



# THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL

## SUBPOENA

*(California Business and Professions Code Sections 6049 to 6052 and 6069)*

In the Matter of \_\_\_\_\_

Case No. \_\_\_\_\_

INVESTIGATION SUBPOENA

For Production of Documents and Things

A Member of the State Bar. \_\_\_\_\_

THE STATE BAR OF CALIFORNIA, TO:

Custodian of Records, Stanford Federal Credit Union, 1860 Embarcadero Road, Palo Alto, CA 94303-3394

1. YOU ARE ORDERED TO APPEAR TO PRODUCE DOCUMENTS in this investigation at the following time and place:

Date: \_\_\_\_\_

Time: 10:00 AM

Place: THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL  
ATTENTION: \_\_\_\_\_  
180 Howard Street  
San Francisco, California 94105-1639  
Telephone: (415) 538-2000

2. YOU ARE FURTHER ORDERED AS FOLLOWS:

- a.  This subpoena is directed to a **financial institution**. The production of financial records described in this subpoena is consistent with the scope and requirements of the above entitled State Bar proceeding. You are ordered to produce the financial records described in attachment #1.
- b.  Trust Account Records. There is reasonable cause to believe that the financial records described in attachment #1 pertain to trust accounts which the member of the State Bar of California who is the subject of these proceedings must maintain in accordance with the California Rules of Professional Conduct. All members of the State Bar have irrevocably authorized disclosure of trust account records to the State Bar of California by operation of law (California Business and Professions Code section 6069(a)).
- c.  **Non-Trust Financial Records and Other Records**. You are ordered to produce the documents and things described in attachment #1.

3. You are not requested to appear in person; however, you are ordered to produce true, legible, and durable copies of the documents described in attachment #1, along with an affidavit of the Custodian of Records, in lieu of personal appearance if compliance is pursuant to California Evidence Code section 1560 et seq. Said records must be mailed under seal to the undersigned at The State Bar of California, 180 Howard Street, San Francisco, California 94105-1639.

4. The records are to be produced by the date and time shown above in paragraph 1, but not sooner than 15 days after service of the subpoena.

5. You may be entitled to certain witness fees as provided by Evidence Code section 1563 for production of business records.

6. The State Bar is not required to issue notices to consumers (California Code of Civil Procedure section 1985.3(a)(3)).

7. IF YOU HAVE ANY QUESTIONS ABOUT THIS SUBPOENA, YOU MAY CONTACT \_\_\_\_\_ BEFORE THE DATE ON WHICH YOU ARE TO APPEAR AT (415) 538-2385. DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT OF COURT IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA.

Date issued: \_\_\_\_\_

\_\_\_\_\_  
Deputy Trial Counsel

Case Number(s): [REDACTED]

**ATTACHMENT #1**

Records relating to Stanford Federal Credit Union Account No [REDACTED], Account of [REDACTED]  
[REDACTED] for the time period commencing [REDACTED] through and including to date:

1. Monthly statements for the subject time period;
2. Signature cards for the subject time period.



# THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL SUBPOENA

(California Business and Professions Code Sections 6049 to 6052 and 6069)

In the Matter of \_\_\_\_\_

Case No. \_\_\_\_\_

INVESTIGATION SUBPOENA

For Production of Documents and Things

A Member of the State Bar. \_\_\_\_\_

THE STATE BAR OF CALIFORNIA, TO:

Custodian of Records, Stanford Federal Credit Union, 1860 Embarcadero Road, Palo Alto, CA 94303-3394

1. YOU ARE ORDERED TO APPEAR TO PRODUCE DOCUMENTS in this investigation at the following time and place:

Date: February 7, 2012

Time: 10:00 AM

Place: THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL  
ATTENTION: \_\_\_\_\_  
180 Howard Street  
San Francisco, California 94105-1639  
Telephone: (415) 538-2000

2. YOU ARE FURTHER ORDERED AS FOLLOWS:

- a.  This subpoena is directed to a **financial institution**. The production of financial records described in this subpoena is consistent with the scope and requirements of the above entitled State Bar proceeding. You are ordered to produce the financial records described in attachment #1.
- b.  Trust Account Records. There is reasonable cause to believe that the financial records described in attachment #1 pertain to trust accounts which the member of the State Bar of California who is the subject of these proceedings must maintain in accordance with the California Rules of Professional Conduct. All members of the State Bar have irrevocably authorized disclosure of trust account records to the State Bar of California by operation of law (California Business and Professions Code section 6069(a)).
- c.  **Non-Trust Financial Records and Other Records**. You are ordered to produce the documents and things described in attachment #1.

