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STATE BAR COURT  
OF THE STATE OF CALIFORNIA  
ANNUAL PUBLIC HEARING  
pursuant to Business and Professions Code 6095(a)  
December 13, 2007  
10:07 a.m.

State Bar of California  
Board Lounge  
1149 South Hill Street  
Los Angeles, California 90015

APPEARANCES:		<u>PAGE</u>
Holly J. Fujie	Chair	3
Scott J. Drexel	Panelist	6
Colin P. Wong	Panelist	--
Gayle E. Murphy	Panelist	--
Randall Difuntorum	Panelist	--
Doug Hull	State Bar	4
Richard Pintal	Speaker	6
Carolyn Magnuson	Speaker	6
Edward Poll	Speaker	9
Gideon Grunfeld	Speaker	14
Kaveh Roshan	Speaker	21

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1	APPEARANCES: (cont'd.)		
2	Ellen Pansky	Speaker	28
3	JoAnne Robbins	Speaker	34
4	Joseph Quattrochi, Junior	Speaker	41
5	Viviane Koller	Speaker	43
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1 MS. FUJIE: Good morning, ladies and gentlemen,  
2 and I'm sorry for the slight delay. My name is Holly Fujie,  
3 and as a member of the Board of Governors of the State Bar  
4 and the Chair of the Regulation, Admissions, and Discipline  
5 Oversight Committee of the State Bar of California, I would  
6 like to welcome all of you to the annual State Bar public  
7 hearings on admissions, competence, and discipline in Los  
8 Angeles.

9 Also present with me are Scott Drexel, the Chief  
10 Trial Counsel for the State Bar, Colin Wong, over there,  
11 Chief Administrative Officer of the State Bar Court, Gayle  
12 Murphy, immediately to my right, Senior Executive of  
13 Admissions, and Randy Difuntorum, Director of Professional  
14 Competence.

15 As you may be aware, the State Bar of California  
16 holds two public hearings every year, one in Southern  
17 California and one in Northern California, to hear proposals  
18 from the public on Bar disciplinary procedures, attorney  
19 competency, and admissions procedures.

20 The Staff has caused notice of this hearing to be  
21 given by circulating a press release to the media, posting  
22 notice on the State Bar's web site, and distributing notice  
23 to all local, specialty, and minority bars in California.  
24 The notice specified the time, place, and purpose of the  
25 meeting.

1           We have a court reporter here today to transcribe  
2 all the oral testimony presented today. This testimony,  
3 together with any written comments that are received, will  
4 be made available to the full Board of Governors and to all  
5 the members of the Committee on Regulation, Admissions, and  
6 Discipline Oversight.

7           If you have any supporting documentation that you  
8 are going to refer to, and which has not previously been  
9 submitted for photocopying prior to the hearing, please  
10 provide the information to Doug Hull, who is --

11           MR. HULL: Right here.

12           MS. FUJIE: -- drifting around, or the court  
13 reporter, so that photocopies can be made and included in  
14 the public record of the hearing.

15           We understand that some of you are here to discuss  
16 your experience with a specific attorney. While it is not  
17 the purpose of this hearing to register complaints, we  
18 understand that you have taken time from your busy schedules  
19 to be here, and we appreciate that. Therefore, we  
20 respectfully request that, if you discuss your experiences  
21 with a specific attorney, please refrain from using that  
22 attorney's name, and if I stop you because you're using it  
23 inadvertently, I will just apologize in advance.

24           Until a complaint is filed in the State Bar Court,  
25 it is a confidential matter. Since the transcripts from

1 these hearings will be made available to the public, we  
2 would appreciate your cooperation by not mentioning the  
3 attorney by name, but please feel free to discuss your  
4 experiences. The Chief Trial Counsel, Mr. Drexel, has  
5 offered to make himself available after the hearing if you  
6 wish to discuss your issue with him in a more confidential  
7 setting.

8           Additionally, I've been asked to note that there  
9 are two members of the public who have submitted written  
10 materials but are not present to address the panel. Robert  
11 Fogg and Nancy Keough asked to have materials attached to  
12 the Los Angeles transcripts, and Philip Feldman asked to  
13 have materials attached to the San Francisco transcripts.  
14 If you have not previously signed in and want to testify  
15 today, please see Doug Hull or one of the staff members in  
16 the room.

17           We ask that you complete your testimony within 10  
18 minutes or less, and you will be notified when your time is  
19 up. If you could please also only speak when you're  
20 standing at the podium, it makes it easier for the court  
21 reporter to be able to transcribe correctly.

22           Doug will be calling out names in the order in  
23 which you've signed in. To ensure that the court reporter  
24 is able to hear clearly, please come to the front of the  
25 room when your name is called, and begin by identifying

1 yourself for the record. The sign-in sheet will become part  
2 of the record, and the court reporter will verify the  
3 spelling of your name by checking the sheet.

4 Doug, will you please call the first name.

5 MR. HULL: Yes. Richard Pinal.

6 MR. PINTAL: I just signed in.

7 MR. HULL: Okay. You'll wait until I call you.

8 Carolyn Magnuson.

9 MS. MAGNUSON: Good morning, ladies and gentlemen.

10 MS. FUJIE: Good morning.

11 MR. DREXEL: Good morning.

12 MS. MAGNUSON: Thank you so much for the  
13 opportunity to address you this morning. My name is Carolyn  
14 Magnuson. I've been an attorney in the state of California  
15 for 30 years. In fact, yesterday was the 30th anniversary  
16 of my swearing in.

17 MS. FUJIE: Congratulations.

18 MS. MAGNUSON: For the past 20 years, until my  
19 retirement last month, I was a judge with the California  
20 Office of Administrative Hearings, which, as you may know,  
21 is the body that hears professional and occupational  
22 disciplinary cases for everybody other than attorneys.  
23 Because of that experience, I think I have a unique view and  
24 understanding of the State Bar Court system, its purposes,  
25 and its responsibilities, and that is what I've come to talk

1 to you about today.

2           Earlier this year, I became aware that the  
3 workings of the State Bar Court were completely opaque as  
4 far as the public was concerned. Not only had the Court  
5 failed to make its court calendar available to the public  
6 since the shutdown of the Bar in the late 1990s, there was  
7 no public record of the cases that had been filed with the  
8 Court, nor of the disposition of those cases, unless they  
9 resulted in public discipline. Moreover, the procedural  
10 barriers to getting into a courtroom were daunting. I know  
11 because, not too long ago, I made that effort.

12           Initially I was vetted on the first floor for  
13 identity, purpose, and destination, passed that exam, and  
14 was badged and sent on. Upon entering the State Bar  
15 premises, I was scanned, then wanded, then passed on, and  
16 finally I was required to sign in at the desk and obtain yet  
17 another badge, which I am now pridefully wearing, and I was  
18 then asked to explain my presence at the State Bar.

19           My response, that I was a member of the public,  
20 seemed to bewilder the three staff members present. One of  
21 them said, "We don't get many of you here." I was also  
22 asked if I were authorized to go into the courtroom. When I  
23 inquired where I would find Judge Miles' courtroom, I was  
24 told all of the following: "There aren't any cases today,"  
25 "Judge Miles is on vacation," and "I think he finished his

1 case."

2           When I persisted, a guard accompanied me to the  
3 door of Courtroom C, where we both consulted a printed  
4 calendar and agreed that Judge Miles was indeed present and  
5 hearing a case. At that point in time, I was allowed to  
6 enter the courtroom, where the sight of an unidentified  
7 person was so unusual that it caused raised eyebrows and  
8 responding shrugs all around, including the clerk and the  
9 judge. It had taken me 15 minutes, negotiating three access  
10 challenges, and ignoring multiple factual misrepresentations  
11 to get there. Very few members of the public would have  
12 persisted.

13           Recently, at the urging, inter alia, of Chief  
14 Justice Ronald George, the Court has begun posting the court  
15 calendar on its web site. While this is a good first step,  
16 it only addresses part of the public access problem. The  
17 lack of public information about court filings and the  
18 gauntlet approach to physical access to the courtrooms still  
19 need to be addressed and resolved. Because the barriers to  
20 public information and participation have been so daunting,  
21 it has been years since there has been a meaningful public  
22 presence at the State Bar Court proceedings.

23           As the Court concerned with enforcing the  
24 fiduciary responsibilities of the State Bar members and with  
25 protecting the public, the State Bar Court should be setting

1 an example of openness and rectitude. Its failure to do so  
2 in the past is most disheartening. Any failure to remove  
3 all public access barriers as soon as possible would be  
4 inexcusable. I urge you to ensure that the necessary steps  
5 are taken to guarantee full public access to the State Bar  
6 Court's business. Thank you.

7 MS. FUJIE: Thank you very much.

8 MR. DREXEL: Thank you.

9 MR. HULL: I noticed that some people came in. If  
10 you wish to speak and haven't signed in, would you please  
11 make sure that you take the opportunity to sign in. Thank  
12 you.

13 Next up will be Ed Poll.

14 MR. POLL: Good morning.

15 MS. FUJIE: Good morning.

16 MR. DREXEL: Good morning.

17 MR. POLL: Feel like two headlights in front of a  
18 deer. Thank you for the opportunity to talk with you this  
19 morning. Just for the record, my name is Edward Poll,  
20 P-O-L-L.

21 I've been a licensed attorney in the state of  
22 California since 1965. I helped organize the Solo Practice  
23 Section of the State Bar, former chairman of the Law  
24 Practice Management and Technology Section, and immediate  
25 past chair of the Council of Section Chairs. My history,

1 both with state, national, and local bar associations, is  
2 very deep, and because of that, I have a tremendous interest  
3 in this body and the Board of Governors, and, in particular,  
4 the disciplinary system.

5           It seems to me that you're sitting on a powder  
6 keg, and the match has been lit. You've got a budget of  
7 somewhere in excess of \$40,000,000, and the disciplinary  
8 system takes over 80 percent of that. We're talking about  
9 \$30,000,000 that goes to the disciplinary system. Not only  
10 can dues be reduced, but also attorneys can be helped, in my  
11 opinion, if the Board of Governors adopts the right  
12 protocol, something the Board of Governors has not yet been  
13 willing to grapple with.

14           It's been interesting because, if you take a look  
15 at the State Bar's own ethics report, you will find that  
16 more than 50 percent of the issues coming before that body,  
17 that is, the disciplinary body, relate to the issue of  
18 managing a law practice, managing cases. I was challenged  
19 not long ago by an individual high within the State Bar that  
20 my numbers are wrong, so I looked at the report again, the  
21 more recent version, and I come to the same conclusion. I  
22 talked with Scott Drexel, and he confirmed my conclusion.

23           More than 50 percent of the issues coming before  
24 the disciplinary staff, the disciplinary hearings, relate in  
25 some fashion or another to managing a law practice, managing

1 a caseload, and I am not including in that violations of  
2 trust accounts, which I believe to be criminal in nature.  
3 That's not what I'm talking about here. So it seems to me  
4 that the Board, as the governing body of the State Bar, has  
5 an obligation to deal with this issue. I mean, it's 75, 80  
6 percent of your budget. If you don't deal with it, you're  
7 keeping your eyes closed, and thus far the Board has not  
8 been willing to deal with it.

9           The state legislature, a few years ago, when we  
10 had the brouhaha, eliminated law practice management as a  
11 category, as an optional category, and I came before this  
12 body some time ago on behalf of the Law Practice and  
13 Technology Section, which supported my conclusion,  
14 requesting that the LPM category be reinstated, not as a  
15 mandate, but as an option, because, by eliminating that as a  
16 designated subcategory, this Board inadvertently said to the  
17 lawyers of this state that managing a law practice is not an  
18 important issue.

19           It's clear we don't teach that in law schools, and  
20 there are lots of reasons for that, and this body doesn't  
21 have control over that, so no point to go through that, but  
22 this body does have, and spends its money over, the issue of  
23 discipline, over managing law practices, and it seems to me  
24 that we have to do something more than just providing a few  
25 courses at SCI or the annual meeting.

1           It seems to me that this body needs once again to  
2 look at the issue of MCLE, and once again needs to mandate  
3 law practice management. Law practice management has never  
4 been a mandate of this state. I believe it ought to be.  
5 When I brought the issue to the Board, I said, "All we want  
6 to do is make LPM a designated category, and make it  
7 optional." Merely designating it and putting it out there  
8 in the front lets lawyers know that it's important, and  
9 they, on their own, will take advantage of the education.

10           When I did that, I think what I failed to realize  
11 was that the ethics requirement was dropped from eight units  
12 to four units, and there was no way this body or the  
13 legislature was going to then say, "Out of four units, two  
14 of them will be optional," or "One of them will be optional,  
15 to be replaced by LPM." That message was clearly given to  
16 me, and I understand that.

17           The Board, through the then-president, John  
18 Van de Kamp, said, "Let's make it mandatory." Well, you  
19 guys jumped the gun. I mean, you pushed the issue so far  
20 further than I wanted to go with it that others on your  
21 Board did not want to go forward with it.

22           Historically, just so it's placed in the right  
23 context, the first time this issue was brought before the  
24 mock committee, three voting members out of three supported  
25 the issue, the resolution to make it mandatory. It was

1 tabled only because Staff said, "We need to check with the  
2 legislature." When it came back to the mock committee, and  
3 that committee said, "Okay. We have the power to go  
4 forward," the legislature didn't want to do it, but we,  
5 within the MCLE parameters, have the power. If we want to  
6 do that, we can go forward.

7           At that point, the vote was two to one against  
8 taking up the resolution. One of the reasons given was by  
9 one of the board members, said something to the fact that  
10 "My constituency already has so many requirements. I don't  
11 want to add another requirement." We're not suggesting, I'm  
12 not suggesting, that we take 25 units and expand it to 26.  
13 I am suggesting that we mandate, of the general units  
14 required, that one of them, at least, be LPM.

15           The point here is to put LPM back on the map, so  
16 that the lawyers of this state understand that it's an  
17 important issue. They're not going to be taught it in law  
18 school. They will be taught through the school of hard  
19 knocks. That's not the right place. That's not where  
20 clients are benefitted. That's not the way good management,  
21 it seems to me, teaches lawyers what they need to know.

22           So I encourage you to look at this issue again,  
23 and once again think about making one of the general units  
24 now required of the 25 to be mandatory, and that that  
25 mandate be LPM. Thank you.

1 MR. DREXEL: Thank you.

2 MS. FUJIE: Thank you, Mr. Poll.

3 Doug?

4 MR. HULL: Okay. Next up is Gideon Grunfeld.

5 MS. FUJIE: Good morning.

6 MR. GRUNFELD: Good morning. My name is Gideon

7 Grunfeld, and for the record, the first name is spelled

8 G-I-D-E-O-N, the last name G-R-U-N, F as in Frank, E-L-D.

9 I am the vice-chair of the Law Practice Management  
10 and Technology Section, and I'm here to speak on behalf of  
11 the section. I believe that you have previously received a  
12 letter written by the chair of our section, Jim Menton, and  
13 I think it's a letter dated December 11th, and I'd like to  
14 have that added to the record, if it's not already a part of  
15 the record.

16 MS. FUJIE: We have that letter. Thank you very  
17 much.

18 MR. GRUNFELD: Great. Thank you.

19 Again, Jim asked me to express his apologies for  
20 not being able to be here today. He told me what he was  
21 doing, and I assure you he would prefer to be here.

22 As many of you are aware, the Law Practice  
23 Management Section is comprised of about 20 individuals who  
24 have some involvement with the practice of law on a  
25 day-to-day basis. Most of our members, of the executive

1 committee, are practicing lawyers. Those of us who are  
2 acting as consultants have all practiced law for many years,  
3 usually somewhere between 10 and 20 years. We have members  
4 who are law librarians, paralegals, legal secretaries, and  
5 we have liaisons to various groups, such as CEB and others,  
6 that have some continuing interest and involvement in the  
7 actual practice, day to day, and the operations of the  
8 practice of the law.

9           We are a very diverse group, but we have come to a  
10 singular conclusion, which is that knowledge of and  
11 improving the knowledge of the practice of law, how to run  
12 an actual law practice, is at the heart of many of the  
13 discipline and competence issues that are harming the public  
14 in the state of California, and so what I have been asked to  
15 do today is to give you some sense of the approach that we  
16 would like this body to take as we move forward.

17           We know that you have an oversight responsibility,  
18 and you do not have an unlimited jurisdiction in terms of  
19 what you can do, and, as our letter pointed out, we believe  
20 that, given the changes that have taken place in the  
21 practice of law over the last five or 10 years, given the  
22 limited resources that you have -- and I am aware of that on  
23 a personal level.

24           The first job I ever had as a lawyer was after my  
25 first year of law school at Hastings, and I worked for the

1 Office of Trial Counsel for that summer, and I was very  
2 impressed with the people who were in that office then, and  
3 I continue to be impressed with them, and I don't envy them  
4 for a second. You have a very difficult job to do, and with  
5 not the resources we would all like for you to have, given  
6 the importance of that mission, and the same is true for the  
7 people who work in the Admissions and Competence side.

8 I was frankly shocked to see that there's  
9 something like 12 people who work on the ethics hotline and  
10 otherwise are responsible for the competence area that you  
11 have oversight for, and I was surprised that the number is  
12 so low, given that this is the state of California and not  
13 the state of Wyoming, given the population of lawyers that  
14 we have. So the approach that we suggest is one that's  
15 really multifaceted and requires some study.

16 Normally I'm really adverse, and the rest of the  
17 executive committee would be adverse, to just recommending a  
18 study, because we all know that, in bureaucratic and  
19 administrative bodies, the easiest way to delay something,  
20 the easiest way to avoid ever dealing with it, is just to  
21 appoint a blue ribbon commission, and hope that its report  
22 will show up after the next election, long after it matters,  
23 and so that is not our intent here. What we really are  
24 grappling with are the various ways in which improving law  
25 practice management and lawyers' abilities to function day

1 to day impact the public, lawyers themselves, the State Bar,  
2 its staff, and its resources.

3           So what I'd like to do is just take a couple of  
4 minutes and suggest some of the things that could be  
5 studied, and what we really recommend that we do over the  
6 next year, and those things fall into the three areas that  
7 you have jurisdiction over. They fall with respect to  
8 discipline, competence, and, to a lesser extent,  
9 potentially, even admissions.

10           With respect to discipline, one of the things that  
11 we do agree upon -- and I think that the prior speaker, Ed  
12 Poll, who is an advisor to our section and, although not a  
13 voting member now, someone who is clearly actively involved,  
14 still, in our section -- he certainly alluded to some of the  
15 underlying facts and data in terms of the prevalence of the  
16 discipline problems.

17           The kinds of things that we don't know about are  
18 things such as, given that so many clients throughout the  
19 country, not only here, complain that lawyers don't return  
20 their calls, that being probably the single most common  
21 reason why complaints are filed or calls are initiated to  
22 the State Bar, given that there are issues about failure to  
23 just represent, what are the factors that lead to that?  
24 What are the things that we could put into place to have a  
25 more preventive approach, and not leave everything to the

1 discipline system?

2           So, for example, is technology part of the  
3 solution? Is there a connection between the fact that a  
4 lawyer has or legal office has law practice management  
5 software and their ability to act competently? Could that  
6 kind of software be used, for example, to help the State Bar  
7 and its staff monitor attorneys who are having problems?  
8 That would be one way that technology could be looked at as  
9 part of the solution.

