlawful detainer would be filed. If any court  
3 appearance were to be made, it would be made by respondent. Bajgrowicz was to pay  
4 respondent \$100 for each unlawful detainer filed. In the event any appearance or other work on  
5 an unlawful detainer were to be done, Bajgrowicz would pay respondent his regular hourly fee.  
6 Respondent was to be paid by Bajgrowicz after CPM paid Bajgrowicz.

7 8. After January 15, 2006, and during the period of the business agreement between  
8 Bajgrowicz and respondent, respondent did not supervise Bajgrowicz in his work on unlawful  
9 detainer actions for CPM.

10 9. On March 8, 2006, in order to save time in the filing of the unlawful detainer  
11 actions, respondent suggested Bajgrowicz sign respondent's name to several unlawful detainer  
12 complaints and provided an exemplar of his signature.

13 10. Respondent and Bajgrowicz have differing versions of whether respondent  
14 rescinded the March 8, 2006, signature authorization. At this time respondent did not rescind the  
15 underlying business relationship with Bajgrowicz.

16 11. After his suspension, but prior to the dates listed, Bajgrowicz engaged in the  
17 unauthorized practice of law by giving legal advice and counsel to CPM on unlawful detainer  
18 actions, by signing Respondent's name on unlawful detainer actions filed on behalf of property  
19 owners whose authorized agent was CPM, and by having those actions filed as follows:

Matter	Date of Forgery	Date Filed
<i>John Bannister v. Clawson</i> , Solano County Superior Court case no. FCM 093199	February 24, 2006	February 28, 2006
<i>David Heiman v. Chaironi</i> , Sonoma County Superior Court case no. 185978	March 14, 2006	March 14, 2006
<i>Denise Goyuhentche v. Wade</i> , Sonoma County Superior Court case no. 185993	March 15, 2006	March 15, 2006
<i>Rene Mora v. Gammon</i> , Sonoma County Superior Court case no. 185994	March 14, 2006	March 15, 2006

1	<i>Greg Stilson v. Hoening</i> , Sonoma County Superior	March 16, 2006	March 17, 2006
2	Court case no. 186016		
3	<i>Greg Stilson v. Thompson</i> , Sonoma County	March 16, 2006	March 17, 2006
4	Superior Court case no. 186017		
5	<i>Cole-Dutton LLC v. Clifton</i> , Sonoma County	March 21, 2006	March 22, 2006
6	Superior Court case no. 186088		
7	<i>Dang Puoung v. Morphis/Rocks</i> , Sonoma County	March 21, 2006	March 22, 2006
8	Superior Court case no. 186090		
9	<i>Cole-Dutton LLC v. Sherill</i> , Sonoma County	March 21, 2006	March 22, 2006
10	Superior Court case no. 186091		

11           12.     Respondent aided and abetted Bajgrowicz in the unauthorized practice of law by:  
12 (1) entering into a business relationship with Bajgrowicz wherein Bajgrowicz worked with CPM  
13 in preparing the unlawful detainer actions; (2) authorizing Bajgrowicz to sign Respondent's  
14 name on unlawful detainer actions; and (3) not supervising Bajgrowicz in the work performed  
15 with CPM in preparing the unlawful detainer actions.

16  
17   COUNT TWO

18   Case No. 06-O-11603  
19   Business and Professions Code, section 6106  
20   [Moral Turpitude]

21           13.     Respondent wilfully violated Business and Professions Code, section 6106, by  
22 committing an act involving moral turpitude, dishonesty and corruption, as follows:

23           14.     The allegations contained in the previous count, Count One, are hereby  
24 incorporated by this reference.

25           15.     Respondent wilfully committed acts involving moral turpitude, dishonesty and  
26 corruption when he: (1) entered into a business relationship with Bajgrowicz wherein  
27 Bajgrowicz worked with CPM in preparing the unlawful detainer filings; (2) authorized  
28 Bajgrowicz to sign respondent's name on unlawful detainer filings; and (3) failed to supervise  
Bajgrowicz in the work he performed with CPM in preparing the unlawful detainer filings.

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**COUNT THREE**

4 Case No. 06-O-11603  
5 Rules of Professional Conduct, Rule 1-311(B)  
6 [Employment of Suspended Member]

7 16. Respondent wilfully violated Rules of Professional Conduct, rule 1-311(B), by  
8 employing, associating professionally with, and aiding a person that respondent knew was a  
9 suspended member to render legal consultation or advice to a client, to receive, disburse, or  
10 otherwise handle a client's funds, and to engage in activities which constitute the practice of law,  
11 as follows:

12 17. The allegations contained in paragraphs 3-11 are hereby incorporated by this  
13 reference.

14 18. Respondent by: engaging the services of and associating professionally with  
15 Bajgrowicz in rendering consultation and legal advice to CPM; allowing Bajgrowicz to receive,  
16 disburse and otherwise handle CPM funds; and allowing Bajgrowicz to practice law while  
17 suspended, wilfully violated Rule 1-311(B) of the California Rules of Professional Conduct.

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**COUNT FOUR**

21 Case No. 06-O-11603  
22 Rules of Professional Conduct, Rule 1-311(D)  
23 [Employment of Suspended Member]

24 19. Respondent wilfully violated Rules of Professional Conduct, rule 1-311(D), by  
25 employing a person the member knows is suspended without providing the State Bar the written  
26 notice required as follows:

27 20. The allegations contained in paragraphs 3-11 are hereby incorporated by this  
28 reference.

29 21. Respondent did not file with the State Bar the written notice required by rule  
30 1-311(D) until April 11, 2006.

31 22. Respondent, by failing to file the written notice prior to or at the time of  
32 employing Bajgrowicz, wilfully violated rule 1-311(D) of the California Rules of Professional  
33 Conduct.



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COUNT FIVE

Case No. 06-O-11603  
Business and Professions Code, section 6068(k)  
[Failure to Comply With Conditions of Probation]

23. Respondent wilfully violated Business and Professions Code, section 6068(k), by failing to comply with all conditions attached to any disciplinary probation, as follows:

24. The allegations contained in Counts One through Four are hereby incorporated by this reference.

25. Beginning on July 5, 2003, and at all times thereafter, respondent was on probation as a result of his discipline in case number 01-C-04882 (S113874).

26. One condition of respondent's probation was that he comply with the provisions of the State Bar Act and Rules of Professional Conduct.

27. Respondent violated the conditions of his probation by committing the violations alleged above.

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**NOTICE - INACTIVE ENROLLMENT!**

YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT. SEE RULE 101(c), RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

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**NOTICE - COST ASSESSMENT!**

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10. SEE RULE 280, RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

25  
26

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL

27  
28

Dated: October 2, 2006

By: Robert A. Henderson  
ROBERT A. HENDERSON  
Deputy Trial Counsel

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**DECLARATION OF SERVICE BY MAIL**

**CASE NUMBER: 06-O-11603**

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit. That in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco, on the date shown below, a true copy of the within

**NOTICE OF DISCIPLINARY CHARGES**

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

**Michael E. Kinney  
438 1st Street, 4<sup>th</sup> Floor  
Santa Rosa, CA 95401**

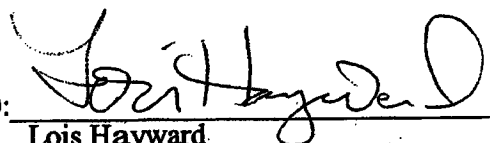
**CERTIFIED MAIL  
7160 3901 9849 4132 1961  
Return Receipt Requested**

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

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: 10/2/06

SIGNED:   
Lois Hayward  
Declarant

**FILED**

OCT 23 2006

STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

1 MICHAEL E. KINNEY  
2 Bar No. 77018  
3 Law Office of Michael E. Kinney  
4 438 First St.  
5 Fourth Floor  
6 Santa Rosa, CA 95401  
7 (707) 527-4141

8 Attorney for Respondent  
9 C. WALLACE COPPOCK

10  
11  
12 COURT OF THE STATE BAR OF CALIFORNIA

13 STATE BAR OF CALIFORNIA,  
14  
15 Complainant,

No. 06-0-11603-PEM

RESPONSE TO NOTICE OF  
DISCIPLINARY CHARGES

16 vs.

17 C. WALLACE COPPOCK,  
18  
19 Respondent.

20  
21 Respondent C. WALLACE COPPOCK admits, denies and alleges as follows in  
22 response to the Notice of Disciplinary Charges on file herein:

23 1. Answering Paragraph 1 of the Notice of Disciplinary Charges,  
24 Respondent admits the allegations therein contained.

25 2. Answering Paragraph 2 of the Notice of Disciplinary Charges,  
26 Respondent denies generally and specifically, conjunctively and disjunctively, each and every  
27 allegation of said Paragraph.

28 3. Answering Paragraph 3 of the Notice of Disciplinary Charges,  
Respondent lacks sufficient information or belief to enable him either to admit or deny the  
allegations of Paragraph 3 and, basing his denial on said lack of information and belief, denies,  
generally and specifically, conjunctively and disjunctively, each and every allegation of said  
Paragraph.

1                   4.            Answering Paragraph 4 of the Notice of Disciplinary Charges,  
2 Respondent admits that he knew that James J. Bajgrowicz was not entitled to practice law during  
3 the period of his suspension. Except as specifically admitted herein, Respondent lacks sufficient  
4 information or belief to enable him either to admit or deny the allegations of Paragraph 4 and,  
5 basing his denial on said lack of information and belief, denies, generally and specifically,  
6 conjunctively and disjunctively, each and every allegation of said Paragraph.

7                   5.            Answering Paragraph 5 of the Notice of Disciplinary Charges,  
8 Respondent admits the allegations therein contained.

9                   6.            Answering Paragraph 6 of the Notice of Disciplinary Charges,  
10 Respondent lacks sufficient information or belief to enable him either to admit or deny the  
11 allegations of Paragraph 6 and, basing his denial on said lack of information and belief, denies,  
12 generally and specifically, conjunctively and disjunctively, each and every allegation of said  
13 Paragraph.

14                  7.            Answering Paragraph 7, 8, 9 and 10 of the Notice of Disciplinary  
15 Charges, Respondent denies generally and specifically, conjunctively and disjunctively, each and  
16 every allegation of said Paragraphs.

17                  8.            Answering Paragraph 11 of the Notice of Disciplinary Charges,  
18 Respondent lacks sufficient information or belief to enable him either to admit or deny the  
19 allegations of Paragraph 11 and, basing his denial on said lack of information and belief, denies,  
20 generally and specifically, conjunctively and disjunctively, each and every allegation of said  
21 Paragraph.

22                  9.            Answering Paragraph 12 of the Notice of Disciplinary Charges,  
23 Respondent denies generally and specifically, conjunctively and disjunctively, each and every  
24 allegation of said Paragraph.

25                  10.           Answering Paragraph 13 of the Notice of Disciplinary Charges,  
26 Respondent denies generally and specifically, conjunctively and disjunctively, each and every  
27 allegation of said Paragraph.

28                  11.           Answering Paragraph 14 of the Notice of Disciplinary Charges,

1 Respondent hereby incorporates his responses to Paragraph 1 through Paragraph 12, inclusive, of  
2 the Notice of Disciplinary Charges.

3 12. Answering Paragraph 15 of the Notice of Disciplinary Charges,  
4 Respondent denies generally and specifically, conjunctively and disjunctively, each and every  
5 allegation of said Paragraph.

6 13. Answering Paragraph 16 of the Notice of Disciplinary Charges,  
7 Respondent denies generally and specifically, conjunctively and disjunctively, each and every  
8 allegation of said Paragraph.

9 14. Answering Paragraph 17 of the Notice of Disciplinary Charges,  
10 Respondent hereby incorporates his responses to Paragraph 3 through Paragraph 11, inclusive, of  
11 the Notice of Disciplinary Charges.

12 15. Answering Paragraph 18 of the Notice of Disciplinary Charges,  
13 Respondent denies generally and specifically, conjunctively and disjunctively, each and every  
14 allegation of said Paragraph.

15 16. Answering Paragraph 19 of the Notice of Disciplinary Charges,  
16 Respondent denies generally and specifically, conjunctively and disjunctively, each and every  
17 allegation of said Paragraph.

18 17. Answering Paragraph 20 of the Notice of Disciplinary Charges,  
19 Respondent hereby incorporates his responses to Paragraph 3 through Paragraph 11, inclusive, of  
20 the Notice of Disciplinary Charges.

21 18. Answering Paragraph 21 of the Notice of Disciplinary Charges,  
22 Respondent admits that he did not file a notice pursuant to Rule 1-111(D) until April 11, 2006.  
23 Except as specifically admitted herein, Respondent denies generally and specifically, conjunctively  
24 and disjunctively, each and every allegation of said Paragraph, and further specifically denies that  
25 Respondent was required to file a notice pursuant to Rule 1-111(D) at any time.

26 19. Answering Paragraph 22 of the Notice of Disciplinary Charges,  
27 Respondent denies generally and specifically, conjunctively and disjunctively, each and every  
28 allegation of said Paragraph.