3. You are not requested to appear in person; however, you are ordered to produce true, legible, and durable copies of the documents described in attachment #1, along with an affidavit of the Custodian of Records, in lieu of personal appearance if compliance is pursuant to California Evidence Code section 1560 et seq. Said records must be mailed under seal to the undersigned at The State Bar of California, 180 Howard Street, San Francisco, California 94105-1639.

4. The records are to be produced by the date and time shown above in paragraph 1, but not sooner than 15 days after service of the subpoena.

5. You may be entitled to certain witness fees as provided by Evidence Code section 1563 for production of business records.

6. The State Bar is not required to issue notices to consumers (California Code of Civil Procedure section 1985.3(a)(3)).

7. IF YOU HAVE ANY QUESTIONS ABOUT THIS SUBPOENA, YOU MAY CONTACT \_\_\_\_\_ BEFORE THE DATE ON WHICH YOU ARE TO APPEAR AT (415) 538-2385. DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT OF COURT IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA.

Date issued: \_\_\_\_\_

Deputy Trial Counsel

Case Number(s): [REDACTED]

**ATTACHMENT #1**

Records relating to Stanford Federal Credit Union Account No [REDACTED], Account of [REDACTED] for the time period commencing [REDACTED] through and including to date:

1. Monthly statements for the subject time period;
2. Signature cards for the subject time period.

1 STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL  
JAYNE KIM, No. 174614  
2 ACTING CHIEF TRIAL COUNSEL  
PATSY J. COBB, No. 107793  
3 DEPUTY CHIEF TRIAL COUNSEL  
JILL A. SPERBER, No. 112109  
4 SPECIAL ASSISTANT TO THE CHIEF TRIAL COUNSEL  
DONALD R. STEEDMAN, No. 104927  
5 SENIOR TRIAL COUNSEL  
ROBERT A. HENDERSON, No. 73205  
6 DEPUTY TRIAL COUNSEL  
180 Howard Street  
7 San Francisco, California 94105-1639  
Telephone: (415) 538-2385  
8

9  
10  
11 THE STATE BAR OF CALIFORNIA  
12 OFFICE OF THE CHIEF TRIAL COUNSEL  
13

14 In the Matter of: ) Case No. [REDACTED]  
15 )  
16 ) DECLARATION IN SUPPORT OF  
ISSUANCE OF SUBPOENA DUCES  
TECUM  
A Member of the State Bar. )

17  
18 I, [REDACTED], declare as follows:

19 1. I am employed as an Investigator by the Office of the Chief Trial Counsel, State  
20 Bar of California, 180 Howard Street, San Francisco, California. If called to testify, I would and  
21 could competently testify to the following:

22 2. All of the facts stated herein are within my personal knowledge except those facts  
23 stated on information and belief, and as to those facts, I believe them to be true. If called as a  
24 witness in this matter, I could competently testify thereto.

25 3. The matter referenced above is currently under investigation to determine if there  
26 exists a sufficient factual basis for further proceedings by the State Bar.  
27  
28

1           4.       I am informed and believe that the Custodian of Records named in the attached  
2 Subpoena has in his or her possession or under his or her control the records described with  
3 particularity in said Subpoena.

