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- (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: **Case No. S231087 (13-O-17115, 13-O-17297, 14-O-04354). A true and correct copy is attached as Exhibit 1. See page 21.**
  - (b)  Date prior discipline effective: **March 18, 2016.**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **former rule 3-110(A), 3-310(F), 4-100(B), 3-700(D)(2).**
  - (d)  Degree of prior discipline: **Stayed Suspension.**
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below:  
  
**Case No. S243405 (15-O-13458), effective November 3, 2017; former rules 3-700(D)(1) and 3-700(D)(2), and Bus. & Prof. Code sections 6103 and 6106; 60-day actual suspension. A true and correct copy is attached as Exhibit 2. See pages 21-22.**
- (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.

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- (4)  **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (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. **See page 22.**
- (9)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of Respondent's misconduct. **See page 22.**
- (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 22.**
- (12)  **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13)  **Restitution:** Respondent failed to make restitution. **See pages 8,11-12, 13-14, 17-19.**
- (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.
- (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.
- (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 22.**

#### **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>
<b>Rosemary Arkansas</b>	<b>\$15,000</b>	<b>May 15, 2016</b>
<b>Donald Taylor</b>	<b>\$400</b>	<b>October 3, 2016</b>
<b>Corky Green-White</b>	<b>\$5,655</b>	<b>October 27, 2016</b>
<b>Rosalee Camacho</b>	<b>\$23,000</b>	<b>October 4, 2016</b>

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



10. Richardson was initially represented by the public defender's office. He was held in custody where he remained pending a bail hearing.
11. On May 15, 2016, Richardson's mother, Rosemary Arkansas, hired respondent to represent and defend Richardson through trial in his criminal case. She executed an agreement with respondent and agreed to pay him \$20,000 for his services. She paid him \$5,000 in advanced fees that day and received a receipt. Although there was a signature line for Richardson on the agreement, Richardson did not sign the fee agreement. Respondent did not at this time or any time obtain subsequent Richardson's informed written consent to accept compensation from someone other than the client, Richardson, as required by rule 3-310(F) of the Former Rules of Professional Conduct.
12. On May 17, 2016, Arkansas paid respondent an additional \$5,000, leaving a balance of \$10,000. Respondent provided her with a receipt.
13. On May 18, 2016, respondent filed a substitution of attorney in Richardson's criminal case.
14. On May 19, 2016, the court entered an order approving respondent's appearance as counsel of record for Richardson.
15. On May 23, 2016, at Richardson's bail hearing, respondent requested a continuance to allow time to prepare in light of his recent substitution into the case. The court denied his request, but informed him he could renew it in the future.
16. On June 7, 2016, Arkansas paid respondent another \$5,000, leaving a balance of \$5,000. Respondent provided her with a receipt.
17. On August 25, 2016, the court set trial dates to commence on September 25, 2017. The court further set a hearing on any rule 12 motions for March 2, 2017, but later moved the date to August 25, 2017.
18. On February 16, 2017, the government filed a superseding indictment against Richardson.
19. On March 1, 2017, the parties filed a stipulation seeking to vacate the scheduled trial and rule 12 hearing dates in light of the superseding indictment. Respondent also waived time as to Richardson's speedy trial rights. March 1, 2017, was the last date respondent performed any services for Richardson in his criminal case.
20. Richardson, who had serious medical problems, had been sitting in jail for approximately 14 months without proper medical care and without having a bail hearing.
21. On May 8, 2017, respondent texted Arkansas to inform her that his law license had recently been suspended and that he had to step down from the case.
22. On May 18, 2017, Arkansas sent respondent a letter requesting a refund of the \$15,000 in fees that she paid to respondent. Respondent received this letter shortly after it was sent. Respondent did not return any of the \$15,000 to Arkansas.
23. On May 23, 2017, the United States Attorney's Office filed a request for a status conference on the basis that it recently learned defense counsel, respondent, was not eligible to practice law in California. The request cited to respondent's State Bar membership profile.
24. The court issued a minute order setting the status conference for May 25, 2017.

25. On May 25, 2017, the court removed respondent and appointed the public defender's office to represent Richardson.

26. Arkansas retained different counsel to represent Richardson at additional expense.

#### CONCLUSIONS OF LAW:

27. By accepting \$15,000 from Arkansas as compensation for representing a client, Richardson, without obtaining Richardson's written consent, respondent accepted compensation from someone other than the client without the client's written consent, in willful violation of Former Rules of Professional Conduct, rule 3-310(F).

28. By failing to take sufficient action on the client's behalf in *USA v. Richardson*, United States District Court, Eastern District of California, Case No. 16-cr-69, after March 1, 2017, when respondent filed a stipulation to continue the rule 12 motion filing deadline, continue the rule 12 motion hearing date, and vacate the trial date, and thereafter failing to inform the client that respondent was withdrawing from employment, respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to respondent's client, Ricky Lee Richardson, by constructively terminating respondent's employment on March 1, 2017, in willful violation of the Former Rules of Professional Conduct, rule 3-700(A)(2).

29. By failing to inform Richardson that respondent was going to be and in fact was suspended from the practice of law effective May 8, 2017, respondent failed to keep respondent's client, Richardson, reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).<sup>1</sup>

30. By receiving advanced fees of \$15,000 from Arkansas, between on or about May 15, 2016, through on or about June 7, 2016, as compensation for representing a client, Richardson, in *USA v. Richardson*, United States District Court, Eastern District of California, Case No. 16-cr-69, to defend him through trial or conclusion of the matter, and thereafter failing to take sufficient action to make progress on Richardson's case, in *USA v. Richardson*, United States District Court, Eastern District of California, Case No. 16-cr-69, through trial or conclusion of the matter, and therefore earning none of the advanced fees paid, and thereafter failing to return promptly, upon respondent's termination of employment on or about March 1, 2017, any part of the \$15,000 fee to Ms. Arkansas, respondent failed to return unearned fees promptly after termination of employment, in willful violation of the Former Rules of Professional Conduct, rule 3-700(D)(2).

#### Case No. 17-O-04934 (Complainant: Corky Green-White on behalf of Jakari Taylor)

#### FACTS:

31. On September 14, 2016, the Solano County District Attorney filed a 10-count felony complaint in Solano County Superior Court, Case No. FCR324067 against Jakobi Brumfield and Jakari Taylor. The felony complaint alleged two counts of second degree robbery in violation of Penal Code section 211, one with an enhancement for use of a firearm, in violation of Penal Code section 12022.53(b); one count of attempted second degree robbery with an enhancement for use of a firearm, in violation of Penal Code sections 664/211, and 12022.53(b); three counts of assault with a deadly weapon, in violation of Penal Code section 245(a)(2), one of which had an enhancement for use of a firearm to commit a violent felony, in violation of Penal Code sections 12022.5(a), 1192.7(c)(8), and 677.5(c)(8); two counts of evading an officer, in violation of Vehicle Code section 2800.2(a); one count of evading an officer and driving in the direction opposite of traffic, in

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<sup>1</sup> All further references to "section" or "Section" are to the Business and Professions Code, unless otherwise specified.



violation of Vehicle Code section 2800.4; and one count of resisting arrest violation of Penal Code section 148(a)(1).

32. On October 27, 2016, Corky J. Green-White, Taylor's grandmother, paid respondent \$1,400 to represent and defend Taylor in his criminal case. The parties did not execute a fee agreement. Respondent did not at this time or any time subsequent obtain Taylor's informed written consent to accept compensation from someone other than the client, Taylor, as required by rule 3-310(F) of the Former Rules of Professional Conduct.

33. Shortly thereafter, Taylor's grandfather, Donald Taylor II, paid respondent an additional \$400 toward fees in Taylor's criminal case.

34. On November 17, 2016, Green-White spoke with respondent and discussed the case and overall fees of approximately \$7,500. Green-White provided respondent with her bank account information, and respondent charged her account an additional \$1,555 that day. Green-White advised respondent of additional dates that he was authorized to withdraw periodic payments from her account. Those dates coincided with her receipt of her regular work pay checks.

35. On November 24, 2016, as agreed, respondent withdrew \$400 from Green-White's account.

36. After several unanswered calls to respondent, on November 28, 2016, Green-White texted respondent and requested a meeting to discuss the case.

37. Shortly thereafter, respondent texted her to inform her that Taylor's court date was December 12, 2016. Green-White asked how respondent saw the case playing out and what his strategy was, to which respondent stated he did not have one yet. Respondent stated to her that he would see Taylor on Friday, December 2, 2016, but respondent did not see Taylor until December 5, 2016.

38. On December 2, 2016, Green-White texted respondent and asked if he was leaving town. Respondent texted back confirming that he was leaving Monday and that respondent would see Taylor before he left. Green-White asked if someone would be in court with Taylor while respondent was gone on December 12, 2016, and she reminded him to debit her account another \$400 on December 9, 2016. Respondent texted back thanking her and stating that they would have someone in court.

39. On Friday, December 9, 2016, as agreed, respondent withdrew \$400 from Green-White's account.

40. On December 12, 2016, attorney Isabell Flores made a special appearance on behalf of respondent. Green-White was in the courtroom for Taylor's hearing. The court minutes reflect that respondent was counsel of record retained to represent Taylor. The matter was continued to January 9, 2017.

41. On December 23, 2016, as agreed, respondent withdrew \$400 from Green-White's account.

42. Green-White texted respondent that she saw Taylor that day and that Taylor said that he would like to speak with respondent and that he tried to call respondent's office.

43. On December 29, 2016, respondent texted Green-White that he was sorry for not getting back to her, and said he would have more time to talk with her the following day. Respondent did not contact her the following day.

44. On January 9, 2017, respondent appeared on behalf of Taylor. The matter was continued to January 31, 2017, on the defendant's motion.

45. On January 11, 2017, with Ms. Green-White's consent, respondent withdrew \$1,500 from Green-White's account.
46. On January 12, 2017, Green-White texted respondent asking him to please advise her on Taylor's case, as he had not been accepted to the work program he had applied for.
47. Respondent texted back that he was in trial in Vallejo and would set their meeting before the next court date. Respondent did not meet with Taylor or Green-White before the next trial date of January 31, 2017.
48. On January 31, 2017, attorney Isabell Flores specially appeared on behalf of respondent, and requested a continuance on the basis that the parties might have a possible resolution. The matter was continued to February 22, 2017.
49. Respondent was not reachable during the months of February and March 2017. He left Green-White text messages saying that he left messages with the District Attorney and the judge and he would be in court, but did not make himself available to meet with Taylor or Green-White.
50. On February 22, 2017, respondent failed to appear on behalf of Taylor and the court issued a written order to show cause ("OSC") regarding his failure to appear and set the OSC hearing for March 3, 2017. The order indicated that respondent's failure to appear at the hearing could result in sanctions against respondent. Respondent received a copy of the OSC shortly after it was sent to him.
51. On March 3, 2017, respondent filed a declaration in response to the OSC.
52. On March 3, 2017, respondent appeared in Taylor's matter. The court discharged the OSC. The matter was continued to April 14, 2017, for readiness conference and a preliminary hearing was set for April 24, 2017.
53. On March 30, 2017, Green-White texted respondent, informing him that she was going to see Taylor the following day after work, and for respondent to please talk to her before that. He responded that he was preparing for court.
54. On March 31, 2017, respondent texted Green-White that he was in a meeting and unable to respond.
55. On April 3, 2017, Green-White texted respondent that Taylor really needed to be evaluated, and that Taylor wanted to talk to respondent.
56. On April 10, 2017, Green-White texted respondent, asking him what time the hearing on the 14th was.
57. On April 14, 2017, respondent appeared on behalf of Taylor. He made an oral motion to continue, which was granted. The matter was continued to May 4, 2017, for readiness conference and preliminary hearing, which was set for May 15, 2017. The April 24, 2017, date was vacated.
58. On May 4, 2017, respondent appeared on behalf of Taylor, who was present, at a readiness conference. The matter was continued to May 15, 2017, for preliminary hearing which was confirmed with the time estimate of half an hour.
59. On May 8, 2017, respondent was suspended. As of this date, respondent constructively terminated his attorney-client relationship with Taylor.

