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STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of	)	Case No. 18-H-12248-MC
	)	
FANYA ELYCE YOUNG,	)	DECISION
	)	
State Bar No. 233426.	)	
_____	)	

**Introduction**

The Office of Chief Trial Counsel of the State Bar of California (OCTC) charges Respondent Fanya Elyce Young with one count of misconduct alleging her failure to comply with various conditions of her private reproof, in willful violation of rule 1-110 of the former State Bar Rules of Professional Conduct.<sup>1</sup> The court finds Respondent culpable on some of the alleged misconduct and recommends, among other things, that she be suspended for thirty days.

**Significant Procedural History**

OCTC filed the Notice of Disciplinary Charges (NDC) on September 24, 2018. On October 9, Respondent filed a motion to dismiss, which was denied on November 2. On November 19, Respondent filed a motion seeking reconsideration of the court's denial of the motion to dismiss, which was denied on December 4.

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<sup>1</sup> The State Bar Rules of Professional Conduct were revised on November 1, 2018. Unless otherwise indicated, all references to rules refer to the former State Bar Rules of Professional Conduct.

On November 30, 2018, OCTC filed a motion to continue the trial due to the unavailability of a key witness. Respondent did not file an opposition and the motion to continue was granted. On December 10, OCTC filed a default motion based on Respondent's failure to file a timely response to the NDC. The court held a status conference on January 7, 2019, and ordered Respondent to promptly file a response to the default motion. On January 8, Respondent filed her opposition to the default motion, which included her proposed response to the NDC. On January 14, the court issued an order denying the default motion and accepting Respondent's proposed response as the operative response in this matter.

Prior to trial, OCTC filed a motion in limine to exclude Respondent's witnesses and exhibits given her failure to provide OCTC with exhibits, witness lists, or any responses to its discovery request. Respondent did not file a written objection and made no oral objection at trial. The court granted OCTC's motion with the caveat that Respondent would be permitted to testify on her own behalf. Trial took place on February 8, 2019 and Respondent represented herself. This matter was taken under submission for decision on February 27, after the parties submitted closing argument briefs.

### **Findings of Fact and Conclusions of Law**

Respondent was admitted to the practice of law in California on December 1, 2004, and has been an attorney of the State Bar of California at all times since that date.

#### **Facts**

On December 9, 2016, Respondent signed a Stipulation re Facts, Conclusions of Law, and Disposition in State Bar Court case Nos. 13-O-13464 and 15-O-15563 (Stipulation). The Stipulation included a statement of agreed misconduct, the parties' agreement that Respondent would be publicly reprovved for the stipulated misconduct, and Respondent's agreement that she

would comply with certain specified conditions of reprobation for one year after the reprobation became effective.<sup>2</sup>

The Stipulation was approved by the court on January 3, 2017, and the private reprobation was imposed, becoming effective on January 24. The Stipulation's agreed conditions of reprobation included, in relevant part, the following:

- (1) Within 30 days from the effective date of discipline, Respondent must contact the Office of Probation of the State Bar of California (Office of Probation) and schedule a meeting with Respondent's assigned probation case specialist<sup>3</sup> to discuss the terms and conditions of reprobation. Upon the direction of the Office of Probation, Respondent must meet with the probation case specialist either in-person or by telephone. During the reprobation conditions period, Respondent must promptly meet with the probation case specialist as directed and upon request.
- (2) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the condition period attached to the reprobation. 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 the reprobation during the preceding calendar quarter.
- (3) In addition to all quarterly reports, a final report, containing the same information, is due no earlier than 20 days before the last day of the condition period and no later than the last day of the condition period.
- (4) 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 of the effective date of the reprobation.

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<sup>2</sup> In case No. 13-O-13464, Respondent improperly withdrew from representation of a client and failed to cooperate with a disciplinary investigation. Respondent and OCTC initially resolved case No. 13-O-13464 by entering into an Agreement in Lieu of Discipline (ALD). The ALD required Respondent to comply with various rehabilitative conditions. Respondent's subsequent failure to comply with all of the conditions attached to her ALD formed the basis for case No. 15-O-15563. Respondent's ALD violations included failing to file one quarterly report, failing to timely file three additional quarterly reports, and failing to timely complete the State Bar Ethics School.