4           5.       I believe that the documents and records requested are relevant and material to a  
5 determination as to whether further proceedings are warranted, by reason of the following  
6 alleged facts:

7           The State Bar is currently conducting an investigation as to allegations that Respondent  
8 misappropriated funds belonging to [REDACTED] It is alleged that Respondent

9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED] On or

13 about [REDACTED] funds from the sale of her residence in the amount of \$ [REDACTED] were  
14 improperly deposited into respondent's firm's operating account (# [REDACTED]). It is alleged  
15 that on the same date \$ [REDACTED] was transferred to a separate, but linked account  
16 (# [REDACTED]). It is alleged that respondent commingled those funds belonging to the estate with  
17 his firm's operating account and failed to preserve those funds for the benefit of the estate.

18  
19           On [REDACTED], the Probate Court of San Mateo County found that [REDACTED]  
20 [REDACTED] and ordered the fees  
21 disgorged. The court ordered the firm to refund all attorney's fees and costs received from the  
22 proceeds of the house, estimated to be approximately the sum of \$ [REDACTED], and to place said  
23 funds in a blocked account pending final resolution of the case. To date, Respondent has failed  
24 to comply with the court order to disgorge.

25  
26           It is noted that the Probate Court of San Mateo County has determined by clear and  
27 convincing evidence that respondent wrongfully took, concealed, and disposed of property  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

belonging to [REDACTED] i.e., the sum of \$ [REDACTED]. The records sought are necessary in order to substantiate allegations of ethical misconduct.

6. I believe that this request is consistent with the scope and requirements of this investigation.

WHEREFORE, declarant requests that a Subpoena Duces Tecum for the documents and records requested be issued.

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

Executed this 18th day of [REDACTED] at San Francisco, California.

[REDACTED]  
Investigator

1 STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL  
JAYNE KIM, No. 174614  
2 ACTING CHIEF TRIAL COUNSEL  
PATSY J. COBB, No. 107793  
3 DEPUTY CHIEF TRIAL COUNSEL  
JILL A. SPERBER, No. 112109  
4 SPECIAL ASSISTANT TO THE CHIEF TRIAL COUNSEL  
DONALD R. STEEDMAN, No. 104927  
5 SENIOR TRIAL COUNSEL  
ROBERT A. HENDERSON, No. 73205  
6 DEPUTY TRIAL COUNSEL  
180 Howard Street  
7 San Francisco, California 94105-1639  
Telephone: (415) 538-2385  
8

9  
10 THE STATE BAR OF CALIFORNIA  
11 OFFICE OF THE CHIEF TRIAL COUNSEL

12  
13 In the Matter of: ) Case No. [REDACTED]  
14 )  
15 ) NOTICE TO ACCOUNT HOLDER OF  
A Member of the State Bar. ) NON-TRUST FINANCIAL RECORDS  
16 ) REQUESTED PURSUANT TO BUS. AND  
17 ) PROF. CODE §6069(b)

18 TO: [REDACTED]

19 NOTICE IS HEREBY GIVEN THAT:

20 1. The Custodian of Records of the financial institution named in the attached  
21 Subpoena Duces Tecum has been requested to furnish the State Bar with the records described  
with particularity in the attached Subpoena Duces Tecum.

22 2. If you object to the witness furnishing the records to the State Bar of California,  
23 you may file a motion with the State Bar Court, in accordance with the Code of Civil Procedure,  
24 to quash the attached Subpoena Duces Tecum. (See Rule 150 et seq., and Rule 2501 et seq.,  
25 Rules of Procedure of the State Bar of California.)

26 DATED: [REDACTED]

27 [REDACTED]  
28 Investigator



DECLARATION OF SERVICE BY REGULAR MAIL

CASE NUMBER: [REDACTED]

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

**SUBPOENA DUCES TECUM WITH ATTACHMENT (CASE NOS. CITED ABOVE); DECLARATION IN SUPPORT OF ISSUANCE OF SUBPOENA DUCES TECUM; NOTICE TO ACCOUNT HOLDER OF NON-TRUST FINANCIAL RECORDS REQUESTED PURSUANT TO BUS. AND PROF CODE §6069(b); AND LETTER TO CUSTODIAN OF RECORDS**

in sealed envelopes placed for collection and mailing as regular mail at San Francisco, on the date shown below, addressed to:

[REDACTED]

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

DATED: [REDACTED]

SIGNED [REDACTED]  
Declarant