1           20.           Answering Paragraph 23 of the Notice of Disciplinary Charges,  
2 Respondent denies generally and specifically, conjunctively and disjunctively, each and every  
3 allegation of said Paragraph.

4           21.           Answering Paragraph 24 of the Notice of Disciplinary Charges,  
5 Respondent hereby incorporates his responses to Paragraph 1 through Paragraph 22, inclusive, of  
6 the Notice of Disciplinary Charges.

7           22.           Answering Paragraph 25 and Paragraph 26 of the Notice of Disciplinary  
8 Charges, Respondent admits the allegations therein contained.

9           23.           Answering Paragraph 27 of the Notice of Disciplinary Charges,  
10 Respondent denies generally and specifically, conjunctively and disjunctively, each and every  
11 allegation of said Paragraph.

12           WHEREFORE, Respondent prays as follows:

- 13           1.           That the State Bar take nothing by way of the Disciplinary Charges;  
14           2.           That the Disciplinary Charges be dismissed;  
15           3.           For reimbursement of costs as provided by State Bar Rule 283;  
16           4.           For such other and further relief as the Court deems proper.

17 Dated: October 19, 2006

LAW OFFICE OF MICHAEL E. KINNEY

18 By: Michael E. Kinney  
19 Michael E. Kinney  
20 Attorney for Respondent  
21 C. WALLACE COPPOCK  
22  
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PROOF OF SERVICE BY MAIL - CCP 1013a, 2015.5

I declare that:

I am employed in the County of Sonoma, California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is: Law Offices of Michael E. Kinney, 438 First St., Fourth Floor, Santa Rosa, CA 95401. I am readily familiar with said law firm's practice for collection and processing of correspondence for mailing with the U.S. Postal Service. In the ordinary course of business, correspondence is deposited with the U.S. Postal Service the same day.

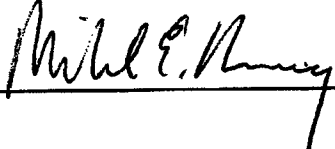
On October 19, 2006, I served the attached **RESPONSE TO NOTICE OF DISCIPLINARY CHARGES** in this action by placing a true copy thereof in an envelope, which on the same date, at said law firm, was sealed and placed for deposit in the U.S. Postal Service, pursuant to said law firm's ordinary business practices for collection and mailing. Each envelope bore the name and address of the person served as follows:

Robert A. Henderson  
Deputy Trial Counsel  
State Bar of California  
180 Howard St.  
San Francisco, CA 94105

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 19, 2006 at Santa Rosa, California.

Michael E. Kinney

  
\_\_\_\_\_



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

ATTEST October 4, 2016

State Bar Court, State Bar of California,  
Los Angeles

By *Lyle P. ...*  
Clerk



(State Bar Court Case No. 01-C-4882)

S113874

IN THE SUPREME COURT OF CALIFORNIA

EN BANC

SUPREME COURT  
**FILED**

JUN - 5 2003

Frederick K. Ohlrich Clerk

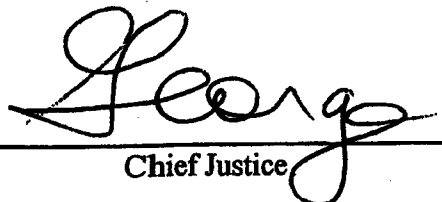
DEPUTY

---

IN RE CHARLES W. COPPOCK ON DISCIPLINE

---

It is ordered that **CHARLES W. COPPOCK**, State Bar No. 79458, be suspended from the practice of law for three years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for five years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on January 2, 2003. Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2004 and 2005.

  
Chief Justice

The Bar Court of the State Bar of California  
Hearing Department     Los Angeles     San Francisco

<b>Counsel for the State Bar</b> Cydney Batchelor, #114637 State Bar of California 180 Howard St., 7th Fl. San Francisco, CA 95403 Tele: 415/538-2204	<b>Case number(s)</b>  01-C-4882-JMR  <b>PUBLIC MATTER</b>	<b>(for Court's use)</b>  <div style="text-align: center; font-size: 2em; font-weight: bold;">FILED</div> <div style="text-align: center; font-size: 1.2em;">JAN 02 2003</div> <div style="text-align: center;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</div>
<b>Counsel for Respondent</b> Charles W. Coppock, #79458 176 Wikiup Dr., #B Santa Rosa, CA 95403 Tele: 707/528-2510	Submitted to <u>  JC  </u> assigned judge <input checked="" type="checkbox"/> settlement judge <b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</b> <b>STAYED SUSPENSION; NO ACTUAL SUSPENSION</b> <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
<b>In the Matter of</b>  CHARLES W. COPPOCK  Bar # 79458  A Member of the State Bar of California (Respondent)		

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted 4/13/78 (date)
- (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 and order consist of 9 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts." See Attachment.
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law." See Attachment.
- (6) 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.
- (7) **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
  - costs to be paid in equal amounts prior to February 1 for the following membership years:  
2004, 2005

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  - (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
  - costs waived in part as set forth under "Partial Waiver of Costs"
  - costs entirely waived

**Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."**

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 S001886 (BM 5473)

(b)  date prior discipline effective 4/2/88

(c)  Rules of Professional Conduct/ State Bar Act violations: \_\_\_\_\_

Coppock v. State Bar (1988) 44 Cal.3d 665 -- Business and Professions Code

section 6106

(d)  degree of prior discipline 2 years probation; 2 years stayed suspension;  
90 days actual suspension

(e)  If Respondent has two or more incidents of prior discipline, use space provided below or under "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. See Attachment.

(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 ~~to 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. See Attachment.
  - (9)  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.
  - (10)  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.
  - (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)  Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
  - (13)  No mitigating circumstances are involved.

Additional mitigating circumstances:

See Attachment.

D. Discipline

1. Stayed Suspension.

- A. Respondent shall be suspended from the practice of law for a period of three (3) years
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution to \_\_\_\_\_ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of \_\_\_\_\_, plus 10% per annum accruing from \_\_\_\_\_ and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
- iii. and until Respondent does the following: \_\_\_\_\_

B. The above-referenced suspension shall be stayed.

2. Probation.

Respondent shall be placed on probation for a period of five (5) years which shall commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.)

E. Additional Conditions of Probation:

- (1)  During the probation period, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2)  Within ten (10) days of any change, Respondent shall report to the Membership Records Office of the State Bar and to the Probation Unit, 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.
- (3)  Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent shall 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. If the first report would cover less than 30 days, that report shall 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.

- (4)  Respondent shall be assigned a probation monitor. Respondent shall 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 shall furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the probation monitor.
- (5)  Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel 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.

(6)  Within one (1) year of the effective date of the discipline herein, respondent shall provide to the Probation Unit 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. See Attachment.

(7)  Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Probation Unit.

(8)  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             |

(9)  Other conditions negotiated by the parties:

See Attachment.

Multistate Professional Responsibility Examination: Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit of the Office of the Chief Trial Counsel within one year. Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.

No MPRE recommended. See Attachment.

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:        CHARLES W. COPPOCK  
  
CASE NUMBER(S):         01-C-04882-JMR

**DISMISSAL.**

The Office of the Chief Trial counsel hereby agrees to dismiss Respondent's probation in case number 98-O-581 upon the execution date of this stipulation, in the interests of justice, with prejudice.

**FACTS AND CONCLUSIONS OF LAW.**

Case No. 01-C-04882-JMR:

Procedural Background: This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 951 of the California Rules of Court. On November 5, 2001, Respondent was convicted of a misdemeanor violation of Vehicle Code section 23152(b). On February 1, 2002, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department found that the facts and circumstances surrounding the conviction involved moral turpitude or other misconduct warranting discipline.

Facts: On July 8, 2001, the Santa Rosa Police Department investigated a traffic accident, in which Respondent had driven his automobile off the road and into a ditch. Upon investigation, Respondent was determined to be under the influence of alcohol and was arrested. His blood alcohol level was determined to be .21%. On July 23, 2001, Respondent was charged with misdemeanor violations of Vehicle Code sections 23152(a) and 23152(b) [driving under the influence of alcohol], with two prior convictions for offenses that occurred on June 19, 1998 and July 16, 1998. On November 5, 2001, Respondent pleaded nolo contendere to a misdemeanor violation of Vehicle Code section 23152(b) and admitted two prior convictions. The other charge (Vehicle Code section 23152(a)) was dismissed.

As a result of his plea, Respondent was placed on three years probation and sentenced to 120 days in the county jail.

**Conclusions of Law:** The facts and circumstances surrounding Respondent's violation of California Vehicle Code section 23152 (b), with two prior convictions, does not involve moral turpitude, but does involve other conduct warranting discipline. The Respondent acknowledges that by the conduct described herein, he willfully violated Business and Professions Code section 6068(a).

#### **NEXUS BETWEEN MISCONDUCT AND CHEMICAL DEPENDENCY.**

If called as a witness, Respondent would testify that he had been treated with a psychotropic medication over a lengthy period of time for a mental health condition, but that he developed kidney failure and was required to stop taking the medication in 1998. In early 2002, Respondent received a kidney transplant. However, between the time that he stopped taking his medication, and his kidney transplant, Respondent began to abuse alcohol to compensate for his inability to take his psychotropic medication, and was convicted of the above-described driving under the influence offenses.

#### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(6), was November 20, 2002.

#### **AGGRAVATING CIRCUMSTANCES.**

**Multiple Acts of Misconduct:** The criminal violations set forth above represent multiple acts of misconduct from June 1999 to November 2001.

#### **MITIGATING CIRCUMSTANCES.**

##### **Facts Supporting Mitigating Circumstances.**

**Candor and cooperation:** Respondent has been completely candid and cooperative with the State Bar during its investigation and resolution of these cases.



**Additional Mitigating Circumstances.**

**Severe Health Problems:** As noted above, Respondent developed kidney failure and then received a kidney transplant during the time period addressed in this stipulation.

**Chemical Dependency Treatment:** Respondent accepted responsibility for his misconduct by electing not to challenge any of the criminal charges, but to enter pleas by which he accepted responsibility. As soon as the LAP started accepting applicants, Respondent signed an pre-enrollment assessment agreement on June 21, 2001. Respondent was then assessed and monitored for a period of time by the LAP. At the conclusion of the LAP evaluation, on September 20, 2002, Respondent met with its Evaluation Committee, and then entered into a five (5) year participation agreement with LAP on October 15, 2002. He has been fully compliant with LAP from his first communication with the program.

**OTHER CONDITION NEGOTIATED BY THE PARTIES.**

**Participation in State Bar Lawyer's Assistance Program.** On October 15, 2002, Respondent entered into a participation agreement with the LAP ("the participation agreement"), which includes conditions regarding substance abuse testing, monitoring and treatment for five (5) years. Respondent shall comply with the terms of the participation agreement, as the participation agreement may be modified by Respondent and the LAP from time to time, and shall furnish satisfactory evidence of such compliance to the Probation Unit. Respondent shall include in each quarterly report required herein satisfactory evidence of all such compliance made by him during that reporting period.

**EXCLUSION OF MULTISTATE PROFESSIONAL RESPONSIBILITY EXAM.**

It is not recommended that Respondent be required to take and pass the Multistate Professional Responsibility Examination because he recently passed the exam on August 9, 2002.

**EXCLUSION OF STATE BAR ETHICS SCHOOL.**

It is not recommended that Respondent be required to attend the State Bar Ethics School, since he attended and passed the test on May 9, 2002.

11-25-02  
Date

[Signature]  
Respondent's signature

CHARLES WALLACE COPPOCK  
print name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent's Counsel's signature

NONE  
print name

12/3/02  
Date

[Signature]  
Deputy Trial Counsel's signature

CYDNEY BATCHELOR  
print name

**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.

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 953(a), California Rules of Court.)

1/2/03  
Date

[Signature]  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**  
**[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]**

I am a Case Administrator of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on January 2, 2003, 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:

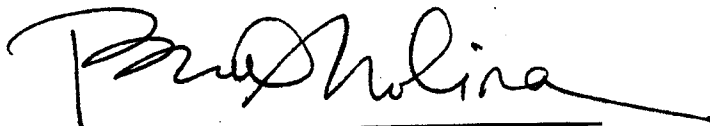
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**CHARLES WALLACE COPPOCK**  
**176 WIKIUP DR #B**  
**SANTA ROSA CA 95403**

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

**CYDNEY BATCHELOR , Enforcement, San Francisco**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **January 2, 2003.**



**Bernadette C. O. Molina**  
Case Administrator  
State Bar Court

1 C. WALLACE COPPOCK  
2 170-A WIKIUP DR.  
3 SANTA ROSA, CA 95403  
4 707-528-2510 SBN 79458  
5  
6  
7

**FILED**

MAR 18 2002

STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

8 THE STATE BAR COURT, HEARING DEPARTMENT

9 IN THE MATTER OF:

10 CHARLES WALLACE COPPOCK

11 MEMBER NO. 79458

CASE NO 01-C-04882-PEM

12 \_\_\_\_\_ /

MEMBER, C. WALLACE COPPOCK

13

RESPONSIVE PLEADING

14 MEMBER C. WALLACE COPPOCK, FORMALLY APPEARING BY THESE PLEADINGS

15 HEREBY ADMITS HIS CONVICTIONS AS ALLEGED.

16 DESPITE SAID ADMISSION , MEMBER DOES NOT BELIEVE THAT SAID CONVICTION

17 INVOLVED MORAL TURPITUDE OR OTHER MISCONDUCT WARRANTING DISCIPLINE.

18

RESPECTFULLY SUBMITTED,

19

20 MARCH 15, 2002

  
C. WALLACE COPPOCK

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**PROOF OF SERVICE BY FACSIMILE**

(CCP 1013 (E) (2015.5))

I, C. WALLACE COPPOCK, declare that:

I am employed in the County of Sonoma, State of California; I am over the age of eighteen years and not a party to the within entitled cause; my business address is 170 A Wikiup Dr., Santa Rosa, California 95403, phone (707) 528-2510, FAX (707) 528-2543.