10           The issue about MCLE is something that Mr. Poll  
11 touched upon, and let me kind of give you a couple of other  
12 ways to think about the problem. We're not opposed to the  
13 suggestion that MCLE be added as a requirement. As many of  
14 you know, the section has taken that position for several  
15 years, and, frankly, we haven't really gotten anywhere with  
16 that suggestion. So I think the changes in the practice  
17 over the last several years have mandated a more  
18 far-reaching approach.

19           In addition to thinking about should MCLE be  
20 added, should law practice management be added as a  
21 requirement, or how many hours should that requirement be,  
22 and should it be done in lieu of or in addition to the  
23 existent requirements for substance abuse prevention and  
24 other issues, there's also a question of, what is the scope  
25 of topic that is going to be eligible for MCLE credit?

1           For example, there are many jurisdictions in this  
2 country that permit practice development topics, things  
3 about how to grow a practice, how to do better in terms of  
4 client relations, to be something that's eligible for MCLE  
5 credit. There are other jurisdictions that do not. Given  
6 that one of the things we're trying to balance is the issue  
7 of how to get lawyers to focus on law practice management,  
8 allowing them to attend issues or programs that really are  
9 of deep interest to them, and programs where they can also  
10 be exposed to information that will help them and their  
11 clients, seems to the section a wise thing to think about.

12           We're aware that there are some implementation  
13 questions about how you would do that, because we certainly  
14 understand that we would not want to be in a situation  
15 where, necessarily, pure marketing programs, willy-nilly,  
16 become eligible for MCLE credit. We wouldn't want to be in  
17 a position where an attorney takes, you know, 22 hours of  
18 rain-making programs to comply with the MCLE requirements.  
19 So we're aware that there are some limitations on the  
20 suggestion, and that's one of the reasons why we think it  
21 merits further study.

22           There are also issues, for example, even on the  
23 admissions side, which I know is a little bit -- let me just  
24 throw out the following suggestion of things that we could  
25 study together. I'm also a member of the D.C. Bar, and the

1 D.C. Bar has a program that, after you're admitted, every  
2 member has to go to one day of mandatory training, and that  
3 training involves things like malpractice avoidance, and how  
4 do you make sure -- "Here are the substantive issues about  
5 how the discipline process works." It's possible that  
6 introducing law practice management issues at that stage,  
7 soon after people are admitted, that might be part of the  
8 solution as well.

9           With respect to competence, there are many  
10 potential issues that could be studied, and that we urge  
11 that be studied. For example, the State Bar already is  
12 effectively imposing a requirement on attorneys that they be  
13 very familiar and knowledgeable about technology issues,  
14 either directly or by hiring someone who knows what they're  
15 talking about with respect to technology.

16           To see that, I point you no further than one of  
17 the most recent advisory opinions from COPRAC, which  
18 basically said that, at the end of a termination, lawyers,  
19 if asked to do so, must return electronic versions of  
20 documents. You can't do that as the COPRAC identified  
21 without knowing something about metadata, and I'm pretty  
22 sure that a pretty high percentage of lawyers don't know  
23 what metadata is, even if their life depended on it.

24           That kind of issue, that kind of training,  
25 explaining to people how do you manage those issues, is

1 today at the heart of competence. There are many  
2 constituents that are needed to make this all work, members  
3 of the Bar, the State Bar and its staff, and, most of all,  
4 the public that we're obligated to serve and protect.

5           On behalf of the Executive Committee of the Law  
6 Practice Management Technology Section, its chair, Jim  
7 Menton, I thank you for the opportunity to address you on  
8 this important topic, and we look forward to working with  
9 you on this important issue. Thank you very much.

10           MR. DREXEL: Thank you.

11           MS. FUJIE: Thank you very much.

12           MR. HULL: Okay. Next up is Kaveh Roshan.

13           MS. FUJIE: Good morning.

14           MR. ROSHAN: Good morning. I'd like to thank you  
15 for making this venue available to the public. My name is  
16 Kaveh Roshan. First name is spelled K-A-V-E-H, last name is  
17 R-O-S-H-A-N.

18           I am not an attorney. I was a small-business  
19 owner, and the reason I'm here is because I no longer have a  
20 going concern, due to the conduct of unethical attorneys,  
21 and my case revolved around an insurance claim, and there  
22 was crimes committed against me regarding my claim by the  
23 insurance company. The crimes involved to a degree where  
24 this insurance company would no longer be admitted in the  
25 state of California.

1           In the real-world scenario, such a scenario would  
2 never be allowed to prevail. This company makes too much  
3 money in this state, and their influence is undue, and for  
4 someone like me to cause them to no longer be an admitted  
5 carrier in the state of California is just not acceptable in  
6 the real world, despite any legal remedy that should be  
7 available to me.

8           The unethical attorneys that I'm speaking of were  
9 serving two masters, and this was ultimately exposed a few  
10 years after the fact, and this was exposed in the form of a  
11 whistleblower document I received, privileged documents, and  
12 I contacted the State Bar. They referred me to an ethics  
13 attorney, who verified that these documents were privileged.  
14 However, the documents contained description of the crime  
15 that was committed against me.

16           I followed the direction of the ethics attorney,  
17 and I contacted the FBI. The FBI interviewed me, and they  
18 did a thorough investigation, and they concluded in my  
19 favor, that a crime was committed against me, my allegations  
20 were correct, and they determined that they will not further  
21 investigate or prosecute the crime that was committed  
22 against me because I had a perfect remedy in the California  
23 court system, and that's a direct quote from them.

24           I asked them to explain that in detail to me, and  
25 they said that the -- they explained to me -- if I appear

1 nervous, it's because I am. Sorry.

2 MS. FUJIE: That's all right.

3 MR. ROSHAN: They explained to me that the  
4 threshold of this crime is slightly below what the FBI  
5 normally undertakes. As a matter of fact, they were  
6 complaining that they don't like to even investigate bank  
7 robberies, because it's a low-level crime to them. They're  
8 into the more serious crimes and stuff.

9 More importantly, they convinced me that I had an  
10 excellent remedy in the California court system, and they  
11 said that, if I prosecute my case and it went to a jury  
12 verdict, that the outcome would more than likely be in my  
13 favor, and as a whole, bottom-line solution, I would be  
14 cured. And I was convinced that the FBI was correct, and  
15 everybody who's examined my case, including other attorneys,  
16 have concluded to the same thing.

17 The particular attorneys that I'm speaking about  
18 openly bragged about having inappropriate relationships with  
19 the judges. When I first was seeking to hire this  
20 particular law firm, they were one of four or five law firms  
21 that specialized in the area of insurance bad faith, and  
22 this particular law firm, when I visited them, was very  
23 interested in the case right away, and later on I discovered  
24 why they were so interested, because they had a conflict of  
25 interest, which I won't get into here.

1           When I was ready to leave the office, without  
2 signing a contract with this law firm, the particular head  
3 attorney wanted me to hire his firm. However, I wasn't  
4 prepared to do that, only because I had different interviews  
5 with other attorneys. This particular attorney made sure  
6 that I did not leave his offices without embedding the  
7 following profound statement to me. Before I was ready to  
8 leave without a signing a contract with him, he asked me if  
9 I knew the difference between a good attorney and a great  
10 attorney, and I said, "No, I don't." He said, "A good  
11 attorney knows the law, but a great attorney knows the  
12 judge."

13           When he first told me that, I didn't know exactly  
14 what he meant, and I was ready to walk out the door, but he  
15 made sure that I knew exactly what he meant before I left,  
16 and he told me that he had local access to the judge in my  
17 case, and, again, at that point, I had no idea what he  
18 meant, what he meant by "local access." I had no idea.

19           Now I know exactly what he meant, because, when I  
20 discovered through the whistleblower document that he was  
21 serving two masters, and that he was sabotaging my case in  
22 order to protect this admitted carrier, he openly bragged  
23 that he has an inappropriate relationship with a judge. And  
24 when I attempted to expose the truth in court to the judge  
25 regarding this whistleblower document, and even tried to

1 mention the FBI investigation, every time I went to the  
2 danger area of the truth, I was summarily shut down.

3           Now, as a businessperson, I want you to know that  
4 this should concern you, because I'm not an attorney. I'm a  
5 regular person that's out there. I'm not bragging when I  
6 say this, but I'm the kind of person that makes this country  
7 work, in every sense of the word. Without people like  
8 myself, and millions of others like myself, you guys  
9 wouldn't have a system to protect. Okay?

10           So, when I stand here before you and raise my  
11 concerns, I fully, you know, respectfully demand that you  
12 understand the concern that I have, because, when people  
13 like myself, who believe that our justice system has any  
14 fidelity whatsoever, and is literally not even allowed to  
15 step foot in a courtroom, through summary judgments, the  
16 conclusion that persons like myself make is that you all are  
17 representative of a small, disproportionate, unethical, and  
18 corrupt attorneys. Okay? You all know the reputations that  
19 attorneys have. I'm convinced that the vast majority of  
20 attorneys are very good people. However, the small  
21 percentage definitely you should be concerned about.

22           I have a query for this panel. I have evidence,  
23 newly formed evidence, that corroborates my allegations of  
24 crimes committed against me by these attorneys, through  
25 whistleblower documents. The particular incidence that I'm

1 talking about now is I offered -- the attorney in question,  
2 the unethical attorney that I did eventually sign a contract  
3 with, he destroyed the attorney-client agreement in front of  
4 me when I filed a malpractice suit against him, because he  
5 didn't believe I had a copy.

6 I attempted to bring this up in court in an  
7 allegation, in a written allegation that these attorneys had  
8 inherent bad faith through the destruction of this attorney-  
9 client agreement, and, again, this was an issue that was  
10 squashed on purpose, and there was no fudging this fact. It  
11 was specifically squashed by this particular judge. And for  
12 me to raise this issue, and for it not to even be heard, is  
13 very, very upsetting for me, because we're talking about a  
14 contract. Okay?

15 I want you to understand that this is not just me  
16 trying to be profound in any way. I've put my money where  
17 my mouth is. I offered a one-and-a-half-million-dollar  
18 reward to any member of the law firm who can produce their  
19 own document which was the attorney-client agreement, and  
20 I'm actually going to be preparing a press release to the  
21 public saying that "Determined client offers corrupt  
22 attorney a million and a half dollars to produce their own  
23 document." You know, this is my way of trying to expose,  
24 you know, this fact, and, like I said, I'm putting my money  
25 where my mouth is. Okay? If I had more money, I would put

1 it all available for this. Okay.

2 I have some new evidence as far as the complaint  
3 regarding this attorney that I'd like to submit the  
4 Disciplining Board. What reasonable assurance can I get  
5 that this complaint will be heard properly and investigated  
6 properly? The reason I ask this question is because I have  
7 been convinced through the court system that these powerful  
8 attorneys that have undue influence on our court system are  
9 able to squash the truth and hard evidence.

10 MS. FUJIE: Scott?

11 MR. DREXEL: Well, Mr. Roshan, let me say this to  
12 you, that I am the Chief Trial Counsel, and I would invite  
13 you, after you get done speaking, if you'd like to meet with  
14 my assistant, Ms. Berrio, who's sitting over here in the  
15 second row, she will talk to you and get any information  
16 that you have, if you have anything here, or get your name  
17 and address so that we can get that information. I have  
18 independent prosecutorial discretion, and I pledge to you  
19 that we'll take a fair look at your complaint, and we'll  
20 follow up on it.

21 MR. ROSHAN: Okay. Thank you, Mr. Drexel. I'm  
22 going to put a little star by your name on my notes. Okay?

23 MR. DREXEL: And I'm happy to give you my card as  
24 well.

25 MR. ROSHAN: Okay. Thank you. Thank you very

1 much.

2 MR. DREXEL: Thank you.

3 MS. FUJIE: Thank you very much.

4 MR. HULL: Okay. Next up will be Ellen Pansky.

5 MS. PANSKY: Good morning. Thank you very much  
6 for allowing me to speak today.

7 MS. FUJIE: Good morning.

8 MS. PANSKY: My name is Ellen Pansky. I worked at  
9 the State Bar of California from 1978 to 1985, first in the  
10 Trial Department and then later as an Assistant General  
11 Counsel. Since leaving the Bar, I have done some civil  
12 litigation, and since 1989, I've mostly been representing  
13 lawyers in legal malpractice proceedings, State Bar  
14 proceedings. I do a lot of consulting on ethics issues. I  
15 testify as an expert in legal malpractice cases, and do  
16 other types of representations relating to professional  
17 responsibility.

18 I also have been involved, over the last couple of  
19 decades, in State Bar activities not limited to ethics. I  
20 am a former chair of the California State Bar Committee on  
21 Women and the Law. I'm a former president of the National  
22 Association of Women Lawyers. I also am involved in many  
23 ethics-related groups. I'm a longtime member of the L.A.  
24 County Bar Ethics Committee, and I'm a member/past president  
25 of the Association of Professional Responsibility Lawyers.

1 I'm telling you my background because I want you  
2 to understand that I'm here as a member of the Bar who has  
3 devoted herself to the promotion of the legal profession and  
4 competence of lawyers. I fear that when I identify myself  
5 to State Bar-related individuals, they assume that I only am  
6 interested in defending unethical lawyers, and I want you to  
7 understand that I'm here, and I devote a lot of time to Bar  
8 activities, because I'm actually more concerned about  
9 promoting our just and sound legal system, and to make sure  
10 that members of the public, to the fullest extent possible,  
11 have a good experience with lawyers, and I do a lot of  
12 lecturing on a pro bono basis, again to try to promote that  
13 goal.

14 I'm here today because I am gravely concerned  
15 about the direction that the discipline system has taken in  
16 the last couple of years. Again, as a member of the Bar  
17 who's interested in seeing our limited resources devoted to  
18 the excellence of the profession, service to the public, and  
19 making sure that lawyers perform competently and ethically,  
20 I don't want to see those precious resources wasted, and,  
21 unfortunately, I must tell you that I don't think that our  
22 resources are being properly directed.

23 In the last couple of years, in my experience and  
24 the experience of my colleagues in the State Bar defense  
25 bar, we are seeing a lack of prioritization of prosecutions.

1 We are seeing hostility towards lawyers, without respect in  
2 some cases, and, again, I'm not saying that this is always  
3 true, but more often than happened in the past.

4           Lawyers, typically a lawyer who's had 15, 20, 25  
5 years in practice, with no prior record of discipline, who  
6 comes before the discipline system for the first time with  
7 perhaps one to three client complaints, is being treated as  
8 if that person is a serious, intentional wrongdoer, even if  
9 the allegations, as some of the prior speakers, Mr. Poll and  
10 Mr. Grunfeld mentioned -- even if the complaints are  
11 fundamentally related to office management problems.

12           I believe that it is crucially important for the  
13 Board of Governors of the State Bar to look carefully at how  
14 the discipline system is being managed. I think that if you  
15 look back -- and I don't know that the State Bar is  
16 publishing these statistics now, but in the past there were  
17 some publications as to the recidivism rate of lawyers who  
18 were charged with attendance at ethics school, and, as you  
19 know, a lawyer typically attends ethics school because they  
20 have come to the attention of the Office of Chief Trial  
21 Counsel, and they're either ordered into it or they  
22 voluntarily agree to go into the program, general ethics  
23 school and also trust account ethics school.

24           My information, at least as of some years ago, was  
25 that the recidivism rate for further State Bar charges among

1 lawyers who had attended ethics school was three percent or  
2 less. Again, I fully endorse the suggestion that law office  
3 management be made an MCLE compulsory, but I think that the  
4 underlying message there is, if you look at the results  
5 obtained by lawyers who go through ethics school -- and I  
6 can tell you as an aside that my clients who have gone  
7 through ethics school, almost to a person, rave about it.  
8 They think it's incredibly helpful. They learn things they  
9 had no idea about, and some of those things, by the way,  
10 relate to trust account management, which I will talk about  
11 in a few minutes.

12           I don't think it can be denied that it is of great  
13 assistance to lawyers to go through that sort of continuing  
14 legal education, and yet, when a lawyer first comes into the  
15 disciplinary system, the attitude that the lawyer faces,  
16 typically, is one of hostility and one of great negativity.  
17 It is assumed that the lawyer has intentionally acted  
18 unethically, as opposed to giving that person the benefit of  
19 the doubt. As I say, typically we're talking about people  
20 who have never before had any contact with the discipline  
21 system.

22           I'm not exaggerating when I tell you that a lawyer  
23 with 20 years' experience who's never been here before,  
24 responding to a complaint by a convicted multiple felon  
25 writing from prison, is sometimes not only not given the

1 benefit of the doubt, but assumed to be not telling the  
2 truth, and the convicted felon is presumed to be telling the  
3 truth, if there's a discrepancy between that person's  
4 statement and the lawyer's statement.

5           It's not acceptable. It's not acceptable. As a  
6 matter of law, lawyers who come into the discipline system  
7 are entitled to a presumption of innocence. They're  
8 entitled to be heard. They're entitled to be treated with  
9 respect, and not with hostility.

10           I'm telling you, from my experience and that of my  
11 colleagues, and that of a number of State Bar Court judges  
12 who, over the last five to seven years, have expressed  
13 frustration over the fact that they cannot get cases to  
14 settle, that cases are being filed which should be settled,  
15 and that in turn results in an expenditure of resources that  
16 otherwise would not be necessary.

17           I think the turning point was the Supreme Court's  
18 issuance of the Silverton case. As a result of that case,  
19 there is a position that has been openly expressed by the  
20 Office of the Chief Trial Counsel that there will be no  
21 departure from the standards, which have been described as  
22 guidelines by both the Supreme Court and the State Bar  
23 Court, unless there's some good reason for it.

24           We in the defense bar have no quarrel with that  
25 approach, if that were the approach that's being taken, but,

1 unfortunately, it is not, and particularly in the case where  
2 a lawyer has had a problem with a trust account that does  
3 not involve any misappropriation, but, on its face, is  
4 demonstrably relating to a law office management or  
5 bookkeeping problem. We are now being told that it is a  
6 strict liability offense, and that that lawyer must  
7 stipulate to either a 90-day actual suspension from  
8 practice, or they will have formal disciplinary charges  
9 against them, and they will have to take that case to trial.

10 I have asked for a response, whether that is the  
11 policy of the Office of Chief Trial Counsel. I have not  
12 been given that response, although I have asked for it on a  
13 number of occasions. You will not have a discipline system  
14 that will remain in business if every case that involves a  
15 bookkeeping error or that involves a trust account is tried.

16 There is a backlog in the State Bar Court. I  
17 don't know if you're aware of that. The State Bar judges  
18 are double- and triple-setting trials in order to try to  
19 keep them within the time limitations in the Rules of  
20 Procedure. There's a reason for this. The reason is that  
21 the cases are not settling at an early stage, as they always  
22 have, at least since I've been involved with Bar activity,  
23 since 1978.