<sup>3</sup> Probation case specialists were formerly identified as Probation deputies.

On February 2, 2017, the Office of Probation sent Respondent a letter laying out the terms and conditions of her reprobation. The letter noted that Respondent must schedule a meeting with the Office of Probation within 30 days from the effective date of discipline. On February 8, Respondent's probation case specialist, May Ling Fernandez (Fernandez), sent Respondent an email with possible dates for an initial probation meeting. The email stated that the meeting would occur telephonically and that Respondent would initiate the call. Respondent and the Office of Probation agreed to hold an initial meeting on February 15 at 2 p.m.

Respondent did not call at the scheduled time. She believed that the Office of Probation would call her and she waited for the call at the scheduled time. At 2:22 p.m., Respondent emailed Fernandez inquiring why she did not receive a call. At 2:31 p.m., Fernandez replied by stating in part: "You should carefully review the email that I sent you on 2/8/17. It specifically states that, 'You will also need to call me at the time that we schedule for the meeting.'" ([E]mphasis added[.]) Please note that you are not in compliance with your Reprobation as you did not call me at the scheduled time of our meeting."

At 3:15 p.m., Respondent emailed Fernandez a response stating, "I do NOT see such language in the letter... Anywhere." Respondent went on to state, "This is simply a misunderstanding. So I'll be happy to ring you on 2/17 at 11 a.m." At 3:34 p.m., Fernandez emailed back: "It is of great concern that you do not seem to be carefully reading the emails I have been sending you.... My 2/8/17 email specifically stated that you would need to call me. I presume you read my 2/8/17 email seeing that you responded to the email on 2/10/17 and asked me to confirm the appointment time that you had chosen.... I will be awaiting your call on 2/17/17...."

On February 17, 2017, Respondent called the Office of Probation three hours late, at 2 p.m. Respondent denies that the meeting was scheduled for 11:00 a.m., but that was the time



she requested just two days earlier. On February 21, Respondent filed a motion for modification of probation. On March 21, the hearing department ordered the Office of Probation to send all correspondence to Respondent in boldface font, no less than 12-point size. Each correspondence was required to be sent via email and U.S. mail.

Respondent's first quarterly report, due April 2017, was timely and completed correctly. Respondent's second quarterly report was due on July 10, 2017. Respondent submitted the July 10, 2017 report on time but used a different quarterly report form from the one that had been provided to her. The form Respondent used was the one that was previously provided to her for her ALD. While at first blush the forms look the same, the ALD quarterly report form contains no mention of whether or not Respondent complied with all conditions of her reprobation.<sup>4</sup> Since Respondent used an incorrect quarterly report form, the Office of Probation deemed the July 10, 2017 report not compliant.

Approximately 21 days after receiving the non-compliant quarterly report, on July 31, 2017, Fernandez sent Respondent a letter stating that her July 10, 2017 quarterly report was not compliant.<sup>5</sup> The letter went on to state, "[i]f you wish to submit new and complete documentation, please do so immediately." The letter also stated, "You are reminded that late completion, submission, or filing of proof/documents, does not mean that you are in compliance."

Respondent replied with multiple emails, questioning why the submitted quarterly report was not compliant. Fernandez provided detailed responses to Respondent's questions, but those

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<sup>4</sup> Respondent testified that all the forms looked the same to her and she did not pay attention to the details. Respondent, however, reasonably should have realized that something was amiss due to the fact that the first line of the quarterly report she used stated that her first report was due on January 10, 2014, and that her final report was due on October 24, 2015.

<sup>5</sup> As with all correspondence after the hearing department order of March 21, 2017, the Office of Probation sent an email as well as a letter to Respondent.

responses triggered more questions from Respondent. Respondent then began complaining that the Office of Probation's emails and letters – which were in response to her own questions – were distracting her from studying for the August 2017 MPRE. Respondent ultimately submitted a revised July 2017 quarterly report on August 10, 2017. The Office of Probation subsequently deemed this quarterly report not compliant because it was late, i.e., it was not received on or before July 10, 2017.

On August 12, 2017, Respondent took the MPRE but did not receive a passing score. On September 17, Respondent filed a motion seeking to terminate her probation. Respondent alleged that there was “no valid or legal basis for probation” and that the Office of Probation had engaged in a course of conduct intended to cause Respondent to violate her probation. On October 3, the Office of Probation filed an opposition to the motion. On October 18, the court denied the motion.