On MARCH 16, 2002, I served the attached **MEMBER C.WALLACE COPPOCK RESPONSIVE PLEADING** by placing a true copy thereof in a sealed envelope with postage fully prepaid, in the United States mail at Santa Rosa, California addressed as follows:

CYDNEY BATCHELOR  
STATE BAR OF CALIFORNIA  
180 HOWARD STREET  
SAN FRANCISCO, CA 94105-1639

I declare under penalty of perjury that the foregoing is true and correct. Executed on  
MARCH 16, 2002, at Santa Rosa, California.

  
C. WALLACE COPPOCK

<p><b>THE STATE BAR COURT</b></p> <p><b>HEARING DEPARTMENT</b></p> <p>180 Howard St., 6<sup>th</sup> Fl., San Francisco, CA 94105-1639</p>	<p>FOR CLERK'S USE ONLY:</p> <p><b>FILED</b></p> <p><b>PUBLIC MATTER</b></p> <p>FEB 14 2002</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In the Matter of:</p> <p><b>CHARLES WALLACE COPPOCK,</b></p> <p>Member No: 79458</p> <p>A Member of the State Bar.</p>	<p>Case No(s). 01-C-04882-PEM</p> <p><b>NOTICE OF HEARING ON CONVICTION</b> (Business and Professions Code §§ 6101 and 6102)</p>

**NOTICE TO RESPONDENT RE: DEFAULT AND INACTIVE ENROLLMENT**

If you fail to file an answer to this notice within the time allowed by State Bar rules, including extensions, or if you fail to appear at the State Bar Court trial, (1) your default shall be entered; (2) you shall be enrolled as an involuntary inactive member of the State Bar and will not be permitted to practice law unless the default is set aside on motion timely made under the Rules of Procedure of the State Bar; (3) you shall not be permitted to participate further in these proceedings unless your default is set aside; and (4) you shall be subject to additional discipline.

State Bar rules require you to file your written response to this notice within twenty days after service.

If your default is entered: (1) evidence that would otherwise be inadmissible may be used against you in this proceeding; and (2) you will lose the opportunity to participate further in these proceedings, including presenting evidence in mitigation, countering evidence in aggravation, and moving for reconsideration, unless and until your default is set aside on motion timely made under the prescribed grounds. See rules 200 *et seq.*, and rules 602, 603 and 604, Rules of Procedure for State Bar Court Proceedings; Business and Professions Code section 6102(g).

If your default is entered and the discipline imposed by the Supreme Court in this proceeding includes a period of actual suspension, you will remain suspended from the practice of law for at least the period of time specified by the Supreme Court. In addition, the actual suspension will continue until you

have requested, and the State Bar Court has granted, a motion for termination of the actual suspension. As a condition for terminating the actual suspension, the State Bar Court may place you on probation and require you to comply with such conditions of probation as the State Bar Court deems appropriate. See rule 205, Rules of Procedure for State Bar Court Proceedings.

Pursuant to Business and Professions Code section 6007(e), upon entry of the respondent's default, the court shall order the involuntary inactive enrollment of a respondent in a disciplinary proceeding if the court determines that the conditions in section 6007(e)(1) have been met. See rules 500 et seq., Rules of Procedure of the State Bar of California.

Pursuant to the order of the Review Department, filed February 1, 2002, a true and correct copy of which is attached as an exhibit hereto, your conviction has been referred to the Hearing Department of the State Bar Court.

**You are notified to be present in person or by counsel at a status conference to be set pursuant to rule 1210, Rules of Practice of the State Bar Court.**

**YOU ARE FURTHER NOTIFIED**, pursuant to rules 600-607, Rules of Procedure for State Bar Court Proceedings, to be present at such time and place as is set for the first day of trial, in person or by counsel to present evidence on your behalf, to examine and cross-examine witnesses and otherwise participate in the proceedings before the State Bar Court.

Your attention is directed to the Rules of Procedure of the State Bar and Rules of Practice of the State Bar Court, which govern these proceedings. If you do not have copies of these rules, please contact this Office.

**NOTICE = COST ASSESSMENT**

**In the event these proceedings result in public discipline, you may be subject to the payment of costs incurred by the State Bar in the investigation, hearing and review of this matter pursuant to Business and Professions Code sections 6086.10 and 6140.7. see also rule 280, et seq., Rules of Procedure of the State Bar.**

Dated: February 14, 2002

  
George Hue  
Case Administrator  
State Bar Court



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

ATTEST August 8, 2016

State Bar Court, State Bar of California,  
Los Angeles

By *[Signature]*  
Clerk



MAR 3 1988

Laurence P. Gill, Clerk

DEPUTY

C O P Y

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

CHARLES WALLACE COPPOCK,	)
	)
Petitioner,	)
	)
v.	)
	)
THE STATE BAR OF CALIFORNIA,	)
	)
Respondent.	)

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S001886

BY THE COURT:

We review the recommendation of the Review Department of the State Bar Court that petitioner be ordered suspended from the practice of law for two years, that execution of suspension be stayed, and that petitioner be placed on two years' probation on specified conditions including ninety days actual suspension and payment of restitution. The review department found that petitioner allowed a client to use his client trust account in a scheme to defraud the client's creditors. We adopt the review department's recommendation as to discipline.

## I. FACTS

Petitioner was admitted to practice law in April 1978. He has no prior record of State Bar discipline.

The unusual facts that resulted in this disciplinary action involve the misuse by petitioner's client, Robert Pollock, of a client trust account set up by petitioner for Pollock's funds. Petitioner first met Pollock in 1979, when he agreed to defend his wife, Sandra Pollock, in a fraud action. An apparently related fraud action against Robert Pollock himself had been concluded in 1972, resulting in a \$64 million judgment against him. Petitioner was aware of the outstanding fraud judgment against Pollock, but insists he believed Pollock was innocent of fraud in the prior matter. In Sandra's case, petitioner states, "I ineptly attempted to champion Sandra Pollock's defense . . . only to ultimately cause a default to be entered in excess of 55 million dollars." Petitioner brought a motion on behalf of Sandra Pollock to set aside the default. The trial court denied the motion. Petitioner then attempted to appeal that ruling, but the appeal was ultimately dismissed, apparently because petitioner failed to file a timely notice of appeal.

Meanwhile petitioner "had become very close to Pollock," and he asserts that for this reason the Pollocks, although "of course dismayed to learn that I had mishandled their appeal," chose not to take action against him for his admittedly "clear mishandling of their matter." Instead,

Pollock sought petitioner's assistance in setting up a trust account to conceal money from the Pollocks' judgment creditors and enable Pollock to manage his business affairs unhampered by attempts to attach his funds. Petitioner states he agreed to set up the account because he was "beleaguered by a sense of guilt" about Sandra Pollock's default judgment, and was trying "to redress [this] wrong."

In July 1981, petitioner opened a bank account designated "Wally Coppock, Attorney at Law, Clients Trust Account." He states he established the account so that "Pollock could be shielded from any attempts to execute on that account," and notes he intended the account to contain only Pollock's funds. He gave total control of the account to Pollock, and for a period of approximately two years supplied him with signed checks and deposit slips to facilitate his use of the account. Petitioner initially reviewed the monthly trust account statements, but admits that by the second year he became "lax," and "paid less attention" to supervising the account. Pollock, acting without interference or supervision from petitioner, eventually used the trust account to commit fraud against third parties.

About one year after the account was opened, Pollock became involved in an investment venture with James and Marie DeMers to organize an offshore bank. In connection with this venture, Pollock retained an attorney in Panama, Charles Novo-Gradac. In May 1983, at Pollock's request, the DeMerses

sent Pollock a check for \$10,000, to purchase a bond for capitalization of the offshore bank. They made the check out to the "Novo-Gradac Trust Account for First Liberty Bank & Trust." In June 1983, Pollock deposited the DeMerses' check (which had been indorsed, "For Novo Gradac trust account . . . Deposit to Wally Coppock, Attorney at Law Clients Trust Account/ For Deposit Only," and bore the signature "Wally Coppock") in petitioner's trust account. Thereafter the account balance declined to \$508.42. In August 1983, after Pollock made another deposit raising the account balance to \$7,998.42, petitioner closed the account and gave Pollock the entire balance.

In October 1983, Pollock informed the DeMerses he could not purchase the bond with their \$10,000. He failed to return any of the money. In March 1984, after repeated requests to both Pollock and petitioner for the return of their money, the DeMerses reported the matter to the police. Several months later they applied to the State Bar Client Security Fund for reimbursement. The State Bar then brought this disciplinary action against petitioner.

The State Bar's notice to show cause alleged petitioner "gave control of [his] trust account to [Pollock], although [he] knew that there was a fraud judgment against [Pollock] in excess of \$50,000,000[,] . . . bel[ie]ved that he intended to use [petitioner's] trust account for personal transactions and to conceal his funds from creditors," and

"failed to supervise his administration of [the] trust account." In his answer, petitioner admitted these allegations. His answer also admitted most of the other allegations of the notice, apparently including that he had willfully violated his oath and duties as an attorney, "[c]ommitted acts involving moral turpitude, dishonesty, and corruption; and/or . . . [v]iolated fiduciary duties [he] owed to the DeMers[es]."

In his answer, petitioner denied only that he had indorsed and deposited the DeMerses' \$10,000 check himself, and stated he had "no personal knowledge to admit or deny" the allegation that "[n]o part of the DeMers[es]' \$10,000 has been used for the entrusted purposes, or for any other purpose on account of the DeMers[es] or either of them." By a later stipulation, petitioner agreed that this allegation could be proved by declaration, and waived the personal appearance of the DeMerses.

## II. FINDINGS AND RECOMMENDATIONS OF THE STATE BAR COURT

The hearing panel concluded that petitioner violated his duties as an attorney as set out in Business and Professions Code section 6068.<sup>1/</sup> It found he had "relinquished supervision" of his trust account to Pollock and "failed to control, supervise, maintain, investigate or review statements

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<sup>1/</sup> All further statutory references are to this code unless otherwise indicated.

of deposits or withdrawals" of the account. It also found, however, that petitioner received no benefit from Pollock's use of the account, did not misappropriate or commingle funds, and did not put any trust account funds to personal use. The panel determined petitioner had never represented the DeMerses in any capacity, that he had no fiduciary relationship with them, and no knowledge, before he closed the trust account, of any dealings between Pollock and the DeMerses. It found the DeMerses entrusted their \$10,000 to Pollock alone. In addition, the panel found that petitioner never authorized Pollock to indorse or sign any document on his behalf, and that petitioner's signature on the DeMerses' \$10,000 check was forged. It concluded that petitioner had committed "no dishonest act," and no act involving moral turpitude.

The panel further found petitioner's judgment in this matter had been affected by his "manic-depressive state" following his unsuccessful representation of Sandra Pollock, and also by his failure at that time to maintain the proper dosage of lithium for treatment of his manic-depressive episodes. It listed as "mitigating" factors: (a) no prior record of discipline or client complaints; (b) good faith; (c) lack of harm to petitioner's client; (d) cooperation with the State Bar; (e) remorse; (f) emotional difficulties; and (g) good character. It also noted that petitioner had engaged in pro bono work, and that he was "uncertain over his obligations of restitution" in this case. It recommended one year

suspension, stayed, with one year probation on condition of ninety days actual suspension, and no restitution.