24 Very quickly, I would suggest that you look at  
25 refocusing the prosecution's priorities so that they devote

1 their resources to the serious matters, which everyone  
2 agrees they should handle in the most expeditious and  
3 strongest way. I suggest that you look at how there is an  
4 advantage to the Board of Governors and to the management of  
5 the Bar to include those of us who are on the other side of  
6 the bar at the State Bar Court. Take advantage of our  
7 experience. Most of us are former State Bar prosecutors,  
8 and we are here as a resource for you. We want to help.  
9 We're willing to devote our time.

10           Finally, I just want to mention that there are  
11 some proposals regarding new discipline rules that come  
12 before you, most currently the ADP rules. We in the defense  
13 bar would like an opportunity to address the Board directly.  
14 We have had some opportunity to speak with the Office of the  
15 Chief Trial Counsel. We have not spoken to the Court, and  
16 we have not spoken to the Board. We ask that you give our  
17 perspective equal dignity before you make any decision.

18           Thank you again. I really appreciate you  
19 considering my comments.

20           MS. FUJIE: Thank you very much.

21           MR. HULL: Next up is JoAnne Robbins.

22           MS. ROBBINS: Good morning.

23           MS. FUJIE: Good morning.

24           MS. ROBBINS: Please tell me if I don't speak up  
25 loudly enough, because I tend to let my voice drop.

1           My name is JoAnne Robbins, and I know all of you  
2 on the panel and most of the people in this room. I started  
3 working for the Bar in 1982. I worked for the Bar for 14  
4 years, including as a prosecutor, a Chief Assistant Court  
5 Counsel, a Hearing Department judge, and for the last 11  
6 years I have defended attorneys that are accused of  
7 misconduct.

8           I echo everything that Ellen Pansky just said, and  
9 she made excellent points. The difficulty with following a  
10 speaker as articulate as Ellen is it's tempting just to say,  
11 "Ditto," and sit down, but I can't do that. One reason is  
12 that 10 minutes isn't long enough to tell you some of the  
13 things that need to be done at the State Bar.

14           I have represented attorneys accused of misconduct  
15 for 11 years. In the last several years, since the Lawyers  
16 Assistance Program came into being, I have to some degree  
17 developed a specialty in attorneys who have those kinds of  
18 problems, and, in particular, emotional and psychological  
19 problems. These are the most difficult, most stressful,  
20 most frustrating, and most rewarding cases that I've ever  
21 handled.

22           The Alternative Discipline Program, which deals  
23 with the attorneys accused of misconduct that do have  
24 emotional, psychological impairment, substance abuse  
25 problems, has been the single most important thing that the

1 Bar has done in 25 years, at least.

2           When I was Chief Assistant Court Counsel in 1989,  
3 I became aware of some of the personal assistance programs  
4 in other states in our country, and we started looking at  
5 what California could do. We already had an alcohol abuse  
6 prevention program. There was the other Bar. There are  
7 12-step programs such as AA, Cocaine Anonymous, Narcotics  
8 Anonymous. There were areas where people with substance  
9 abuse problems could go.

10           There was nothing for mental impairment problems,  
11 nothing. In fact, as a prosecutor for seven years, I saw  
12 more and more respondents come before the Bar who had  
13 identifiable problems, some diagnosed, some not diagnosed,  
14 some having been treated, gone to counseling, some not, but  
15 this was an area where, clearly, there was a great need.

16           Thankfully, the State Bar addressed that need by  
17 the Lawyers Assistance Program and the Alternative  
18 Discipline Program, to deal with people who had those  
19 particular problems. Unfortunately, it has now come under  
20 attack by many people as an area where attorneys could go to  
21 get out of discipline, or game the system, or prevent  
22 discipline, or delay discipline.

23           While no system is perfect, and there are  
24 certainly modifications that could be made to make the  
25 system better, it is not necessary that it become so

1 efficient and cost-effective that it no longer does what it  
2 was intended to do, and that is to help these lawyers.  
3 These are not case files. They're not numbers. They're not  
4 statistics. These are people.

5           Until you have sat across the desk from someone  
6 who is crying and explaining to you that he has lost his  
7 family, he has lost his practice, he has lost his home, and  
8 that he got a pistol out of his safe and drove up into the  
9 hills to kill himself, and would have done it if his phone  
10 hadn't rung and it been a good friend of his, you don't know  
11 what these people are going through.

12           These are not problems that are quick fixes.  
13 These are not issues that go away as soon as you put a label  
14 on them. These are cases where people have struggled for  
15 years, and sometimes decades. Sometimes they've been  
16 diagnosed quickly. Bipolar disorder tends to be relatively  
17 easy to diagnose for some people, and deep depression.  
18 Others are not so quick. Post-traumatic stress syndrome has  
19 become a much bigger issue than it was five to 10 years ago.

20           These are people who need help, and sometimes this  
21 is the only place they go to get help, and sometimes, as  
22 most of you know, and especially Mr. Drexel knows, sometimes  
23 help has to be forced on some people. There is a tendency  
24 among lawyers to be brave, to be tough, "It's just a flesh  
25 wound. I can handle it by myself. There's nothing wrong

1 with me." Denial is one of the biggest symptoms.

2           Sometimes the only reason attorneys face the  
3 problem that they have is because they're accused of  
4 discipline. It becomes an issue that sometimes it's hard to  
5 get someone to face their issues, because they don't want to  
6 admit that they're human, that they have flaws, that they  
7 have weaknesses. They've been taught as attorneys,  
8 particularly litigators, never to show weakness, never to  
9 show any indication that you're not in complete and total  
10 control of the situation. Most attorneys have been raised  
11 that way.

12           It is frequently only when faced with serious  
13 discipline that an attorney can finally break down and say,  
14 "I can't do it by myself. I need help." Those of us in the  
15 defense bar push that from the very beginning, probably the  
16 minute we meet with someone or talk to them for the first  
17 time at length, "What are your problems? What was going on  
18 in your life?"

19           They aren't susceptible of quick fixes. You can't  
20 put someone in a program and, in 120 days, find out exactly  
21 what's wrong with them and how to cure it, or treat it. It  
22 takes time. You can't speed people through the system. The  
23 alternative discipline system is supposed to do a better  
24 job, not necessarily a faster job.

25           You have to also understand that the money you put

1 into the alternative discipline system to get these people  
2 help and to properly treat them, and to put them on  
3 probation, on conditions that frequently include individual  
4 counseling, always include group counseling, frequently  
5 include medical counseling and medication, perhaps, these  
6 take time to identify, diagnose, and set out a good  
7 treatment program. It can't be run through in 90 days.

8           The time that you spend, the State Bar spends,  
9 treating these people, and putting them on a program where  
10 they will get better and go back to proper functioning as  
11 they did before, is well worth any additional funds that  
12 might be spent up front, because you will save those funds  
13 later down the line, because they will not be back.  
14 Comparable to what we frequently see in the juvenile justice  
15 system, the money spent on Girls and Boys Clubs and  
16 after-school programs may be expensive, but you will save  
17 money in the long run, because those juveniles don't come  
18 back as delinquents and criminals later on.

19           Most attorneys who go into the ADP program are  
20 first-timers. I have had some clients who had practiced for  
21 35 years with no problems, not a single problem in 35 years.  
22 One of my clients that came to an end, he had fought  
23 depression off and on, but had always managed to handle it  
24 himself, but after 35 years in practice, his wife of 30  
25 years died, his mother died, and his best friend died within

1 18 months. He completely crashed, but he could not admit  
2 that he couldn't handle it, because he felt like he had to  
3 be strong, everyone around him was depending on him, and his  
4 clients were not allowed to know that he had problems, and  
5 he ended up dropping the ball in three cases.

6           There was some damage to the clients, financially,  
7 but this happened within a period of time where he was  
8 absolutely unable to deal with things. I am not excusing  
9 that, and he needed to be disciplined, but it needed to be  
10 done through the Alternative Discipline Program, so that they  
11 could properly address the cause of this, get this person  
12 back on his feet, so he could go on functioning as a good  
13 lawyer, as he had for 35 years before.

14           I implore you to not restrict the Alternative  
15 Discipline Program. I beseech you to in fact enlarge the  
16 system, let it function as it was initially intended, and  
17 don't deprive these people of an opportunity to get fair and  
18 balanced justice and discipline, so that they can get back  
19 to functioning normally again. Thank you.

20           MS. FUJIE: Thank you.

21           MR. HULL: Okay. Our last speaker, unless  
22 somebody else needs to sign up, is Joseph Quattrochi,  
23 Junior.

24           MR. DREXEL: Hey, Doug. This lady right here in  
25 the green sweater.

1 MR. HULL: I'm sorry.

2 UNIDENTIFIED SPEAKER: No.

3 MS. FUJIE: No, no.

4 MR. DREXEL: I'm not trying to say you shouldn't  
5 speak, but I heard her try to signal.

6 MR. QUATTROCHI: Wow. I should have worn my boots  
7 today. You know, you guys, I gave you a hard time last  
8 week. I apologize for being so stupid.

9 You know, I need to go to the legislature and talk  
10 to Joe Dunn, Tom Harmon. I need to get new laws, because  
11 I'm a real estate broker. I answer to the state of  
12 California, not to other real estate brokers, mind you, but  
13 to the state of California, with regard to my license, and  
14 you people are dinosaurs. You need to be put into a closet,  
15 and you need to collect dust like the rest of the dinosaurs.  
16 Your time has come. You're not doing your job. You talk  
17 about protecting attorneys, when they're damaging people,  
18 and they get court for the first time, and they've been  
19 damaging people for years.

20 Here's the paperwork of one attorney from  
21 Riverside County who was found guilty of campaign fraud,  
22 campaign contributions, and it was by another party of the  
23 state Fair Political Practices Commission. I want you to  
24 read this. A \$228,000 fine was paid by this person and his  
25 law firm, and they are now the head of our Regents Board.

1 What is going on? You people are not doing your job. These  
2 people, in many, many cases, are living lives again and  
3 again, like super-heroes, and they don't deserve our  
4 respect, number one.

5           Number two is, the paperwork I handed to you last  
6 week is very undaunting, I know, very undaunting. Here's an  
7 e-mail from the year 2002 where a lady had her son, her  
8 family member, taken away from her by the same judge pro tem  
9 who is the evil culprit in San Bernardino County doing  
10 Melody Scott's work. Melody Scott is an evil conservator.  
11 Again, this is related to SCSS02800, the people of the state  
12 of California against this man.

13           You see that man's hat? He fought with Patton.  
14 He made the march. He was in the snow this time, in 1944,  
15 protecting your sorry asses. He deserves better than being  
16 dragged through the court system with common criminals,  
17 because of why? Ex parte hearings? Because of a smart  
18 attorney who knows how to manipulate the system?

19           It's over, my friends. It's over. I will spend  
20 my time up in Sacramento getting laws changed. You people  
21 have not done your job. You're not policing your people  
22 that are doing illegal acts, and I, as a person who is  
23 responsible to the state for my real estate broker's  
24 license, you should be held accountable, also. Thank you.

25           MR. DREXEL: Thank you.

1 MS. FUJIE: Thank you, sir.

2 MR. HULL: Okay. Viviane Koller.

3 MS. KOLLER: Good morning, Monsieur, Madame. It's  
4 difficult for me to speak, in part because I hope you will  
5 understand my English, with my terrible French accent, but  
6 after all these person who try to say their case for or  
7 against lawyer, I can understand the both side, because all  
8 are not pommes pourries. In fact, no. We understand this  
9 well. That mean some lawyer can be nice and correct. Some  
10 others can be not, same for other people.

11 So I am a citizen, licensed, Monsieur, licensed  
12 person, I'm sorry, and I want to speak not only for myself,  
13 because I have a discipline process, actually, in your  
14 building, against a member of your State Bar. I would like  
15 to say the name, but I don't mean -- I understand you,  
16 Madame. So I won a case. It had the Small Claim Court  
17 against this lawyer. He never have paid. So I'm at the  
18 point now where I make another appearance, but I know  
19 already he will never appear like he did before, again.

20 So I ask you for the reimbursement of the security  
21 fund, if it's possible for me, and you asked me a lot of  
22 things. So I already in process of follow that. I hope it  
23 will be found. It took me \$2,000 I put in a bank account.  
24 I never received a phone call in the service, except to  
25 hassle my husband speaking, too, and (indiscernible).

1           So I was eight months, nine months of  
2 chiropractor. What the name? I forget that. So I'm not  
3 talking about that, but it's affect the health of some  
4 person, told you before, cannot tell the health of  
5 (indiscernible), of sort of like exam, like Monsieur, maybe.  
6 I think your health sometime is month after month. You  
7 cannot handle everything. You are not in the business of  
8 lawyer, or just to sell and things like that. We are only a  
9 citizen, and you have to deal with that, to pay, day after  
10 day, month after month, all your family, all your money, all  
11 your energy, your time, your health. So you begin a little  
12 broken.

13           So my question to you, because I have a lot. I  
14 have only 10 minutes. I understand. Say, this particular  
15 illegal, yes? And I hope you can stop that. He has even  
16 not an office in Los Angeles. So he has a mail box. That  
17 means the address is a mail box, with a suite number. That  
18 means like it's an office. So, if you look at his Internet  
19 name, he's lawyer, and "We are in New York, London,  
20 everywhere in the world."

21           For me, I think he's a scam artist, and I called  
22 earlier, and someone that we can't say the name told me,  
23 "It's not my problem, because we just need an address to be  
24 a lawyer, a member of the State Bar." But it's not a real  
25 address, because it's a mail box.

1           So I didn't know the first time, when I hired this  
2 lawyer, it was a mail box. So now (indiscernible). How can  
3 you accept a member who has no office, who has only mail  
4 box? Can he receive his clients in the mail-box office? I  
5 don't know, because it's very special for me, yes? That's  
6 my first -- don't he feel lack of street? So, maybe.  
7 There's some other things, the firm. He's not a lawyer of  
8 the firm. He's, what's the name, answering machine,  
9 answering service. I'm so sorry for my English. I do my  
10 best.

11           MS. FUJIE: You're doing very well.

12           MS. KOLLER: But I don't know that means someone  
13 answer for him, but he's not here. He lives in France, in  
14 Paris, because he's a member of the Paris Bar, California,  
15 New York, everywhere, London, I mean, everywhere in the  
16 world. So sometime he disconnect the phone. Nobody answer  
17 anymore. Sometime he reconnect, so that now he's  
18 reconnecting, because apparently someone has a discipline  
19 process is actual (sic). Yes. I think he reconnect like  
20 two, three weeks ago because he's afraid of you, of course.

21           So what can you do against all of that, and not a  
22 real address that doesn't exist? It's not a good address.  
23 These people, I think, not only to me he takes money, and we  
24 never hear about him anymore. So the problem -- I also have  
25 the same person here when I called, "Can you stop him to do

1 that for another state?" So that person said, "No, no, no,  
2 just California," said. I say, "What?" That's my  
3 (indiscernible). I can't say that.

4 Why between states, and member of different  
5 states, California, not can you connect to block this kind  
6 of person, to trap people like me like they do, you know,  
7 because it will be easy. We have the Internet, and the  
8 connection is too easy. It is there. If you have a meeting  
9 like we have today, if you have a meeting with all your  
10 staff, lawyer staff, maybe you can block these kind of  
11 people to do the same thing in the other states, but in the  
12 (indiscernible) I think will be fine, because the person  
13 told me, "No, I can't do anything. We don't (indiscernible)  
14 London and everywhere."

15 So, like the FBI can go everywhere, you should be  
16 to do the same thing, you know. That's the question I ask  
17 you, if there is a possibility to do things there, because  
18 it would be powerful for all the person who are like me,  
19 like this monsieur, like some, you know, other people.

20 MR. DREXEL: So I want to make sure that I  
21 understand what you're asking, whether we can force  
22 attorneys to have a physical office, rather than --

23 MS. KOLLER: First, yes, because where he receives  
24 the clients, you know, that's a problem.

25 MR. DREXEL: Well, not every attorney represents

1 individual clients. Some people, they do appellate law, for  
2 instance, and they practice out of their home, and they  
3 don't necessarily want -- if they're representing criminal  
4 defendants, don't necessarily want to give them their home  
5 address, and so they often use post office boxes and the  
6 like.

7           Every attorney is, though, required by statute to  
8 have an address, a current address, at which the State Bar  
9 can contact them. We do allow them to have post office  
10 boxes, but they're supposed to be responsive to that, and if  
11 they are not, that in itself is a grounds for disciplining  
12 them.

13           MS. KOLLER: If someone like me would like to see  
14 this lawyer, I could not. It's a mail box, and we went to  
15 the mail box.

16           MR. DREXEL: How did you meet the attorney to  
17 begin with?

18           MS. KOLLER: I found him on Internet, because, as  
19 I'm French, an American now by my marriage, by wedding, so  
20 it was the only person who could (indiscernible), because he  
21 speak French, and I'm more comfortable. So I already had a  
22 bad experience with another lawyer in France, after my  
23 mother passed away, and so it's an estate problem we have to  
24 resolve. It's still there. So I found this person who  
25 speak French. I thought we could be more comfortable, and

1 after my \$2,000 in the bank, I never heard about him  
2 anymore. So we tried, we tried, we tried. No, thank you.

3 MR. DREXEL: Well, I guess, unfortunately, that's  
4 a very common complaint that we get, that a client hires an  
5 attorney, and then the attorney does not respond to their  
6 phone calls or letters, or doesn't do the work. I think  
7 some people might characterize that as a low-level  
8 complaint, but that is the basic, most common complaint of  
9 most people, and so we do take those seriously as well.

10 MS. KOLLER: So that, when I looked -- I was  
11 (indiscernible). I said, "We'll come," because, if you can  
12 stop this kind of person to do that to others, like not only  
13 me, it will be very, very nice.

14 MR. DREXEL: Absolutely. We're interested in that  
15 as well.

16 MS. KOLLER: So, voila. Sorry.

17 MR. DREXEL: Thank you.

18 MS. KOLLER: Well, I (indiscernible) many things,  
19 but have only 10 minutes, and the problem, it's affect all  
20 yourself.

21 MR. DREXEL: Thank you. I'm happy to meet with  
22 you after the hearing and get more information from you.

23 MS. KOLLER: Merci. Thank you.

24 MS. FUJIE: Thank you.

25 Do we have anybody else who wishes to speak?

1 MR. HULL: There's no one on the list, unless  
2 there's another member of the public here who wishes to  
3 address the panel.

4 MR. QUATTROCHI: May I ask a question?

5 MS. FUJIE: Yes, sir.

6 MR. QUATTROCHI: You know, if you people are busy  
7 policing your own, the ones who are despicable, why don't  
8 you make it so uncomfortable for them, instead of having the  
9 dog go after his tail with regard to financing these  
10 endeavors of these particular --

11 MS. FUJIE: Could you speak at the podium, please?

12 MR. QUATTROCHI: -- to finance these particular  
13 defenses for illegal behavior, and ethics violations?  
14 That's just not something that is naturally embedded in  
15 people. That's a habit, a bad habit, and why don't you make  
16 it so uncomfortable for them, with fines and financing the  
17 defense, and your particular prosecution of these illegal  
18 acts, to where these people will not do it? Make them pay  
19 for their wrongs. You've got people that they're paying to  
20 defend them. I don't understand why. They're lawyers. Why  
21 don't they handle it?