60. On May 14, 2017, at 10:20 PM, respondent telephoned Green-White and informed her he was suspended from the practice of law. The family requested all case files to be returned to the family and monies reimbursed. Respondent refused to cooperate or provide any monies.

61. On May 15, 2017, Taylor appeared by himself on the date and time scheduled for the preliminary hearing. The court noted that his attorney, respondent, was not eligible to practice law. The matter was continued to May 16, 2017, for Taylor to speak with family regarding counsel.

62. On May 16, 2017, Laina Chikhani made a special appearance on behalf of Taylor. The matter was continued to May 23, 2017, for Taylor to hire counsel.

63. Green-White repeatedly texted respondent asking him to return the money they had paid him to represent Taylor. Green-White was upset and had an anxiety attack as a result of respondent's failure to respond and failure to return the funds.

64. Respondent ignored Green-White's texts. Respondent texted Green-White one time to say that he didn't have the money at that time, and did not return any funds.

65. On May 23, 2017, Taylor appeared by himself. The matter was continued to June 13, 2017, for Taylor to finish obtaining counsel.

66. Green-White retained different counsel for Taylor at additional expense.

#### CONCLUSIONS OF LAW:

67. By accepting \$400 from Donald Taylor II and \$5,655 from Green-White between on or about October 27, 2016 through on or about January 11, 2017, as compensation for representing a client, Taylor, without obtaining Taylor's written consent, respondent accepted compensation from someone other than a client without receiving the client's informed written consent, in willful violation of Former Rules of Professional Conduct, rule 3-310(F).

68. By being suspended from practice of law as of May 8, 2017, and thereafter failing to inform the client that respondent was withdrawing from employment, respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to respondent's client, Jakari Taylor, by constructively terminating respondent's employment on May 8, 2017, in willful violation of the Former Rules of Professional Conduct, rule 3-700(A)(2).

69. By failing to inform Taylor that respondent was going to be and was in fact suspended from practice effective May 8, 2017, respondent failed to keep respondent's client, Jakari Taylor, reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

70. By receiving advanced fees of \$400 from Donald Taylor II and \$5,655 from Green-White between on or about October 27, 2016, through on or about January 11, 2017, as compensation for representing a client, Jakari Taylor, to represent him in *People v. Jakari Taylor*, Solano County Superior Court Case No. FCR324067, and defend him against criminal charges of attempted robbery and related charges, and thereafter failing to represent him, or perform any legal services of value for the client, and therefore earning none of the advanced fees paid, respondent failed to return promptly, upon respondent's termination of employment on or about May 8, 2017, any part of the \$400 fee to Taylor II or the \$5,655 to Green-White, in willful violation of the Former Rules of Professional Conduct, rule 3-700(D)(2).

Case No. 18-O-10315 (Complainant: Roselee Camacho)

FACTS:

71. Case number 13F04574 was filed in Sacramento County Superior Court on July 23, 2013, against Frank Camacho alleging felony violations of Penal Code 207(a)(kidnapping), 273.5(A)(corporal injury to a cohabitant), 243(d)(battery on a cohabitant with serious bodily injury), and misdemeanor charges of violations of Penal Code sections 368(c)(elder abuse), and section 591(destroying a phone/communications line).

72. Case number 15F01261 was filed in Sacramento County Superior Court on March 3, 2015, against Frank Camacho alleging three felony violations of violation of Penal Code sections 245(b)(aggravated assault), 664/187(a)(attempted murder), and 664/211 (attempted robbery).

73. On October 4, 2016, Roselee Camacho met with respondent regarding his representation of her son, Frank Camacho. Ms. Camacho signed an attorney-client agreement with respondent for respondent to represent her son, Frank Camacho, as his defense counsel in Sacramento County Court in case 13F04574, and 15F01261 where Mr. Camacho was facing criminal charges for, *inter alia*, attempted murder and robbery, and aggravated assault.

74. There was a place for Mr. Camacho to sign the attorney-client agreement, but respondent did not obtain Mr. Camacho's signature on the agreement. Respondent did not obtain at that time or any time subsequent Mr. Camacho's informed written consent to accept compensation from someone other than the client, Mr. Camacho, as required by rule 3-310(F) of the Former Rules of Professional Conduct.

75. Case No. 17FE09010 was filed on May 17, 2017 against Frank Camacho, for one felony count of a violation of Penal Code section 245(a)(4), (aggravated assault/assault with great bodily injury).

76. Ms. Camacho verbally hired respondent for case number 17FE09010 and an additional criminal matter, later in 2017.

77. Between October 4, 2016 and December 27, 2016, Ms. Camacho paid respondent a total of \$23,000 as payment for respondent to represent her son, Mr. Camacho.

78. Shortly before respondent was suspended on May 8, 2017, respondent informed Ms. Camacho that he was unable to represent Mr. Camacho as a result of his suspension due to his failure to timely take and pass the MPRE as required by California Supreme Court order in his prior discipline case. Thereafter, Ms. Camacho repeatedly asked respondent to return the money that she had paid him so she could hire a new lawyer. Respondent stated that he had already spent the money and did not have any money to return to her.

79. On June 1, 2017, the trial court relieved respondent and appointed the public defender. Shortly thereafter, Ms. Camacho retained different counsel to represent Mr. Camacho at additional expense.

80. From September 25, 2017, to January 21, 2018, Ms. Camacho continued to ask respondent to please refund the money as soon as possible. Respondent did not refund any money.

#### CONCLUSIONS OF LAW:

81. By accepting \$23,000 from Roselee Camacho between on or about October 4, 2016, through on or about December 27, 2016, as compensation for representing a client, Frank Camacho, without obtaining Mr. Camacho's written consent, respondent received compensation from someone other than the client without the client's written consent, in willful violation of Former Rules of Professional Conduct, rule 3-310(F).

82. By being suspended from practice of law as of May 8, 2017, and thereafter failing to inform the client that respondent was withdrawing from employment, respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to respondent's client, Frank Camacho, by

constructively terminating respondent's employment on May 8, 2017, in willful violation of the Former Rules of Professional Conduct, rule 3-700(A)(2).

83. By receiving advanced fees of \$23,000 from Roselee Camacho between on or about October 3, 2016, through on or about December 27, 2016, to represent a client, Frank Camacho, in *People v. Frank Camacho*, Sacramento County Superior Court, Case Nos. 13F04574, 13F01281, 17FE009190, and an additional criminal matter, and defend him against criminal charges of attempted murder, robbery, and related charges through trial or other conclusion of the matter, and thereafter failing to represent him, or perform any legal services of value for the client, and therefore earning none of the advanced fees paid, respondent failed to return promptly, upon respondent's termination of employment on or about May 8, 2017, any part of the \$23,000 fee to Ms. Camacho, in willful violation of the Former Rules of Professional Conduct, rule 3-700(D)(2).

Case No. 18-O-15745 (Probation Violation)

FACTS:

84. On June 9, 2017, in *In the Matter of Charles Jeffrey Fletcher*, A Member of the State Bar, No. 142464, State Bar Court Case Nos. 15-O-13458, the Hearing Department signed and filed a stipulation that respondent signed on May 11, 2017, wherein respondent admitted to having failed to release his client files at the termination of employment after his client requested them, even though a court had previously ordered him to do so, and having misrepresented that he had done so to the court clerk when he knew he had not done so. Respondent also admitted to having failed to refund unearned fees. The stipulation recommended that respondent be suspended for one year, but that execution of that suspension be stayed, and respondent would be placed on probation for one year, with a 60 day actual suspension, subject certain conditions. The conditions required respondent to:

- Comply with the provisions of the State Bar Act and Rules of Professional Conduct,
- Report to the State Bar's Office of Membership Record and the Office of Probation all changes of information, including the 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,
- Contact the Office of Probation within 30 days of the effective date of the discipline, and schedule a meeting with respondent's assigned probation deputy to discuss the terms and conditions of probation;
- Meet with the probation deputy either in-person or by telephone upon the direction of the Office of Probation, meet promptly with the probation deputy as directed and upon request;
- Submit written quarterly reports to the Office of Probation on January 10, April 10, July 10, and October 10 of the period of probation, wherein respondent had to:
  - state under penalty of perjury whether respondent complied with the State Bar Act, the Rules of Professional Conduct, and all of the conditions of probation; and
  - state whether there were any proceedings pending against him in State Bar Court, and if so, provide the case number and current status of that proceeding;
- Submit a final report in addition to the quarterly reports containing the same information, which was due no earlier than twenty days before the last day of the period of probation and no later than the last day of probation;

- Answer fully, promptly and truthfully any inquiries of the Office of Probation, subject to assertion of applicable privileges, which were directed to respondent personally or in writing relating to whether respondent was complying or had complied with the probation conditions; and
- Pay restitution to Sandra F. Smith:
  - in the amount of \$500, with interest accruing from January 15, 2015; and
  - in the amount of \$3,500 with interest accruing from November 7, 2014,
  - through monthly payments to Sandra F. Smith in the amount of \$430, or,
  - if respondent failed to pay any installment, pay the remaining balance in full and immediately to Sandra F. Smith;
  - provide satisfactory proof of payment to the Office of Probation with each quarterly report, or as otherwise directed by the Office of Probation; and
  - no later than 30 days prior to the expiration of the period of probation make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

85. Effective November 2, 2017, by Supreme Court order filed on October 4, 2017, in *In re Charles Jeffrey Fletcher on Discipline*, in Case No. S243405 (State Bar Court Case No. 15-O-13458), respondent was suspended for one year stayed, and placed on probation subject to the probation conditions recommended by the State Bar Court Hearing Department. Respondent received a copy of the order shortly after it was sent to him.

86. On October 24, 2017, Office of Probation Deputy (“Deputy”) Kanterakis uploaded a letter to respondent’s private attorney profile on the State Bar of California’s website with informational attachments. The letter to respondent reminded him that the Supreme Court order was filed October 4, 2017, effective November 3, 2017, which required respondent to schedule a meeting with probation deputy Kanterakis within 30 days of the effective date of the discipline. The letter reminded respondent of his obligation to make good faith efforts to acquire resources to pay restitution, and to pay restitution.