The review department adopted the findings of the hearing panel, with several amendments. Most importantly, it amended finding of fact number 5 (that petitioner's "trust account was opened for the exclusive use of Robert Pollock, a client [he] represented") by adding that the account "was opened for the purpose of defrauding Mr. Pollock's creditors." (Italics added.) The department deleted the panel's conclusions that petitioner had no contact or relationship with the DeMerses, and that he had committed no dishonest act.<sup>2/</sup> In addition to increasing the recommended suspension to two years, execution stayed, with a two-year probation conditioned on a ninety-day actual suspension, the review department recommended petitioner be required to make restitution to the DeMerses in the amount of \$10,000 plus interest, and that he obtain psychiatric or psychological treatment. The department stated its reason for the increased discipline was that "allowing a client to use the attorney's trust account in a scheme to defraud the client's creditors is a very serious offense warranting greater discipline than recommended by the

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<sup>2/</sup> The review department deleted the panel's findings and conclusions relating to petitioner's lack of relationship with the DeMerses because these issues were considered separately in the client security fund proceedings, which were severed from the disciplinary proceedings after the hearing panel rendered its findings. We are informed the client security fund application is still pending.

hearing panel." Three of the fourteen referees voted against the recommendation, "because the recommended degree of discipline is insufficient based on the above-mentioned scheme to defraud." (Italics added.)

### III. DISCUSSION

Petitioner concedes that his conduct was "culpable," and that he is subject to discipline for his "misjudgment." Nonetheless, he argues that the discipline recommended by the review department is too severe, and asks that we delete the requirements of actual suspension and restitution. He challenges the recommendation on three grounds.

First, he claims he was denied a fair hearing because the review department did not allow him to withdraw his factual stipulations after discovering that the examiner had withheld information from him. Second, he asserts the review department's findings as to his fraudulent purpose are not supported by the evidence. Finally, he argues the recommended discipline is excessive in light of the mitigating factors.

#### A. Request to Withdraw Stipulations

Before the review department, petitioner requested that he be allowed to withdraw the "factual stipulations" he had made, on the ground the bar examiner had withheld information from him. The review department did not address this issue, and petitioner now argues that its failure to grant his request denied him a fair hearing. This contention lacks merit.



Petitioner fails to specify what stipulations he wished to withdraw. The only material stipulation in the record is the "First Stipulation Re: Proof of Facts," and we assume he refers to this.<sup>3/</sup> In this stipulation petitioner waived the personal appearance of the DeMerses and agreed that the allegation that no part of their \$10,000 had been used for the intended purposes could be proved by declaration. Pursuant to the stipulation, the examiner submitted in evidence James DeMers's declaration, which stated that the DeMerses had sent the \$10,000 check to Pollock "for the express purposes of purchasing a bond to begin capitalization of the off-shore bank," and that the "\$10,000 was never used to purchase a bond, nor was it ever used in conjunction with an off-shore bank, nor was it ever used for any other purposes of ours whatever."

Withdrawal of factual stipulations is generally not permitted. In disciplinary matters, we have held, "Ordinarily . . . the stipulated facts may not be contradicted; otherwise the stipulation procedure would serve little or no purpose, requiring a remand for further evidentiary hearings whenever the attorney deems it advisable to challenge the factual recitals." (Inniss v. State Bar (1978) 20 Cal.3d 552, 555.)

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<sup>3/</sup> Petitioner seems to imply that he should have been allowed to withdraw the admissions made in his answer as well. There is no indication that his answer was arrived at through a stipulation, and we see no reason to allow him to withdraw his answer.

In this case, however, petitioner argues that because he was not aware of certain evidence which he claims the examiner withheld from him at the time he made the stipulation, he was denied a fair hearing. He complains that the examiner withheld the DeMerses' application for client security fund reimbursement and did not introduce it into evidence until late in the hearing, and that therefore petitioner "was not afforded a reasonable opportunity to utilize the newly discovered information contained therein." The new information to which petitioner refers is a statement in the application that Novo-Gradac "had endorsed [the \$10,000 check] over to [petitioner]."

Petitioner's argument fails for several reasons. First, it is not clear that the examiner did in fact "withhold" evidence from petitioner. Petitioner had been aware of the DeMerses' application since at least April 1986, when he received notice of an order consolidating the disciplinary and client security fund matters, and there is no indication in the record that petitioner sought discovery of the application or any other documents or records. Petitioner states he did ask to see the application, and the examiner "refused me access to the application." We see no evidence in the record, other than petitioner's own unsupported statement in his brief, either that he requested to see the document or that the examiner improperly refused him access to it.

Second, at the hearing petitioner expressly stated that he did not object to the admission of the application. He simply pointed out to the panel a paragraph of the application stating that he had "never admitted obligation" to the DeMerses. Further, he failed to state at the hearing that he had not previously seen the application, and did not request a continuance to review it. In *Walter v. State Bar* (1970) 2 Cal.3d 880, 890, we held that an attorney who claimed he had no opportunity to examine documentary exhibits before the panel hearing failed to show a due process violation because "[t]he record discloses that petitioner did not request a continuance of the proceedings in order to examine the exhibits, nor did he raise before the disciplinary board the point that he had not been allowed to examine them."

Third, it is unclear how the information that Novo-Gradac indorsed the check is relevant to the stipulation. Before the review department, petitioner maintained that he "entered into the factual stipulations believing that Pollock had forged the entirety of the endorsement on the back of the subject check." He argued that the fact that Novo-Gradac indorsed the check showed that Novo-Gradac had committed "malpractice and fiduciary irresponsibility" by giving the check to Pollock, and that therefore Pollock's forgery was not the sole cause of the injury to the DeMerses. Petitioner asserted that it was not foreseeable that Pollock would have obtained a check made out to another attorney's trust account,

and that he entered into the stipulation without realizing the true facts of the case. We find the "newly discovered information" regarding the indorsement does not appear to alter the culpability of either petitioner or Pollock with respect to the DeMerses. Petitioner still admittedly opened the trust account for Pollock's use, and then failed to supervise the account, thereby allowing Pollock to deposit the DeMerses' check in that account and to use their money for purposes not authorized by the DeMerses, resulting in fraud against them.

Petitioner also argues that the examiner engaged in "prejudicial misconduct" by suppressing a letter from Marie DeMers addressed to petitioner in care of the examiner, in which she requested restitution from petitioner. The record reveals that, at worst, the examiner inadvertently neglected to forward the letter to petitioner. Although we disapprove of suppression of information by the State Bar, in this case it does not appear that petitioner was prejudiced if indeed the letter was improperly withheld from him. The DeMerses contacted petitioner directly numerous times in an attempt to recover their money, and although petitioner stated he was willing to make restitution, he paid them nothing. Further, petitioner informed the panel at the hearing that he had received the letter from the examiner only a week before, and the panel made a finding that he was unsure of his restitution obligations.

Finally, petitioner implies that because of the "quasi-criminal" nature of disciplinary proceedings, he is entitled to heightened procedural protections. The rules of criminal procedure, however, do not apply in State Bar disciplinary proceedings, and petitioner's "only due process entitlement is a 'fair hearing.'" (Rosenthal (J.B.) v. State Bar (1987) 43 Cal.3d 612, 634.) We conclude petitioner's right to a fair hearing was not violated here.

B. Sufficiency of the Evidence

Petitioner claims the review department's findings are not supported by sufficient evidence. He objects particularly to its findings that his trust account was opened for the purpose of defrauding Pollock's creditors, and that he allowed Pollock to use it in a "scheme to defraud" his creditors.

The State Bar's factual findings, whether made by the hearing panel or the review department, are not binding on this court. (Franklin v. State Bar (1986) 41 Cal.3d 700, 708.) "'This court must independently examine the record, reweigh the evidence, and pass on its sufficiency in State Bar disciplinary matters.' [Citations.]" (Ibid.) We resolve all reasonable doubts in favor of the attorney. (Galardi v. State Bar (1987) 43 Cal.3d 683, 689.) Generally, however, the findings of the State Bar Court are entitled to great weight, and are presumed to be supported by the record; petitioner bears the burden of demonstrating "that the charges of unprofessional conduct are not sustained by convincing proof

and to a reasonable certainty. . . . [Citations.]” (Ibid.)

In this case, the hearing panel and the review department differed in some of their factual and legal conclusions. The panel found the petitioner had engaged in “no dishonest act.” The review department deleted this finding, and in contrast found that petitioner had opened the client trust account for Pollock for the purpose of defrauding Pollock’s creditors, and allowed him to use the account in furtherance of that fraud. In light of this disagreement, we must carefully review the record to make our own factual determinations. (See Franklin, supra, 41 Cal.3d at p. 706.)

Petitioner argues that we should give greater weight to the hearing panel’s findings than the review department’s because the panel had the opportunity to see him testify and observe his demeanor. Certainly when the hearing panel findings “rest primarily on testimonial evidence, we are reluctant to reverse the decision of the [hearing panel], which was in a better position to evaluate conflicting statements after observing the demeanor of the witnesses and the character of their testimony.” [Citations.]” (Alberton v. State Bar (1984) 37 Cal. 3d 1, 12.) In this case, however, the findings do not rest on a resolution of conflicting testimony. Petitioner was the only witness to testify at the two-hour long hearing. And although petitioner’s demeanor may be relevant to an evaluation of his honesty, the record shows that petitioner also appeared before the review department, and answered

questions there, thus giving the department as well as the panel an opportunity to observe his demeanor and evaluate his credibility. In addition, the State Bar's case rests largely on documentary evidence, including petitioner's own written admissions. Therefore, we do not find it appropriate to rely on the panel's findings more heavily than on those of the review department.<sup>4/</sup>

Petitioner admits most of the allegations against him. He admits he opened the trust account with the intent of concealing funds from Pollock's creditors. He also admits he failed to supervise the account, and by providing Pollock with signed checks and deposit slips allowed him to use it without hindrance for fraudulent purposes. Petitioner further acknowledges that when he closed the account he gave the balance, almost \$8,000, to Pollock. The one substantial question on which the panel and review department disagree is the extent of petitioner's fraudulent purpose. Our finding on this matter depends on a careful evaluation of all the evidence before us.

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<sup>4/</sup> We have previously adopted findings of the review department even though they were based on the resolution of conflicting testimony. (See, e.g., Galardi, supra, 43 Cal.3d at p. 692; Lee v. State Bar (1970) 2 Cal.3d 927, 938-940.) In Galardi, the review department made findings regarding certain matters that were not discussed at all by the panel. Although we acknowledged that "the department merely reviewed the hearing transcripts and did not view the witnesses as they testified," we found the review department's findings, based on its review of the hearing transcripts, were justified. (43 Cal.3d at p. 692.)

Petitioner never claimed to be unaware of the purpose of the account when he opened it, but rather asserted that he thought the admitted purpose (hiding Pollock's funds from creditors) was not fraudulent. Although the trust account was intended to conceal Pollock's funds, petitioner insists he "thought the monies would be ultimately exempt from successful attachment," and therefore "did not believe he was fraudulent[ly] concealing money from Pollock's creditors." He explains that the purpose of the account was "to exclusively hold the Pollocks' income," and that he "naively believed that their meager income would be fully exempt from execution" by their creditors.

Petitioner's assertions of naivete and ignorance do not help him. First, even accepting as true petitioner's claim that in opening the account he had no "active" intent to defraud, it is clear that given his knowledge of Pollock's history, he should have been more circumspect when first opening the account, rather than accepting without corroboration Pollock's assurances that (a) his earnings would be exempt from execution, (b) only exempt funds would be placed in the account, and (c) no money belonging to third parties would be deposited in the account.

Second, we are not persuaded that petitioner indeed had no dishonest intent. He admits an intent to conceal funds from Pollock's creditors, to enable Pollock to avoid the inconvenience of having his funds tied up in court proceedings



before they were determined to be exempt from attachment. This amounts to an admitted intent to deceive. We have held that an act by an attorney for the purpose of concealment or other deception is dishonest and involves moral turpitude under section 6106. In Crane v. State Bar (1981) 30 Cal.3d 117, an attorney representing sellers of real estate crossed out certain material in a statement by the beneficiary under the first trust deed on the property, then forwarded the statement to the escrow company without notifying that company that the deletions were made by him without the knowledge or consent of the trust beneficiary. The deleted material would have given notice that the beneficiary intended to enforce an acceleration clause in the note and deed of trust. The attorney argued that his unauthorized alteration of the statement, and the resultant deception of the escrow company, were not "dishonest" acts because his intent was merely to prevent the beneficiary from improperly interfering with the prospective sale by asserting demands which it had no right to make. Our response was to "reject petitioner's disavowal of any dishonest intent." (Id., at p. 122.) We found the alteration was "deceptive and known by [the attorney] to be so." (Ibid.) We stated that regardless of the legal merits of the attorney's conclusion that the beneficiary could not lawfully assert the acceleration clause, "the means used by petitioner to further his position were dishonest and involved moral turpitude within the meaning of . . . section 6106 and warrant discipline." (Ibid.)