22 MR. DREXEL: Mr. Quattrochi, let me respond to  
23 that.

24 MR. QUATTROCHI: Yes, sir.

25 MR. DREXEL: There is a statute that allows us to

1 charge an attorney who has been found culpable of  
2 misconduct, and results in the imposition of discipline,  
3 public discipline, to be assessed the cost of the proceeding  
4 against them, and if they're actually suspended, they cannot  
5 come back to practice until they've complied with the  
6 various conditions and until they've paid those costs  
7 incurred by the State Bar investigating and prosecuting  
8 their case. So we do have that.

9 MR. QUATTROCHI: I think they should go one step  
10 further, and in a probate case, when you walk before a judge  
11 in an ex parte hearing, he's looking to block your funds  
12 right away. Why don't you block their funds, and make it  
13 enormously uncomfortable for these people? They will not be  
14 back before you if the fine is large enough, besides the  
15 costs to go after them. You will be eliminating the problem  
16 by default. And maybe put some weight of jail behind it,  
17 because I'm sure that some of these people don't want to go  
18 see Bubba. You know, put some jail time behind it for these  
19 people that are creating these atrocities.

20 MR. DREXEL: Well, regrettably, we don't have the  
21 power to incarcerate.

22 MR. QUATTROCHI: Then seek the help from the  
23 legislature to put it into effect. That would eliminate  
24 some of these problems. Thank you.

25 MS. FUJIE: Thank you, sir.

1 I'd like to thank everybody who's taken their time  
2 out of their days to come here and to testify. We really  
3 appreciate getting the input from the public. I'd like to  
4 thank the Staff here for all their assistance.

5 MR. QUATTROCHI: Yes. Thank you.

6 MS. FUJIE: Thank you very much. Thank you.

7 We're adjourned.

8 (Proceedings recessed.)

9

10

11 I certify that the foregoing is a correct  
12 transcript from the electronic sound recording of the  
13 proceedings in the above-entitled matter.

14

Holly Martens  
Transcriber

1/3/08  
Date

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The State Bar of California  
Annual Public Hearing  
December 13, 2007  
Los Angeles

Attachments to Exhibits

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# **Attachment 1**

## **Notice of hearing**



**THE STATE BAR OF CALIFORNIA**  
**ANNOUNCES THE**  
**ANNUAL PUBLIC HEARING**  
**ON**  
**ATTORNEY DISCIPLINE,**  
**ADMISSIONS & COMPETENCE**  
(Held Pursuant to Business and Professions Code Section 6095)

The State Bar of California will hold its annual hearing to hear proposals on attorney disciplinary procedures, attorney competency and admissions procedures. The hearings will be held in San Francisco and Los Angeles. The purpose of the hearing is to provide an opportunity for members of the public and the legal profession to make proposals or offer comments regarding the attorney discipline process, the admissions process or the maintenance or improvement of attorney competence.

Two hearings will be conducted. The dates and times of these public hearings are as follows:

***SAN FRANCISCO***

**Date:** Tuesday, December 4, 2007  
**Time:** 10:00 a.m.  
**Location:** The State Bar of California  
Board Room  
180 Howard Street, 4th Floor  
San Francisco, CA 94105

***LOS ANGELES***

**Date:** Thursday, December 13, 2007  
**Time:** 10:00 a.m.  
**Location:** The State Bar of California  
Board Lounge  
1149 South Hill Street, 7th Floor  
Los Angeles, CA 90015

The hearings will conclude when all speakers present have made their presentations. Individuals who wish to speak at the hearing and/or present written materials should contact Doug Hull at (415) 538-2015 or at [doug.hull@calbar.ca.gov](mailto:doug.hull@calbar.ca.gov) by Friday, November 30, 2007 for the San Francisco hearing or Friday, December 7 for the Los Angeles hearing.

# **Attachment 2**

## **Sign in sheet**

ANNUAL PUBLIC HEARING  
 pursuant to Business and Professions Code 6095(a)  
 December 13, 2007  
 10:00 a.m.  
 State Bar of California  
 Board Lounge  
 1149 South Hill Street  
 Los Angeles  
 Chair: Holly Fujie

TIME	NAME (Please Print)	AFFILIATION (circle one)	CITY	TOPIC
	Holly Fujie	Speaker Press		
9:55	Colin Wong	Speaker Press		
9:55	Scott Drexel	Speaker Press	LA	
9:38	Randy Difuntorum	Speaker Press		
	Gayle Murphy	Speaker Press		
9:30	Doug Hull	Speaker Press	SF	
9:37	Richard P. J. Tol	Speaker Press	L.A.	
9:37	Grolyn Magnuson	Speaker Press	L.B.C.	Discipline
	Gideon Grunfeld on behalf of L.A. Bar Section	Speaker Press	L.A.	Disciplinel competent
	SP Fall	Speaker Press	LA	✓

TIME	NAME (Please Print)	AFFILIATION (circle one)	CITY	TOPIC
9:50am	Kaveh Roshan	Speaker Press	culver city	Attorney complaint
9:55 am	Patsy Cobb	Speaker Press	LA	—
9:58am	Russell Weiner	Speaker Press	LA	—
9:55am	Hynd Berno	Speaker Press	LA	—
9:55	Janine Robbins	Speaker Press	AA	Attng Disc.
9:58	Michael West	Speaker Press	LA	—
10:00	Alec Yund	Speaker Press	LA	—
10:00	Tracey McCormick	Speaker Press	SF	—
10:00	Ellen Pansky	Speaker Press	LA	Discipline System
10:00	Pam Filer	Speaker Press	LA	—
10:00	Michael Rehmond	Speaker Press	LA	—
10:00	Michelle Baumann	Speaker Press	LA	—
10:00	Louis Buhwald	Speaker Press	LA	—
10:00	KARA FRETHER	Speaker Press	LA	—
10:00	Miho Murai	Speaker Press	LA	—



# **Attachment 3**

**Pleadings/papers submitted by  
Kaveh Roshan**

1 DARRYL E. EAST  
MELODEE A. ANDERSON  
2 FAIR POLITICAL PRACTICES COMMISSION  
428 J Street, Suite 800  
3 Sacramento, CA 95814  
Telephone: (916) 322-6441  
4 Attorneys for Complainant  
5  
6  
7

8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
9 STATE OF CALIFORNIA  
10

11 In the Matter of ) FPPC No. 95/455  
12 GRESHAM, VARNER, SAVAGE, )  
13 NOLAN & TILDEN, MARK OSTOICH, ) STIPULATION,  
PATRICE DALMAN and JAMES ) DECISION AND ORDER  
ROBERTSON, )  
14 )  
15 Respondents. )  
16  
17

18 The complainant, Acting Executive Director of the Fair  
19 Political Practices Commission, Robert Tribe, and Respondents  
20 Gresham, Varner, Savage, Nolan & Tilden, Mark Ostoich, Patrice  
21 Dalman and James Robertson hereby agree that this Stipulation  
22 will be submitted for consideration by the Fair Political  
23 Practices Commission at its next regularly scheduled meeting.

24 The parties agree to enter into this Stipulation to  
25 resolve all factual and legal issues raised in this matter and to  
26 reach a final disposition without the necessity of holding an  
27

8

1 administrative hearing to determine the liability of the  
2 Respondents.

3 Respondents understand and hereby knowingly and  
4 voluntarily waive any and all procedural rights under Cal. Gov.  
5 Code Sections 83115.5, 11503 and 2 Cal. Code of Regs. Section  
6 18361, including but not limited to the issuance and receipt of  
7 an accusation, and the right to appear personally in any  
8 administrative hearing held in this matter, to confront and  
9 cross-examine all witnesses testifying at the hearing, to  
10 subpoena witnesses to testify at the hearing and to have an  
11 impartial administrative law judge present at the hearing to act  
12 as a hearing officer.

13 Respondents further understand and hereby acknowledge that  
14 this Stipulation does not preclude the Commission from referring  
15 this matter to, cooperating with, or assisting any other agency  
16 with regard to this or any other related matters.

17 It is further stipulated and agreed that Respondents have  
18 violated the Political Reform Act as described in Exhibit 1,  
19 attached hereto and incorporated herein by reference, which is a  
20 true and accurate summary of the facts in this matter.

21 Respondents agree to the issuance of the Decision and  
22 Order and imposition by the Commission of a fine in the amount of  
23 Two Hundred and Twenty Eight Thousand Dollars (\$228,000.00), and  
24 a cashier's check in said amount, payable to the "General Fund of  
25 the State of California," is submitted herewith to be held by the  
26 Commission until it issues its Decision and Order.

27

1 The parties agree that in the event the Commission refuses  
2 to accept this Stipulation, it shall become null and void, and  
3 within five (5) working days after the Commission meeting at  
4 which this Stipulation is rejected, all payments tendered shall  
5 be returned to the Respondents. Respondents further stipulate  
6 and agree that in the event the Commission rejects the  
7 Stipulation and a full evidentiary hearing before the Commission  
8 becomes necessary, no member of the Commission shall be  
9 disqualified because of prior consideration of this Stipulation.

10 Dated:

8/29/96

Robert Tribe

Robert Tribe, Acting Executive Director  
Fair Political Practices Commission  
Complainant

11  
12  
13  
14 Dated:

8-20-96

Robin C. Cochran

Robin C. Cochran  
for Gresham, Varner, Savage, Nolan &  
Tilden, Respondent

15  
16  
17  
18 Dated:

8-20-96

Mark Ostoich  
Mark Ostoich, Respondent

19  
20 Dated:

8-21-96

Patrice Dalman

Patrice Dalman, Respondent

21  
22  
23 Dated:

8/20/96

James Robertson

James Robertson, Respondent

24  
25  
26 Dated:

8/20/96

Lance H. Olson, Esq.

Olson, Hagel, Fong, Leidigh,  
Waters & Fishburn, L.L.P.  
Attorneys for Respondents

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\* \* \* \* \*

IT IS SO ORDERED, effective upon execution by the Chairman of the Fair Political Practices Commission at Sacramento, California.

Dated: 4-6-96

Ravinder Mehta  
Ravinder Mehta, Chairman  
Fair Political Practices Commission

# CASHIER'S CHECK

067286

Gresham, Varner

August 28, 19 96

90-4068  
1222

REMITTER

PAY TO THE  
ORDER OF

\*\*\*\*\*General Fund of the State of California\*\*\*\*\* \$ \*228,000.00\*\*

THE SUM 228 000 00 5 00 CTS

DOLLARS



**BANK of  
SAN BERNARDINO**  
305 West Second Street  
San Bernardino, CA. 92401

AUTHORIZED SIGNATURE

⑈067286⑈ ⑆122240683⑆ ⑆10 998 018⑈

RAVI MEHTA  
CHAIRMAN



FAIR POLITICAL PRACTICES COMMISSION

August 12, 1996

The Honorable Dennis L. Stout  
District Attorney  
County of San Bernardino  
316 N. Mountain View Ave.  
San Bernardino, CA 92415

Dear Dennis:

This letter is to confirm our conversation this morning regarding the Gresham, Varner, et al. stipulation that I have spoke to you about in the past.

I informed you that we have been provided information concerning money laundering to officials within your jurisdiction. This information was voluntarily supplied by the law firm in concluding our recent investigations. I provided to you the names and the amounts of the illegal contributions which include an additional 18 counts heretofore unknown to us.

I explained that we have a resolution of this matter that is a very significant penalty. Our investigation has not produced any evidence that would indicate that the officials knew that the contributions were in fact illegal. As you know, the majority of this conduct occurred in San Diego County where the district attorney has concluded that our administrative remedy is the proper one in this particular instance. Riverside County District Attorney's office has also made that same determination.

After reviewing the facts with you and relaying that our agency was not requesting criminal prosecution in this matter, you stated that based upon the above factors, you would allow our resolution to go forward and that you would not seek any criminal penalties in this case.

RAVI MEHTA  
CHAIRMAN



FAIR POLITICAL PRACTICES COMMISSION

September 9, 1996

The Honorable Dennis L. Stout  
District Attorney  
County of San Bernardino  
316 N. Mountain View Ave.  
San Bernardino, CA 92415

RE: FPPC Administrative Action


Dear Mr. Stout:

The Fair Political Practices Commission recently concluded an administrative action against the following respondent(s) for violation of the Political Reform Act:

95/455 Gresham, Varner, Savage, et al.

Enclosed for your information is a copy of the Decision and Order. Although you may already be aware of this matter, we are routinely forwarding this information to you because the case arose in your jurisdiction and because you appear to be the proper authority to determine whether further action is warranted. If you need additional information, please contact Darryl East, Chief of our Enforcement Division, at (916) 322-5660.

Very truly yours,

  
Robert Tribe  
Acting Executive Director

Enclosures  
RT:mf  
cc:Attorney General

## EXHIBIT 1

### INTRODUCTION

Gresham, Varner, Savage, Nolan & Tildan (hereafter referred to as "Gresham, Varner") is a business and real estate law firm located in San Bernardino. In 1989, Gresham, Varner was retained by Gatlin Development Company (hereafter referred to as "Gatlin") and its owner, Frank Gatlin, in connection with real estate development projects located in San Bernardino and Riverside Counties. Mark Ostoich, a partner with Gresham, Varner, was the principal attorney working with Gatlin on its building projects. Each of the projects were shopping center developments with a Wal-Mart store as one of the anchors in the complex. In 1992, Gatlin began developing similar projects in San Diego and Gresham, Varner continued its legal representation consummating land acquisitions.

Between March 1993 and January 1994, Gresham, Varner and/or Mark Ostoich made one hundred and eight (108) campaign contributions, or acted as an intermediary in making the contributions, totalling \$28,000, to candidates and members of the San Diego City Council or San Diego County Board of Supervisors. The contributions were all in the amount of \$250 or \$500 and were made in the names of Gresham, Varner employees, associate attorneys, partners, their spouses and other business associates. Mr. Gatlin asked Mark Ostoich to assist him in raising campaign funds for the specific San Diego City Council and County Board of Supervisors candidates at specific times.

At the time these contributions were made, there was a \$250 per person campaign contribution limit in effect pursuant to a San Diego city ordinance. As such, Gresham, Varner, a general partnership, was prohibited from making contributions in the total amounts that were contributed through others.

In addition, between October 1992 and October 1993, Gresham, Varner made nine (9) other campaign contributions, totalling \$891, to candidates for the Fontana City Council and a campaign committee located in Lake Elsinore. The contributions were made in the names of a Gresham, Varner partner and staff members.

The foregoing chain of activity is commonly referred to as "laundering". It undermines the campaign disclosure provisions of the Political Reform Act (Act)<sup>1/</sup> by depriving the electorate of essential information regarding who is actually supporting or opposing a particular candidate or measure. For purposes of this Stipulation, the violations of the Act are as follows:

---

<sup>1/</sup> The Political Reform Act is contained in Government Code Sections 81000 to 91015. All statutory references are to the Government Code unless otherwise indicated.

COUNTS 1-20:

On or about April 21, 1993, respondent made twenty (20) contributions in the amount of \$250, totaling \$5,000, to San Diego City Council candidate Juan Vargas in names other than its own name, in violation of Sections 84301 and 84300(c).

RESPONDENT:

Gresham, Varner, Savage, Nolan & Tilden

COUNTS 21-46:

On or about July 30, 1993, respondents made twenty-six (26) contributions in the amount of \$250, totaling \$6,500, to San Diego City Council candidate Ron Roberts, on behalf of another, or while acting as the intermediary or agent of another without disclosing to the recipient the name and other required information of the true source of the contribution, in violation of Sections 84302 and 84300(c).

RESPONDENTS:

Gresham, Varner, Savage, Nolan & Tilden; and Mark Ostoich

COUNTS 47-66:

On or about August 17, 1993, respondent made twenty (20) contributions in the amount of \$250, totaling \$5,000, to San Diego City Council candidate Judy McCarty in names other than its own name, in violation of Sections 84301 and 84300(c).

RESPONDENT:

Gresham, Varner, Savage, Nolan & Tilden

COUNTS 67-86:

On or about September 30, 1993, respondent made twenty (20) contributions in the amount of \$250, totaling \$5,000, to San Diego City Council candidate George Stevens in names other than its own name, in violation of Sections 84301 and 84300(c).

RESPONDENT:

Gresham, Varner, Savage, Nolan & Tilden

COUNTS 87-102:

On or about December 1, 1993, respondent made sixteen (16) contributions in the amount of \$250, totaling \$4,000, to San Diego City Council candidate Barbara Warden, on behalf of another, or while acting as the intermediary or agent of another without disclosing to the recipient the name and other required information of the true source of the contribution, in violation of Sections 84302 and 84300(c).

RESPONDENT:

Mark Ostoich

COUNTS 103-108:

On or about January 26, 1994, respondent made six (6) contributions in the amounts of \$250 or \$500, totaling \$2,500, to San Diego County Board of Supervisors candidate Ron Roberts in names other than its own name, in violation of Sections 84301 and 84300(c).

RESPONDENT:

Gresham, Varner, Savage, Nolan & Tilden

COUNTS 109-112:

On or about March 18, 1993, respondent made four (4) contributions in the amount of \$99 totaling \$396 to the "Citizens for Lake Elsinore" committee in a name other than its own name, in violation of Section 84301.

RESPONDENT:

Gresham, Varner, Savage, Nolan & Tilden

COUNTS 113-117:

On or about October 20, 1992 and October 13, 1993, respondent made five (5) contributions in the amount of \$99 totaling \$495 to Fontana City Council candidates in names other than its own name, in violation of Section 84301.

RESPONDENT:

Gresham, Varner, Savage, Nolan & Tilden

COUNTS 118-119:

On or about July 30, 1993, respondent Patrice Dalman made two (2) contributions in the amount of \$250, totaling \$500, to San Diego City Council candidate Ron Roberts, on behalf of another, or while acting as the intermediary or agent of another without disclosing to the recipient the name and other required information of the true source of the contribution, in violation of Sections 84302 and 84300(c).

RESPONDENT:

Patrice Dalman

COUNTS 120-121:

On or about August 17, 1993, respondent James Robertson made two (2) contributions in the amount of \$250, totaling \$500, to San Diego City Council candidate Judy McCarty, on behalf of another, or while acting as the intermediary or agent of another without disclosing to the recipient the name and other required information of the true source of the contribution, in violation of Sections 84302 and 84300(c).

RESPONDENT:

James Robertson

SUMMARY OF THE LAW  
COUNTS 1 - 121

Government Code §81002(a) of the Act provides that election campaigns shall fully and truthfully disclose information regarding receipts and expenditures in election campaigns in order to fully inform the public and inhibit improper practices. Accordingly, timely and truthful disclosure of the source of campaign contributions is one of the overriding purposes of the Act.

In order to accomplish this purpose, Section 84301 provides that no contribution shall be made, directly or indirectly, by any person in a name other than the name by which that person is identified for legal purposes. The act of making contributions in the name of another person is commonly known as "laundering". Section 84300(c) prohibits contributions of \$100 or more unless they are made by way of a written instrument containing the names of both the donor and the payee.

Section 84302 provides that a person making a contribution on behalf of another, or while acting as the agent or intermediary of another, must disclose to the recipient of the contribution his full name, address, occupation and employer, and the same information regarding the contributor. The recipient of the contribution must include information regarding the contributor and the agent or intermediary on campaign statements which are required to be filed.