87. The letter also reminded respondent of his obligation to report the status of his compliance with his probation terms. The letter enclosed a courtesy copy of a quarterly report form for respondent’s use, and detailed instructions on how to accurately fill out the quarterly report. The letter reminded respondent that his quarterly reports had to be received by the due date, and informed him that being even one day late meant that respondent was not in compliance.

88. The letter also provided respondent a list of conditions that required submission of proof of compliance to the Office of Probation and the associated deadline. They included the following:

<b>Condition</b>	<b>Deadline(s)</b>
1. Contact Probation Deputy & Schedule Required Meeting	December 3, 2017
2. Quarterly Reports	Quarterly, beginning January 10, 2018
3. Restitution	October 4, 2018 (w/ Monthly Payments)

89. The letter also enclosed a courtesy copy of the California Supreme Court order, the portion of the stipulation that included respondent's probation terms, detailed proof of payment instructions and information, a blank restitution declaration, and a blank Office of Probation Notice of Counsel representation form, with just respondent's name, State Bar Case number and member number filled out.

90. On October 24, 2017, Deputy Kanterakis emailed respondent at jefffletcher@email.com, respondent's email address on file with the State Bar. The email informed respondent that the Office of Probation prepared a reminder letter with informational attachments. It stated that the letter would not be emailed to respondent. The email directed respondent to immediately log onto his attorney profile on the State Bar's website to review, download, and print it. Deputy Kanterakis's email stated that if respondent was not registered, or if he needed assistance with his account/password, respondent had to contact the State Bar's Member Services Center at 1-888-800-3400, Monday through Friday 8:45 a.m. to 5 p.m.(PST), and that the State Bar was closed on court holidays. The email also informed respondent that the Office of Probation could not assist him with the State Bar profile account. Respondent received a copy of the email shortly after it was sent to him.

91. On October 25, 2017, respondent sent Deputy Kanterakis a responsive email, in which respondent said that he logged onto his attorney profile and did not see the letter that Deputy Kanterakis referenced. Respondent asked Deputy Kanterakis whether there was another way that he could see the letter.

92. On October 26, 2017, Deputy Kanterakis sent respondent a reply email, wherein Deputy Kanterakis replied that, as stated in his email (which was attached below), "... If you need assistance with your account/password, you must contact the State Bar's Member Services Center at 1-888-800-3400, Monday through Friday 8:45 a.m. to 5 p.m.(PST.)" Respondent received the email shortly after it was sent.

93. Shortly thereafter, respondent was able to retrieve a copy of Deputy Kanterakis's October 24, 2017, letter and attachments.

#### Initial meeting

94. Pursuant to the terms of probation, respondent's initial meeting was due by December 3, 2017-thirty days after the effective date of the discipline, which was November 3, 2017.

95. On December 3, 2017, the meeting had not yet been held. On December 4, 2017, Deputy Kanterakis received a voicemail from respondent requesting the meeting that was supposed to have been held by December 3, 2017. On December 5, 2017, Deputy Kanterakis received another voicemail from respondent requesting that Deputy Kanterakis call respondent.

96. On December 5, 2017, Deputy Kanterakis sent respondent an email at Jeffletcher@email.com, informing respondent that the Office of Probation had received respondent's voicemail messages of December 4th and 5th, 2017, regarding the scheduling of the required meeting. Deputy Kanterakis informed respondent that Deputy Kanterakis was available for a telephonic meeting the following day and Thursday, December 7, 2017, between the hours of 11 a.m. and 6 p.m. Deputy Kanterakis's email requested that respondent reply with his desired start time. Deputy Kanterakis also informed respondent that respondent needed to have already reviewed the courtesy letter uploaded to the respondent's member profile before the meeting. Respondent was also required to access said letter during the meeting and that a printed copy would suffice. The email instructed respondent to reply with the desired start time. Respondent received the email shortly after it was sent.

97. On December 5, 2017, respondent replied to Deputy Kanterakis's email stating that he would like to have their meeting on Thursday, December 7, at 2 p.m.

98. On December 6, 2017, Deputy Kanterakis sent respondent an email stating that respondent was confirmed for the telephonic required meeting the following day, December 7, 2017, at 2 p.m. Deputy Kanterakis again reminded respondent that he either needed to have access to or a copy of the courtesy letter uploaded to respondent's member profile before calling Deputy Kanterakis at (213) 765-1410 to begin the meeting. The email informed respondent that if he needed to reschedule, that he was to reply to the email. Respondent received the email shortly after it was sent.

99. On December 6, 2017, respondent sent Deputy Kanterakis a reply email stating that they were confirmed for the meeting.

100. Respondent's initial meeting with Deputy Kanterakis was not held until December 7, 2017, (by telephone), 4 days past the deadline. During that meeting, Deputy Kanterakis verified that respondent received the copy of the probation reminder letter and supporting documents, discussed the terms of probation and the reporting requirements, including the requirement that compliance documents had to be received on or before the due date, not merely signed or postmarked on the due date, and reminded respondent that respondent was to attempt to find Sandra F. Smith to make payments. Respondent indicated to Deputy Kanterakis that he didn't have the money to pay at that time. Deputy Kanterakis discussed the possibility of respondent making a motion to State Bar Court. Deputy Kanterakis also verified the accuracy of respondent's current mailing address and telephone number.

101. Deputy Kanterakis also reminded respondent that in another matter, S231087, respondent's quarterly report that was due January 10, 2017, was not received. Deputy Kanterakis inquired as to whether respondent had received Terry Goldade's July 5, 2017, email. Respondent replied to Deputy Kanterakis in the affirmative that he had received Terry Goldade's July 5, 2017, email regarding S231087 regarding the January 10, 2017 quarterly report due that was not yet received.

102. That same day, Deputy Kanterakis made a report of the required probation meeting, and emailed a copy to respondent at jefffletcher@email.com. Deputy Kanterakis received notification from Microsoft outlook that the delivery of the email was complete. Respondent received the email shortly after it was sent.

### Restitution

103. On December 8, 2017, Deputy Kanterakis received a voicemail from Sandra F. Smith wherein she stated that respondent owed her restitution, but that no payment had been received yet. On December 12, 2017, Deputy Kanterakis received another voicemail from Smith stating that she had received no restitution for December 2017.

104. On December 12, 2017, Deputy Kanterakis phoned Smith. He informed her that he was the probation deputy returning her voicemails about restitution that had not yet been received. Deputy Kanterakis informed her that he spoke with respondent during the required meeting wherein respondent admitted that he had not yet made payments in December, which subjected respondent to referral for a probation violation. Deputy Kanterakis asked Smith to leave her contact information with Deputy Kanterakis, so if respondent were able to pay in the future, respondent could direct the checks to Smith. Smith provided her contact information.

105. On December 27, 2017, Deputy Kanterakis sent a letter to respondent, at his address of record, "Law Ofc Jeffrey Fletcher, 2701 Del Paso Rd, #130-491, Sacramento, CA 95835" reminding him that his proof of payment was due no later than December 10, 2017, but that no proof of payment had been received. The letter informed respondent that he was being referred for non-compliance, which might result in the imposition of additional discipline and attendant costs. Deputy Kanterakis's letter informed respondent that even if



respondent contacted the Office of Probation, referral would still be prepared. The Office of Probation would not be sending any further reminder letters regarding the aforementioned noncompliance or any future compliance due dates or lack of receipt of compliance documentation. The letter reminded respondent that late completion, submission, or filing of proof/documents did not mean that respondent would be in compliance. Respondent would never be in compliance because being even one day late meant that he was not in compliance with the terms and conditions of his probation. The letter informed respondent that if for any reason respondent could not timely comply with terms and conditions of the discipline imposed, and to avoid a non-compliance referral, respondent had to file a motion with the State Bar Court pursuant to rules 5.162 and 5.300, et seq., of the Rules of Procedure of the State Bar of California. A copy of the motion had to be served on the Office of Probation. The Office of Probation did not have the authority to extend compliance due dates or modify the terms and conditions of respondent's probation. The letter informed respondent that even though respondent was being referred, respondent was still required to timely comply with all probation conditions in that matter. Additional violations could subject respondent to a separate non-compliance referral. As a courtesy, the letter included a copy of Deputy Kanterakis's October 24, 2017, letter reminding respondent of all of his probation terms and conditions, and it included all previous attachments. Respondent received the letter shortly after it was sent.

106. On December 27, 2017, respondent filed a motion for an extension of time to pay restitution and a request to keep the motion under seal with the Hearing Department in Case No. 15-O-13458. In it, respondent stated that respondent was unable to make the monthly payments because of financial hardship. Respondent requested to begin payments to Smith on the fifth of each month beginning March or April 2018.

107. On January 10, 2018, the Office of Probation filed an opposition to respondent's motion, in which it pointed out, *inter alia*, that the Office of Probation had received telephone calls from Smith stating that she had not received any restitution payments, and that respondent had failed to provide a financial declaration in support of his motion.

108. On February 1, 2018, the Hearing Department issued an order modifying the restitution probation condition. The court granted respondent's motion for extension of time to pay restitution, and that the probation condition of restitution be modified, such that respondent was now required to pay monthly installment restitution payments of \$430 beginning May 1, 2018, to Smith, and provide satisfactory proof of payment to the Office of Probation with each quarterly report, or as otherwise directed by the Office of Probation. If respondent failed to pay any installment, or as might be modified by the State Bar Court, the remaining balance would be due and payable immediately. Respondent's request to seal his motion and attachments was denied. Respondent received a copy of the order shortly after it was sent to him.

109. On February 5, 2018, Deputy Kanterakis sent an email to respondent at jefffletcher@email.com, informing respondent that the Office of Probation received a copy of the State Bar Court's modification order in the matter S243405, filed February 1, 2018. The email said that, as stated in the order, respondent's first restitution payment was due May 1, 2018. Monthly payments, due by the first the month, were due thereafter with proof of said payments due to the Office of Probation with each quarterly report. The email referred respondent to the proof of payment information sheet uploaded to respondent's member profile on October 24, 2017. The email stated that respondent might wish to make payments before the first to allow time to obtain proof of receipt of payment (either the front or back of the negotiated check or an original declaration signed by Smith) so that respondent would be able to timely submit proof with his quarterly reports. Deputy Kanterakis's email went on to inform respondent that his completion of restitution remained due no later than 30 days prior to the expiration of the period of probation (October 4, 2018.) As such respondent was thereby directed to provide proof of completion of restitution no later than with the final report, due November 3, 2018. Additionally if respondent failed to pay an installment, the remaining balance would be due and payable immediately. Deputy Kanterakis's email also stated that in matter S231087, the Office of Probation had not yet received respondent's quarterly report due by January 10, 2018. As such respondent was noncompliant in that

matter, and faced another referral to the Office of Chief Trial Counsel for the possible imposition of further discipline and attendant costs. Respondent might wish to submit said report immediately. Respondent's final report in that matter was due by March, 2018. Respondent received the email shortly after it was sent.

