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June 14, 1993

Sen. Tom Hayden
Ms. Laura Cohen
Room 2048
State Capitol
Sacramento, CA 95814

Sen. Art Torres
Mr. Alan Gordon
Room 2080
State Capitol
Sacramento, CA

Sen. John Lewis
Mr. Don Gilchrist
Room 3074
State Capitol
Sacramento, CA

Re: Incompetence/Corruption at the California State Bar
and
Your failure to do anything about it.

Senators:

As you are aware, on 5-6-93 I sent each of you a letter requesting that you contact the State Bar on behalf of me, and my clients Ms. Ornelas and Ms. Castro (again - respectively, each of us is a constituent of yours), regarding how the Bar has incompetently and corruptly handled complaints of extremely serious misconduct that I made against prominent plaintiff personal injury attorneys Browne Greene and Melvin Belli. (A copy of that letter was sent also to Senator Robert Presley and the LA Times).

With my letter I provided each of you:

1. a copy of my 3-25-93 letter to the Bar detailing its clear incompetence/corruption in failing to even address most of the numerous acts of serious misconduct (including threats, acts of fraud, attorney Greene repeatedly disobeying trial subpoenas and his then having undisclosed ex parte communications with the trial judge, and attorney Belli repeatedly committing acts of perjury; see Endnote - ENCLOSURE A, for a list of the specific allegations and see ENCLOSURES B, C and D) that I raised in a complaint filed with the Bar, and the Bar's failure to impose any meaningful discipline against these attorneys, even for the one serious "violation" of Rule 5-102 - representing a conflict of interest, that the Bar in fact concluded attorneys Greene and Belli committed. (See ENCLOSURE E, the Bar's 3-10-93 letter; note that the mere "scolding" the Bar imposed as discipline flies in the face of the law - Beery v. State Bar (1987) 43 Cal.3d 806; 29 CR 121);

2. a copy of my 4-12-93 letter to the Bar pointing out further acts of its incompetence/corruption, case law establishing

its actions were clearly contrary to the law (Beery, above, and In Re Scott (1991) 52 Cal.3d 968; 277 CR 201) and inquiring why the Bar had repeatedly failed to reply to my letters; and,

3. a copy of Senator Presley's 4-20-93 letter to the Bar's Chief Trial Counsel, Robert Heflin, informing him that he had received a copy of my 3-25-93 letter, which he found made some ". . . very specific, well-organized allegations regarding the manner in which the Bar has handled complaints against attorneys R. Browne Greene, Melvin M. Belli and Judge Henry P. Nelson. Mr. Zerman is of the opinion that the Bar is lax in disciplining famous or influential members even when serious offenses have been committed. Both Mr. Greene and Mr. Belli are former presidents of the California Trial Lawyers Association." Senator Presley's letter concluded requesting that Mr. Heflin explain the Bar's actions.

Senators you will recall, I began my 5-6-93 letter to you by referencing the "FINAL REPORT OF THE STATE BAR DISCIPLINE MONITOR" and a 9-21-91 LA Times article (ENCLOSURE F) covering that "REPORT", which quoted discipline monitor Professor Robert Fellmuth - Center for Public Interest Law, stating that attorney misconduct in California was in a "state of crisis" and that the "level of attorney dishonesty in representations to the court, in promises to clients [and in] dealings with adverse counsel is embarrassing."

Senators my letter concluded by requesting that each of you, like Senator Presley, write Mr. Heflin and "ask him just what is going on at the State Bar" and requesting to meet with each of you "to make sure you appreciate the extreme gravity of the problem that my clients and I, as well as the entire public, have and are encountering with the State Bar. Senators, it is indisputable that the State Bar remains in a 'state of crisis' and worse yet - it now is in a state of corruption."

Senators I have not heard anything from you. Please explain.

Ironically, I recently noted a 5-21-93 LA Daily Journal article entitled "Assembly Speaker's Bill On Discipline Advances" (ENCLOSURE G), with a smiling picture of Speaker Willie Brown, reporting that he sponsored a bill which seeks to relax the discipline procedures of the State Bar for handling complaints against attorneys, that had just passed the assembly with a 66-4 vote. That article states in pertinent part:

"Brown's measure is designed to deter false complaints, encourage settlement of cases and strengthen procedural protections for accused attorneys. A lawyer and the Legislature's most powerful member, Brown has been a leading critic of the bar. Three years ago, he carried legislation to modify the discipline system, which had undergone a pro-consumer overhaul two years ago."

That "pro-consumer overhaul" referred to in the article, I believe was the reform bill sponsored by Senator Presley, that was passed and among other reforms, authorized the appointment of the first ever special discipline monitor to the State Bar - Professor Fellmuth. Following the release of his 9-20-91 "FINAL REPORT", Professor Fellmuth stated that despite "a broadly revamped system further reforms are needed to quell a 'state of crisis' in attorney misconduct." (See ENCLOSURE F).