The City of San Diego has a campaign ordinance which limits contributions to \$250 per person per candidate for an election. The ordinance also prohibits corporations from making any campaign contributions to candidates for city elected offices.

SUMMARY OF THE FACTS  
COUNTS 1 - 121

In 1989, Gresham, Varner was retained by Gatlin to provide legal services in connection with development projects in San Bernardino and Riverside Counties. Between 1989 and 1992, Frank Gatlin developed shopping centers, all of which contained a Wal-Mart store as an anchor, in the cities of Colton, Redlands, Fontana, Corona, Yucca Valley and Lake Elsinore. Mark Ostoich, a partner with Gresham, Varner, was the principal attorney working with Gatlin on these projects.

In 1992, Mr. Gatlin began building similar shopping center projects in the San Diego area. These shopping centers included those located at Aero Drive-Highway 15 and on Palm Avenue in the City of San Diego. Gresham, Varner and Mark Ostoich continued to provide legal services to Gatlin for these projects consummating

land acquisitions. Gatlin had other legal counsel for land use and environmental matters on the San Diego projects and Gresham, Varner did not appear before any public agencies in connection with the San Diego projects.

Mr. Gatlin was interested in acquiring a good working relationship with local elected officials and gaining their support for his projects. He was initially contacted by a San Diego City Councilmember who requested assistance in raising campaign contributions.<sup>2/</sup> Mr. Gatlin agreed to help and asked architects, engineers and subcontractors who worked with Gatlin to make contributions. He did not reimburse these individuals or companies for the contributions which they made.

Mr. Gatlin continued to receive calls from other San Diego City Council members and candidates requesting his assistance in campaign fund-raising. Mr. Gatlin believed that "if he did for one, he'd have to do for another". Because he felt his business contacts had been exhausted, he began asking his employees to make contributions to specific candidates for which they were reimbursed with a Gatlin company check. When Mr. Gatlin had exhausted his own employees or they had reached the \$250 limit per candidate, he contacted Mark Ostoich and asked whether he could assist in making contributions to specific candidates at specific times. Mr. Ostoich agreed to do so and thereafter asked Gresham, Varner staff, associate attorneys, partners, their spouses and other business associates to make contributions. Mr. Ostoich authorized the reimbursements to the Gresham, Varner staff, associate attorneys and partners who were the contributors. The contributions involving the San Diego candidates were sent to Mr. Gatlin who then delivered them to the candidates.

Between October 1992 and October 1993, Gresham, Varner also reimbursed some employees for contributions made to candidates for the Fontana City Council and a campaign committee in Lake Elsinore.

In addition, respondent Patrice Dalman, then a staff member of Gresham, Varner, acted as an intermediary in making two contributions on behalf of herself and her husband to San Diego City Councilman Ron Roberts on July 30, 1993. Respondent James Robertson, a business associate and friend of Mark Ostoich, acted as an intermediary in making two contributions on behalf of himself and his wife to San Diego City Councilman Judy McCarty on August 17, 1993. During their interviews with Commission investigators, both Ms. Dalman and Mr. Robertson made untruthful statements regarding the contributions which they made and the reimbursement by Gresham, Varner.

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<sup>2/</sup> In his interview with Commission staff, Mr. Gatlin stated that he did not recall which councilmember initially contacted him.

For the above reimbursed contributions, Gresham, Varner staff, associate attorneys, partners, their spouses, and other business associates made the campaign contributions by issuing personal checks to the various candidates and committees. In most instances, they were reimbursed directly with a check issued on a Gresham, Varner bank account. On two occasions, Gatlin issued checks directly to Mark Ostoich which were used to reimburse the individuals for contributions which they made at Mark Ostoich's direction. On one of these occasions, the individuals were reimbursed by checks drawn on Mark Ostoich's personal bank account.

Respondents were either the true source or acted as an intermediary in making the following contributions:

COUNTS 1-20:

On April 21, 1993, respondent Gresham, Varner reimbursed twenty (20) individuals for contributions totaling \$5,000 made to San Diego City Council candidate Juan Vargas. The contributors were staff, associate attorneys and partners in the law firm as follows:

<u>Date</u>	<u>Contributor</u>	<u>Amount</u>	<u>Recipient</u>
04/21/93	Helen Battiato	\$250	Juan Vargas
	Kelly Berry	250	
	Peggy Burnett	250	
	Andrea Diehl	250	
	Joann Flores	250	
	Ronald Getchey	250	
	Cheri Gray	250	
	Carol Hubl	250	
	Saul Jaffe	250	
	Jackie Kuntz	250	
	John McCauley	250	
	Katie Miller	250	
	Kate Myers	250	
	John Nolan	250	
	Mark Ostoich	250	
	Michael Ramsey	250	
	Ernest Riffenburgh	250	
	Robert Ritter	250	
	Stephan Saleson	250	
	Bruce Varner	250	
	Total	<u>\$5,000</u>	

COUNTS 21-46:

On July 30, 1993, respondents Gresham, Varner and Mark Ostoich made twenty six (26) contributions on behalf of Gatlin, or while acting as the intermediary or agent of Gatlin, without

revealing to the recipient information regarding the true source of contributions. The contributions totaling \$6,500 were made to San Diego City Council candidate Ron Roberts. On July 29, 1993, Gatlin issued a check in the amount of \$6,500 to Mark Ostoich, who endorsed it over to Gresham, Varner's account. Gresham, Varner issued reimbursement checks to the individuals listed below. The contributors were staff, associate attorneys, partners in the law firm or their spouses as follows:

<u>Date</u>	<u>Contributor</u>	<u>Amount</u>	<u>Recipient</u>
07/30/93	Bart Brizzee	\$250	Ron Roberts
	Patty Brizzee	250	
	Diane Brummel	250	
	Peggy Burnett	250	
	Patrice Dalman	250	
	Brett Dalman	250	
	Joann Flores	250	
	Everett Flores	250	
	Cheryl Gray	250	
	Jackie Kuntz	250	
	Richard Marca	250	
	John Nolan	250	
	LaVon Nolan	250	
	Mark Ostoich	250	
	Michael Ramsey	250	
	Mrs. Michael Ramsey	250	
	Donna Reed	250	
	Eddie Reed	250	
	Ernest Riffenburgh	250	
	Robert Ritter	250	
	Linda Ritter	250	
	Karin Sharpe	250	
	Pat Wagner	250	
	Mr. Wagner	250	
	Tara Wirtz	250	
	John Wirtz	250	
	Total	<u>\$6,500</u>	

COUNTS 47-66:

On August 17, 1993, respondent Gresham, Varner reimbursed twenty (20) individuals for contributions totaling \$5,000 made to San Diego City Council candidate Judy McCarty. The contributors were staff, partners, their spouses or relatives, and business associates as follows:

<u>Date</u>	<u>Contributor</u>	<u>Amount</u>	<u>Recipient</u>
08/17/93	Lee Ann Adams	\$250	Judy McCarty
	Doug Adams	250	
	Peggy Burnett	250	
	Jori Caldwell	250	

Joann Flores	250
Everett Flores	250
Cheri Gray	250
Saul Jaffe	250
Luisa Giuffrida	250
Jackie Kuntz	250
John Nolan	250
Lavon Nolan	250
Florence Ostoich	250
Frank Ostoich	250
Mark Ostoich	250
Candice Ostoich	250
Michael Ramsey	250
Laura Ramsey	250
James Robertson	250
Sharon Robertson	250

Total \$5,000

COUNTS 67-86:

On September 30, 1993, respondent Gresham, Varner reimbursed twenty (20) individuals for contributions totaling \$5,000 made to San Diego City Council candidate George Stevens. The contributors were staff, associate attorneys, partners, their spouses and business associates as follows:

<u>Date</u>	<u>Contributor</u>	<u>Amount</u>	<u>Recipient</u>
09/30/93	Lee Ann Adams	\$250	George Stevens
	Peggy (M.L.) Burnett	250	
	Craig Dobler <sup>3/</sup>	250	
	" "	250	
	Jay Egenes	250	
	Gail Egenes	250	
	Joann Flores	250	
	Everett Flores	250	
	Cheri Gray	250	
	Saul Jaffe	250	
	Luisa Giuffrida	250	
	John Nolan	250	
	Lavon Nolan	250	
	Mark Ostoich	250	
	Michael Ramsey	250	
	" "	250	
	Patricia Reynome	250	
	Kathryn Webb	250	
	Tara Wirtz	250	
	John Wirtz	250	
	Total	<u>\$5,000</u>	

<sup>3/</sup> A \$250 contribution was reported from Craig Dobler and Michael Ramsey on campaign statements for two of George Stevens' campaign committees.

COUNTS 87-102:

On December 2, 1993, respondent Mark Ostoich made sixteen (16) contributions on behalf of Gatlin, or while acting as the intermediary or agent of Gatlin, without revealing to the recipient information regarding the true source of contributions. The contributions totaling \$4,000 were made to San Diego City Council candidate Barbara Warden. On December 1, 1993, Gatlin issued two checks to Mark Ostoich in the amounts of \$3,500 and \$500. Mr. Ostoich deposited these checks in his personal account and issued reimbursement checks to the individuals listed below from the same account. The contributors were staff, associate attorneys, partners in the law firm or other business associates as follows:

<u>Date</u>	<u>Contributor</u>	<u>Amount</u>	<u>Recipient</u>
12/01/93	Lee Ann Adams	\$250	Barbara Warden
	Peggy Burnett	250	
	Jori Caldwell	250	
	Craig Dobler	500 <sup>4/</sup>	
	Cheryl Gray	250	
	Saul Jaffe	500	
	Mark Ostoich	500	
	Michael Ramsey	250	
	Lorraine Saari	250	
	Joan Sommers	500	
	Kathryn (Vaughan) Webb	500	
	Total	\$4,000	

COUNTS 103-108:

On January 26, 1994, respondent Gresham, Varner reimbursed six (6) individuals for contributions totaling \$2,500 made to San Diego County Board of Supervisors candidate Ron Roberts. The contributors were staff, partners, and a business associate as follows:

<u>Date</u>	<u>Contributor</u>	<u>Amount</u>	<u>Recipient</u>
01/26/94	Lee Ann Adams	\$250	Ron Roberts
	Cheryl Gray	500	
	Jackie Kuntz	250	
	Saul Jaffe	500	
	John Nolan	500	
	Mark Ostoich	500	
	Total	\$2,500	

<sup>4/</sup> The \$500 contributions were reported as two separate \$250 contributions from Dobler, Jaffe, Ostoich, Sommers and Webb on the campaign statement filed by Barbara Warden.

COUNTS 109-112:

On March 18, 1993, respondent Gresham, Varner reimbursed four (4) individuals for contributions totaling \$396 made to the "Citizens for Lake Elsinore" committee. The committee was established to oppose the recall of Lake Elsinore City Councilman Gary Washburn at an election held on March 30, 1993. On March 11, 1993, Mark Ostoich, and his client, Frank Gatlin, made an appearance at the Lake Elsinore City Council meeting where the City Center Development project was approved by a 4-1 council vote. Councilman Washburn voted in favor of the project. The reimbursed contributions are as follows:

<u>Date</u>	<u>Contributor</u>	<u>Amount</u>	<u>Recipient</u>
03/18/93	Mark Ostoich	\$ 99	Citizens for Lake
	Joann Flores	99	Elsinore
	Peggy Burnett	99	
	Cheryl Gray	99	
	Total	<u>\$ 396</u>	

COUNTS 113-117:

On October 20, 1992 and October 13, 1993, respondent Gresham, Varner reimbursed a partner and staff member for five (5) contributions, totaling \$495, made to Fontana City Council candidates as follows:

<u>Date</u>	<u>Contributor</u>	<u>Amount</u>	<u>Recipient</u>
10/20/92	Mark Ostoich	\$ 99	Harold W. Clark, Jr.
10/20/92	Cheryl Gray	99	Harold W. Clark, Jr.
10/20/92	Mark Ostoich	99	Jim Potts
10/13/93	Mark Ostoich	99	Dave Eschelman
10/13/93	Cheryl Gray	99	Dave Eschelman
	Total	<u>\$ 495</u>	

COUNTS 118-119:

On July 30, 1993, respondent Patrice Dalman, then a staff member of Gresham, Varner, acted as an intermediary in making two contributions on behalf of herself and her husband to San Diego City Councilman Ron Roberts. (See Counts 21-46). In her interview with Commission investigators, Ms. Dalman stated that she was not reimbursed for the contributions and that Gresham, Varner had not asked her to make the contributions. She continued to deny reimbursement even after investigators explained that this was her opportunity to cooperate and that investigators had knowledge that other Gresham, Varner employees had been reimbursed.

<u>Date</u>	<u>Contributor</u>	<u>Amount</u>	<u>Recipient</u>
07/30/93	Patrice Dalman Brett Dalman	\$ 250 250	Ron Roberts
	Total	<u>\$ 500</u>	

COUNTS 120-121:

On August 17, 1993, respondent James Robertson, owner of Arrowhead Management Group and a friend of Mark Ostoich, acted as an intermediary in making two contributions on behalf of himself and his wife to San Diego City Councilwoman Judy McCarty. (See Counts 47-66). In his interview with Commission investigators, Mr. Robertson refused to identify the "friend" who had asked him to make the contributions and denied being reimbursed for the contributions by Gresham, Varner.

<u>Date</u>	<u>Contributor</u>	<u>Amount</u>	<u>Recipient</u>
08/17/93	James Robertson Sharon Robertson	\$ 250 250	Judy McCarty
	Total	<u>\$ 500</u>	

FACTORS IN AGGRAVATION

Failure to disclose the true source of campaign contributions is one of the more serious violations of the Act. It undermines one of the basic purposes of disclosing important information to the voting public regarding the true source of campaign support and contributions. In this case, there were repeated violations over the course of nearly 1 1/2 years, rather than an isolated incident.

Most of the reimbursed contributions (102) were in City of San Diego elections where campaign contribution limits were in effect and limited to \$250 per person. In addition, Mark Ostoich acknowledged that he was aware of the \$250 contribution limit in San Diego city elections

In addition, Gresham, Varner's major client, Frank Gatlin, had development projects pending in San Diego, and had been involved in a development project in Lake Elsinore, at or about the time the contributions were made.

FACTORS IN MITIGATION

Respondents cooperated with the Commission's investigation by admitting the violations at an early stage. Respondents discovered and voluntarily produced evidence of additional violations (Counts

113-117) which were not known to staff and may not have been easily discovered.

Respondents voluntarily identified the contributions which were reimbursed and provided business records which confirmed the reimbursements. These actions saved the Commission time and resources in subpoenaing this information.

Respondent has now instituted procedures to avoid similar problems in the future, including retaining a law firm specializing in political matters to provide legal advice concerning campaign and election law.

The respondents have no prior enforcement history with the Commission.

#### CONCLUSION

This matter consists of 121 counts which carry a maximum possible penalty of Two Hundred and Forty Two Thousand dollars (\$242,000.00).

The facts of this case, including the mitigating and aggravating factors discussed above, justify imposition of the agreed upon penalty of Two Hundred and Twenty Eight Thousand dollars (\$228,000.00).

Law Offices of

OLSON

HAGEL

FONG

LEIDIGH

WATERS &

FISHBURN

L.L.P.

RECEIVED  
FAIR POLITICAL  
PRACTICES COMMISSION

96 JUN -3 PM 3:31

May 31, 1996

Mr. Darryl Walker  
Investigator  
Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, CA 95814

Re: Gresham, Varner, et al. FPPC No. <sup>95/455</sup> ~~94/189~~

Dear Mr. Walker:

Please find enclosed copies of four additional checks drawn on the account of Gresham, Varner, et al. reimbursing certain partners. You may recall that in my letter to Darryl East of April 24, 1996 there were four reimbursements for which the law firm did not have copies of the checks. They have now obtained those from their bank. The four are:

<u>Date</u>	<u>Candidate</u>	<u>Amount</u>	<u>Partner</u>
5-28-92	Marsha Turoci	\$ 530	Michael Davis
10-6-92	Supervisor Eaves	\$1,000	Frank Delaney
5-20-92	Supervisor Hammock	\$1,000	Frank Delaney
5-29-92	Barbara Riordan	\$1,616	James Good

Please note that the Turoci and Riordan reimbursements included non-political items.

Copies of Candice Ostoich's bank records have been ordered for the period in question. As soon as those are available I will forward them to you.

If you have any questions in the interim, please contact me directly.

Very truly yours,

OLSON, HAGEL, FONG, LEIDIGH,  
WATERS & FISHBURN, L.L.P.

LANCE H. OLSON

LHO:lk

Enclosure

cc: Gresham, Varner, Savage

LANCE H. OLSON  
BRUCE J. HAGEL  
LEROY Y. FONG  
ART E. LEIDIGH  
LORGE WATERS  
DIANE M. FISHBURN  
ELIZABETH L. GADE

of Counsel  
N. EUGENE HILL

Plaza Towers  
Capitol Mall, Suite 1425  
Sacramento, CA 95814

phone (916) 442-2952

<u>Date</u>	<u>Recipient</u>	<u>Amount</u>	<u>Partner Involved</u>
3/1/91	Rachel Mendoza Krasney <sup>1</sup>	\$200	Bruce D. Varner
4/8/92	Supervisor Hammock <sup>2</sup>	\$1,000	Frank J. Delaney
5/19/92	Marsha Turoci <sup>3</sup>	\$500	Michael Davis
5/29/92	Barbara Riordan <sup>4</sup>	\$244.50	James E. Good
10/5/92	Eaves for Supervisor <sup>5</sup>	\$1,000	Frank J. Delaney
10/20/92	Comm. to Elect H. Clark <sup>6</sup>	\$99	Mark A. Ostoich
10/20/92	Comm. to Elect J. Potts <sup>7</sup>	\$99	Mark A. Ostoich
12/29/92	Bob Henley for Mayor <sup>8</sup>	\$1,000	Mark A. Ostoich
1/19/93	F. Schnetz for Mayor <sup>9</sup>	\$1,000	Mark A. Ostoich
2/26/93	Estrada for Mayor <sup>10</sup>	\$1,000	Mark A. Ostoich
3/9/93	Ballard for Mayor <sup>11</sup>	\$99	Allen B. Gresham Bruce D. Varner

Thus, as you can see, there were a total of 11 checks written to various candidates' committees. There were actually fewer checks written to reimburse the various partners for contributions which they made since the two checks for the Fontana City Council race were reimbursed with one check for \$198. However, as mentioned previously, the manner in which these (and some of the San Diego contributions) were accounted for internally raises the issue of whether these contributions were made in violation of Sections 84301 and 84302.

Subsequent to the March 9, 1993, contribution listed in the chart above, you have already been provided with the information on all the other contributions which the law firm reimbursed for partners and for employees relative to elections in San Diego.

<sup>1/</sup> This was for an election to City Clerk, San Bernardino.

<sup>2/</sup> This was for an election to the San Bernardino County Board of Supervisors.

<sup>3/</sup> Id.

<sup>4/</sup> Id.

<sup>5/</sup> Id.

<sup>6/</sup> This was for an election to the Fontana City Council.

<sup>7/</sup> Id.

<sup>8/</sup> This was for an election to San Bernardino Mayor.

<sup>9/</sup> Id.