110. On April 24, 2018, Smith left Deputy Kanterakis a voicemail wherein she stated that she understood that respondent was representing people in court, but not paying her restitution.

111. On May 3, 2018, Deputy Kanterakis left a voicemail for Smith returning her April 24, 2018, voicemail regarding the fact that she still had not received any restitution from respondent. Deputy Kanterakis confirmed for Smith that respondent's status was active.

112. On May 7, 2018, Smith left a voicemail message for Deputy Kanterakis informing him that respondent still had not paid restitution.

113. On May 15, 2018, Deputy Kanterakis left a voicemail for Smith, confirming his receipt of her voicemail that respondent had not paid yet and noting that he had left a return voicemail on May 5, 2018. Deputy Kanterakis informed Smith that respondent was supposed to have started paying May 1, 2018.

114. On May 16, 2018, Deputy Kanterakis received a voicemail from Smith saying she did not understand how respondent was still practicing law when respondent owed her money and had not yet paid her back. She asked for a return call from Deputy Kanterakis.

115. On May 30, 2018, Deputy Kanterakis left a voicemail for Smith stating that he understood that it was frustrating that respondent was practicing law while not paying restitution. Deputy Kanterakis asked that Smith keep him informed.

116. On June 12, 2018, Deputy Kanterakis telephoned Smith. Smith informed him that she had left for vacation Thursday, June 7, 2018, and but had not received the May or June payment from respondent nor any communication from him prior to her departure for vacation.

117. On June 18, 2018, Deputy Kanterakis received a voicemail from Smith asking whether or not she needed to write a letter to OCTC and for Deputy Kanterakis to please call her. Deputy Kanterakis returned her phone call the same day informing her that no letter was required. Smith stated that she appreciated deputy Kanterakis's return phone call.

#### Quarterly Reports

118. Respondent submitted his first quarterly report which was due on January 10, 2018, timely, on January 9, 2018.

119. On April 10, 2018, the Office of Probation had not received respondent's second quarterly that was due on April 10, 2018.

120. On June 12, 2018, Probation Case Specialist ("PCS")<sup>2</sup> Kanterakis mailed a letter to respondent at his official address of record, "Law Ofc Jeffrey Fletcher 2701 Del Paso Rd, #130-491, Sacramento, CA 95835" informing him that he was not in compliance with the terms and conditions of his probation. It provided a schedule of the relevant terms, their due dates, and their completion dates, if any. The letter pointed out that:

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<sup>2</sup> Many of the documents refer to Mr. Kanterakis as "Deputy" or "probation deputy." At some point, the title of the position was changed to Probation Case Specialist.

- Respondent was required to schedule the mandatory meeting with respondent by December 3, 2017, and he did not schedule the meeting until December 4, which meant the scheduling was done late;
- Respondent's initial meeting was required to be held by December 3, 2017, and that it had been held late on December 7, 2017, which made respondent's completion of that probation requirement late;
- the required meeting was scheduled for December 7, 2017, and was in fact completed on December 7, 2017;
- Respondent's April 10, 2018 quarterly report had not been received at all;
- Respondent's July 10, 2018, October 10, 2018, and November 3, 2018, reports were not yet due; and
- Respondent's requirement that he show proof of payment of monthly installments beginning May 1, 2018, to Sandra Smith, with each quarterly report of July 10, 2018, and October 10, 2018, had not been met because Sandra Smith stated that she had received no payment at all by May 31, 2018.

121. The letter also informed respondent that he was being referred for his noncompliance, which could result in the imposition of additional discipline and attendant costs, and included a copy of the 2018 schedule of discipline costs. Respondent received the letter shortly after it was sent.

122. On July 10, 2018, respondent emailed PCS Kanterakis his April and July 10, 2018 quarterly reports.

123. Respondent's April 10, 2018, quarterly report was marked as noncompliant, because it was due on or before April 10, 2018, and respondent emailed it to PCS Kanterakis on July 10, 2018. On the April 10, 2018, quarterly report, respondent did not check any boxes at all regarding restitution. When respondent answered the question regarding whether or not he was in compliance with the State Bar Act and Rules, respondent checked that during the reporting period above, respondent complied with all of the provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation except that he failed to timely file his quarterly report. Respondent also disclosed his investigations that existed at that time, 17-O-04082, 17-O-04934, and 18-O-10315.

124. Respondent's July 10, 2018 quarterly report was marked as "compliance unclear." Respondent did not mark any boxes regarding restitution. When respondent answered the question regarding whether or not he was in compliance with the State Bar Act and rules, respondent checked that during the reporting period above, respondent complied with all of the provisions of the State Bar act, Rules of Professional Conduct, and all conditions of probation "except:" and left the following section blank.

125. On August 23, 2018, PCS Kanterakis replied to respondent's July 10, 2018 email, and stated to respondent that the reports attached to respondent's email below were not compliant. The report due by April 10, 2018, was noncompliant because it was not received by April 10, 2018, the report due by July 10, 2018 was noncompliant because respondent's statement regarding compliance was not clear. PCS Kanterakis pointed out to respondent that respondent checked the box indicating that there were exceptions to respondent's compliance, but did not specify any violations. PCS Kanterakis communicated to respondent that respondent might wish to submit another report, due by July 10, 2018, at that time. Respondent received the email shortly after it was sent.

126. On August 23, 2018, PCS Kanterakis sent a letter to respondent at his official address of record, "Law Ofc Jeffrey Fletcher 2701 Del Paso Rd, #130-491, Sacramento, CA 95835" informing respondent that he was not in compliance with the terms and conditions of his probation. It provided a schedule of the relevant terms, their due dates, and their completion dates, if any. The letter pointed out that:

- respondent's initial meeting was required to be held by December 3, 2017, and that it had been held late on December 4, 2017, which made that completion late, and therefore not compliant;
- the required meeting was scheduled for December 7, 2017, and was in fact completed on December 7, 2017;
- respondent's April 10, 2018 quarterly report, was received on July 10, 2018, making it not compliant, because it was late;
- respondent's July 10, 2018, quarterly report was received July 10, 2018, but was noncompliant because it did not specify what violations of the State Bar Act and Rules of Professional Conduct respondent had committed;
- respondent's October 10, 2018, quarterly report and November 3, 2018 final report were not yet due; and
- respondent's requirement that he show proof of payment of monthly installments beginning May 1, 2018, to Smith, with each quarterly report of July 10, 2018, and October 10, 2018, had not been met because no proof had been received, and the full amount was now due.

127. The letter also informed respondent that he was being referred for his noncompliance, which could result in the imposition of additional discipline and attendant costs, and included a copy of the 2018 schedule of discipline costs. Respondent received the letter shortly after it was sent.

#### CONCLUSIONS OF LAW:

128. By failing to timely contact the Office of Probation to schedule a meeting within 30 days from the effective date of the discipline, failing to timely hold and participate in a meeting with the Office of Probation within 30 days from the effective date of the discipline, failing to timely submit the quarterly report that was due April 10, 2018, failing to timely submit a compliant quarterly report that was due July 10, 2018, and failing to pay restitution as ordered to Sandra F. Smith; respondent failed to comply with conditions attached to respondent's disciplinary probation in State Bar Case no. 15-O-13458, in willful violation of Business and Professions Code, section 6068(k).

#### AGGRAVATING CIRCUMSTANCES.

**Prior Record of Discipline (Std. 1.5(a)):** Respondent has two prior disciplines, imposed in 2016 and 2017.

*Fletcher 1:* In Case No. 13-O-17115 (Reed/Carroll-Jafari), respondent failed to perform legal services with competence by not filing a writ of habeas corpus and not working with appellate counsel (Former Rules of Professional Conduct, rule 3-110(A)), accepted compensation from someone other than his client without obtaining his client's written consent (Former Rules of Professional Conduct, rule 3-310(F)), failed to provide an accounting (Former Rules of Professional Conduct, rule 4-100(B)(3)) and did not fully refund unearned fees (Former Rules of Professional Conduct, rule 3-700(D)(2)). In Case No. 13-O-17297 (Usher/Patterson), respondent accepted compensation from someone other than his client without obtaining his client's written consent (Former Rules of Professional Conduct, rule 3-310(F)), and did not refund unearned fees for almost two

years (Former Rules of Professional Conduct, rule 3-700(D)(2)). In Case No. 14-O-04354 (Aragon/Doulphus), respondent accepted compensation from someone other than his client without obtaining his client's written consent (Former Rules of Professional Conduct, rule 3-310(F)). Respondent entered into a stipulation on September 22, 2015. Respondent was suspended for one year, execution stayed, and placed on probation for two years in *In re Charles Jeffrey Fletcher*, Supreme Court Case No. S231087 (13-O-17115, 13-O-17297, 14-O-04354) effective March 18, 2016. Respondent acknowledges that the Stipulation Re: Facts, Conclusions of Law, and Disposition and Order Approving Stayed Suspension; No Actual Suspension and California Supreme Court Order attached to this stipulation as Exhibit 1 is a true and accurate record of respondent's prior discipline in this matter.

*Fletcher II*: In Case No. 15-O-13458, respondent was hired to represent a client, Michael LeNoir Smith in a Proposition 36 Three Strikes re-sentencing matter, but repeatedly delayed filing briefs on the merits of the case. When the client discharged respondent, he failed to promptly deliver documents requested by the client (Former Rules of Professional Conduct, rule 3-700(D)(1)), violated a court order to return the documents (Bus. & Prof. Code, § 6103), and did not refund any portion of his unearned advance fee (Former Rules of Professional Conduct, rule 3-700(D)(2)). Respondent told a court clerk twice that he had delivered all of the client's documents when he had not done so, acts of moral turpitude (Bus. & Prof. Code, § 6106). Respondent was actually suspended Nov. 3, 2017, for 60 days and placed on probation for one year. Respondent acknowledges that the Stipulation Re: Facts, Conclusions of Law, and Disposition and Order Approving Actual Suspension and California Supreme Court Order attached to this stipulation as Exhibit 2 is a true and accurate record of respondent's prior discipline in this matter.

**Multiple Acts of Wrongdoing (Std. 1.5(b)):** Respondent committed multiple acts of misconduct in three client matters, and has failed to comply with multiple probation conditions, including filing timely and compliant quarterly reports and paying restitution. (See *In the Matter of Meyer* (Review Dept. 1997) 3 Cal. State Bar Court Rptr. 697, 702 [failure to file 5th and 6th probation reports and proof of continuing education considered multiple acts of wrongdoing].)

**Client Harm (Std. 1.5(j)):** All three criminal defendants suffered harm in the form of delays to their criminal case, and in some cases, having to appear by themselves in court, such as Taylor. Their family members lost the money they paid respondent, as he has not returned any of it, and they had to go to the added expense of hiring new counsel for work for which they had already paid respondent.

## MITIGATING CIRCUMSTANCES.

**Pretrial Stipulation:** By entering into this stipulation, respondent has acknowledged his 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 [mitigative credit 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 [attorney's stipulation to facts and culpability considered 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 the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *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 disciplinary 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).)