In the earlier case of *Hallinan v. State Bar* (1948) 33 Cal.2d 246, we approved a three-month actual suspension for an attorney who simulated the signature of his client on a settlement release. The attorney had broad power of attorney from the client, and the client had no complaint about the attorney signing his name and settling the case. However, because the lawyer signed the release with the intent that opposing counsel would believe the client himself had signed it, we found it "evident that petitioner practiced a deception upon [opposing counsel], that is, by leading [opposing counsel] to believe that [the client] had personally signed the settlement papers . . . . Although he may have been legally authorized to simulate [the client's] signature under his power of attorney, . . . yet he should not have led [opposing counsel] to believe that [the client] had personally signed, knowing that [opposing counsel] expected and thought he was getting [the client's] signature. Such conduct should not be condoned." (Id., at p. 249, italics added.) In short, an attorney is not permitted to engage in deceptive acts even when he believes his action is legally justified. (See also *Tomlinson v. State Bar* (1975) 13 Cal.3d 567, 577 [attorney's issuance of numerous checks returned for insufficient funds "manifests an abiding disregard of "the fundamental rule of ethics -- that of common honesty -- without which the profession is worse than valueless in the place it holds in the administration of justice." (Citation.)"]; *Lee v. State Bar,*

supra, 2 Cal.3d at p. 941.) Here, although petitioner may have believed that his concealment of funds was "not fraudulent," we find his admitted purpose was dishonest, and in itself would have been sufficient to subject him to discipline.

Moreover, petitioner then compounded his misconduct by relinquishing all control of the trust account to Pollock. He admits he failed to supervise Pollock's use of the account, or even to review account statements. Because petitioner designated the account his "clients trust account," he was responsible for the funds in that account, and it was a breach of his professional duties to give complete control of the account to Pollock. In *Gassman v. State Bar* (1976) 18 Cal.3d 125, 129-130, we held actual suspension of one year to be justified where the attorney had failed to establish an accounting procedure for his client trust account, and where this "willful failure was a result of his knowing delegation of responsibility to [his secretary-bookkeeper] and his failure to supervise [the secretary-bookkeeper] adequately." (Italics added.) In this case, petitioner similarly breached his nondelegable duty to administer his trust account properly.

Assuming arguendo that petitioner was, as he maintains, unaware of Pollock's misuse of the account, his ignorance of the facts is no excuse, for it resulted from his own dereliction of duty. He was unable to prevent the fraud against the DeMerses precisely because he failed to supervise his account. Had petitioner retained control of the account,

he would have seen that the DeMerses' check, indorsed over to his trust account, did not represent Pollock's earnings, but was money entrusted for the purchase of a bond. With proper supervision of the operation of the account, petitioner would have been able to monitor both the source and the use of account funds, and been able to guard against misuse of those funds. Finally, when he closed the account, his claimed ignorance led him to give the remaining balance to Pollock, although had he known the source of the trust account funds and what Pollock had done with the DeMerses' money, he might have been able to cause some money from the account to be returned to the DeMerses.<sup>5/</sup> Thus at various junctures in the course of Pollock's scheme, petitioner's failure to supervise his trust account facilitated and furthered the fraud.

Petitioner contends his conduct was at worst negligent. As we have often pointed out, "[e]ven if petitioner's conduct were not wilful and dishonest, gross carelessness and negligence constitute a violation of an

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<sup>5/</sup> In addition, the evidence indicates that petitioner was not entirely unaware of the possibility of Pollock's fraudulent use of the account, at least by the time he closed it. First, he admittedly knew Pollock would use the account to conceal funds. Then, he states he closed the account after becoming suspicious that Pollock was "misusing" it, because of a check that had been returned for insufficient funds. The bank statements show the account remained open for more than two months after a "Not Sufficient Funds" charge was assessed against it. The record also contains petitioner's statement that when he closed the account he was aware that Pollock had deposited "other people[']s funds" in it.

attorney's oath faithfully to discharge his duties and involve moral turpitude." (Jackson v. State Bar (1979) 23 Cal.3d 509, 513.) We find petitioner's conduct clearly amounted to "gross carelessness and negligence," given the pattern of neglect of his professional responsibilities in the face of circumstances that should have led him to be vigilant. In Palomo v. State Bar (1984) 36 Cal.3d 785, 796, the attorney gave control of his client trust account to his office manager, and then failed to examine her records or the bank statements. We stated that the attorney's failure to supervise the management of the account, or to check the records, "permitted the fact that a substantial client check endorsed by him had been misdeposited, commingled and misappropriated to escape his notice for four months.

. . . Any procedure so lax as to produce that result was grossly negligent." (Id., at p. 796, fn. 8.) Thus we held the attorney's conduct was sufficiently "wilful" to merit discipline. (Id., at p. 796.) Similarly, petitioner's conduct merits discipline, even without a showing that he was fully aware of Pollock's fraud against the DeMerses.

Petitioner has admitted the essential facts of his wrongdoing. He argues, however, that his admissions and stipulations resulted from the examiner's concealment of information from him, so that "he had no information to counter the examiner's charges." He asserts that the examiner's failure to give him the DeMerses' reimbursement application (containing the reference to Novo-Gradac's indorsement of their

check) caused him to make admissions that he otherwise might not have made: "This information was crucial to Petitioner since Petitioner had already formed the opinion that Pollock had betrayed him. Since the act of forgery is closely akin to fraud Petitioner fell prey to the examiner's charges that Pollock was indeed a 'fraud.'"

This line of reasoning is utterly unpersuasive. A subsequent lack of access to evidence cannot affect the knowledge and intent petitioner had when he opened the trust account and continued to allow Pollock to use it unsupervised. And, in fact, petitioner's factual assertions in his arguments before the review department and this court (after he gained access to the DeMerses' application) are no different from those he made before the panel.

In sum, we find there is sufficient evidence on the record to sustain a finding that petitioner allowed Pollock to use his trust account in a scheme to defraud. He opened a trust account for a dishonest purpose, and then systematically failed to examine the records and supervise the management of the account, thereby enabling Pollock to use it in his fraud against the DeMerses. Petitioner's protestations of his innocent intent and ignorance of Pollock's scheme do not render the evidence on the record less persuasive.

C. Appropriateness of Recommended Discipline

Petitioner argues that the discipline recommended by the review department was "unwarranted in light of the findings of 7 factors in mitigation." Although we have the ultimate responsibility for determining the appropriate discipline, "we attach great weight to the review department's disciplinary recommendation. [Citation.] Petitioner bears the burden of proving that this recommendation is erroneous. [Citation]." (Rosenthal (M.B.) v. State Bar (1987) 43 Cal.3d 658, 661-662.) In addition, "[a]s we have frequently noted, the department's proposal of discipline is entitled to greater weight than that of the panel. [Citations.]" (Galardi, supra, 43 Cal.3d at pp. 693-694.) As we shall explain, petitioner has failed to show the review department's recommendation to be erroneous.

1. Letter From Petitioner's Psychiatrist

Petitioner attached to his brief before this court a letter from his psychiatrist, in which the psychiatrist states, "[petitioner] has advised me that he would be willing to cooperate" with the State Bar during his probation, and declares that he is "confident that the public will be protected since, on his own, [petitioner] has been involved in therapy and has been stabilized on Lithium since October 1981." Petitioner submits the letter to support his contention that the recommended discipline is excessive. The letter was not presented in the proceedings below, however,

and we therefore conclude it is not properly before us for this purpose.<sup>6/</sup>

"This court has on occasion considered matters extrinsic to the record which are relevant to an attorney's fitness to practice law. [Citations.] However, the strong preference is for such matters to be submitted to the hearing panel, which is better suited to determine what weight to give them. This preference is particularly strong where, as here, the extrinsic evidence consists of opinions about petitioner's mental attitude, and is based largely on petitioner's own out-of-court statements. Such evidence is virtually impossible to evaluate in the absence of cross-examination." (In re Possino (1984) 37 Cal.3d 163, 171, fn. omitted, italics added; but see, e.g., Doyle v. State Bar (1976) 15 Cal.3d 973, 980, fn. 2 [although not part of record in proceedings below, psychiatrist's declaration stating petitioner would benefit

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<sup>6/</sup> The letter also states that during a period of "depression" beginning in May 1981 (before his opening of the trust account) petitioner's "mental condition was such that it would have been unlikely for him to have participated in a deliberate scheme to defraud other persons." Petitioner suggests we should consider this statement as evidence refuting the review department's factual findings regarding his participation in fraud. We decline to do so. In Palomo, supra, 36 Cal.3d 785, the attorney asserted for the first time before this court that he had suffered from severe "anxiety adjustment syndrome" at the time of his misconduct. He asked leave to submit a psychologist's report on this condition. We stated that although we independently review the State Bar Court's factual findings, "we do not consider evidence never presented in the disciplinary proceedings below. Nor, absent an error which prevented its introduction . . . , will we remand for consideration of the new evidence." (Id., at p. 797.)



from planned psychotherapy "may be considered in determining petitioner's fitness to practice."]) We also noted in Possino that in any event the new evidence would not compel a lesser discipline than that recommended. (37 Cal.3d at p. 171.)

In Rosenthal (M.B.), supra, 43 Cal.3d 658, we discussed evidence similar to the letter submitted by petitioner, which also was not included in the record below, and was offered by the attorney to support his contention that the recommended discipline was too severe. There, the attorney asked us to consider psychiatric evaluations and letters which he said demonstrated his efforts at rehabilitation. We stated, "In general, this court does not consider evidence which was not presented to the State Bar during its review process."

(Id., at p. 663.) Following Possino, supra, 37 Cal.3d 163, we concluded, "Petitioner's documents are inherently unreliable . . . . The letters and reports merely reflect personal beliefs in petitioner's continued recovery, and are based exclusively upon conversations or interviews with him." (43 Cal.3d 658, 663.) In Rosenthal (M.B.), as in Possino, we also noted that in any event the new evidence would not compel a lesser discipline. (Ibid.)

Thus, we generally do not consider evidence outside the record when determining the appropriate discipline, especially if the extrinsic evidence consists of statements of opinions about the petitioner's mental attitude. Following Rosenthal (M.B.), supra, 43 Cal.3d 658, and Possino, supra,

37 Cal.3d 163, we will not consider petitioner's letter here. Even if we were to consider it, however, it would not significantly affect our evaluation of the appropriate discipline.

2. Terms of Recommended Discipline

Petitioner's conduct, although it did not harm his clients, nonetheless warrants discipline. (See 1 Witkin, Cal. Procedure (3d ed. 1985) Attorneys, § 408, pp. 459-460, and cases cited.) It is clearly established that participation in a scheme to defraud a client's creditors is a crime and subjects an attorney to discipline. (Allen v. State Bar (1977) 20 Cal.3d 172, 178; Pen. Code, § 531.) In Townsend v. State Bar (1948) 32 Cal.2d 592, an attorney advised his client to make a conveyance of certain real property for the purpose of delaying and defrauding creditors. This conduct was found to violate sections 6103 and 6106 (id., at pp. 595-596), and in light of the attorney's prior disciplinary record we ordered him actually suspended for three years. (Id., at p. 598.) In Yokozeki v. State Bar (1974) 11 Cal.3d 436, 445, footnote 4, we noted that the attorney "participated in a scheme to defraud [a client's] potential judgment creditors, which is a crime (Pen. Code, § 531), and a proper subject for disciplinary action."

Petitioner urges, however, that the terms of the recommended discipline in his case are not justified because he did not intend to defraud the DeMerses, nor did he foresee any harm to them. It may be true that petitioner did not

specifically intend to defraud the DeMerses, but it does not follow that the recommended discipline is too severe. As we have often repeated, in imposing discipline, we do not simply impose retribution and punishment, but seek to protect the public, to preserve public confidence in the legal profession, and to maintain and enforce the highest possible professional standards for members of the bar. (Jackson v. State Bar, supra, 23 Cal.3d at p. 514.) When an attorney violates his professional duties, disciplinary measures may be appropriate even absent any intentional dishonesty. (E.g., Doyle, supra, 15 Cal.3d at p. 978.) As reviewed above, there is ample evidence to support the finding that petitioner's actions were both unprofessional and unethical. The recommended discipline is not excessive.

a. Restitution

Petitioner argues he should not be required to pay restitution because the examiner failed to prove that Pollock did not perform any services for the DeMerses that might entitle Pollock to keep part of the \$10,000. This claim ignores the uncontradicted statement in James DeMers's declaration that Pollock had performed no services for the DeMerses. Petitioner submits no evidence to dispute the finding that Pollock did not earn any of the \$10,000, and hence we reject this contention.

Petitioner also argues restitution is inappropriate because he did not profit from his wrongful conduct.

Restitution is routinely required, usually without discussion, in cases of misappropriation of client funds. (E.g., *Mephram v. State Bar* (1986) 42 Cal.3d 943; *Waysman v. State Bar* (1986) 41 Cal.3d 452; *Chasteen v. State Bar* (1985) 40 Cal.3d 586.) It does not follow, however, that restitution is appropriate only in such cases, or that, because petitioner in this case did not misappropriate client funds, he should not be required to pay restitution to the victims of his culpable acts.