Respondent's final quarterly report was due on January 24, 2018. Respondent submitted the report two days early, on January 22, but she dated the report 2017 instead of 2018. On January 29, Fernandez sent Respondent a letter summarizing her compliance and non-compliance with the conditions of her reproval. In this letter, Fernandez indicated that Respondent complied with her final quarterly report.

On February 26, 2018, Fernandez sent Respondent a letter indicating that an error had been made on the part of the Office of Probation regarding Respondent's final quarterly report in that the report “appears to be backdated to ‘1/22/17.’” The Office of Probation asked Respondent to immediately file another final report. Fernandez went on to state: “Please be reminded that LATE completion, submission, or filing of proof/documents, does not mean you are in compliance. You will never be in compliance because being even one day late means that

you are not in compliance with the terms and conditions of your reproof.” Respondent did not file another final report.<sup>6</sup>

Respondent did not provide to the Office of Probation proof of taking and passing the MPRE within one year of the effective date of the reproof. After not obtaining a passing score on the August 2017 MPRE, it is not established that Respondent in fact took the MPRE again.

### **Conclusions**

OCTC alleged that Respondent failed to comply with five conditions attached to her private reproof. As laid out below, the court finds Respondent culpable on some of the alleged violations.

#### *February 15, 2017 Probation Meeting*

The first alleged reproof violation is based on Respondent’s failure to call into a required probation meeting on February 15, 2017. It has not been established by clear and convincing evidence that missing this meeting was willful or intentional on Respondent’s part. The instructions that Respondent initiate the call were contained in a prior email and were somewhat difficult to see. It is understandable that Respondent misunderstood and expected the Office of Probation to call her. Moreover, Respondent emailed Fernandez 22 minutes after the allotted appointment time to inquire why she did not hear from the Office of Probation. Clearly, this was, as Respondent stated, a simple misunderstanding.

#### *February 17, 2017 Probation Meeting*

The court finds that Respondent willfully failed to call the Office of Probation at the required time on February 17, 2017. The time of the meeting was memorialized in an email exchange and Respondent provided no valid reason for missing the meeting time. This is a minor violation and warrants nominal weight in culpability.

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<sup>6</sup> It is understandable that Respondent did not file another final report after being told that she could *never* be in compliance.

### *July 2017 Quarterly Report*

The court finds that Respondent was willful in her failure to comply with the requirements of the July 2017 quarterly report. Even though she used the correct form in April, three months later Respondent used the form that was provided to her in or about 2014 for her ALD. When the problem was pointed out to her, Respondent did not immediately rectify the issue. Instead, she questioned the Office of Probation in a series of emails and delayed for ten days before submitting a corrected quarterly report.

Of course, Respondent's slow response time was possibly influenced by the Office of Probation telling her that any corrected quarterly report would be late and therefore she could no longer submit a compliant report. Turning in her July 2017 quarterly report timely but on the wrong form constitutes another minor reprobation condition violation and warrants limited weight in culpability.

### *Final Report*

Respondent filed her final quarterly report, due January 24, 2018, a few days early but she indicated the year as 2017 instead of 2018. The court finds that this was an understandable mistake as it was the start of a new year. Moreover, Fernandez failed to indicate any shortcomings with this report in her January 29, 2018 communication. Not until February 26, did the Office of Probation inform Respondent that the January 24 report was "backdated." The court finds that the Office of Probation bears some responsibility for initially failing to indicate any error with the report and then waiting a month to highlight a shortcoming. Respondent filed her report two days early and she could have corrected the typo.

Once this minor error was pointed out to Respondent, she did not provide the Office of Probation with a corrected final report. Respondent should have submitted a revised final report. However, it is somewhat understandable that she did not, considering the Office of Probation's

statement that she could “never” be in compliance with that condition. Accordingly, the court assigns this violation nominal weight in culpability.

### *MPRE*

In her response to the NDC and at trial, Respondent admitted that she did not pass the MPRE during the reprobation period.<sup>7</sup> Moreover, there is no indication in the record that Respondent filed a motion to extend time to take and pass the MPRE. Accordingly, the court finds that Respondent willfully failed to meet this condition of her reprobation.