Standard 1.8(b) provides that if a member has two or more prior records of discipline, disbarment is appropriate if actual suspension was ordered previously, or if the prior disciplinary matters coupled with the current record demonstrate a pattern of misconduct; or the prior disciplinary matters coupled with the current record demonstrate the member’s unwillingness or inability to conform to ethical responsibilities.

Constructive termination of the attorney client relationship and failure to return unearned fees is serious misconduct: “[w]e have considered abandonment of clients and retention of unearned fees as serious misconduct warranting periods of actual suspension and in cases of habitual misconduct, disbarment. (See *Martin v. State Bar* (1978) 20 Cal.3d 717 [six instances of abandonment, one-year actual suspension]; *Lester v. State Bar* (1976) 17 Cal.3d 547 [four instances of abandonment, six months’ actual suspension]; *Farnham v. State Bar* (1988) 47 Cal.3d 429 [seven instances of misconduct, with prior discipline, disbarment].)

“When an attorney commits multiple violations of the same probation condition, the gravity of each successive violation increases.” (*In the Matter of Tiernan* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 523, 531; see also *Potack v. State Bar* (1991) 54 Cal.3d 132, 139 [failure to abide by probation terms and conditions is serious violation].) Discipline imposed for the willful violation of probation conditions often calls for substantial, progressive discipline as a reflection of the seriousness with which compliance with probationary duties is held. (*In the Matter of Laden* (Review Dept. 2004) 4 Cal. State Bar Ct. Rptr. 678, 686.)

There are not sufficient compelling mitigating circumstances which would warrant any sanction less than disbarment. *Fletcher I* involved failing to perform competently, failing to return unearned fees, and accepting compensation from someone other than his client without getting his client’s consent in two other matters. *Fletcher II* involved actual suspension, and involved failure to return the file, failure to return unearned fees, violation of a court order and an act of moral turpitude. The client matters here are similar and involve failure to return unearned fees. Similarities between prior and current misconduct render previous discipline more serious as they indicate the prior discipline did not rehabilitate the attorney. (*In the Matter of Gadda* (Review Dept. 2002) 4 Cal. State Bar Court Rptr. 416, 443-444.) The similarities between his previous misconduct, dating all the way back to *Fletcher I* show that respondent is unable to conform his behavior to the rules and standards of the profession. The similarity of respondent’s current misconduct to his previous misconduct, when coupled with the multiple aggravating factors of multiple acts of misconduct, and client harm, render disbarment the appropriate discipline that would protect the public, reassure the courts that the State Bar is policing the legal profession, thereby maintaining professional standards and preserving public confidence in the legal profession.

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

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of March 29, 2019, the discipline costs in this matter are \$9,273. 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.

**WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY**

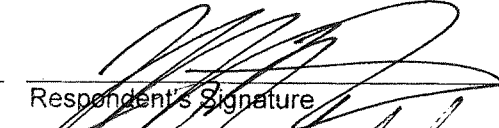
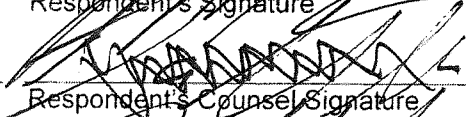
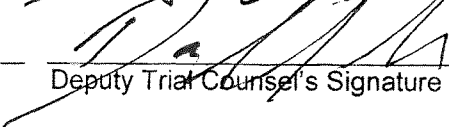
The parties waive any variance between the Notice of Disciplinary Charges filed on December 14, 2018 and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

(Do not write above this line.)

In the Matter of: CHARLES JEFFREY FLETCHER	Case Number(s): 17-O-04082-YDR 17-O-04934 18-O-10315 18-O-15745
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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>3/29/19</u>		CHARLES JEFFREY FLETCHER
		Respondent's Signature	Print Name
Date			
		Respondent's Counsel Signature	Print Name
Date	<u>4/3/19</u>		DANIELLE ADORACIÓN LEE
		Deputy Trial Counsel's Signature	Print Name



(Do not write above this line.)

In the Matter of: CHARLES JEFFERY FLETCHER	Case Number(s): 17-O-04082; 17-O-04934; 18-O-10315; 18-O-15745
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### DISBARMENT ORDER

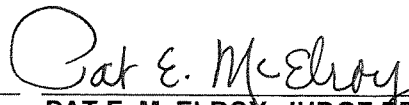
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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.

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 JEFFERY FLETCHER 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.

April 24, 2019  
Date

  
PAT E. McELROY, JUDGE PRO TEM  
Judge of the State Bar Court



SUPREME COURT  
FILED

(State Bar Court Nos. 13-O-17115 (13-O-17297; 14-O-04354)) FEB 17 2016

S231087

Frank A. McGuire Clerk

IN THE SUPREME COURT OF CALIFORNIA

Deputy

En Banc

In re CHARLES JEFFREY FLETCHER on Discipline

The court orders that Charles Jeffrey Fletcher, State Bar Number 142464, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. Charles Jeffrey Fletcher must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 5, 2015; and
2. At the expiration of the period of probation, if Charles Jeffrey Fletcher has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

Charles Jeffrey Fletcher 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 within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

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, Frank A. McGuire, 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

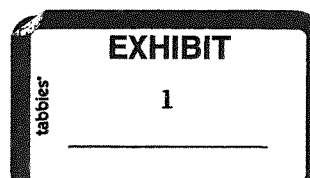
day of FEB 17 2016 20

By:   
Deputy

CANTIL-SAKAUJE

Chief Justice

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

Counsel For The State Bar

**Sherrie B. McLetchie  
Senior Trial Counsel  
180 Howard Street  
San Francisco, CA 94105  
(415) 538-2297**

Bar # 85447

Case Number(s):  
13-O-17115  
[13-O-17297; 14-O-04354]

For Court use only  
**PUBLIC MATTER**

**FILED** *ML*

**OCT 05 2015**

STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

Counsel For Respondent

**Edward O. Lear  
Century Law Group LLP  
5200 West Century Blvd., #345  
Los Angeles, CA 90045  
(310) 642-6900**

Bar # 132699

Submitted to: **Settlement Judge**

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

In the Matter of:  
**CHARLES JEFFREY FLETCHER**

**STAYED SUSPENSION; NO ACTUAL SUSPENSION**

Bar # 142464

PREVIOUS STIPULATION REJECTED

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 **December 11, 1989**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **11** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
  - Costs are added to membership fee for calendar year following effective date of discipline.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure). If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.

**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
  - (b)  Date prior discipline effective
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (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.
- (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..

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- (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 his or her misconduct.
- (10)  **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11)  **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See Attachment at 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 [see 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.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her 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 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 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 the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

(Do not write above this line.)

- (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 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 his/her misconduct. See Attachment at page 8.
- (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**

**No Prior Discipline. See Attachment at page 8.**

**Pretrial Stipulation. See Attachment at page 8.**

**D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of **one year**.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:

The above-referenced suspension is stayed.

- (2)  **Probation:**

Respondent is placed on probation for a period of **two years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

**E. Additional Conditions of Probation:**

- (1)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2)  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.

(Do not write above this line.)

- (3)  Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (4)  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 or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

- (5)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (6)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (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 State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (9)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions             |

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

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2)  **Other Conditions:**



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

IN THE MATTER OF: CHARLES JEFFREY FLETCHER

CASE NUMBERS: 13-O-17115 [13-O-17297; 14-O-04354]

**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. 13-O-17115 (Complainant: Joell Reed)

**FACTS:**

1. On June 5, 2007, Robert Carroll-Jafari employed respondent to perform legal services, namely to file a petition for a writ of habeas corpus and to work with appellate counsel.
2. Between June 7, 2007, and August 9, 2007, respondent accepted a total of \$17,500 from Joell Reed as compensation for representing Robert Carroll-Jafari, without obtaining Carroll-Jafari's informed written consent to receive such compensation.
3. Respondent drafted, but did not file a petition for writ of habeas corpus and did not work with appellate counsel. Respondent did not earn any portion of the advanced fees paid.
4. On August 31, 2009, the client requested an accounting from respondent.
5. On September 8, 2010, the attorney-client relationship was terminated.
6. Respondent did not provide any accounting.
7. Respondent did not fully refund the unearned \$17,500 advance fee until May 2015.

**CONCLUSIONS OF LAW:**

8. By failing to file a petition for writ of habeas corpus and not working with appellate counsel, respondent recklessly failed to perform with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).
9. By accepting compensation from someone other than the client without the client's informed written consent, respondent willfully violated Rules of Professional Conduct, rule 3-310(F).
10. By not providing an accounting to his client upon termination of employment, respondent willfully violated Rules of Professional Conduct, rule 4-100(B)(3).

11. By not fully refunding unearned advanced fees for almost five years, respondent failed to refund promptly unearned fees upon respondent's termination of employment in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

Case No. 13-O-17297 (Complainant: Brenda Usher)

FACTS:

12. On September 18, 2013, respondent accepted \$5,000 from Brenda Usher as compensation for representing a client, Genaro Patterson, without obtaining Patterson's informed written consent to receive such compensation.

13. The court would not permit respondent to substitute into *People v. Patterson*.

14. On September 30, 2010, the attorney-client relationship was terminated.

15. On September 30, 2013, Usher requested that respondent refund the unearned advanced fees paid.

16. Not until August 2015, did respondent refund the unearned advanced fees to Usher.

CONCLUSIONS OF LAW:

17. By accepting compensation from someone other than the client without the client's informed written consent, respondent willfully violated Rules of Professional Conduct, rule 3-310(F).

18. By not refunding unearned advanced fees for almost two years, respondent failed to refund promptly unearned fees upon respondent's termination of employment in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

Case No. 14-O-04354 (Complainant: Natalie Aragon)

FACTS:

19. Between November 2013, and March 4, 2014, respondent accepted a total of \$14,400 from Natalie Aragon as compensation for representing a client, Chase Alan Doulphus in *People v. Chase Alan Doulphus*, Tehama County Superior Court case no. NCR88403, without obtaining his client's informed written consent to receive such compensation.

CONCLUSION OF LAW:

20. By accepting compensation from one other than the client without obtaining the client's informed written consent, respondent willfully violated rule 3-310(F), Rules of Professional Conduct.

**AGGRAVATING CIRCUMSTANCES.**

**Multiple Acts of Wrongdoing:** Standard 1.5(b) provides that "multiple acts of wrongdoing" is an aggravating circumstance. Here, we have seven acts of wrongdoing in three client matters.

## MITIGATING CIRCUMSTANCES.

**Absence of Prior Record of Discipline:** Standard 1.6(a) provides that “absence of any prior record of discipline over many years of practice coupled with present misconduct, which is not likely to recur” is a mitigating circumstance. Respondent practiced law for seventeen and one-half years before the start of the misconduct in this case. (*In the Matter of Regan* (Review Dept, 2005) 4 Cal. State Bar Ct. Rptr. 844, 859 [17 years of practice without discipline mitigating].)

**Good Character:** Standard 1.6(f) provides that “extraordinary good character attested to by a wide range of references in the legal and general communities, who are aware of the full extent of the misconduct” is a mitigating circumstance. Respondent has provided letters from four members of the general community – including his wife and his pastor -- attesting to his good character and their awareness of his misconduct. Three members of the Bar also attest to respondent’s good character and evidence awareness of respondent’s misconduct.