Although part of the rationale for requiring restitution may be to prevent an attorney from profiting from his wrongdoing, restitution is also intended to compensate the victim of the wrongdoing, and to discourage dishonest and unprofessional conduct. As we noted in *Alberton*, supra, "this court should have the power to impose discipline which encourages attorneys to act honestly and with integrity." (37 Cal.3d at p. 7, fn. 4.) (See also *Galardi*, supra, 43 Cal.3d at pp. 694-695 [requiring \$186,000 in restitution to attorney's coventurers, notwithstanding lack of any attorney-client relationship.]) In *Bate v. State Bar* (1983) 34 Cal.3d 920, 924, where the attorney had misappropriated \$2,221 of client funds, we held that the recommended discipline was "inadequate because it does not require restitution." Citing our concern for the protection of the public and the maintenance of high standards of professional conduct, we added the requirement of restitution to the attorney's discipline. (*Id.*, at pp. 924-925.) Similarly, we believe that a requirement of

restitution in this case will not only protect the public, but also serve to further the integrity of the profession and encourage high professional standards of conduct. We agree with the review department recommendation and find that restitution is an appropriate condition of probation.

b. Actual suspension

Petitioner argues he should not be actually suspended from practice for any period of time. He contends, without elaboration, that his conduct was "less serious" than that of attorneys in prior cases in which we did not order actual suspension. (E.g., Palomo, supra, 36 Cal.3d 785.) We are not convinced. As detailed above, petitioner participated in a client's scheme to defraud. In Palomo, by contrast, the attorney received a check payable to a client, indorsed the client's name without his consent, and failed to notify the client of his receipt of the check. The check was deposited in his firm's payroll account. When the client inquired about the money, the attorney forwarded him the funds plus interest within three weeks. We cautioned in Palomo that the recommended discipline of one year probation, with no actual suspension, was "lenient," and that the attorney's "conduct warrants at least" the discipline recommended. (36 Cal.3d at p. 797, italics added.) We adopted the recommendation, in part because of the attorney's payment of restitution before any State Bar involvement in the matter. (Id., at p. 798.)

Although the facts of the present case are unusual, we find that a 90-day term of actual suspension is not excessive, nor is it disproportionate compared with the discipline imposed in previous cases. (See, e.g., *Brody v. State Bar* (1974) 11 Cal.3d 347, 350 [single incident of failure to maintain client trust account properly, commingling and misappropriation, with failure to make restitution despite inquiries from client; we ordered one year actual suspension]; *Walter*, supra, 2 Cal.3d at p. 891 [attorney who misappropriated client funds made voluntary restitution of the entire amount in question, but we nevertheless ordered two years probation with six months actual suspension]; *Hallinan*, supra, 33 Cal.2d 246 [approving three months actual suspension for attorney who had simulated client's signature, despite the fact that client did not object and no money was lost].)

### 3. Mitigating Factors

Petitioner argues the mitigating factors, as listed by the hearing panel, compel less severe discipline than that recommended. We discuss each of the asserted mitigating factors in turn.

The panel found petitioner had no prior record of discipline. This may constitute a mitigating factor in an appropriate case. If an attorney has practiced law only a short time, however, lack of a prior record is "not a strong mitigating factor." (*Smith v. State Bar* (1985) 38 Cal.3d 525, 540.) In *Smith*, lack of prior discipline did not greatly

influence our review, because "petitioner had been in practice only six years at the time of the misconduct." (Ibid.; see also Rosenthal (M.B.), supra, 43 Cal.3d at p. 664.) In the present case, petitioner opened the trust account at issue only three years and three months after he was admitted to the bar. His lack of prior discipline therefore is not entitled to great weight.

The hearing panel also found petitioner's "emotional difficulties" to be a factor in mitigation. Yet emotional or "psychological disability, while it may ameliorate the moral culpability of an attorney's misconduct, does not immunize him from disciplinary measures necessary to protect the public." (Palomo, supra, 36 Cal.3d at p. 797.) We have held, "Psychoneurotic problems are not a mitigating factor in bar disciplinary proceedings, where the goal is protection of the public." (In re Vaughn (1985) 38 Cal.3d 614, 619.)

The panel listed lack of harm to petitioner's clients as a mitigating factor, but as we have noted, an attorney has an ethical responsibility to the public, including his clients' creditors, as well as to his clients. In light of our goals of protecting the public, and promoting the integrity of the profession, we cannot attach great weight to this factor.

Petitioner's "good faith" is asserted as a factor in mitigation, but because he admittedly knew Pollock intended to use the trust account to conceal funds from creditors, and knowingly relinquished total control of the account to Pollock,

we find this factor unpersuasive. Similarly, considering the avowed purpose of the account, we do not give great weight to the panel's finding of petitioner's "good character," especially in light of the lack of any references attesting to said good character or any other supporting evidence in the record. Finally, petitioner's cooperation with the State Bar, and his stated remorse, are both factors in mitigation here, but in light of all the circumstances of this case, we find that the recommended discipline is not excessive. Indeed, three review department referees deemed the recommended degree of discipline "insufficient." We conclude the mitigating factors do not warrant reducing the discipline to less than that recommended by the review department.

#### IV. CONCLUSION

We adopt the recommended discipline of the review department, and order that: (1) petitioner be suspended from the practice of law for two years; (2) execution of the suspension be stayed; and (3) petitioner be placed on probation for said two years on condition that he be actually suspended for the first ninety days of said probation, and that he comply with all other conditions of probation recommended by the review department, as set out in its decision filed April 16, 1987. The further conditions specified by the State Bar include: payment of restitution in the amount of \$10,000 plus interest to the DeMerses within the first year; filing of quarterly reports with the State Bar regarding his compliance



with the terms of his probation and the status of his client trust accounts; and obtaining psychiatric or psychological help. In addition, we order that petitioner comply with the provisions of California Rules of Court, rule 955, and that he perform the acts specified in subdivisions (a) and (c) of the rule within 30 and 40 days, respectively, after the effective date of this order. We further order that petitioner take and pass the Professional Responsibility Examination within one year of the effective date of this order. (Segretti v. State Bar (1976) 15 Cal.3d 878, 891, fn. 8.) This order is effective upon finality of this decision.

COPPOCK v. STATE BAR

S001886

COUNSEL FOR PARTIES:

FOR PETITIONER:

Charles W. Coppock  
608 Beaver Street  
Santa Rosa, CA 95404  
(707) 578-1777

FOR RESPONDENT:

Magdalene Y. O'Rourke  
Office of General Counsel  
State Bar of California  
555 Franklin Street  
San Francisco, CA 94103  
(415) 561-8200



THE STATE BAR  
OF CALIFORNIA

INTER-OFFICE  
COMMUNICATION

ORIGINAL MAILED

DATE: June 5, 1987

TO: RECORD ROOM - SAN FRANCISCO

FROM: Charles Nettles

SUBJECT: *Bar # 151.57113*  
85-0-233 SO (SO 48)  
Bar #79458

JUN 8 1987  
THE STATE BAR OF CALIFORNIA  
BY *[Signature]*

In the Matter of Charles Wallace Coppock

This is to advise you that on February 26 and 27, 1987, the Review Department of the State Bar Court modified the Decision of the Hearing Panel of the State Bar Court recommending to the Supreme Court that the above-named attorney be suspended from the practice of law in California for a period of two (2) years; that execution of the order for such suspension be stayed and that he be placed upon probation for said period of two (2) years, upon certain conditions. One of said conditions being that during the first ninety (90) days of said period of probation he shall be suspended from the practice of law in California.

The record in this proceeding was filed this day with the Supreme Court.

CN:rs

cc: Ms. Torney  
L. A. Records

**FILED**

APR 16 1987

STATE BAR COURT  
THE STATE BAR OF CALIFORNIA  
REVIEW DEPARTMENT

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

85-0-233 SO - In the Matter of Charles W. Coppock

**PUBLIC MATTER**

I, Judy Duffield, hereby certify that I am Clerk of the State Bar Court, and that as such, I am the custodian of records of all files of the State Bar Court, and that the following is a full, true and correct copy of a resolution or resolutions proposed at the meeting of the Review Department held in San Francisco, California on February 26-27, 1987, and adopted as the decision of the Review Department on April 2, 1986 insofar as it relates to the above-entitled proceeding:

The following persons appeared before the Review Department in the above-entitled matter: Charles W. Coppock, Respondent in pro per; Jerome Fishkin, State Bar Examiner. Dave Davenport C.S.R., Court Reporter, was also present.

Mr. Fishkin and Mr. Coppock each addressed the Review Department and each answered questions put to them by members of the Review Department.

The matter was taken under submission by the Review Department.

\*\*\*\*

This matter previously having been submitted, after discussion and consideration of the matter by the Review Department and upon motion made, seconded and adopted, it was

**RESOLVED** that the findings of fact and conclusions of the Hearing Panel of the State Bar Court as contained in its decision filed September 29, 1986, are hereby adopted as the findings of fact and conclusions of the Review Department except that the Review Department amends the findings of fact and conclusions of law as follows:

1. To Finding of Fact "5." the Review Department deletes the period and adds the words "...and was opened for the purpose of defrauding Mr. Pollack's creditors." (Decision, p. 2, lines 3 and 4.);

2. To Finding of Fact A.3 deletes the word "only." and inserts "...which Pollack deposited in Respondent's trust account." (Decision, p. 4, line 9.);

3. To Finding of Fact C.5 deletes the name "DeMers" and inserts the name "Pollack". (Decision, p. 4, line 26.);

4. Deletes the Finding of Fact and Conclusion of Law relating to the Client Security Fund application, CSF-84-165, in the Matter of the Application of James and Maria DeMers which is set out separately as part of the Review Department's findings of fact and decision in CSF 84-165. (Decision, p. 4, lines 4-13 and p. 6, lines 20-27, respectively.)

Voting Yes: Referees Bowie, Boyle, Hinerfeld, Katsky, Kilpatrick, McElhinny, Mitchell, Orr, Reading, Schafer, Tilles, Vogt, Young and Craig.

Upon motion made, seconded and adopted, it was

**RESOLVED** that the Review Department recommends to the Supreme Court that the Respondent, Charles W. Coppock be suspended from the practice of law in the State of California for a period of two years; that execution of the order for such suspension be stayed; and that Respondent be placed upon probation for said period of two years upon the following conditions:

1. That during the first ninety (90) days of said period of probation, he shall be suspended from the practice of law in the state of California;

2. That within one (1) year from the effective date of the Supreme Court's order herein, he shall make restitution to Mr. and Mrs. James DeMers in the amount of \$10,000., plus interest at the rate of 10% per annum from May 16, 1983, until paid in full and shall furnish satisfactory evidence of said restitution to the Office of the Clerk, State Bar Court, Los Angeles;

3. That during the period of probation, he shall comply with the provisions of the State Bar Act and Rules of Professional Conduct of the State Bar of California;

4. That during the period of probation, he shall report not later than January 10, April 10, July 10 and October 10 of each year or part

thereof during which the probation is in effect, in writing, to the Office of the Clerk, State Bar Court, Los Angeles, which report shall state that it covers the preceding calendar quarter or applicable portion thereof, certifying by affidavit or under penalty of perjury (provided, however, that if the effective date of probation is less than 30 days preceding any of said dates, he shall file said report on the due date next following the due date after said effective date):

(a) in his first report, that he has complied with all provisions of the State Bar Act and Rules of Professional Conduct since the effective date of said probation;

(b) in each subsequent report, that he has complied with all provisions of the State Bar Act and Rules of Professional Conduct during said period;

(c) provided, however, that a final report shall be filed covering the remaining portion of the period of probation following the last report required by the foregoing provisions of this paragraph certifying to the matters set forth in subparagraph (b) hereof;

5. That if he is in possession of clients' funds, or has come into possession thereof during the period covered by the report, he shall file with each report required by these conditions of probation a certificate from a Certified Public Accountant or Public Accountant certifying:

(a) That Respondent has kept and maintained such books or other permanent accounting records in connection with his practice as are necessary to show and distinguish between:

(1) Money received for the account of a client and money received for the attorney's own account;

(2) Money paid to or on behalf of a client and money paid for the attorney's own account;

(3) The amount of money held in trust for each client;

(b) That Respondent has maintained a bank account in a bank authorized to do business in the State of California at a

branch within the State of California and that such account is designated as a "trust account" or "client's funds account" ;

(c) That Respondent has maintained a permanent record showing:

(1) A statement of all trust account transactions sufficient to identify the client in whose behalf the transaction occurred and the date and amount thereof;

(2) Monthly total balances held in a bank account or bank accounts designated "trust account(s)" or "client's funds account(s)" as appears in monthly bank statements of said account(s);

(3) Monthly listings showing the amount of trust money held for each client and identifying each client for whom trust money is held;

(4) Monthly reconciliations of any differences as may exist between said monthly total balances and said monthly listings, together with the reasons for any differences;

(d) That Respondent has maintained a listing or other permanent record showing all specifically identified property held in trust for clients;

6. That he shall obtain psychiatric or psychological help from a duly licensed psychiatrist or a clinical psychologist at his own expense and shall furnish evidence to the Office of the Clerk, State Bar Court, Los Angeles, that he is so complying with each report that he is required to render under these conditions of probation; provided, however, that should it be determined by said psychiatrist or psychologist that the Respondent does not need psychiatric or psychological help, he may furnish to the State Bar a written statement from said psychiatrist or psychologist so certifying by affidavit or under penalty of perjury, in which event no reports or further reports under this paragraph shall be required and he shall not be required to obtain such psychiatric or psychological help;