### *Conclusion*

Rule 1-110 requires an attorney to comply with the conditions attached to a reprobation. When a reprobation becomes final, the conditions attached to it are presumed valid. (*In the Matter of Pyle* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 929, 933.) Respondent willfully violated her duty, under rule 1-110, to comply with the conditions of her reprobation by: (1) not promptly meeting with her probation case specialist on February 17, 2017, as directed; (2) failing to timely provide a July 10, 2017 quarterly report stating whether she complied with all conditions of her reprobation during the preceding calendar quarter; (3) failing to submit a properly executed final report to the Office of Probation; and (4) failing to provide proof of passage of the MPRE to the Office of Probation.

### **Aggravation<sup>8</sup>**

OCTC bears the burden of proving aggravating circumstances by clear and convincing evidence. (Std. 1.5.) The court finds the following with respect to aggravating circumstances.

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<sup>7</sup> Respondent argues that the Office of Probation distracted her during her MPRE studies by “constantly bombarding” her with emails and letters. This argument has no merit. Probation communicated as required and often in response to inquiries from Respondent. Further, in following the hearing department’s order, Probation sent all correspondence via email and United States mail.

<sup>8</sup> All references to standards (Std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

**Prior Record of Discipline (Std. 1.5(a).)**

As laid out above, Respondent has been disciplined on one previous occasion. The court assigns some weight to Respondent's private public reproof.

**Multiple Acts (Std. 1.5(b).)**

Respondent's multiple acts of misconduct constitute weight in aggravation. (*In the Matter of Tiernan* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 523, 529 [failure to timely file two probation reports and cooperate with probation monitor constituted multiple acts of misconduct].) However, the weight assigned to Respondent's multiple acts is limited due to the relatively minor nature of some of Respondent's reproof condition violations.

**Lack of Insight and Indifference (Std. 1.5(k).)**

Respondent has demonstrated a lack of insight and general indifference toward rectification of or atonement for the consequences of her misconduct. "The law does not require false penitence. [Citation.] But it does require that the respondent accept responsibility for his acts and come to grips with his culpability. [Citation.]" (*In the Matter of Katz* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 502, 511.) While Respondent admits she failed to comply with all the terms and conditions of her reproof, she does not take responsibility for her shortcomings. Instead, she faults the Office of Probation for her inability to meet the reproof conditions. Moreover, the court is troubled by Respondent's attempt to negate her signing of the Stipulation which led to her private reproof.<sup>9</sup> Respondent's lack of insight and general indifference toward rectification of or atonement for the consequences of her misconduct warrants significant consideration in aggravation.

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<sup>9</sup> At trial, Respondent claimed, without any valid basis, that she signed the Stipulation under duress.

## **Mitigation**

Respondent bears the burden of proving mitigating circumstances by clear and convincing evidence. (Std. 1.6.) Respondent testified on her own behalf, but her testimony was generally equivocal, inconsistent, or unclear. Accordingly, no factors in mitigation have been established by clear and convincing evidence.

## **Discussion**

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, to preserve public confidence in the profession, and to maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1025; Std. 1.1.)

In determining the level of discipline, the court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d 1085, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628). Second, the court looks to decisional law. (*Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311; *In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 580.)

Standard 1.7 provides that if aggravating or mitigating circumstances are found, they should be considered alone and in balance with any other aggravating or mitigating factors. In this case, the standards call for actual suspension as the presumed sanction. (Standard 2.14.)

Due to Respondent's prior record of discipline, the court also looks to standard 1.8(a) for guidance. Standard 1.8(a) states, in part, that when an attorney has a 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."

The standards, however, “do not mandate a specific discipline.” (*In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 994.) It has long been held that the court is “not bound to follow the standards in talismanic fashion. As the final and independent arbiter of attorney discipline, [the Supreme Court is] permitted to temper the letter of the law with considerations peculiar to the offense and the offender.” (*Howard v. State Bar* (1990) 51 Cal.3d 215, 221-222.) Yet, while the standards are not binding, they are entitled to great weight. (*In re Silverton* (2005) 36 Cal.4th 81, 92.)