<sup>10/</sup> Id.

<sup>11/</sup> Id.

Darryl E. East  
April 24, 1996  
Page 3

There are, however, some additional contributions made on various dates, for which the law firm made reimbursement. These involved four contributions in Lake Elsinore and two others which were unrelated. We will address the unrelated ones first. On 10/20/92 a contribution was made by Cheri Gray for the Fontana City Council race to Committee to Elect H. Clark. This contribution was reimbursed by the law firm.

The second unrelated contribution reimbursement is a July 7, 1995, reimbursement for a golf tournament. The reimbursement was inadvertent by the law firm. It did not undergo the law firm's current, rigorous review process because the partner involved submitted it on a form for reimbursement of a business entertainment expense. It was processed without any recognition that it was a political contribution, until the law firm conducted its currently ongoing review. The contribution in question was to Friends of Jim Penman, City Attorney of San Bernardino.

In addition to the foregoing 13 reimbursed contributions, our clients discovered a series of four \$99 checks all dated March 18, 1993. They believe these to be reimbursements of campaign contributions made by the reimbursed individuals to candidates for office in Lake Elsinore. However, they have not yet been able to obtain any further back-up records to establish the names of the recipients. They are continuing to search for those records now. The reimbursed individuals are: Mark A. Ostoich, Joann Flores, Peggy Burnett and Cheri Gray; each check was for \$99.

The interviews of our clients have been set up for May 14. Between now and then, the law firm will continue to review its books to try to ascertain whether any other instances of reimbursement exist. To the best of its knowledge as of this time, the reimbursements disclosed herein, plus the ones previously disclosed to you, represent everything.

Very truly yours,

**OLSON, HAGEL, FONG, LEIDIGH,  
WATERS & FISHBURN**

LANCE H. OLSON, ESQ.

LHO/lk

cc: Gresham, Varner, Savage,  
Nolan & Tilden

041831GRESHAM.LTR8

OLSON

HAGEL

FONG

LEIDIGH

WATERS &

FISHBURN

L.L.P.

May 10, 1996

Mr. Darryl Walker  
Investigator  
Fair Political Practices Commission  
428 J Street  
Sacramento, CA 95814

Re: FPPC No. 95-455, Gresham, Varner, et al.

Dear Mr. Walker:

In anticipation of the investigative interviews scheduled next week, I am enclosing some additional documents. Specifically I have enclosed copies of the following:

Lake Elsinore contributions

1. Cancelled checks drawn on the account of Gresham, Varner, et al. in the amount of \$99.00, dated March 18, 1993:

- a. No. 027629, payable to Cheri Gray;
- b. No. 027630, payable to Joann Flores;
- c. No. 027631, payable to Mark A. Ostoich;
- d. No. 027632, payable to Peggy Burnett;

2. Cancelled check No. 101 drawn on the account of Mark A. Ostoich in the amount of \$99.00, dated March 18, 1993 and payable to Citizens for Lake Elsinore Committee; and

3. Cancelled check No. 0825 drawn on the account of Cheryl A. Gray in the amount of \$99.00, dated March 18, 1993 and payable to Citizens for Lake Elsinore Committee.

San Bernardino County contributions

1. Cancelled checks drawn on the account of Gresham, Varner, et al.:

LANCE H. OLSON  
BRUCE J. HAGEL  
LEROY Y. FONG  
ROBERT E. LEIDIGH  
GEORGE WATERS  
LANE M. FISHBURN  
ELIZABETH L. GADE

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Sacramento, CA 95814

Telephone (916) 442-2932  
Facsimile (916) 442-1280

Mr. Darryl Walker  
May 10, 1996  
Page 2

- a. No. 025157, dated October 21, 1992 in the amount of \$99.00, payable to Cheri Gray;
- b. No. 027502, dated March 12, 1993 in the amount of \$588.81, payable to Bruce D. Varner;
- c. No. 026690, dated January 20, 1993 in the amount of \$1,000.00, payable to Mark A. Ostoich;
- d. No. 027283, dated February 26, 1993 in the amount of \$1,067.75, payable to Allen B. Gresham;
- e. No. 025159, dated October 21, 1992 in the amount of \$198.00, payable to Mark A. Ostoich;
- f. No. 026269, dated December 29, 1992 in the amount of \$1,000.00, payable to Mark A. Ostoich;
- g. No. 015381, dated March 1, 1991 in the amount of \$200.00, payable to Bruce D. Varner; and

2. Cancelled checks drawn on the account of Mark A. Ostoich;

- a. No. 2075, dated October 20, 1992 in the amount of \$99.00, payable to Committee to Elect Harold W. Clark, Jr.;
- b. No. 2076, dated October 20, 1992 in the amount of \$99.00, payable to Committee to Elect Jim Potts;
- c. No. 2243, dated October 29, 1992 in the amount of \$1,000.00, payable to Bob Henley for Mayor;
- d. No. 2302, dated January 20, 1993 in the amount of \$1,000.00, payable to F. E. Schentz.

1995 contribution

1. Cancelled check drawn on the account of Gresham, Varner, et al., No. 042111 dated July 7, 1995 in the amount of \$75.00, payable to John McCauley; and

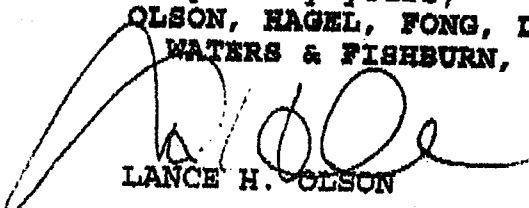
2. Partner Expense Report for Out-of-Pocket Expenses requesting reimbursement of \$75.00 for payment to Friends of Jim Penman, Golf Tournament, dated June 29, 1995.

If we can locate any additional documents prior to next week's interview, we will have them delivered to you. Please

Mr. Darryl Walker  
May 10, 1996  
Page 3

note that in some instances the contributor/intermediary is no longer employed with the firm and in other cases the contributor/intermediary does not receive their cancelled checks back from the bank as a matter of course. In these latter cases we are attempting to order those relevant checks directly from the bank.

Very truly yours,  
OLSON, HAGEL, FONG, LEIDIGH,  
WATERS & FISHBURN, L.L.P.



LANCE H. OLSON

LHO:lk  
Enclosures  
cc: Mark Ostoich

Detail of Political/Charitable Contributions

Date Payee Political Charitable

POLCONT.XLS

Detail of Political/Charitable Contributions

<u>Date</u>	<u>Payee</u>	<u>Race</u>	<u>Political Amount</u>	<u>Charitable Amount</u>
1/3/89	Law Auxiliary of San Bernardino		25.00	
2/3/89	The Committe to Elect Tom Minor for Mayor		99.00	
2/15/89	San Bernardino Legal Secretary Association		25.00	
2/9/89	Comittee to Elect Jack Reilly, Councilman		200.00	
2/8/89	Water Education Foundation		250.00	
2/24/89	Assistance League Charities			200.00
3/6/89	Assistance League Charities			200.00
3/13/89	St. Bernardine Medical Center			250.00
3/17/89	Inland Empire Symphony Assoc.			300.00
3/17/89	Inland Empire Symphony Assoc.			300.00
4/6/89	Assistance League Charities			200.00
5/23/89	Pete Wilson for Governor	CA Governor	500.00	
5/25/89	California Mining Assoc.		500.00	
6/15/89	SB Community Scholarship Asn.			10.00
6/13/89	St. Bernardine Medical Center Foundation			80.00
6/13/89	Rotary of San Bernardino			150.00
6/14/89	SB Comm. Scholarship Assn.			10.00
6/26/89	Friends of Bob Holcomb	S.B. Mayor	400.00	
7/6/89	Pacific Legal Foundation		300.00	
7/21/89	Rotary of San Bernardino		62.50	
8/22/89	San Bernardino Area Chamber of Commerce			65.00
9/20/89	Delgado & Sons			100.00
10/19/89	Kiwanis Club			10.00
10/23/89	Rotary of San Bernardino		62.50	
10/27/89	Alatorre City Council	LA City Council	500.00	
10/31/89	Main Street Incorporated		250.00	
11/1/89	Thanksgiving Breakfast Fund		6.00	
11/15/89	Friends of Evelyn Wilcox	S.B. Mayor	198.00	
11/21/89	The Conservation Fund		100.00	
11/22/89	Bob Hammock for Supervisor	S.B. Supervisor	500.00	
11/27/89	Water Education Foundation		290.00	
11/27/89	March of Dimes			16.50
			<u>4,268.00</u>	<u>1,891.50</u>
1/11/90	Rotary of San Bernardino			62.50
1/11/90	Rotary of San Bernardino			2.00
2/8/90	More Attractive Community		625.00	
2/20/90	World Affairs Council		50.00	
2/21/90	World Affairs Council		175.00	
2/22/90	San Bernardino Hilton Hotel (pd by American Express)		148.39	
2/26/90	Inland Empire Hilton		75.00	
3/1/90	Boy Scouts			50.00
3/27/90	Assistance League Charities			

POLCONT.XLS

Detail of Political/Charitable Contributions

<u>Date</u>	<u>Payee</u>	<u>Race</u>	<u>Political Amount</u>	<u>Charitable Amount</u>
1/3/89	Law Auxiliary of San Bernardino		25.00	
2/3/89	The Committe to Elect Tom Minor for Mayor		99.00	
2/15/89	San Bernardino Legal Secretary Association		25.00	
2/9/89	Comittee to Elect Jack Reilly, Councilman		200.00	
2/8/89	Water Education Foundation		250.00	
2/24/89	Assistance League Charities			200.00
3/6/89	Assistance League Charities			200.00
3/13/89	St. Bernardine Medical Center			250.00
3/17/89	Inland Empire Symphony Assoc.			300.00
3/17/89	Inland Empire Symphony Assoc.			300.00
4/6/89	Assistance League Charities			200.00
5/23/89	Pete Wilson for Governor	CA Governor	500.00	
5/25/89	California Mining Assoc.		500.00	
6/15/89	SB Community Scholarship Asn.			10.00
6/13/89	St. Bernardine Medical Center Foundation			80.00
6/13/89	Rotary of San Bernardino			150.00
6/14/89	SB Comm. Scholarship Assn.			10.00
6/26/89	Friends of Bob Holcomb	S.B. Mayor	400.00	
7/6/89	Pacific Legal Foundation		300.00	
7/21/89	Rotary of San Bernardino		62.50	
8/22/89	San Bernardino Area Chamber of Commerce			65.00
9/20/89	Delgado & Sons			100.00
10/19/89	Kiwanis Club			10.00
10/23/89	Rotary of San Bernardino		62.50	
10/27/89	Alatorre City Council	LA City Council	500.00	
10/31/89	Main Street Incorporated		250.00	
11/1/89	Thanksgiving Breakfast Fund		6.00	
11/15/89	Friends of Evlyn Wilcox	S.B. Mayor	198.00	
11/21/89	The Conservation Fund		100.00	
11/22/89	Bob Hammock for Supervisor	S.B. Supervisor	500.00	
11/27/89	Water Education Foundation		290.00	
11/27/89	March of Dimes			16.50
			<u>4,268.00</u>	<u>1,891.50</u>
1/11/90	Rotary of San Bernardino			62.50
1/11/90	Rotary of San Bernardino			2.00
2/8/90	More Attractive Community		625.00	
2/20/90	World Affairs Council		50.00	
2/21/90	World Affairs Council		175.00	
2/22/90	San Bernardino Hilton Hotel (pd by American Express)		148.39	
2/28/90	Inland Empire Hilton		75.00	
3/1/90	Boy Scouts			50.00
3/27/90	Assistance League Charities			200.00
3/19/90	Assistance League Charities			200.00
3/19/90	Assistance League Charities			200.00

## POLCONT.XLS

## Detail of Political/Charitable Contributions

<u>Date</u>	<u>Payee</u>	<u>Race</u>	<u>Political Amount</u>	<u>Charitable Amount</u>
3/13/90	Errol J. Maczum	S.B. Auditor/Contr	200.00	
3/21/90	Bobbie Vincent Campaign	S.B. Judge	250.00	
3/21/90	Steve Ashworth Campaign		250.00	
3/19/90	Notre Dame Law School			200.00
4/13/90	American Diabetes Assoc.			500.00
4/26/90	Chuck Bader Campaign Committee		500.00	
5/9/90	Eaves for Assembly	CA Assembly	250.00	
5/9/90	R. Gordon Young Committee	S.B. Assessor	500.00	
5/11/90	Paul Woodruff Campaign	CA Assembly	250.00	
5/11/90	Greg O'Brien for Supervisor	Supervisor	350.00	
6/6/90	Committee to Re-Elect Jerry Eaves		125.00	
6/12/90	Bob Hammock for Congress	Congress	500.00	
6/12/90	Lewis for Congress	Congress	1,000.00	
6/22/90	Donation to Footprinters (pd. by Stephan G. Saleson)			50.00
7/2/90	Mining Industry Political Action Committee		500.00	
6/25/90	Matt Fong for State Controller	State Controller	300.00	
7/17/90	Pacific Legal Foundation			100.00
9/5/90	Kiwanis Club			20.00
9/5/90	Kiwanis Club			20.00
9/25/90	Bob Hammock for Congress	Congress	500.00	
10/12/90	Chamber of Commerce (pd by VV GVSND&T)			80.00
10/12/90	March of Dimes (pd by VV GVSND&T)			50.00
10/12/90	San Bernardino Co. Bar Assoc		10.00	
10/12/90	San Bernardino Co. Bar Assoc		10.00	
10/17/90	U.C. Riverside Foundation			100.00
10/30/90	Rotary Club of San Bernardino			25.00
10/30/90	Rotary Club of San Bernardino			39.00
12/6/90	Water Education Foundation			300.00
12/20/90	Kiwanis Club			16.00
12/20/90	Law Auxiliary of San Bernardino Co.			200.00
12/21/90	University of Redlands			1,000.00
			<u>6,568.39</u>	<u>3,414.50</u>
1/7/91	San Bernardino Executive's Assoc			50.00
1/23/91	Kottmeier Campaign	S.B. D.A.	1,000.00	
1/24/91	Norine Miller for City Council	S.B. City Council	99.00	
2/5/91	More Attractive Community Foundation		500.00	
3/1/91	Rachel Mendoza Kresney (pd by Bruce D. Varner)	City Clerk	200.00	
5/28/91	Mining Industry Political Action Committee		250.00	
6/6/91	Leonard for Senate 1992	Senate	150.00	
6/20/91	San Bernardino Area Chamber of Commerce			25.00
10/18/91	Friends for Harry Reid	Senate	2,000.00	
10/29/91	Tom Van Doorst 1991 Committee		100.00	
10/29/91	A Knight to Remember			500.00
11/1/91	Bob Hammock for Supervisor	S.B. Supervisor	1,000.00	

POLCONT.XLS

Detail of Political/Charitable Contributions

<u>Date</u>	<u>Pavee</u>	<u>Race</u>	<u>Political Amount</u>	<u>Charitable Amount</u>
11/5/91	Leonard for Senate 1992	Senate	300.00	
11/5/91	Woodruff for Assembly 1992	CA Assmebly	200.00	
11/7/91	Institute of Retail Management			200.00
11/11/91	Lake Arrowhead County Club			25.00
11/11/91	Canyon Crest Country Club			25.00
11/30/91	???			250.00
			<u>5,799.00</u>	<u>1,075.00</u>
1/10/92	Redlands Kiwanis Club			50.00
1/16/92	Committe for Melba Dunlap	S.B. Supervisor	25.00	
1/16/92	Barbara Riordan for Supervisor	S.B. Supervisor	1,000.00	
1/22/92	San Bernardino County Superintendent of Schools			500.00
1/31/92	Kiwanis Basketball			25.00
2/3/92	Barbara Riordan for Supervisor	S.B. Supervisor	250.00	
2/3/92	Pacific Legal Foundation	n/a	100.00	
2/21/92	Water Education Foundation			250.00
3/2/92	Riverside Community Hospital			1,000.00
3/3/92	Friends of Bob Holcomb	S.B. Mayor	1,000.00	
3/16/92	American Diabetes Association			200.00
3/31/92	Mine Recalvation Corporation			300.00
4/8/92	Supervisor Hammock Fundraiser Dinner (pd by Frank J.	S.B. Supervisor	1,000.00	
4/9/92	Eaves for Supervisor	S.B. Supervisor	500.00	
4/22/92	California State University San Bernardino			64.00
4/21/92	Boy Scouts of America			500.00
5/1/92	Leonard for Senate 1992	Senate	1,500.00	
5/19/92	Michael Davis - Friends of Marsha Turoci	S.B. Supervisor	500.00	
5/27/92	Friends of George Brown	??	250.00	
5/29/92	Barbara Riordan Luncheon (pd by James E. Good)	S.B. Supervisor	244.50	
6/1/92	????			40.00
6/8/92	Riverside Chamber of Commerce			100.00
6/8/92	St. Bernardine Medical Center			500.00
8/3/92	Sparkman for County Supervisor	Supervisor	250.00	
8/18/92	Committee to Re-elect Esther Estrada	S.B. Mayor	93.00	
8/31/92	St. Bernardine Medical Center			250.00
9/8/92	Jane Carney for Assembly	CA Assembly	1,000.00	
9/11/92	Mining Industry Political Action Committee	n/a	500.00	
9/21/92	Redlands Community Hospital			75.00
10/5/92	Barbara Riordan for Supervisor	S.B. Supervisor	1,000.00	
10/5/92	Eaves for Supervisor Dinner (pd by Frank J. Delany)	S.B. Supervisor	1,000.00	
10/1/92	Delgado & Sons			100.00
10/6/92	San Bernardino Co. Bar Assn.			10.00
10/6/92	San Bernardino Co. Bar Assn.			10.00
10/19/92	Ken Calvert for Congress	Congress	125.00	
10/20/92	Mark A. Ostoich - no description	Fontana City Coun	198.00	
10/20/92	Cheri Gray - no description	Fontana City Coun	99.00	