**Pretrial Stipulation:** Respondent is entitled to mitigation for entering into a stipulation with the Office of Chief Trial Counsel prior to trial in this matter, thereby saving the State Bar Court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [mitigative credit given for entering into stipulation as to facts and culpability].)

## 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 the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *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 Silverton* (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 disciplinary 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 committed seven acts of professional misconduct in three client matters:

- failing to perform with competence
- accepting fees from a non-client without a waiver [three counts]
- failing to render an accounting
- failure to promptly refund an unearned advance fee [two counts]

Standard 1.7(a) requires that where an attorney “commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed.” The most severe sanction potentially applicable to respondent’s misconduct – actual suspension – is found in standard 2.19 which provides: “Suspension not to exceed three years or reproof is appropriate for a violation of a provision of the Rules of Professional Conduct not specified in these Standards.” Standard 2.19 applies to respondent’s multiple violations of rule 3-310(F), accepting fees from a non-client without a waiver.

Here, respondent’s misconduct is mitigated by respondent’s 17 ½ years practice with no prior discipline at the time the misconduct occurred, cooperation with the State Bar by entering into this pretrial stipulation, and evidence of his good character attested to by references in the general and legal communities.

Case law is instructive. In *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, the attorney who had practiced for 17 years without discipline, failed to perform with competence in his representation of a client on death row, violated Supreme Court orders, and failed to report a judicial sanction. Riordan received a six-month stayed suspension.

As stated above, the primary purposes of discipline are “protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession.” Balancing the aggravating circumstance (multiple acts of misconduct) against several mitigating circumstance (lack of prior discipline, pretrial stipulation, and good character), discipline within standard 2.19’s range is appropriate. Thus, a one-year stayed suspension with a two-year period of probation, attendance at Ethics School, and passage of the MPRE, should adequately serve the purposes of discipline.

#### **EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION (“MCLE”) CREDIT.**

Respondent may not receive MCLÉ credit for completion of State Bar Ethics School, ordered as a condition of suspension. (Rules Proc. of State Bar, rule 3201.)

#### **DISMISSALS.**

The parties respectfully request the Court to dismiss the following alleged violation in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
13-O-17114	Five	Business and Professions Code, section 6106

**COSTS OF DISCIPLINARY PROCEEDINGS.**

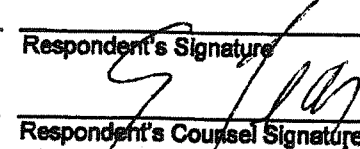
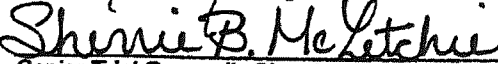
Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of September 21, 2015, the prosecution costs in this matter are \$9,162. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: <b>CHARLES JEFFREY FLETCHER</b>	Case number(s): 13-O-17115 [13-O-17297; 14-O-04354]
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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	Respondent's Signature	Charles Jeffrey Fletcher
9/23/15		Print Name
Date	Respondent's Counsel Signature	Edward O. Lear
9/24/15		Print Name
Date	Senior Trial Counsel's Signature	Sherrie B. McLetchie
		Print Name

(Do not write above this line.)

In the Matter of: <b>CHARLES JEFFREY FLETCHER</b>	Case number(s): 13-O-17115 [13-O-17297; 14-O-04354]
--	--

**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.

<u>9/22/15</u> Date	 Respondent's Signature	<u>Charles Jeffrey Fletcher</u> Print Name
<u>                    </u> Date	<u>                    </u> Respondent's Counsel Signature	<u>Edward O. Lear</u> Print Name
<u>9/24/15</u> Date	<u>Sherrie B. McLetchie</u> Senior Trial Counsel's Signature	<u>Sherrie B. McLetchie</u> Print Name

(Do not write above this line.)

In the Matter of: CHARLES JEFFREY FLETCHER	Case Number(s): 13-O-17115 [13-O-17297; 14-O-04354]
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### STAYED SUSPENSION ORDER

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

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

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Oct 5, 2015  
Date

  
LUCY ARMENDARIZ  
Judge of the State Bar Court



**CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, On October 5, 2015, 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:

EDWARD O. LEAR  
CENTURY LAW GROUP LLP  
5200 W CENTURY BLVD #345  
LOS ANGELES, CA 90045

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

Sherrie B. McLetchie, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on October 5, 2015.



Laurretta Cramer  
Case Administrator  
State Bar Court



OCT 04 2017

(State Bar Court No. 15-O-13458)

Jorge Navarrete Clerk

S243405

Deputy

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

In re CHARLES JEFFREY FLETCHER on Discipline

The court orders that Charles Jeffrey Fletcher, State Bar Number 142464, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. Charles Jeffrey Fletcher is suspended from the practice of law for the first 60 days of probation;
2. Charles Jeffrey Fletcher must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 9, 2017; and
3. At the expiration of the period of probation, if Charles Jeffrey Fletcher has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

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, Jorge Navarrete, 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.

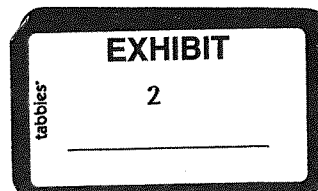
Witness my hand and the seal of the Court this

\_\_\_\_\_ day of OCT 04 2017 \_\_\_\_\_  
Month

By: [Signature]  
Deputy

**CANTIL-SAKAUYE**

Chief Justice




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(Do not write above this line.)

<b>State Bar Court of California Hearing Department San Francisco ACTUAL SUSPENSION</b>		
<b>Counsel For The State Bar</b>  <b>Sherrie B. McLetchie</b> <b>Senior Trial Counsel</b> <b>180 Howard Street</b> <b>San Francisco, CA 94105</b> <b>(415) 538-2297</b>  Bar # 85447	<b>Case Number(s):</b> <b>15-O-13458-LMA</b>	<b>For Court use only</b>  <b>PUBLIC MATTER</b>  <b>FILED</b>  JUN 09 2017   STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
<b>Counsel For Respondent</b>  <b>Wayne Jerome Johnson</b> <b>PO Box 19157</b> <b>Oakland, CA 94619</b> <b>(510) 451-1166</b>  Bar # 112588	kwiktago 222 450 333 	<b>Submitted to: Settlement Judge</b>  <b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</b>  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED
<b>In the Matter of:</b> <b>CHARLES JEFFREY FLETCHER</b>  Bar # 142464  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 December 11, 1989.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 15 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".

(Do not write above this line.)

- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.

**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 13-O-17115; 13-O-17297; 14-O-04354 S231087
  - (b)  Date prior discipline effective March 18, 2016
  - (c)  Rules of Professional Conduct/ State Bar Act violations: Rule 3-110(A) [Failure to perform competently]; 3-310(F) [Accepting fee from non-client]; 3-700(D)(2) [Failure to refund unearned fee]; and 4-100(B)(3) [Failure to account]
  - (d)  Degree of prior discipline one-year stayed suspension, two year period of probation.
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (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.
- (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.

(Do not write above this line.)

- (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 his or her misconduct.
- (10)  **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11)  **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See Attachment to Stipulation at p. 12.
- (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 [see 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.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her 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 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 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 the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

(Do not write above this line.)

- (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 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 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:**

**Pretrial Stipulation - See Attachment to Stipulation at p. 12.**  
**Good Character - See Attachment to Stipulation at p. 12.**

**D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of one year.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:
- (b)  The above-referenced suspension is stayed.
- (2)  **Probation:**
- Respondent must be placed on probation for a period of one year, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3)  **Actual Suspension:**
- (a)  Respondent must be actually suspended from the practice of law in the State of California for a period of 60 days.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:





(Do not write above this line.)

(10)  The following conditions are attached hereto and incorporated:

- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions             |

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

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason: Effective March 18, 2016, respondent was ordered to take and pass the MPRE within one year in 13-O-17115; 13-O-17297; 14-O-04354.
- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5)  Other Conditions:

(Do not write above this line.)

In the Matter of: <b>CHARLES JEFFREY FLETCHER</b>	Case Number(s): <b>15-O-13458-LMA</b>
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### Financial Conditions

#### a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Sandra F. Smith	\$500	January 15, 2015
Sandra F. Smith	\$3,500	November 7, 2014

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than the end of probation.

#### b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency
Sandra F. Smith	\$430	Monthly

- If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

#### c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

(Do not write above this line.)

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
  1. the name of such client;
  2. the date, amount and source of all funds received on behalf of such client;
  3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
  4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
  1. the name of such account;
  2. the date, amount and client affected by each debit and credit; and,
  3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

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

IN THE MATTER OF:                      CHARLES JEFFREY FLETCHER  
CASE NUMBER:                              15-O-13458-LMA

**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. 15-O-13458 (Complainant: Michael L. Smith)

**FACTS:**

1. In January 2015, respondent represented Michael L. Smith ("Smith") in a Proposition 36 Three Strikes re-sentencing matter ("re-sentencing matter"), *People v. Smith*, Sacramento County Superior Court case no. 00F09247. At the time respondent commenced representation of Smith, the petition for re-sentencing had already been filed, but the briefing on the merits had not yet been submitted. Respondent received an advance fee of \$4,000 for the representation, specifically to file the briefing on the merits, which would allow the matter to be heard.
2. On February 5, 2015, respondent appeared on behalf of Smith in the re-sentencing matter. Respondent asked that the matter be continued to February 26, 2015, at which time respondent would be able to inform the court of whether or not the briefing on the merits had been completed. The matter was continued to February 26, 2015.
3. On February 26, 2015, respondent appeared on behalf of Smith in the re-sentencing matter. The court asked respondent about the briefing schedule for the matter. Respondent requested that he be allowed to file the briefing on the merits on March 26, 2015. The matter was continued to March 26, 2015.
4. On March 26, 2015, respondent appeared on behalf of Smith in the re-sentencing matter. The court asked respondent about the briefing schedule for the matter. Respondent requested that he be allowed to file the briefing on the merits on April 9, 2015. The matter was continued to April 9, 2015.
5. On April 30, 2015, respondent appeared on behalf of Smith in the re-sentencing matter. The court asked about the petitioner's [Smith's] briefing on the merits, which was to have been filed on April 9, 2015. Respondent stated that it had not been filed. When the court asked when respondent would have Smith's brief ready, respondent replied May 21<sup>st</sup>. Respondent was to file Smith's brief by May 21, 2015. The matter was continued to May 28, 2015.
6. Between April 30, 2015, and May 21, 2015, respondent failed to file Smith's brief.
7. On May 21, 2015, the court dropped the matter based on respondent's failure to file Smith's briefing on the merits.

8. On June 15, 2015, Smith filed a motion with the court seeking to remove respondent as attorney of record, so that Smith could resume representing himself. Smith also requested that the court order respondent to turn over the entirety of the file, which included Motions prepared by Smith.

9. On July 3, 2015, respondent provided Smith with a draft declaration.

10. On July 28, 2015, the court granted Smith's motion to discharge respondent. Respondent learned of his removal from the matter shortly thereafter.