7. That Respondent shall be referred to the Department of Probation, State Bar Court, for assignment of a probation monitor

referee. Respondent shall promptly review the terms and conditions of his probation with the probation monitor referee to establish a manner and schedule of compliance, consistent with these terms of probation. During the period of probation, Respondent shall furnish such reports concerning his compliance as may be requested by the probation monitor referee. Respondent shall cooperate fully with the probation monitor to enable him/her to discharge his/her duties pursuant to rule 611, Rules of Procedure of the State Bar;

8. During the period of probation, Respondent shall maintain with the Office of the Clerk, State Bar Court, Los Angeles, his current office or other address for State Bar purposes and his residence address. Within ten (10) days after any change of any of his addresses, he shall notify the above State Bar office, in writing of the change of address;

9. That, except to the extent prohibited by the attorney-client privilege and the privilege against self-incrimination, he shall answer fully, promptly and truthfully to the Presiding Referee of the State Bar Court, his designee or to any probation monitor referee assigned under these conditions of probation at the Respondent's office or an office of the State Bar (provided, however, that nothing herein shall prohibit the Respondent and the Presiding Referee, designee or probation monitor referee from fixing another place by agreement) any inquiry or inquiries directed to him personally or in writing by said Presiding Referee, designee, or probation monitor referee relating to whether Respondent is complying or has complied with these terms of probation;

10. That the period of probation shall commence as of the date on which the order of the Supreme Court herein becomes effective;

11. That at the expiration of said probation period, if he has complied with the terms of probation, said order of the Supreme Court suspending Respondent from the practice of law for a period of two (2) years shall be satisfied and the suspension shall be terminated; and it is

**FURTHER RESOLVED** that the Review Department recommends to the Supreme Court that it include in its order in the above-entitled proceeding a requirement that the Respondent comply with the provisions of rule 955, California Rules of Court, the Respondent to comply with the provisions of paragraph (a) of said rule within 30 days of the effective date of the



Supreme Court order herein and to file the affidavit with the Clerk of the Supreme Court provided for in paragraph (c) of the rule within 40 days of the effective date of the order showing his compliance with said order.


**FURTHER RESOLVED** that Respondent shall take and pass the Professional Responsibility Examination given by the National Conference of Bar Examiners within one year from the date upon which the order of the Supreme Court herein becomes effective; and it is

**FURTHER RESOLVED** that the Review Department hereby advises the Supreme Court that its reason for recommending additional probation conditions including payment of \$10,000 plus interest as restitution is that allowing a client to use the attorney's trust account in a scheme to defraud the client's creditors is a very serious offense warranting greater discipline than recommended by the hearing panel.

Voting Yes: Referees Bowie, Boyle, Hinerfeld, Kilpatrick, Orr, Reading, Schafer, Tilles, Vogt, Young and Craig.

Voting No: Referees Katsky, McElhinny and Mitchell so voting because the recommended degree of discipline is insufficient based on the above-mentioned scheme to defraud.

Dated: April 16, 1987

  
Judy Duffield, Clerk  
of the State Bar Court

**DECLARATION OF SERVICE**

I, the undersigned, over the age of 18 years, whose business address and place of employment is 818 West Seventh Street, Los Angeles, California, declare that I am not a party to the within action; that in the City and County of Los Angeles, on the date shown below, I deposited a true copy of the within

**Minutes of Review Department Meeting Held On February 26 and 27, 1987**

in a sealed envelope as follows:

In a facility regularly maintained by the United States Postal Service with postage thereon fully prepaid addressed to:

Charles Wallace Coppock, Esq.  
608 Beaver Street  
Santa Rosa, California 95404

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

Jerome Fishkin, Esq.

Dated: June 5, 1987

I declare under penalty of perjury at Los Angeles, California, on the date shown above, that the foregoing is true and correct.



Charles Nettles  
Administrative Assistant  
Office of the State Bar Court



**THE STATE BAR  
OF CALIFORNIA**

**OFFICE OF STATE BAR COURT**

Director, STUART A. FORSYTH

COURT CLERKS OFFICE, 818 WEST SEVENTH STREET, LOS ANGELES, CALIFORNIA 90017-3432

(213) 689-6200

**PERSONAL AND CONFIDENTIAL**

**NOTICE ACCOMPANYING SERVICE OF  
HEARING PANEL DECISION IN  
CASE NUMBER 85-0-223 SO IN THE MATTER OF CHARLES WALLACE COPPOCK  
(SO 48); 86-F-17 SO**

Enclosed is the Hearing Panel Decision filed in the above-numbered matter.

A copy of Rules 450-452 and 562 are enclosed for reference. Rule 562 permits an application for hearing de novo or to present additional evidence within 10 days after service of the Decision. The rules also provide that a written request for review may be made within 15 days after service of notice of action by the hearing panel on such application or within 15 days after service of the enclosed Decision (Rule 450(a)).

Please consult the text of the enclosed Rules of Procedure for the exact statement of procedures.

Please note that if review is not requested, an ex-parte review will be conducted by the Review Department which will be binding within the State Bar Court.

The Court Clerk's Office of the State Bar Court can provide the dates upon which the Review Department is likely to act on this matter. Formal notification of the action in this matter will be forthcoming from the Effectuation of Decision section of the Court Clerk's Office. Time limits required by the applicable rules will commence from the date of the final notification.

**DECLARATION OF SERVICE**

I, the undersigned, over the age of 18 years, whose business and place of employment is 818 West Seventh Street, Los Angeles, California, declare that I am not a party to the within action; that in the City and County of Los Angeles, on the date shown below, I deposited a true copy of the above Notice, Hearing Panel Decision and Rule of Procedure 450-452 and 562; in a sealed envelope as follows:

In a facility regularly maintained by the United States Postal Service with postage thereon fully prepaid addressed to:

Charles Wallace Coppock, Esq.  
849 Fifth Street  
Santa Rosa, California 95404

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

Jerome Fishkin, Esq.

I declare under penalty of perjury at Los Angeles, California, that the foregoing is true and correct. Dated, this 20th day of October, 1986.

  
Mina Ruiz  
Deputy Court Clerk

Copy of this Notice to: Hearing Panel  
1679a

FILED

STATE BAR COURT

SEP 29 1986 *m*

OF THE STATE BAR OF CALIFORNIA

DISTRICT TWO

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

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In the Matter of )  
CHARLES WALLACE COPPOCK )  
A Member of the State Bar )

No. 85-0-233-SO  
CE 84-165 86-F-1750  
DECISION

The above-entitled matter came on regularly for hearing on September 16, 1986 at the State Bar of California.

Principal Referee was Richard A. Case, Esq.

The State Bar of California was represented by Jerome Fishkin, Esq.

The Respondent Charles Wallace Coppock was present and represented himself in pro persona.

The hearing was reported by Jeanette Karp.

Testimony and documentary evidence was presented by The State Bar of California and admitted into evidence for all purposes.

The referee being fully advised in the premises makes the following findings of fact, conclusions of law and recommendation.

FINDINGS OF FACT

A. GENERAL

1. Respondent was duly admitted to the practice of law in the State Bar of California on April 13, 1978.
2. Respondent, on July 14, 1981, opened a bank account No. 0010-041259 at 1st Commercial Bank.
3. 1st Commercial Bank later became California Canadian Bank.

///

- 1 4. Account No. 0010-041259 was denominated and designated as
- 2 Respondent's client trust account.
- 3 5. Respondent's trust account was opened for the exclusive
- 4 use of Robert W. Pollock, a client Respondent represented.
- 5 6. Respondent knew as of July 1981 that his client Robert W.
- 6 Pollock had judgment entered against him in the Superior Court
- 7 of Sonoma County.
- 8 7. After opening his trust account, Respondent relinquished
- 9 supervision of said accounts and failed to supervise or
- 10 administer his client's trust account.
- 11 8. Respondent wrote checks in blank for Pollock's use and
- 12 benefit.
- 13 9. Respondent failed to control, supervise, maintain,
- 14 investigate or review statements of deposits or withdrawals.
- 15 10. In May of 1983 James and Maria DeMers sent a check to
- 16 Pollock in the sum of \$10,000.00.
- 17 11. The check in the sum of \$10,000 was made payable by DeMers
- 18 to Novo-Gradee's trust account. (State Bar Court Exhibit A
- 19 attached.)
- 20 12. Pollock deposited the check for \$10,000 into Respondent's
- 21 Trust Account by deposit slip dated May 16, 1983.
- 22 13. The endorsement on said check and deposit thereof were not
- 23 filled out or endorsed by Respondent.
- 24 14. Respondent never saw the check or deposit receipt prior to May
- 25 16, 1983.
- 26 15. Respondent was not notified by Pollock of either the check or
- 27 the deposit, in any manner or form.
- 28 16. Respondent was never engaged to represent Mr. and Mrs. DeMers

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in any capacity.

17. Respondent was never contacted by Mr. and Mrs. DeMers at any time or in any manner or form.

18. The check of \$10,000 deposited into the trust account by Pollock bore the signature endorsement of "Wally Coppock". (State Bar Exhibit 1 - Exhibit A attached.)

19. This endorsement is a forged endorsement and not the signature of Respondent.

20. Respondent never authorized Pollock orally or in writing to endorse or sign any document on his behalf or under his authority.

21. DeMers entrusted the \$10,000 check to Pollock for the specific purpose of purchasing a bond. (State Bar Exhibit 1.)

22. Respondent had no dealings of any kind or character with DeMers and no knowledge of any dealings between Pollock and DeMers.

23. Respondent received no benefits of any kind or character from the deposits and withdrawals done solely by Pollock.

24. The trust account balance was \$10,012.74 after the deposit of \$10,000 was made. (State Bar Exhibit 4.)

25. The trust account balance declined to \$508.42 in August. (State Bar Exhibit 4.)

26. The trust account balance as of August 1983 was \$7,998.42. (State Bar Exhibit 4.)

27. Pollock never informed Respondent of any of his dealings, in any manner or form, with DeMers.

28. Respondent caused the trust account to be closed after determining that a check had been returned marked "Insufficient Funds" and withdrew the \$7,998.42.

29. On Augst 22, 1983 Respondent paid over to Pollock the \$7,998.42.

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30. Respondent by Answer to Notice to Show Cause and Stipulation admitted several material allegations. (State Bar Exhibit 2.)

A. CLIENT SECURITY FUND

1. DeMers filed an application for reimbursement of funds from the State Bar Client Security Fund. (State Bar Exhibit 5.)
2. Respondent was an active member of the State Bar of California domiciled in California from 1978 through September 1986.
3. DeMers entrusted the sum of \$10,000 to Pollock only.
4. DeMers had no contact with Respondent, in any manner or form regarding the check of \$10,000 payable to Novo-Gradee.
5. Respondent was not associated in any manner or form with Novo-Gardee.

C. MITIGATION

1. Respondent has cooperated fully with the State Bar of California. (Answer - State Bar Exhibit 2.)
2. Respondent is remorseful over his conduct in failing to control, supervise, and administer the trust account.
3. Respondent is uncertain over his obligations of restitution. (Respondent Exhibit A.)
4. Respondent's difficulties arose by reason of his representation of Mrs. Pollock ending in a default judgment being rendered against her and his failure to prosecute a timely appeal after courts failure to set-aside default.
5. Due to his inability to represent Mrs. DeMers satisfactorily Respondent lapsed into a manic-depressive state affecting his

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judgment in this matter. (Respondent's Exhibit A.)

6. Respondent was being treated with the drug lithium which he did not use on a continuing basis which also affected his judgment. (Respondent Exhibit A.)

7. Respondent had practiced for six (6) years with no prior disciplinary proceedings or clients' complaints.

8. Respondent has also engaged in pro bono work on behalf of the community during his law practice. (Respondent's Exhibit A.)

CONCLUSIONS OF LAW

1. Respondent has committed acts supporting the imposition of discipline.

2. Respondent has violated the provisions of 6068 of the Business and Professions Code.

3. Respondent failed to maintain supervision, administration or control over his client's trust account which was for the sole benefit of Pollock.

4. There was no misappropriation or commingling of funds by Respondent. Palomo vs. State Bar 36C3 785, 798, 796.

5. Respondent did not use any funds from the trust account for personal or any purpose. Mack v. State Bar (1970) 2C3 440, 443-444

6. There was no attorney-client, fiduciary, administrator, executor, trustee of an express trust, guardian or conservator relationship between Respondent and DeMers. (Rules of Procedure, Rule 670(D)(1)(a)(b)(c). Clark v. State Bar 39C2 161, 166. Groom v. State Bar 3 C3 346, 355, 356.