## Detail of Political/Charitable Contributions

<u>Date</u>	<u>Payee</u>	<u>Race</u>	<u>Political Amount</u>	<u>Charitable Amount</u>
10/22/92	Riverside Ballet Theater			750.00
10/28/92	Lewis for Congress	Congress	1,000.00	
11/2/92	Citizens for Responsible Local Representation	??	500.00	
11/9/92	Riverside Co. Centennial, Inc.			200.00
11/24/92	Eaves for Supervisor	S.B. Supervisor	500.00	
11/30/92	Linda Wilde for Superior Court Judge		396.00	
12/7/92	Foundation of the American College of Trial Lawyers			25.00
12/29/92	Bob Henley for Mayor (pd by Mark A. Ostoich)	S.B. Mayor	500.00	
12/29/92	Bob Henley for Mayor (pd by Mark A. Ostoich)	S.B. Mayor	500.00	
			<u>14,030.50</u>	<u>4,949.00</u>
1/19/93	Mark A. Ostoich - no description	S.B. Mayor	500.00	
1/19/93	Mark A. Ostoich - no description	S.B. Mayor	500.00	
1/28/93	The Riverside Arts Foundation (pd by RV GVSND&T)			150.00
2/3/93	Grover Trask, D.A. Campaign	Riverside D.A.	300.00	
2/9/93	Kiwanis Basketball			25.00
2/16/93	St. Bernardine's Women's			250.00
2/26/93	Estrada for Mayor (pd by Allen Gresham)	S.B. Mayor	500.00	
2/26/93	Estrada for Mayor (pd by Allen Gresham)	S.B. Mayor	500.00	
3/2/93	Friends of Larry Walker	S.B. Supervisor	500.00	
3/9/93	Ballard for Mayor (pd by Bruce Varner)	S.B. Mayor	99.00	
3/11/93	Water Education Foundation			360.00
3/12/93	Riverside County Philharmonic			500.00
3/18/93	Pacific Legal Foundation			150.00
3/29/93	California Mining Association			50.00
3/29/93	California Mining Association			50.00
4/6/93	Ken Calvert for Congress (pd by Bruce Varner)	Congress	125.00	
4/9/93	Boy Scouts of America			500.00
4/23/93	Friends of Eddie Negrete	S.B. City Council	99.00	
4/23/93	Citizens for Esther Estrada	S.B. Mayor	1,000.00	
4/23/93	Tom Minor for Mayor Committee	S.B. Mayor	1,000.00	
4/28/93	F.I.S.C. (the endowment for J. Brown Scholarship)			1,000.00
5/20/93	Citizens for Schnetz	S.B. Mayor	1,000.00	
6/8/93	Friends for Matt Fong #91-0255	St. Board of Equal.	125.00	
6/17/93	Jon Mikels for Supervisor Campaign	S.B. Supervisor	500.00	
7/12/93	Barbara Riordan for Supervisor	S.B. Supervisor	500.00	
8/4/93	St. Bernardine Medical Center			50.00
8/16/93	St. Bernardine Medical Center			125.00
8/16/93	St. Bernardine Medical Center			125.00
8/17/93	St. Bernardine Medical Center			100.00
9/3/93	San Bernardino County Bar			250.00
9/3/93	Santa Claus, Inc.			400.00
9/9/93	Friends of Marsha Turoci	S.B. Supervisor	99.00	
9/15/93	California Defense Counsel	n/a	100.00	
9/15/93	Eaves for Supervisor	S.B. Supervisor	200.00	

## Detail of Political/Charitable Contributions

<u>Date</u>	<u>Payee</u>	<u>Race</u>	<u>Political Amount</u>	<u>Charitable Amount</u>
9/24/93	Assistance League of Redlands			120.00
10/6/93	Jim Brulte Campaign Committee	??	150.00	
10/19/93	Sunwest Materials			500.00
10/30/93	Rotary Club of Apple Valley	n/a	30.00	
11/24/93	Kottmeier Campaign Committee	S.B. D.A.	250.00	
12/3/93	Cheri Price (Blood Bank reimbursement)			45.00
12/15/93	Carol Hubl (Blood Bank reimbursement)			45.00
			<u>8,077.00</u>	<u>4,795.00</u>
1/5/94	Committee for Melba Dunlap		25.00	
1/7/94	San Bernardino County Blood Bank			2,500.00
1/11/94	Rotary Club of Apple Valley			30.00
1/28/94	Nike Inland Empire Open			750.00
2/3/94	St. Bernardine Hospice			100.00
2/24/94	Committee to Retain Judge Margaret A. Powers		99.00	
2/25/94	Inland Empire Symphony Guild			1,500.00
3/1/94	Pacific Legal Foundation			150.00
3/9/94	Kiwanis Basketball			40.00
3/17/94	Riversider's for Ron Loveridge		100.00	
3/18/94	Committee to Retain Judge Jeffrey Giarde		100.00	
3/30/94	RCH Foundation		250.00	
3/30/94	Olive Crest Islanders			150.00
3/30/94	CALPRO			100.00
3/31/94	California Chamber of Commerce		87.50	
3/31/94	RCH Foundation			250.00
4/1/94	Penrod for Sheriff		250.00	
4/4/94	Penman for District Attorney		500.00	
4/5/94	Rotary Club of Apple Valley			30.00
4/6/94	Riverside Philharmonic			500.00
4/11/94	Chuck Beaty for City Council		250.00	
4/11/94	Committee to Elect A. "Chico" Porras		500.00	
4/13/94	Riverside Art Museum			1,000.00
5/2/94	Eaves for Supervisor		1,000.00	
5/4/94	Dennis Stout for District Attorney Campaign		625.00	
5/9/94	Boy Scouts of America			500.00
5/10/94	Loma Linda University Proton			500.00
5/18/94	Committee to Re-Elect Judge Kamansky		250.00	
5/23/94	Lungren for Attorney General		250.00	
5/23/94	Give Back Foundation			15.00
5/24/94	Tom Mullen for County Supervisor		125.00	
5/24/94	John Tavaglione for County Supervisor		125.00	
5/11/94	Kay Cenicerros for Senate		198.00	
5/25/94	Mark Bringhurst for Assembly Committee		250.00	
5/25/94	Tom Mullen for County Supervisor		200.00	
5/27/94	Olberg for Assembly		250.00	

POLCONT.XLS

Detail of Political/Charitable Contributions

<u>Date</u>	<u>Payee</u>	<u>Race</u>	<u>Political Amount</u>	<u>Charitable Amount</u>
6/3/94	Ken Calvert for Congress Committee		500.00	
6/10/94	MAO's son's school			100.00
7/6/94	Rotary Club of Apple Valley			30.00
7/8/94	John Lewis King Scholarship Fund			250.00
8/8/94	California Mineral Education			100.00
8/10/94	Committee to Retain Judge Jeffrey Giarde		100.00	
8/10/94	Riverside County School System Woodcrest Christian School			200.00
8/24/94	Penman for District Attorney		1,000.00	
8/24/94	Riverside Chamber of Commerce (Golf Tournament)			100.00
9/12/94	Hartnell, Horsepool & Fox			100.00
9/15/94	Eaves for Supervisor		250.00	
9/15/94	Tom Mullen for County Supervisor		500.00	
9/20/94	Non Partisan Committee for Good Local Government		500.00	
9/23/94	Tavaglione for Supervisor		600.00	
9/29/94	Jim Brulte Campaign Committee		900.00	
<b>Calendar year totals - 1994</b>			<b>9,784.50</b>	<b>8,995.00</b>
1/1/95	California Mining Association		100.00	
1/31/95	Adolfo Porras		1,237.50	
1/31/95	Craig Kamansky		2,687.00	
2/8/95	Friends of Marsha Turoci		250.00	
2/9/95	California Chamber of Commerce		87.50	
5/11/95	Tom Minor for Mayor Committee		500.00	
5/15/95	Eaves for Supervisor		1,000.00	
5/16/95	Eaves for Supervisor		1,000.00	
<b>Fiscal year totals - 6/95</b>			<b>10,712.00</b>	<b>780.00</b>













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- DUI / DWI
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**Reply to:**

**Phillip DeVaughn - 07:28pm Feb 12, 2004 (346.)**

**Kidnapping & Interence With Parent-Child Relation**

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Public

I respectfully request an investigation of this matter be done before it escalates to the Supreme Court of the United States. My minor child, Phillip William DeVaughn was taken from me by the maternal Grandmother (Margarite Crowell) illegally. Further, the legal process and justice under the law is being circumvented in the Superior Court of the State of California, County of San Bernardino by one Margarite Crowell with the assistance of Judge Pro Tem, E. Joan Nelms, attorneys John N. Vega, Steven A. Becker, and Jerome D. Macht. These individuals have disgraced their sacred oaths to uphold the law, in favor of their own thrust for monetary gains, and personal self-serving ego gratification.

**Message Boards**

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Advised of the following events by attorney John N. Vega in the hallway of department S-4, in the Superior Court Of California, County Of San Bernardino just minutes prior to the beginning of the hearing for Temporary Guardianship of my minor son, Phillip William DeVaughn:

- On September 9, 2002 your wife, Vicki DeVaughn was placed on life support systems at the San Bernardino Community Hospital. She arrived unconscious by ambulance after suffering a serious asthmatic attack. The attending physician was Dr. Hoon Kim.
- On September 17, 2002 your wife was pronounced dead by Dr. Kim.
- On September 23, 2002 your wife's mother, Marguerite Crowell filled a petition for Temporary Guardianship with my aid.

Note the following events:

- On September 25, 2002 the petition was heard in the Superior Court Of California, County Of San Bernardino in the Probate Court, Department S-4. Judge Pro Tem E. Joan Nelms was presiding.
- Although I was present, I was not SERVED with a copy of the legal documents filed

just days earlier, until I was in the courtroom.

- I objected to the entire proceedings, and the appointment of Marguerite Crowell as the Temporary Guardian of my minor child, Phillip William DeVaughn.

What this amounts to is Kidnapping.

The Custody hearing is scheduled February 26 & 27, 2004.

---

Title:

Post a reply to a specific message:



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## **Attachment 4**

**Letter dated September 15, 2007  
submitted by Joseph Quattrochi**

San Bernardino County Superior Court  
351 North Arrowhead Avenue  
San Bernardino, California 92415-0240

SEPTEMBER 15, 2007

Subject Probate Case: SCSS 02800  
The People of the State of California  
vs.  
Joseph T. Quattrochi Sr.

**"REDRESS OF GRIEVENCE"**

We, "THE QUATTROCHI FAMILY" place this "GRIEVENCE" before The San Bernardino County Superior Court and you Presiding Judge Larry W. Allen. It concerns one particular Judge Frank Gafkowski Jr.; however there are other judges who have intentionally overlooked violations of the law in cases they have heard and or are hearing today. The other judges in question will go un-mentioned at this time because "MY GRIEVENCE" only concerns Judge Gafkowski, his actions and his decisions while presiding over San Bernardino County Superior Court PROBATE CASE SCSS 02800. And while presiding over other cases involving Melodie Z. Scott and her legal counsel E. Joan Nelms of the law firm of Hartnell, Lister and Moore.

Judge Gafkowski knew:

- An "EXPARTE" hearing was conveniently arranged by the fraudulent petitioner Melodie Z. Scott and her legal counsel E. Joan Nelms on behalf of the Veterans Administration. As evidenced by certified court transcripts of record when E. Joan Nelms told Judge Gafkowski, "MELODIE Z. SCOTT NEVER MET THE PROPOSED CONSERVATEE". Judge Gafkowski "AT THAT VERY MOMENT" should have realized that something was legally wrong with the affirmations of the petition submitted. He knowingly allowed unverified information, perjured testimony and the fraudulent content of the petition to be submitted, and the basis to a conclusion that resulted in the violation of the proposed conservatee and his family's constitutional rights.
- Judge Gafkowski illegally "PRE-SUPPOSED" his decision in this matter. "THE FACT IS HE DID NOT" have the proper petition submitted to him; nor did the corresponding content of that petition match the request submitted to his court. All these allegations are evidenced by the certified court transcripts of that hearing. Judge Gafkowski ruled in favor of the petitioner, "PRE-SUPPOSING HIS DECISION", the legal counsel E. Joan Nelms was to return to his court with the proper documents at a later time. This being granted in the absence of any legal representation afforded the proposed conservatee and his family.
- Judge Gafkowski at various stages of the above mentioned case "PROLONGED" the legal issues in question at great financial exposure and duress to the conservatee and his family. "EVEN AFTER RECEIVING DECLARATIONS" from "THE PROFESSIONAL PERSONS OF THIS COMMUNITY WHO STATED THAT THE CONSERVATEE WAS COMPETENT AND THAT THE PROPOSED CONSERVATEE VEHEMETLY OBJECTED TO THIS ILLEGAL PROBATE ACTION".
- Judge Gafkowski showed prejudice when finding out that this was a case being brought forth by the Veterans Administration. His response after being told the cases origin was " OH! THE VA". Further he thanked the Veterans Administration for bringing this case to court in later hearings. Why?

- Judge Gafkowski has presided over other probate cases where E. Joan Nelms; her law firm of Hartnell, Lister and MOORE, Hartnell, Horspool and Fox and others participated in "UN-ETHICAL, HIGHLY SUSPICIOUS BEHAVIOR". Many have participated in these violations; however Judge Pro-Tem E. Joan Nelms has presided over cases involving her own law firm while they represent litigants repeatedly. Judge Gafkowski's convenient over sight and silence of these facts has inflicted great losses to many conservatee's and their estates. He has allowed billable hours to be generated needlessly that do not to benefit the Conservatee but do benefit the legal entities involved. The questionable probate cases are:

SCSS-02608	Patricia L. Gray	(Conservatee)	SPRSS-02287	Dean Devoe	(Conservatee)
SCSS-00253	Carl Irving Finch	(Conservatee)	SCSS-02270	Estelle Osgood	(Conservatee)
SCSS-00298	Harry J. Woll	(Conservatee)	SCSS-02206	Wayne Walker	(Conservatee)
SCSS-01062	Emma Ansley	(Conservatee)	SCSS-02211	Evelyn North	(Conservatee)
SCSS-01214	Julie Forrester	(Conservatee)	SCSS-02190	James Stafford	(Conservatee)
SCSS-01544	Magdonna Pakus	(Conservatee)	SCSS-02831	Martha Smith	(Conservatee)
SCSS-01613	Arthur Gurley	(Conservatee)	SCSS-02922	Florian Dirman	(Conservatee)
SCSS-01649	Dolores Door	(Conservatee)	SPRSS-03356	Amparo	(Conservatee)
SCSS-01742	Thomas Latimer	(Conservatee)	SPRSS-04176	Elinor Kinson	(Conservatee)
SCSS-04478	Michael Montoya	(Conservatee)	SPRSS-04978	Dorothy Anderson	(Conservatee)
SPRSS-05101	Valerie Smith	(Conservatee)	SCSS-8012	James Price	(Conservatee)
SCSS-7445	Paul Winters	(Conservatee)	SCSS-9016	Ronald North	(Conservatee)
SCSS-01078	Beaulah Babcock	(Conservatee)	SCSS-01560	Violet Parks	(Conservatee)
SCSS-02146	James Price	(Conservatee)	SCSS-02183	Dorothy Lee	(Conservatee)
SCSS-02328	John Stroud	(Conservatee)	SCSS-02278	Sarah Dyer	(Conservatee)
SCSS-02347	Stephan Price	(Conservatee)	SCSS-02527	Theodore Mendez	(Conservatee)

This "REDRESS of GRIEVENCE" demands that the Judge Gafkowski be removed from this case for cause and abuse of his judicial powers. We the above conservatee and family members fear that Judge Gafkowski will retaliate with some form of retribution against us if given any opportunity.

We have followed all of the procedures proscribed under the law but have no evidence to suggest or belief that the organizations tasked with correcting wrongs through the legal process will provide adequate or appropriate remedies for our case and complaints. We further believe that the state organizations in question are hiding corruption with in the legal system in this The State of California.

We have contacted and advised the following authorities of criminal actions be perpetrated upon our family under the color of law. And let me further advise you that it is not your law to be interpreted, "BUT THE PEOPLES LAW".

- The San Bernardino County District Attorney's Office received two complaints.
- The above complaints were referred to The State of California Department of Justice.
- The San Bernardino County Superior Grand Jury was notified of our criminal complaints.
- The Medical Review Board of The State of California was notified of a fraudulent doctor's report generated by a "DR. ESTELLE TOBY GOLDSTEIN", on the behalf of " THE QTC MEDICAL GROUP" for The Veterans Administration concerning the above mentioned case.
- The State Bar was notified of illegal law practices two or three times of these criminal activites.
- The State of California Probate Commission was notified of the illegal criminal activities.
- The State of California Assigned Judges Program was notified of the criminal activities.
- The State of California Judicial Program was notified of the criminal activities.

Not one these organization claims to have "JURISDICTION OVER THE FRAUD AND PERJURED PETITION THAT ARE BASED UPON LIES AND DECEIT", committed by the Veterans Administration, the law firm of Hartnell, Lister and Moore their employees; by one E. Joan Nelms of that firm under their direction; by one Melodie Z. Scott and her firm C.A.R.E. Inc. and it's employees. How is this possible ????????

Also with this demand we are asking for a "FULL AUDIT BY THE OFFICE OF MANAGEMENT AND BUDGET (OMB) CIRCULAR COMPLIANCE". WE seek and insist that The Superior Court of San Bernardino County has their funding suspended or at the very least "CLOSELY MONITORED" during the audit. As taxpayes in this The San Bernardino County of the State of California we demand that their funding be suspended or completely eliminated if there is "ANY" irregularities found.

IN CLOSING.....

We demand that "JUDICIAL PROCEDURES CONCERNING PROBATE ISSUES BE CHANGED SO AS TO PROTECT ONES ALLIENABLE RIGHTS AS AFFORDED UNDER THE CONSTITUTION OF THE UNITED STATES".

Power is the great evil with which we are contending. We have divided power between three branches of government and erected checks and balances to prevent abuse of power. However where is the check on the power of the judiciary? If we fail to check the power of the judiciary, I predict that we will eventually live under judicial tyranny.

PATRICK HENRY

Joseph Quattrochi Jr.  
13646 Lighthouse Ct.  
Fontana, California 92336  
1.909.278.1713

## **Attachment 5**

**Letter dated November 26, 2007  
submitted by Joseph Quattrochi**

San Bernardino County Superior Court  
351 North Arrowhead Avenue  
San Bernardino, California 92415-0240

November 26, 2007

**"REDRESS OF GRIEVENCE"**

We, "THE QUATTROCHI FAMILY" place this "GRIEVENCE" before The San Bernardino County Superior Court and you Presiding Judge Larry W. Allen. It concerns judges who have intentionally overlooked violations of the law in cases they have heard and or are hearing today. The judges in question will go un-mentioned at this time because "THIS GRIEVENCE" only concerns the conservators and their legal representation, their illegal actions and decisions which allow the gaining control of persons and estates in San Bernardino County Superior Court.

The principles of this fraud and un-ethical illegal behavior are: Bryan Hartnell, Walter Moore, Nancy Young (deceased), David J. Horspool, Karin Horspool, Brian Horspool, Jack Osborne, Jim Dunn, Craig Parker, Melodie Z. Scott and her partner in C.A.R.E. Inc. Lawrence Dean II. The above mentioned from The Law Firms of Hartnell, Lister and Moore; Hartnell, Horspool and Fox, Horspool and Parker along with very interested parties such as Sherri Kastilahn all who have deceived the courts. "With the Courts Knowledge and Cooperation".