Here, OCTC recommended, among other things, that Respondent be actually suspended for 60 days. Respondent, on the other hand, sought an extension of probation or a 30-day stayed suspension but does not want to be assigned a probation case specialist. In determining the appropriate discipline to recommend in this matter, the court finds guidance in *Conroy v. State Bar* (1990) 51 Cal.3d 799.

In *Conroy*, the California Supreme Court suspended an attorney for 60 days for failing to take and pass the MPRE within one year, as required as a condition of his private reproof. In mitigation, the attorney took and passed the MPRE at the next available opportunity. In aggravation, the attorney defaulted in the State Bar Court proceedings, lacked remorse and failed to acknowledge the wrongfulness of his actions, and had a prior record of discipline (consisting of the private reproof). The Supreme Court was “extremely troubled by [the attorney’s] failure ‘to appreciate the seriousness of the charges in the instant proceeding or to comprehend the importance of participating in the disciplinary proceedings.’ [Citation.] Despite numerous efforts by State Bar personnel to notify him of impending events and the consequences of nonappearance, [the attorney] remained unresponsive, totally ignoring his obligation to attend the hearing and explain his actions. [Citations.]” (*Conroy v. State Bar, supra*, 51 Cal.3d at pp. 805-806.)



While the present case did not proceed by default, Respondent, similar to the attorney in *Conroy*, demonstrated indifference toward the present misconduct. That being said, the court finds that the Office of Probation's conduct also played a role in this matter. The relationship between Respondent and her probation case specialist began to sour over a misunderstanding regarding who was to initiate their first telephonic meeting. When Respondent reached out to the Office of Probation 22 minutes after the scheduled meeting time, the probation case specialist could have simply rescheduled the meeting or conducted it 22 minutes late. Instead, she told Respondent that her failure to initiate the conversation constituted non-compliance with the conditions of her reproof.

While Respondent was careless in her efforts to comply with the terms and conditions of the reproof, the Office of Probation was not without error. The Office of Probation waited three weeks before informing Respondent that her July 2017 quarterly report was deemed non-compliant for using the wrong form. Thereafter, the Office of Probation initially accepted Respondent's final report, only to deem it non-compliant a month later due to typographical error.

In its closing argument, OCTC argues that Respondent has "yet to come into full compliance with her reproof conditions." However, the Office of Probation told Respondent that she could "never" comply with a reproof condition once she was late on that condition. Therefore, it is understandable why Respondent chose not to belatedly comply with some of her reproof conditions.

That being said, Respondent, despite her differences with the Office of Probation, had a duty to comply with the conditions attached to her reproof. Rather than questioning and challenging her probation case specialist as a knee-jerk reaction, Respondent should have thoroughly examined her own conduct to better understand the Office of Probation's position.

And although she was not encouraged to do so by the Office of Probation, Respondent should have belatedly complied with all of the conditions of her reproof.

Considering this matter as a whole, including the lack of any substantial factors in mitigation, there is little justification to deviate from standard 2.14. Accordingly, the court finds that the appropriate level of discipline includes, among other things, a 30-day period of actual suspension. Moreover, Respondent's request that she not be assigned a probation case specialist is denied, no good cause or authority having been shown. That said, the court recommends that the Office of Probation assign a different probation case specialist to Respondent, as the record indicates a significant level of friction between Respondent and Fernandez.<sup>10</sup>

### **Recommendations**

It is recommended that Fanya Elyce Young, State Bar Number 233426, be suspended from the practice of law for one year, that execution of that suspension be stayed, and that Respondent be placed on probation for two years with the following conditions:

#### **Conditions of Probation**

##### **1. Actual Suspension**

Respondent must be suspended from the practice of law for the first 30 days of Respondent's probation.

##### **2. Review Rules of Professional Conduct**

Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must (1) read the California Rules of Professional Conduct (Rules of Professional Conduct) and Business and Professions Code sections 6067, 6068, and 6103 through 6126 and (2) provide a declaration, under penalty of perjury, attesting to Respondent's compliance with this requirement, to the State Bar's Office of Probation in Los Angeles (Office of Probation) with Respondent's first quarterly report.

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<sup>10</sup> The court stresses that this is a recommendation, not an order.

**3. Comply with State Bar Act, Rules of Professional Conduct, and Probation Conditions**

Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all conditions of Respondent's probation.