11. On August 27, 2015, Smith filed a Motion requesting the court order respondent to return 12 specific documents. Respondent received this request shortly after it was made.

12. On August 31, 2015, the court ordered respondent to return Smith's file, which included the 12 specific documents received by respondent from Smith, by September 8, 2015. The court further ordered respondent to notify the clerk by September 8, 2015, whether or not the files had been delivered to Smith. If respondent failed to deliver the files by September 8, 2015, he was ordered to appear on September 11, 2015. Respondent received the Order shortly after August 31, 2015.

13. Between August 31, 2015 and September 8, 2015, respondent failed to deliver the file to Smith.

14. On September 9, 2015, Smith's "Defendant's Notice to the Court Relevant to Delivery of Case Files" was filed. Smith served the Notice on respondent. Respondent received this Notice shortly thereafter.

15. On September 10, 2015, respondent told the court clerk, that respondent had delivered the file and all the documents respondent had received from Smith to Smith. This statement was false. Respondent knew at the time he made the statement that he had not returned all of the documents to Smith.

16. On September 22, 2015, Smith prepared: "Defendants Update on the Disposition of Case File" which was subsequently filed on October 5, 2015. The update identified four items which respondent had failed to turn over: (1) the handwritten affidavit in support of Defendant's Brief for resentencing pursuant to P.C. 1170.12; (2) The handwritten Opening Brief that the Defendant wrote to accompany his handwritten affidavit; (3) Court Original Transcripts of Judge Kenneth L. Hake; and (4) Grievance and Response to Grievance on the issue of language on defendant's Sacramento Jail Locator Card.

17. On September 24, 2015, Smith wrote a letter to respondent regarding the return of Smith's file. Smith informed respondent that respondent had failed to return: (1) CDCR 128 G Classification Document; (2) [RT1072-1075] Judge Hake's comments to Sheriff Jones; (3) Handwritten Motion w/ Memorandum of Points and Authorities and Handwritten Declaration. Respondent received this letter shortly after it was sent.

18. On October 5, 2015, the court ordered respondent to inform the court regarding the return of four specific documents to Smith: (1) an affidavit in support of Smith's brief for resentencing drafted by Smith; (2) an opening brief drafted by Smith; (3) the transcripts of Smith's proceedings before the Honorable Kenneth Hake; and (4) Smith's grievance and response thereto regarding Smith's jail location card. Respondent was ordered to inform the court by October 16, 2015, regarding the return of the identified items. Respondent received the order shortly after it was mailed.

19. On October 10, 2015, Smith filed a motion with the court regarding four items that had not been returned: (1) Petitioner's proposed affidavit in support of his brief for resentencing; (2) Petitioner's draft

opening brief; (3) The transcripts of petitioner's proceedings before Judge Kenneth Hake; and (4) Petitioner's grievance and the response thereto regarding his jail location card.

20. On October 16, 2015, respondent told the clerk of the court that he had delivered to Smith all the documents respondent had received from Smith. This statement was false. Respondent knew at the time he made the statement that he had not returned to Smith the four items identified by the court on October 5, 2015.

21. On November 19, 2015, Smith notified the court that respondent had failed to comply with the court's October 5, 2015 order to turn over documents. Smith served respondent with the notice on November 24, 2015.

22. On December 1, 2015, Smith notified the court that respondent had failed to return the four identified items.

23. On December 8, 2015, respondent wrote a letter to Dave Howard ("Howard"), an investigator for the pro per coordinator. Respondent enclosed some documents that belonged to Smith.

24. On December 9, 2015, the court ordered respondent to file with the court not later than 12:00 noon December 18, 2015, an affidavit under penalty of perjury attesting that respondent had delivered the four documents to petitioner, giving the date of delivery, or in the alternative an explanation as to why the documents had not been returned to Smith as ordered. Respondent received the order shortly after it was mailed.

25. On December 10, 2015, Howard wrote a letter to Smith, which enclosed documents received from respondent which belonged to Smith.

26. On December 11, 2015, Howard wrote a letter to respondent regarding the court's October 5, 2015 order. Howard noted that respondent had not turned over any of the four items identified in the order. Howard's letter identified the items received from respondent.

27. On December 17, 2015, Smith received from Howard the "Original Motion with Memorandum of Points and Authorities and Affidavit" Smith had provided to respondent.

28. On December 18, 2015, respondent filed a declaration with the court in response to the court's December 9, 2015 order.

29. Respondent failed to file Smith's brief in the Proposition 36 Three Strikes re-sentencing matter, *People v. Smith*, Sacramento County Superior Court case no. 00F09247. Respondent provided no legal work of value in the matter and therefore earned none of the advanced fee of \$4,000.

#### CONCLUSIONS OF LAW:

30. By not delivering to his client Smith all documents Smith had provided respondent when Smith requested their return on August 27, 2015, respondent failed to release promptly upon termination of employment, at the request of the client, all client papers, in willful violation of Rules of Professional Conduct, rule 3-700(D)1).

29. By not returning to his client Smith all Smith's documents as respondent was ordered to do on August 31, 2015, respondent willfully violated a court order requiring him to do an act in the course of respondent's profession which he ought in good faith have done in willful violation of Business and Professions Code, section 6103.

30. By not refunding upon his termination as Smith's attorney any portion of the unearned \$4,000 advance fee paid him, respondent failed to promptly refund promptly a fee paid in advance that had not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

31. By telling the court clerk on September 10, 2015, and again on October 16, 2015, that he had delivered all of Smith's documents to Smith when respondent knew he had not in fact done so, respondent committed acts involving moral turpitude in willful violation of Business and Professions Code, section 6106.

#### AGGRAVATING CIRCUMSTANCES.

**Prior Record of Discipline (Std. 1.5(a)):** Effective March 17, 2016, respondent was suspended for one year, execution stayed, and placed on probation for two years in *In re Charles Jeffrey Fletcher*, Supreme Court case no. S231087 (13-O-17115; 13-O-17297; 14-O-04354).

**Multiple Acts of Wrongdoing (Std. 1.5(b)):** In this one-client matter, respondent failed to obey a court order, failed to refund unearned fees, made two misrepresentations to a court, and failed to return a client file.

#### MITIGATING CIRCUMSTANCES.

**Good Character:** Respondent provided 18 character letters (including one from a married couple) to the State Bar attesting to his extraordinary good character by a wide range of references in the legal communities (two attorneys, one bail bondsman, one paralegal, a former client, three relatives of former clients, his pastor, a church elder, a chiropractor, a community activist, one teacher, and six friends). Almost all of the letter writers detailed respondent's involvement in church activities, including providing pro bono legal advice, presenting workshops, including one directed toward helping the homeless, and respondent's founding or co-founding of two men's groups in Sacramento, one particularly oriented toward young men. Many letter writers also attested to his commitment to mentoring young people. (*In the Matter of Taylor* (Review Dept. 2012) 5 Cal. State Bar Ct. Rptr. 221, 235 [good character shown through 11 witnesses, including wife, brother, several friends, and four attorneys, although several stated that they had little understanding about the discipline charges].)

**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].)

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## 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 the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *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 Silverton* (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 disciplinary 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 admits to committing four acts of professional misconduct. Standard 1.7(a) requires that where a respondent "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed."

The most severe sanction applicable to respondent's misconduct is found in standard 2.11, which applies to respondent's violation of Business and Professions Code, section 6106 by making misrepresentations to the court.

Standard 2.11 provides that "Disbarment or actual suspension is the presumed sanction for an act of moral turpitude, dishonesty, fraud, corruption, intentional or grossly negligent misrepresentation, or concealment of a material fact. The degree of sanction depends on the magnitude of the misconduct; the extent to which the misconduct harmed or misled the victim, which may include the adjudicator; the impact on the administration of justice, if any; and the extent to which the misconduct related to the member's practice of law."

Standard 1.8(a) provides that "If a member has a single prior record of discipline, the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust."

Under standards 2.11 [disbarment or actual suspension for an act of dishonesty/misrepresentation] and 1.8(a) [greater discipline than prior unless remote in time and not serious], actual suspension or



disbarment is the appropriate level of discipline. Respondent's misconduct was directly within the practice of law, the prior discipline is not remote, and the prior misconduct was sufficiently serious to warrant a stayed suspension. Regarding the "magnitude" of the current misconduct, respondent made more than one misrepresentation to the court. Smith was a state prison inmate and he was allowed to be held locally while his resentencing proceedings were being heard. This is usually considered a benefit to the inmate. On the other hand, any consideration of his resentencing was delayed by respondent's lack of action on Smith's behalf. However, at the January 15, 2015 hearing, the sentencing judge suggested that delay helped Smith's position because of the change in the law and anticipated Supreme Court rulings.

Case law was also consulted for guidance on where on the range of actual suspension to disbarment this misconduct falls. *In the Matter of Field* (Review Dept. 2010) 5 Cal. State Bar Ct. Rptr. 171 is a case of extremely serious prosecutorial misconduct over several years and in several cases – including acts of moral turpitude by concealment of evidence from courts and violation of a court order – which resulted in a four-year actual suspension – this represents the high end of discipline. The level of discipline stipulated to in respondent's prior discipline was supported by citation to *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, wherein an attorney who failed to file an opening brief with the California Supreme Court after many extensions of time to do so was placed on a six-month stayed suspension. In *Riordan*, the responsibility for the client's appeal was subsequently re-assigned by the Supreme Court to another attorney. In *Borré v. State Bar* (1991) 52 Cal.3d 1047, the attorney who had practiced law for 14 years with no discipline, failed to file an opening brief on behalf of an incarcerated client after receiving two extensions of time to do so. Both the Hearing Department and Review Department found that after a State Bar complaint was filed against him, Borré fabricated a back-dated letter to the client stating that he would not file an appeal in an attempt to mislead the State Bar. Borré was suspended for two years. In *Borré*, the client's criminal appeal was dismissed based on the failure to timely appeal. Thus, the harm to the client and administration of justice was greater in *Borré* than in *Riordan*. In *Bach v. State Bar* (1987) 43 Cal.3d 848, the attorney misled a second judge about what the original Superior Court judge had ordered in a family law case. Due to the intervention of the opposing counsel, the court was not in fact deceived. *Bach*, who had a prior public reproof, was suspended for 60 days.

As stated above, "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.)" Here, a 60-day actual suspension and restitution of the \$4,000 unearned fees, a resolution at the low end of standard 2.11, but also in compliance with the mandate of standard 1.8(a), is recommended. Balancing the aggravating circumstances (prior discipline and multiple acts) against mitigating circumstances (pretrial stipulation and good character evidence), a 60-day actual suspension and restitution with lengthy periods of stayed suspension and probation will serve to protect the public, the courts and the legal profession, maintain professional standards, and preserve public confidence in the legal profession.