7. Respondent committed no dishonest act or conduct. (Rules of Procedure Rule 670(c).

8. DeMers suffered no "reimbursable losses". (Rules of Procedure, Rule 670(D)(6).

9. Respondent committed no acts involving moral turpitude.



1 10. Factors to be considered in mitigation are those found to surround  
2 the particular act and the net effect thereof.

3 11. Factors considered mitigating are:

4 (a) No prior record of discipline or complaints leading to State  
5 Bar action

6 (b) Good faith

7 (c) Lack of harm to client

8 (d) Cooperation with State Bar

9 (e) Remorse of Respondent

10 (f) Emotional difficulties

11 (g) Good character

12  
13 RECOMMENDATION

14 The Hearing Panel recommends to the Supreme Court that the Respondent,  
15 Charles Wallace Coppock, be suspended from the practice of law in State of  
16 California for a period of one (1) year; that execution of the order for such  
17 suspension be stayed; and, that Respondent be placed upon probation for said  
18 period of one (1) year upon the following conditions:

19 1. That during the first 90 days of said period of probation he shall be  
20 suspended from the practice of law in the State of California;

21 2. That during the period of probation, he shall comply with the provisions  
22 of the State Bar Act and Rules of Professional Conduct of the State Bar of  
23 California;

24 3. That during the period of probation, he shall report not later than  
25 January 10, April 10, July 10, and October 10 or each year or part thereof  
26 during which the probation is in effect, in writing, to the Los Angeles  
27 Office of the State Bar Court, State Bar of California, which report shall  
28 state that it covers the preceding calendar quarter or applicable portion

1           thereof, certifying by affidavit or under penalty of perjury (provided,  
2           however, that if the effective date of probation is less than 30 days  
3           preceding any of said dates, he shall file said report on the due date  
4           next following the due date after said effective date):

5           (a) in his first report, that he has complied with all provisions of the  
6           State Bar Act and Rules of Professional Conduct since the effective  
7           date of said probation; and

8           (b) in each subsequent report, that he has complied with all provisions  
9           of the State Bar Act and Rules of Professional Conduct of the State  
10          Bar of California during said period;

11          (c) provided, however, that a final report shall be filed covering the  
12          remaining portion of the period of probation following the last  
13          report required by the foregoing provisions of this paragraph  
14          certifying to the matters set forth in subparagraph (b) hereof;

15 4. That if he is in possession of clients' funds, or has come into possession  
16          thereof during the period covered by the report, he shall file with each  
17          report required by these conditions of probation a certificate from a  
18          Certified Public Accountant or a Public Accountant certifying:

19          (a) That Respondent has kept and maintained such books or other permanent  
20          accounting records in connection with his practice as are necessary  
21          to show and distinguish between;

22                  (1) Money received for the account of a client and money received  
23                  for the attorney's own account;

24                  (2) Money paid to or on behalf of a client and money paid for the  
25                  attorney's own account;

26                  (3) The amount of money held in trust for each client.

27          (b) That Respondent has maintained a bank account in a bank authorized to  
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do business in the State of California at a branch within the State of California and that such account is designated as a trust account or client's funds account;

(c) That Respondent has maintained a permanent record showing:

- (1) A statement of all trust account transactions sufficient to identify the client in whose behalf the transaction occurred and the date and amount thereof;
- (2) Monthly total balances held in bank account or bank accounts designated trust account(s) or client funds account(s) as appears in monthly bank statements of said account or accounts;
- (3) Monthly listings showing the amount of trust money held for each client and identifying each client for whom trust money is held;
- (4) Monthly reconciliations of any differences as may exist between said monthly total balances and said monthly listings, together with the reasons for any differences;

(d) That Respondent has maintained a listing or other permanent records showing all specifically identified property held in trust for clients;

- 5. During the period of probation, he shall maintain with the Los Angeles Office of the State Bar Court, his current office or other address for State Bar purposes and his residence address. With ten (10) days after any change of any of his addresses, he shall notify the Los Angeles Office of the State Bar Court, in writing, of the change of address.
- 6. That the period of probation shall commence as of the date on which the order of the Supreme Court herein becomes effective;
- 7. That at the expiration of said probation period, if he has complied with the terms of probation, said order of the Supreme Court suspending Respondent from the practice of law for a period of one (1) year shall be

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satisfied and the suspension shall be terminated.

RECOMMENDATION

CE 84-165

DeMers's application for reimbursement of \$10,000 or any lesser sum out of the State Bar Client Security Fund be denied.

DATED: Sept. 24, 1986

  
Richard A. Case, Esq.  
Principal Referee

FILED

SEP 22 1986

The State Bar Court  
The State Bar of California  
Master Calendar Session

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

In the Matter of )  
CHARLES WALLACE COPPOCK )  
(respondent/member/applicant)

Case No.: 85-0-233 SO (SO 48)

SUPERVISING REFEREE'S MINUTE ENTRY

The above-entitled Matter having been placed on the calendar for the Master Calendar Session on the following date: 9/16/86 at:  
 Los Angeles  San Diego  San Francisco  Other \_\_\_\_\_  
the following appearance(s) and disposition(s) were made: [please check all that apply]

- \_\_\_\_\_, respondent/member/applicant
- \_\_\_\_\_, counsel for respondent/member/applicant
- \_\_\_\_\_, examiner
- \_\_\_\_\_, others (specify) \_\_\_\_\_

Time case called: 9:30 a. .m

Disposition [please check all that apply]:

assigned to  one-person //  three-person hearing panel, consisting of:

Richard Case, Principal Referee  
\_\_\_\_\_, Attorney Member  
\_\_\_\_\_,  Attorney// Public Member

Request of \_\_\_\_\_ for continuance is  denied //  granted, and Matter is continued to \_\_\_\_\_ at the hour of \_\_\_\_\_ .m. at the following location:

- State Bar of California, 1230 West Third Street, Los Angeles
- State Bar of California, 555 Franklin Street, San Francisco
- Other \_\_\_\_\_

Stipulation:  only as to facts //  as to facts and disposition

- approved
- rejected

Other Disposition(s) and/or Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
Supervising Referee

Sept 16 1986  
Dated

DECLARATION OF SERVICE

I, the undersigned, over the age of 18 years, whose business address and place of employment is 818 West Seventh Street, Los Angeles, California, declare that I am not a party to the within action; that in the City and County of Los Angeles, on the date shown below, I deposited a true copy of the within

SUPERVISING REFEREE'S MINUTE ENTRY

in a sealed envelope as follows:

In a facility regularly maintained by the United States Postal Service with postage thereon fully prepaid addressed to:

Charles Wallace Coppock, Esq.  
620 E. Washington Street  
Suite 101  
Petaluma, CA 94952

(and)  
849 5th Street  
Santa Rosa, CA 95404

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

Jerome Fishkin, Esq.

Dated: October 2, 1986

I declare under penalty of perjury at Los Angeles, California, on the date shown above, that the foregoing is true and correct.



ROSE M. FLORES  
Deputy Court Clerk

FILED

STATE BAR COURT  
OF THE STATE BAR OF CALIFORNIA

JUL 14 1986 BA

DISTRICT 2W

THE STATE BAR OF CALIFORNIA  
LOS ANGELES OFFICE

In the Matter of )  
Charles Wallace Coppock )  
A Member of the State Bar )

State Bar Court No. 85-0-233 SO  
ORDER DIRECTING MATTER  
BE SET FOR HEARING

The Clerk of the State Bar Court hereby is directed to set the above-entitled matter for hearing on a date certain not more than 60 days from the date of this order.

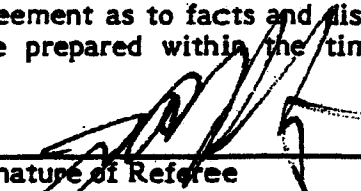
The estimates of the time that will be required to hear the matter are as follows (there are six hearing hours in one day):

	<u>Days</u>		<u>Hours</u>
State Bar's estimate of its time	_____	plus	<u>  1  </u>
Respondent's estimate of his/her time	_____	plus	_____
My estimate of the TOTAL TIME	<u>  1  </u>	plus	_____

(Please check and complete if applicable.) Trailing this matter for one or more days would constitute a hardship to the (state party) \_\_\_\_\_ for the following reason (state grounds): \_\_\_\_\_

(Please check if applicable) A verbal agreement as to facts and disposition has been reached, but a written stipulation cannot be prepared within the time period of the settlement conference referee's jurisdiction.

Dated: July 8, 1986

  
\_\_\_\_\_  
Signature of Referee

===== TO BE COMPLETED BY STATE BAR COURT CLERK'S OFFICE ONLY =====

The above-entitled matter is set for hearing on (day) Tuesday,  
(month) September, (date) 16, 1986 at (time) 9.30  a. /  p.m.,  
before a  one-person /  three-person hearing panel at the following location:

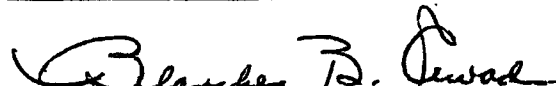
State Bar of California, 1230 West Third Street, LOS ANGELES.

State Bar of California, 555 Franklin Street, SAN FRANCISCO.

\_\_\_\_\_ SAN DIEGO.

Other: \_\_\_\_\_

Dated: 7/23/86

  
\_\_\_\_\_  
Signature of Clerk

DECLARATION OF SERVICE

I, the undersigned, over the age of 18 years, whose business address and place of employment is 818 West Seventh Street, Los Angeles, California, declare that I am not a party to the within action; that in the City and County of Los Angeles, on the date shown below, I deposited a true copy of the within

ORDER DIRECTING MATTER BE SET FOR HEARING

in a sealed envelope as follows:

In a facility regularly maintained by the United States Postal Service with postage thereon fully prepaid addressed to:

Charles Wallace Coppock, Esq.  
620 E. Washington Street, Suite 101  
Petaluma, CA 94952


Charles Wallace Coppock, Esq.  
849 Fifth Street  
Santa Rosa, CA 95404

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

Jerome Fishkin, Esq.

Dated: July 25, 1986

I declare under penalty of perjury at Los Angeles, California, on the date shown above, that the foregoing is true and correct.

  
Carmen Shearer  
Deputy Court Clerk



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JEROME FISHKIN, ESQ.  
The State Bar of California  
555 Franklin Street  
San Francisco, California 94102  
(415) 561-8200

FILED

APR 08 1986 *aw*

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

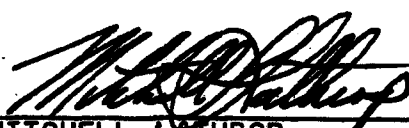
Examiner for the State Bar

STATE BAR COURT  
STATE BAR OF CALIFORNIA  
HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of ) 85-0-233 SO  
CHARLES WALLACE COPPOCK ) 86-F-17 SO (CSF 84-165)  
A Member of the State Bar) ORDER CONSOLIDATING FORMAL  
& CLIENT SECURITY FUND MATTERS

Upon the stipulation of the parties, and good cause appearing, it is hereby ordered that the formal matter denominated 85-0-233 SO and the Client Security Fund matter presently denominated CSF 84-165 be consolidated for hearing and any further proceedings.

DATE: APR - 7 - 1986

  
MITCHELL LATHROP  
Presiding Referee

DECLARATION OF SERVICE

I, the undersigned, over the age of 18 years, whose business address and place of employment is 818 West Seventh Street, Los Angeles, California, declare that I am not a party to the within action; that in the City and County of Los Angeles, on the date shown below, I deposited a true copy of the within

ORDER CONSOLIDATING FORMAL & CLIENT SECURITY FUND MATTERS

in a sealed envelope as follows:

In a facility regularly maintained by the United States Postal Service with postage thereon fully prepaid addressed to:

Charles Wallace Coppock, Esq.  
620 E. Washington Street  
Suite 101  
Petaluma, CA 94592

Charles Wallace Coppock, Esq.  
849 Fifth Street  
Santa Rosa, CA 95404

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

Jerome Fishkin, Esq.

Dated: April 17, 1986

I declare under penalty of perjury at Los Angeles, California, on the date shown above, that the foregoing is true and correct.

  
MINA RUIZ  
Deputy Court Clerk



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

ATTEST October 4, 2016

State Bar Court, State Bar of California,  
Los Angeles

By *Gene Behar*  
Clerk

## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist 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 27, 2018, I deposited a true copy of the following document(s):

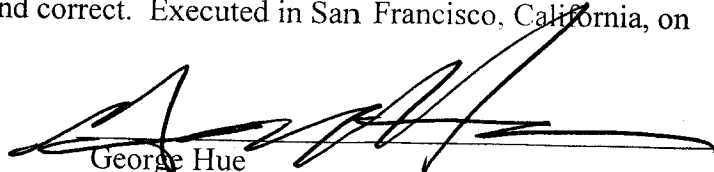
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND  
ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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 WALLACE COPPOCK  
LAW OFFICES OF C WALLACE COPPOCK  
1014 HOPPER AVE # 425  
SANTA ROSA, CA 95403 - 1613
- 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:

Susan Kagan, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on September 27, 2018.

  
George Hue  
Court Specialist  
State Bar Court