SCSS-02629	Marvin D. Wilson	(Conservatee)	SCSS-01563	John H. Crawley	(Conservatee)
RCSS-751	James Banks Jr.	(Conservatee)	SCSS-01116	Gary Myers	(Conservatee)
SCSS-01213		(Conservatee)	SCSS-02212	Rhoda Moor	(Conservatee)
SCSS-02402	Frank Scott	(Conservatee)	SPRSS-01880	Dennis Blake	(Conservatee)
SCSS-01913	Stephen Price	(Conservatee)	SCSS-01936	James Karrales	(Conservatee)
SCSS-02373	Lillie B. Riley	(Conservatee)	SCSS-02425	Clifford Bates	(Conservatee)
SPRSS-04041	Max Vantilburg	(Conservatee)	SPRSS-05422	Isaac Osuna	(Conservatee)
SCSS-7273	Gordon Creager	(Conservatee)	SPRSS-04183	Reimuller	(Conservatee)
SCSS-8504	Charles Powell	(Conservatee)	SCSS- 00771	Donnice Ross	(Conservatee)
SCSS-9078	Linda Robinson	(Conservatee)	VCVS-00276	Lena Ann Prest	(Conservatee)
SCSS- 9250	Calva Brockway	(Conservatee)	SCSS-00917	Melvin Debray	(Conservatee)
SCSS-01744	Esther Bordner	(Conservatee)	SCSS-02358	Joseph Crotwell	(Conservatee)
SCSS-02011	Rory Slonker	(Conservatee)	SCSS-02371	Margery Hubbs	(Conservatee)
SCSS-02888	Ettie Fennel	(Conservatee)	SCSS-4269	Lyle Bergs	(Conservatee)
SCSS-4643	Matt Ostrich	(Conservatee)	SCSS-8475	Clayton Nash	(Conservatee)
SCSS-9328	Robert Robinson	(Conservatee)			

THIS "REDRESS of GRIEVENCE" DEMANDS THAT JUSTICE BE SERVED, THOSE FOUND VIOLATING THE LAWS OF THE LAND HAVE THEIR LICENSES REVOKED, FINED AND INCARCERATED.

We have contacted and advised the following authorities of criminal actions be perpetrated upon our family under the color of law. And let me further advise you that it is not your law to be interpreted, "BUT THE PEOPLES LAW".

- The San Bernardino County District Attorney's Office received two complaints.
- The above complaints were referred to The State of California Department of Justice.
- The San Bernardino County Superior Grand Jury was notified of our criminal complaints.
- The State Bar was notified of illegal law practices two or three times of these criminal activities.
- The State of California Probate Commission was notified of the illegal criminal activities.
- The State of California Assigned Judges Program was notified of the criminal activities.
- The State of California Judicial Program was notified of the criminal activities.

Not one these organization claims to have "JURISDICTION OVER THE FRAUD THAT ARE BASED UPON UN-ETHICAL ILLEGAL BEHAVIORS.

Also with this demand we are asking for a "FULL AUDIT BY THE OFFICE OF MANAGEMENT AND BUDGET (OMB) CIRCULAR COMPLIANCE". WE seek and insist that The Superior Court of San Bernardino County has their funding suspended or at the very least "CLOSELY MONITORED" during the audit. As taxpayes in this The San Bernardino County of the State of California we demand that their funding be suspended or completely eliminated if there is "ANY" irregularities found.

IN CLOSING.....

We demand that "JUDICIAL PROCEDURES CONCERNING PROBATE ISSUES BE CHANGED SO AS TO PROTECT ONES ALLIENABLE RIGHTS AS AFFORDED UNDER THE CONSTITUTION OF THE UNITED STATES".

Power is the great evil with which we are contending. We have divided power between three branches of government and erected checks and balances to prevent abuse of power. However where is the check on the power of the judiciary? If we fail to check the power of the judiciary, I predict that we will eventually live under judicial tyranny.

PATRICK HENRY

Joseph Quattrochi Jr.  
13646 Lighthouse Ct.  
Fontana, California 92336  
1.909.278.1713

## **Attachment 6**

**Letter dated December 7, 2007  
submitted by Robert A. Fogg, Jr.**

**ROBERT A. FOGG, JR. P. O. BOX 794 MARTIN SD 57551**

The State Bar of California  
ATT: Mr. Doug Hull  
180 Howard Street  
San Francisco, CA 94105

re: Public Hearing on Attorney Discipline, Admissions and Competence Notice.

07 December 2007

Good Morning Mr. Hull,

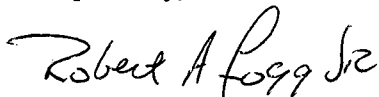
Pursuant to Notice Published<sup>1</sup> on The State Bar of California web site, kindly find these comments as comments to be placed timely upon the record.

Timeliness is preserved via electronic transmission on 07 December 2007 as your clearly worded instruction [see attached notice] for presentation in the Los Angeles Hearing does allow only comments on 07 December 2007.

The enclosure is thus timely forwarded electronically and with the original likewise timely placed into the mail on 07 December 2007.

Kindly include the full enclosure into the schedule for presentation into the Record for the Hearing in Los Angeles on 13 December 2007, and not to be considered as applicable to the San Francisco Hearing.

Respectfully,



Robert A. Fogg, Jr.

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<sup>1</sup> The State Bar of California News, as published via: [http://calbar.ca.gov/state/calbar/calbar\\_generic.jsp?cid=10144&n=89621](http://calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10144&n=89621)

**STATE BAR HOLDS ANNUAL PUBLIC HEARING ON ATTORNEY DISCIPLINE, ADMISSIONS AND COMPETENCE**

MEDIA CONTACT: Doug Hull 415-538-2015 [doug.hull@calbar.ca.gov](mailto:doug.hull@calbar.ca.gov)

**San Francisco, November 19, 2007** — The State Bar of California will hold its annual hearing on attorney disciplinary procedures, attorney competency and admissions procedures in December. The hearings will be held in San Francisco and Los Angeles.

The purpose of the hearing is to provide an opportunity for members of the public and the legal profession to make proposals or offer comments regarding the attorney discipline process, the admissions process or the maintenance or improvement of attorney competence.

Two hearings will be conducted:

**SAN FRANCISCO**

Tuesday, December 4

10 a.m.

The State Bar of California

180 Howard Street, 4th Floor, Board Room

San Francisco, CA 94105

**LOS ANGELES**

Thursday, December 13

10 a.m.

The State Bar of California

1149 South Hill Street, 7th Floor, Board Lounge

Los Angeles, CA 90015

The hearings will conclude when all speakers present have made their presentations. **Individuals who wish to** [emphasis mine] speak at the hearing and/or **present written materials** [emphasis mine] should contact Doug Hull at 415-538-2015 or [doug.hull@calbar.ca.gov](mailto:doug.hull@calbar.ca.gov) by Friday, November 30, for the San Francisco hearing or **Friday, December 7 for the Los Angeles hearing** [emphasis mine].

**ROBERT A. FOGG, JR. P. O. BOX 794 MARTIN SD 57551**

The State Bar of California

ATT: Mr. Doug Hull

180 Howard Street

San Francisco, CA 94105

re: Public Hearing on Attorney Discipline, Admissions and Competence Notice.

07 December 2007

Good Morning Mr. Hull, and through Mr. Hull a,

Good Morning to the Hearing Members,

The State Bar of California [the Bar] has necessary reform to place upon its front burner for consideration and immediate remedial considerations. There are two [2] specific issues to be brought forth for this Hearing on the subject of ‘...the admissions process...’ requiring long overdue consideration and likely considerations of compensation for those harmed.

The dawning of the 21<sup>st</sup> century for those of us Americans aware of time and place, does find this country, the United States of America, as one of the leading, one of the most technologically advanced nations upon the planet. Yet archaic processes harkening back in time to the mid 19<sup>th</sup> century pervade the choices and decisions of many, some of whom could, in fact, become Leaders of the 21<sup>st</sup> Century.

The opening issue, matchbook schools, or what I think the Bar refers to as ‘correspondence schools’ are likely to remotely exist to this very day. These matchbook or correspondence schools have long been targeted by the Bar, as somehow ‘inferior’ to traditional learning methods, sponsorship opportunities, clerkships within the existing system under likely most very well respected and highly regarded judges, or as apprentice[s] with skillful, respected Attorneys.

While the time worn process of 'exclusion of the class of student' who may have utilized the matchbook or correspondence school methodology may hold its remnants to this day, we also notice the decay within the more standard 'brick and mortar' study approach.

Along with the published results of Admissions Examinations, the Bar impliedly admits the weakness implicit within the 'brick and mortar' approach. Were the 'brick and mortar' approach a successful model, we would not be reading of passage rates where there are today, and certainly not beneath a 93 percent pass rate across the board.

Within the hard line 'brick and mortar' approach, the Bar must clearly skirt its preference in at least two (2) areas:

(1.) Should the Bar consider anything less than a 90 percent examination pass rate as being other than a complete failure, in so doing the Bar impliedly mocks the entirety of our Constitutional form of government.

Ask the hypothetical accused murderer of her thoughts upon sentencing to (a) death, or (b) life without the possibility of parole a simple question: What is the true value of 50 percent? The accused stands a 50 /50 chance of (a) being found guilty, or (b) of being found not guilty. However, anything less than a finding of 100 percent not guilty becomes problematic.

(2.) Should the Bar prefer to 'unjustly impose' a multi level selection model, in the area of whom the Bar desires to impose additional hurdle upon, let us remember here in the 21<sup>st</sup> Century that many / several / perhaps quite a few graduate law students attending law school in California, and while residing 'off the graduate campus,' are by the very definition imposed by the Bar none other than correspondence students.

Clearly this confound of the Bar's own design becomes embroiled more deeply by the Bar's own selective targeting of Distance Education [by whatever terminology the Bar wished to so label.] If in fact, the Bar posits and positions itself such that the Distance Education formula is likened to a matchbook or correspondence school, the 'doing of such' would further remove effective 'reasonable testing accommodations' from the minority Disabled population; would prevent by default [of lack of acceptance] the forwarding of any documentation upon the federal courts either

within the State of California, or forwarded from origination within California, or destined for receipt in California; and in all likelihood become a Major Impediment to the otherwise smooth flow of 'intelligence' or outright impediment upon Interstate Commerce.

The more critical issue for the Bar to immediately resolve, is the Bar's preference, to reserve the practice of law to the class of non-disabled Americans, and impliedly at the expense, risk, and harm to, the 'protected class,' i.e. the Americans with Disabilities.

Americans with Disabilities are a distinct, discreet, and insular Minority Population. The being as a distinct, discreet, and insular minority affords numerous, in fact many entities to place further, higher, needless hurdles before the American with Disability, which the Bar looks the other way as to non-disabled Americans.

When the disabled 'applicant' presents to and upon the Bar, what may the disabled applicant anticipate?

The disabled applicant can anticipate, with certainty, that the Rules the Bar creates, will be re-written 'on the fly' by administrative bureaucrats obviously assigned the duty to prevent or negate the presence of the American with Disability within the Bar itself;

The disabled applicant can anticipate the most current and regionally available psychological data collected and professionally analyzed will simply be cast aside under the guise of 'consumer protection;'

The disabled applicant can anticipate any Administrative Law processes, findings, and ruling of the existence of Disability will be cast aside;

The disabled applicant can anticipate when the Ph. D. licensed to jurisdiction and specialty indicates to the effect of there being 'nothing more I can do,' under the rubric of 'consumer protection,' the applicant will be somehow viewed as 'too dumb' for the job title;

The disabled applicant can anticipate when the M. D. licensed to jurisdiction and to specialty indicates to the effect that 'nothing can be done medically,' the applicant will be deemed terminal, to insignificant for recognition by the Bar;

The disabled applicant with Learning Disability and who holds the 'learned compensation' mechanisms essential to produce not a mere quality work product, but rather to produce high quality to extremely high quality work products, the applicant will find humiliation, degradation, a demeaning administrative bureaucrat ready to pounce upon the same applicant as 'unworthy' to practice law;

The list of corrosive negative affect unjustly imposed upon, in fact forced upon the American with Disabilities may go on and on etc, etc, etc.

Let us instead shift focus to attempt and local authority that may grant 'some power' to the masquerade of 'consumer protection.' For the moment, kindly allow attention to be drawn to and upon Sutton<sup>1</sup>, Murphy<sup>2</sup>, and Kirkingburg<sup>3</sup>. The 'Sutton trilogy' may hold important clues thus far overlooked.

In Sutton, the primary question is: 'Should the determination of disability under 42 U.S.C. Section 12102(2)(A) be made without reference to corrective measures that mitigate the impairment?' This is not to overlook the second question, on point specifically to the plaintiffs at issue.

The Court has ruled in Sutton, No. Corrective mitigating measures, in the instant optical eyewear, should be considered when evaluating a disability claim under the referenced statute.

In Murphy, the primary question is: 'Is high blood pressure a "substantial impairment" that might limit one's life activities to such an extent as to justify their being called "disabled" and, therefore, entitled to protection under the 1990 Americans with Disabilities Act?'

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<sup>1</sup> Sutton vs. United Airlines; 527 U.S. 471 (1999.)

<sup>2</sup> Murphy vs. United Parcel Service; 527 U.S. 516 (1999.)

<sup>3</sup> Albertson's vs, Kirkingburg; 271 U.S. 555 (1999.)

The Court has ruled in *Murphy*, No. When an available remedial program effectively mitigates the negating impact of the underlying disability, the mitigation must be considered and taken in as an element of the whole inquiry.

In *Kirkingburg*, the primary questions is: 'Are all individuals with vision problems of any degree "disabled" under the Americans with Disabilities Act and, therefore, subject to its protections?'

The Court has ruled in *Kirkingburg*, No. Again the Court admits to its interest of the inclusion of remedial protocol that mitigates the full impact of the underlying disability.

Thus the *Sutton* trilogy offers clear guidance as to the Court's understanding, albeit by 're-writing the federal legislative intent.'

Clearly what the Court has established is, when some form of 'individualized' remedial action greatly enhances the individual's life via a lessening of the disabling condition, the remedial action must be considered on the direct question of the individual's disability.

Implicitly through the *Sutton* trilogy, the Court has given the Bar clear incontrovertible guidance as to the Bar's determination for the disabled test applicant seeking 'reasonable testing accommodations,' and in direct line with the originating federal legislative reasoning back about 17 – 20 years ago, when formulating the Americans with Disabilities Act [ADA].

For the purposes of the federal legislative debate, we find at 42 USC §12101:

(b) Purpose. It is the purpose of this Act

- (1) to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;
- (2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;
- (3) to ensure that the Federal Government plays a central role in enforcing the standards established in this Act on behalf of individuals with disabilities; and
- (4) to invoke the sweep of congressional authority, including the power to enforce the fourteenth amendment and to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities.

Additionally we find the federal legislative debate defining disability at 42 USC § 12102:

- (2) **Disability.** The term disability means, with respect to an individual
- (A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
  - (B) a record of such an impairment; or
  - (C) being regarded as having such an impairment.

As to §12101, the federal legislature and the Court are in harmony through the Act and the Court's application on point as limited by the Sutton trilogy.

As to §12102, while the federal legislature and the Court are in agreement by the Act and the Sutton trilogy as limited on point, the Bar flies in defiant opposition to both the letter and intent of the federal legislative debate and the Act itself, and runs afoul of the Sutton trilogy.

Compare § 12102 [above] with the creative design by the Bar itself through Rule XVII<sup>4</sup>:

**Section 2. Definitions**

- (a) A person has a disability for purposes of this rule if he or she:
- (1) Has a physical or mental impairment that limits one or more of an applicant's major life activities and limits an applicant's ability to demonstrate under standard testing conditions that he or she possesses the knowledge, skills and abilities tested on the examinations administered by the Committee; and,
  - (2) Has a record of having such an impairment; or
  - (3) Is regarded as having such an impairment.

Here, all 'reasonable people,' whether the person be disabled or not, will clearly notice the rewrite of the federal determination of 'disability,' as well as the derogatory view the Bar holds to and for our U. S. Supreme Court.

When the Sutton trilogy is taken as a entirety, in tandem with the Act, when the disabled applicant expressly does seek, and apply for 'reasonable testing accommodations' under the Act, and whose disabling issue is not remedially addressed, implicitly by the Sutton trilogy, the person is in fact disabled and entitled to the full reach of coverage of the federal Act and with the full power of the Supreme Court as guidance.

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<sup>4</sup> As linked to The State Bar of California web site: [http://www.calbar.ca.gov/state/calbar/calbar\\_generic.jsp?cid=10115&id=1015](http://www.calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10115&id=1015) .

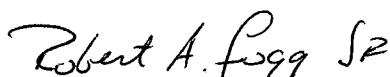
In closing summary to the Hearing members, each time the otherwise qualified American with Disability does apply to the Bar for 'reasonable testing accommodations' including the use of the Bar's 'fill in forms;' holding aside the Bar's stated preference to re-write the Rules 'on the fly' to deny the 'protected member[s]' the full benefit of the Act; the Disabled Individual's drawing upon the federal American with Disabilities Act; with the Sutton trilogy so defined by the U. S. Supreme Court; as applied directly to the Disabled Individual who has no 'remedial modality' upon which the Bar may rely to 'Suttonize' or otherwise disqualify via its negative rewrite of the very federal Act; and

In unison with the Bar's own abrasive inability to control its inner workings to zealously prevent the Diversification of The State Bar of California through the inclusion of the federally protected class of Americans know as the American with Disability into and upon its membership;

We as 'reasonable people' must conclude The State Bar of California has done a 'creative harm upon' the American with Disability whether as the Individual or as the federally Protected Class, and has greatly enhanced the disabling condition of the presenting Individual with Disability specifically, the citizen of the State of California generally, destroying the 'creditworthiness' of The State Bar of California both impliedly and expressly so, avoiding federal legislative intent and the Act, illicitly casting aside the Law of the Sutton trilogy, and deliberately thumbing the collective 'Bar nose' to the Constitution of the United States.

Therefore as a student of the law of this Land, I must respectfully urge the members of this Hearing, step back a moment, look clearly as what The State Bar of California does to further erode public trust, belief, and acceptance of an institution [the Law] that was upon its 'Founding,' a 'Beacon of Light' casting a 'ray of hope' for all humanity to observe. I thank you deeply for your rigorous consideration of the above and its acceptance into the 'Public Record' of The State Bar of California, and remain most

Respectfully,



Robert A. Fogg, Jr.

## **Attachment 8**

**E-mail dated December 12, 2007 from  
Nancy Keough**

**Hull, Doug**

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**From:** Nancy Keough [sushipup@sbcglobal.net]  
**Sent:** Wednesday, December 12, 2007 7:10 PM  
**To:** Hull, Doug  
**Subject:** Sham Hearings

Mr. Hull-

As you know, I testified at the hearing last week in San Francisco and I had planned to travel to testify at the hearing tomorrow.

I will not be coming to Los Angeles to testify.

I received a letter from Mr. Drexel today regarding my client's complaint that makes it abundantly clear that the State Bar is in no way serious about any reforms in the disciplinary system. Surprise, surprise.....it looks like the hearing which was set on October 9, 2007 for December 19, 2007 will be continued until sometime next year. Of course, no justification whatsoever was given for the fact that, once again, the matter is going to be continued. But January will be so appropriate.....that will mark the one year anniversary since this ridiculous ADP "stall" began. I wonder how many more years it can be continued?

These hearings are a sham.

After two and one half years my clients have decided that because the State Bar will do nothing to discipline the major acts of misconduct committed by an attorney with a thirty year record of discipline, they will simply take their case to the state legislature for a public review of the inept handling of these matters. It is quite clear that the Bar no longer can be trusted with the responsibility of imposing discipline from within.

Please be so kind as to provide a copy of this message to each and every member who shows up tomorrow to participate in the hearing. Ask Mr. Penrod (or whoever will be presiding on behalf of the Board of Governors) to read it aloud and see that in lieu of my personal attendance that this message is attached as part of the record.

Nancy W. Keough  
SBN 63673

12/13/2007

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