#### COSTS OF DISCIPLINARY PROCEEDINGS.


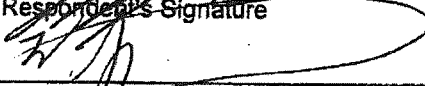
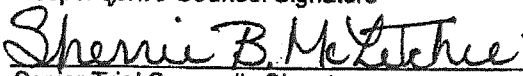
Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of April 28, 2017, the discipline costs in this matter are \$6,119.05. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: <b>CHARLES JEFFREY FLETCHER</b>	Case number(s): <b>15-O-13458-LMA</b>
--	--

**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.

<u>5/11/17</u> Date	 Respondent's Signature	<u>Charles J. Fletcher</u> Print Name
<u>MAY 11, 2017</u> Date	 Respondent's Counsel Signature	<u>Wayne J. Johnson</u> Print Name
<u>5/11/17</u> Date	 Senior Trial Counsel's Signature	<u>Sherrie B. McLetchie</u> Print Name

(Do not write above this line.)

In the Matter of: CHARLES JEFFREY FLETCHER	Case Number(s): 15-O-13458-LMA
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**ACTUAL SUSPENSION ORDER**

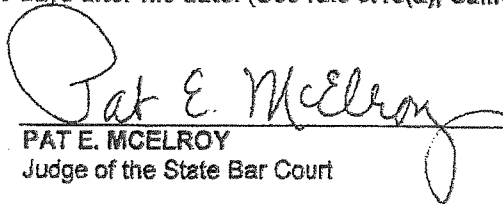
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

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

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)

Date

June 9, 2017

  
PAT E. MCELROY  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on June 9, 2017, 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:

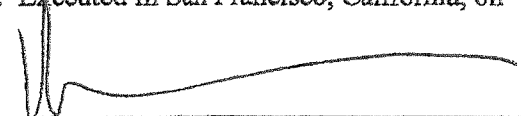
WAYNE JEROME JOHNSON  
PO BOX 19157  
OAKLAND, CA 94619

CHARLES J. FLETCHER  
LAW OFC JEFFREY FLETCHER  
980 NINTH ST 16FL  
SACRAMENTO, CA 95814

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

Sherrie B. McLetchie, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on June 9, 2017.

  
\_\_\_\_\_  
Vincent Au  
Case Administrator  
State Bar Court

1 Jeffrey Fletcher, Esq., State Bar #142464  
2 Attorney At Law  
3 980 Ninth Street, 16<sup>th</sup> Floor  
4 Sacramento, CA 95814  
5 (916) 449-9937  
6 (916) 419-0452 fax

7 *In Pro Per*

**FILED**

**JAN 03 2017**

STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

8 STATE BAR COURT  
9 HEARING DEPARTMENT – SAN FRANCISCO  
10

11  
12 IN THE MATTER OF : ) Case No. 15-0-13458 -LMA  
13 CHARLES JEFFREY FLETCHER, )  
14 Member No. 142464 ) ANSWER TO NOTICE OF  
15 ) DISCIPLINARY CHARGES  
16 )  
17 )

18 Respondent, Charles Jeffrey Fletcher, submits the following Answer to the Notice of  
19 Disciplinary Charges pursuant to the Rules of Procedure of the State Bar of California, Rule 5.43  
20 as follows:

21 COUNT ONE

22 Respondent admits that the Superior Court ordered Respondent to return files to Michael  
23 Smith by September 8, 2015, and that the files were not returned to Mr. Smith by that date.  
24 Respondent denies that the failure to return the files by the ordered date was a willful violation of  
25 Business and Professions Code, Section 6103. The failure was a result of inadvertence, mistake  
26 or neglect and the file was returned to Mr. Smith 2 days late.

27 COUNT TWO  
28

kwilka 211 007 182

1 Respondent admits that no portion of the fee was returned to Mr. Smith. Respondent  
2 denies that the fee was not earned because of the volume of the material and the amount of work  
3 that was performed by Respondent.

4  
5 COUNT THREE

6 Respondent admits that he informed a court clerk that he delivered the file to Mr. Smith.  
7 In fact, Respondent had the file sent to Mr. Smith via FedEx and had the receipt showing a 7 lbs.  
8 Box delivered to Mr. Smith on September 10, 2015. Respondent learned at a later date that Mr.  
9 Smith claimed that a few documents were missing from the voluminous file. Upon learning this,  
10 Respondent immediately sent Mr. Smith the documents that were inadvertently not sent the first  
11 time.

12  
13 COUNT FOUR

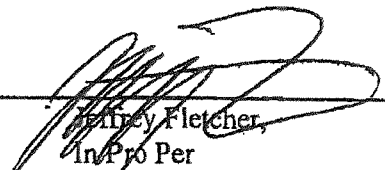
14 Respondent admits that he informed the court clerk that the documents had been returned  
15 to Mr. Smith, but denies that he knew or was grossly negligent in not knowing that all the  
16 documents had not been sent to Mr. Smith. The transcript of the proceeding before the  
17 Honorable Kenneth Hake and Mr. Smith's jail location cards were attached as exhibits to the  
18 Declaration that Respondent prepared for Mr. Smith and that document represented a large  
19 portion of the work Respondent performed for Mr. Smith, which was returned to Mr. Smith.

20  
21 COUNT FIVE

22 Respondent denies the willful violation of the Rules of Professional Conduct, Rule 3-  
23 700(D)(1), in that he acted in good faith in returning all of the materials to Mr. Smith.

24  
25 Respectfully Submitted,

26 Dated: January 2, 2017

27   
28 Jeffrey Fletcher,  
In Pro Per

PROOF OF SERVICE

I am over 18 years of age and not a party to this action. I am employed in the City and County Sacramento, California. My business address is U.S. Bank Plaza, 980 Ninth Street, 16<sup>th</sup> Floor, Sacramento, CA 95814.

I served the attached document by

\_\_\_\_\_ depositing a copy in a sealed envelope, with postage prepaid, addressed to the person(s) or agencies listed below via FedEx overnight mail:

  X   personal delivery to the person/agency listed below on

A. Date: January 3, 2017

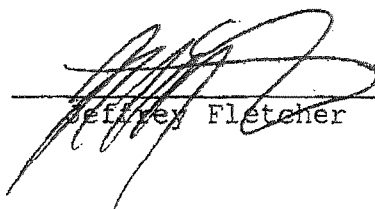
B. Exact title(s) of document(s) served:

RESPONDENT'S ANSWER TO NOTICE OF DISCIPLINARY CHARGES

C. Addressed as follows:

Sherrie B. McLetchie  
Office of the Chief Trial Counsel  
180 Howard Street  
San Francisco, CA 94104

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This declaration is executed in Sacramento, California on January 3, 2017.

  
\_\_\_\_\_  
Jeffrey Fletcher

**PUBLIC MATTER**

**FILED**

**DEC 09 2016**

STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

1 STATE BAR OF CALIFORNIA  
2 OFFICE OF CHIEF TRIAL COUNSEL  
3 GREGORY P. DRESSER, No. 136532  
4 INTERIM CHIEF TRIAL COUNSEL  
5 MELANIE J. LAWRENCE, No. 230102  
6 ACTING DEPUTY CHIEF TRIAL COUNSEL  
7 SUSAN CHAN, No. 233229  
8 ACTING ASSISTANT CHIEF TRIAL COUNSEL  
9 DONALD R. STEEDMAN, No. 104927  
10 ACTING ASSISTANT CHIEF TRIAL COUNSEL  
11 SHERRIE B. McLETCHE, No. 85447  
12 SENIOR TRIAL COUNSEL  
13 180 Howard Street  
14 San Francisco, California 94105-1639  
15 Telephone: (415) 538-2297

STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

13 In the Matter of: ) Case No. 15-O-13458  
14 CHARLES JEFFREY FLETCHER, )  
15 No. 142464, ) NOTICE OF DISCIPLINARY CHARGES  
16 A Member of the State Bar )

NOTICE - FAILURE TO RESPOND!

18 IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE  
19 WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT  
20 THE STATE BAR COURT TRIAL:

- 21 (1) YOUR DEFAULT WILL BE ENTERED;
- 22 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU  
23 WILL NOT BE PERMITTED TO PRACTICE LAW;
- 24 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN  
25 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION  
26 AND THE DEFAULT IS SET ASIDE, AND;
- 27 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.  
28 SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE  
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN  
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT  
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,  
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

kwilctag 211 086 428

The State Bar of California alleges:







1 upon termination of employment, to the client, at the request of the client, all the client papers  
2 and property in wilful violation of Rules of Professional Conduct, rule 3-700(D)(1).

3 **NOTICE - INACTIVE ENROLLMENT!**

4 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**  
5 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**  
6 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**  
7 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**  
8 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**  
9 **INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**  
10 **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**  
11 **RECOMMENDED BY THE COURT.**

12 **NOTICE - COST ASSESSMENT!**

13 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC**  
14 **DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS**  
15 **INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING**  
16 **AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND**  
17 **PROFESSIONS CODE SECTION 6086.10.**

18 Respectfully submitted,

19 THE STATE BAR OF CALIFORNIA  
20 OFFICE OF CHIEF TRIAL COUNSEL

21 DATED: 12/9/16

22 By: Sherrie B. McLetchie  
23 Sherrie B. McLetchie  
24 Senior Trial Counsel  
25  
26  
27  
28

DECLARATION OF SERVICE

by
U.S. CERTIFIED MAIL and U.S. FIRST-CLASS MAIL

CASE NUMBER(s): 15-O-13458

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

- By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at San Francisco, addressed to: (see below)
(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414 7266 9904 2042 4867 79 at San Francisco, addressed to: (see below)
(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking No.: addressed to: (see below)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy to. Row 1: Charles Jeffrey Fletcher, Respondent; Charles Jeffrey Fletcher, Law Office of Jeffrey Fletcher, 980 Ninth St 16FL, Sacramento, CA 95814; Electronic Address.

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

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, and overnight delivery by the United Parcel Service (UPS). 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, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the 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.

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: December 9, 2016

SIGNED:

Handwritten signature of Meagan McCowan, Declarant.



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 November 13, 2017

State Bar Court, State Bar of California,  
Los Angeles

By  
Clerk

*Elizabeth Alley*

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**DECLARATION OF SERVICE BY MAIL**

**RE: FLETCHER**  
**CASE NO: 17-O-04082 [17-O-04934, 18-O-10315, 18-O-15745]**

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

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

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


**Charles Jeffrey Fletcher**  
**Law Ofc Jeffrey Fletcher**  
**2701 Del Paso Rd, #130-491**  
**Sacramento, CA 95835**

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: April 3, 2019

SIGNED:   
Dawn Williams  
Declarant

## 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 Los Angeles, on April 25, 2019, 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:

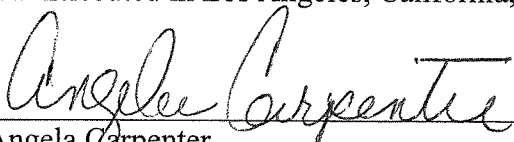
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

CHARLES JEFFREY FLETCHER  
LAW OFC JEFFREY FLETCHER  
2701 DEL PASO RD, #130-491  
SACRAMENTO, CA 95835

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

DANIELLE A. LEE, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 25, 2019.

  
\_\_\_\_\_  
Angela Carpenter  
Court Specialist  
State Bar Court