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**STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 18-Q-15877
)	
STEVEN ALAN WEINKAUF,)	RECOMMENDATION ON
)	RESIGNATION
A Member of the State Bar, No. 91421.)	
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On August 29, 2018, Steven Alan Weinkauf filed a resignation with charges pending. On October 24, 2018, the Office of Chief Trial Counsel of the State Bar (OCTC) filed a report and recommendation regarding Weinkauf's resignation and a Notice of No Stipulation as to Facts and Conclusions of Law. OCTC recommends that Weinkauf's resignation be rejected. Based on OCTC's reports and recommendation, and in light of the grounds set forth in California Rules of Court, rule 9.21(d),¹ as detailed below, we recommend that the Supreme Court reject the resignation.

I. BACKGROUND

Weinkauf was admitted to practice law in California on January 8, 1980, and has no prior record of discipline. When Weinkauf filed his resignation on August 29, 2018, there were two matters pending against him.

In the first pending matter, Weinkauf was convicted of a felony for violating Penal Code section 646.9(a), stalking, one count [with an admitted enhancement pursuant to Penal Code

¹ All further references to rule(s) are to this source unless otherwise noted.

section 12022(b)(1), Special Allegation – Use of Deadly Weapon], a felony which may or may not involve moral turpitude. We placed him on interim suspension (State Bar Case No. 18-C-10645), effective July 23, 2018, due to his felony conviction. On August 3, 2018, we received evidence that the conviction was final and referred the matter to the Hearing Department on August 31, 2018. In the second pending matter, on November 21, 2018, OCTC filed a Notice of Disciplinary Charges (NDC) in State Bar Court Case No. 18-O-16865. Weinkauff was charged with violating Business and Professions Code 6103 (failure to obey a court order). He has no other pending inquiry, complaint, or claim with the client security fund.

OCTC sent Weinkauff a proposed Stipulation as to Facts and Conclusions of Law Regarding Pending Investigations, Complaints or Proceedings Against Member Who has Submitted Resignation with Disciplinary Charges Pending (Proposed Stipulation). Weinkauff received the Proposed Stipulation, but has refused to sign it.

II. CONSIDERATION OF THE GROUNDS SET FORTH IN RULE 9.21(d)

We have considered Weinkauff's resignation under the grounds set forth in rule 9.21(d), and summarize the relevant information that OCTC reports for each ground:

1. Whether the preservation of testimony is complete.

Preservation of the evidence is not necessary in the pending matters.

2. Whether after transfer to inactive status, Weinkauff has practiced law or has advertised or held himself out as entitled to practice law.

OCTC has no evidence that Weinkauff has practiced law in California or held himself out as entitled to practice law in California since he submitted his resignation with charges pending on August 29, 2018.

3. Whether Weinkauff performed the acts specified in rule 9.20(a)-(b).

It is unknown whether or not Weinkauff performed the acts specified in rules 9.20(a)-(b), as it is unknown whether he had any clients. Weinkauff has not filed his rule 9.20(c) compliance declaration. He has not been eligible to practice law in California since July 23, 2018, pursuant to this court's order of interim suspension in his criminal conviction matter.

4. Whether Weinkauff provided proof of compliance with rule 9.20(c).

Weinkauff has not filed a rule 9.20 compliance declaration with the State Bar Court.

5. Whether the Supreme Court has filed a disbarment order.

The Supreme Court has not filed a disbarment order.

6. Whether the State Bar Court has filed a decision recommending disbarment.

The State Bar Court has not filed a decision or opinion recommending Weinkauff's disbarment.

7. Whether Weinkauff previously resigned or has been disbarred and reinstated to the practice of law.

Weinkauff has not previously resigned or been disbarred in California.

8. Whether Weinkauff entered a stipulation with OCTC as to facts and conclusions of law regarding pending disciplinary matters.

Weinkauff has refused to sign a Stipulation of Facts and Conclusions of Law regarding the pending matters detailed above.

9. Whether accepting Weinkauff's resignation will reasonably be inconsistent with the need to protect the public, the courts, or the legal profession.

We recommend rejecting Weinkauff's resignation for the reasons OCTC presented in its filings in this matter. Weinkauff was convicted of violating Penal Code section 646.9(a), stalking, with an admitted enhancement – Use of a Deadly Weapon, and has an additional

pending disciplinary matter. He has failed to submit his rule 9.20 compliance declaration, and has refused to enter into a stipulation as to his misconduct. Under these circumstances, we find that Weinkauff should not be allowed the benefit of resigning because it would undermine public confidence in the disciplinary system and the legal profession.

III. RECOMMENDATION

We recommend that the Supreme Court decline to accept the resignation of Steven Alan Weinkauff, State Bar number 91421.

PURCELL

Presiding Judge

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

RECOMMENDATION ON RESIGNATION FILED DECEMBER 27, 2018

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:

STEVEN ALAN WEINKAUF
196 DARDENELLE AVE
PACIFICA, CA 94044 - 3121

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

Robert A. Henderson, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 27, 2018.



Julieta E. Gonzales
Court Specialist
State Bar Court