**4. Maintain Valid Official Address and Other Required Contact Information**

Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must make certain that the State Bar Attorney Regulation and Consumer Resources Office (ARCR) has Respondent's current office address, email address, and telephone number. If Respondent does not maintain an office, Respondent must provide the mailing address, email address, and telephone number to be used for State Bar purposes. Respondent must report, in writing, any change in the above information to ARCR, within 10 days after such change, in the manner required by that office.

**5. Meet and Cooperate with Office of Probation**

Within 15 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must schedule a meeting with Respondent's assigned probation case specialist to discuss the terms and conditions of Respondent's discipline and, within 30 days after the effective date of the court's order, must participate in such meeting. Unless otherwise instructed by the Office of Probation, Respondent may meet with the probation case specialist in person or by telephone. During the probation period, Respondent must promptly meet with representatives of the Office of Probation as requested by it and, subject to the assertion of applicable privileges, must fully, promptly, and truthfully answer any inquiries by it and provide to it any other information requested by it.

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**6. State Bar Court Retains Jurisdiction/Appear Before and Cooperate with State Bar Court**

During Respondent's probation period, the State Bar Court retains jurisdiction over Respondent to address issues concerning compliance with probation conditions. During this period, Respondent must appear before the State Bar Court as required by the court or by the Office of Probation after written notice mailed to Respondent's official attorney address, as provided above. Subject to the assertion of applicable privileges, Respondent must fully, promptly, and truthfully answer any inquiries by the court and must provide any other information the court requests.

**7. Quarterly and Final Reports**

**a. Deadlines for Reports.** Respondent must submit written quarterly reports to the Office of Probation no later than each January 10 (covering October 1 through December 31 of the prior year), April 10 (covering January 1 through March 31), July 10 (covering April 1 through June 30), and October 10 (covering July 1 through September 30) within the period of probation. If the first report would cover less than 30 days, that report must be submitted on the next quarter date and cover the extended deadline. In addition to all quarterly reports, Respondent must submit a final report no earlier than 10 days before the last day of the probation period and no later than the last day of the probation period.

**b. Contents of Reports.** Respondent must answer, under penalty of perjury, all inquiries contained in the quarterly report form provided by the Office of Probation, including stating whether Respondent has complied with the State Bar Act and the Rules of Professional Conduct during the applicable quarter or period. All reports must be: (1) submitted on the form provided by the Office of Probation; (2) signed and dated after the completion of the period for which the report is being submitted (except for the final report); (3) filled out completely and

signed under penalty of perjury; and (4) submitted to the Office of Probation on or before each report's due date.

**c. Submission of Reports.** All reports must be submitted by: (1) fax or email to the Office of Probation; (2) personal delivery to the Office of Probation; (3) certified mail, return receipt requested, to the Office of Probation (postmarked on or before the due date); or (4) other tracked-service provider, such as Federal Express or United Parcel Service, etc. (physically delivered to such provider on or before the due date).

**d. Proof of Compliance.** Respondent is directed to maintain proof of Respondent's compliance with the above requirements for each such report for a minimum of one year after either the period of probation or the period of Respondent's actual suspension has ended, whichever is longer. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.

#### **8. State Bar Ethics School**

Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Ethics School after the date of this decision but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward her duty to comply with this condition.

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### **Commencement of Probation**

The period of probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. At the expiration of the probation period, if Respondent has complied with all the conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

### **Multistate Professional Responsibility Examination within One Year**

It is further recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of the Supreme Court order imposing discipline in this matter and to 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).) If Respondent provides satisfactory evidence of the taking and passage of the above examination after the date of this decision but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward her duty to comply with this requirement.

### **Costs**

It is further recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and that the costs be 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 an attorney who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.

Dated: May 3, 2019

  
MANJARI CHAWLA  
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 Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on May 3, 2019, I deposited a true copy of the following document(s):

### DECISION

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:

FANYA E. YOUNG  
660 INDIANA STREET  
M401  
SAN FRANCISCO, CA 94107

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

- by overnight mail at \_\_\_\_\_, California, addressed as follows:

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

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

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

Rachel S. Grunberg, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on May 3, 2019.

  
George Hue  
Court Specialist  
State Bar Court