Gee, wasn't that just about the same time Speaker Brown brought his earlier bill to modify/relax the discipline system?¹ Gee, I

¹ WHERE HAS THIS GUY BEEN? Off buying another designer Italian suit, or maybe getting a Cristophe haircut? Doesn't he or his staff read the newspapers or do research? Speaker Brown's bills ignore: Professor Fellmuth's "FINAL REPORT", which in addition to his conclusions listed above, told of his "unsettling experience" in listening to calls from the public to the Bar's complaint hotline; the 9-21-91 LA Times (LAT) article covering the "FINAL REPORT"; a 12-31-92 LA Daily Journal (LADJ) article entitled "Where There's a Will, There's a Way - For Lawyers to Steal" telling about Orange County attorney James Gunderson being the recipient of millions of dollars from retirees' estates who's wills he had prepared and then made himself the administrator/beneficiary of. The article quotes Orange County Superior Court Judge Tully Seymour, who was investigating attorney Gunderson's misconduct saying that:

"... there needs to be additional controls placed on attorneys . . . The whole system is based on state-licensed people, known as attorneys, who are supposed to be people of integrity and trust. If someone betrays that trust, it's sometimes difficult to find and goes undetected."

See also: earlier articles about attorney Gunderson in LAT on 11-24-92, 12-12-92, and 12-20-92, as well as "Letters to the Editor" commenting on the matter in the LAT on 12-7-92 by California State Bar President Harvey Saferstein and on 12-25-92 by concerned citizen Walter Weber.

Then there is the history and recent trials and tribulations of attorney Marvin Mitchelson concerning his misconduct. A 1-22-93 LADJ, p.2, article "High Court OKs Mitchelson Discipline Terms" reports he was amazingly only given 3 years probation and ordered to take and pass the California Professional Responsibility exam - within one year! That article continued:

"The bar agreed to drop charges that he mishandled client funds, filed frivolous appeals, failed to refund unearned fees and related forms of misconduct."

"Mitchelson also was accused of rape by two women in 1988. But the LA District Attorney's Office, the state attorney general's office, the county grand jury and the State Bar all declined to prosecute, saying evidence was insufficient to support their claims."

"The court's one-paragraph order, signed by Chief Justice Malcom Lucas, was expected because the court routinely goes along with the Bar's recommendations in lawyer discipline cases. If Mitchelson violates the terms of his probation, he becomes subject to 60 days of suspension."

Only to be followed by a 2-10-93 LAT, p.B1, article "Celebrity Lawyer Mitchelson Found Guilty of Tax Fraud", which has U.S Attorney Terree Bowers stating:

"This is a West Coast version of the Leona Helmsly case."

"This type of case is particularly irksome to us when you have people who are famous and wealthy, yet they engage in manipulative conduct in order to cheat on their taxes."

"More than 98% of the income that the IRS collected from Mitchelson since 1972 has been obtained through liens and other enforcement activities" Bowers added.

Finally, a 4-13-93 LAT, p.B1, article "Mitchelson Given 30 Months for Tax Fraud - Judge calls lawyer to celebrities a man who 'has literally ruined himself.' Sentence includes payment of \$2,158,796 in restitution."

Rape, \$-millions in tax fraud, mishandled client funds, failing to refund unearned fees, filing frivolous appeals, failing to pay taxes since 1972 - WHERE WAS THE STATE BAR? THEN THE BAR AMAZINGLY ONLY PUTS MITCHELSON ON PROBATION - WITH TAX FRAUD CHARGES PENDING - WHICH IS APPROVED ("ROUTINELY") BY THE SUPREME COURT - CHIEF JUSTICE LUCAS! WHAT IN THE WORLD IS GOING ON HERE?

AND SPEAKER BROWN WANT TO RELAX THE DISCIPLINE PROCEDURES FOR ATTORNEYS? WHAT IN THE WORLD IS GOING ON HERE?

Then there are the following articles that report public confidence in the state courts has plummeted. A LAT article on 2-11-92 on p. A3, "Confidence in Court System Dips", states:

"When 52% of Californians do not think highly of the courts, that tells me we have to come up with [a] program to give people a better understanding of the system," said Robert R. Dockson, chairman emeritus of CalFed and chairman of the Commission on the Future of the Courts."

"Lawyers expressed most concern that the courts were too expensive, that the wealthy received better treatment, that cases were delayed too long and that decisions were influenced by politics."

A LADJ 12-11-92 p.1 article, "Californians See Unfairness in Court System", has Chief Justice Lucas stating:

"It is alarming that 61 percent of Californians say they know nothing or next to nothing about the courts," he said. "It is worrisome about half [52%] rate our courts as only fair or poor."

"The efficacy of the courts is inseparably tied to the public confidence," Lucas said. "It is not enough that we be scrupulously fair; we must also appear to be so."

wonder if Speaker Brown gets contributions from the California Trial Lawyer's Association (which of course is actually the prominent partisan plaintiffs personal injury trial lawyers' Bar). Gee, doesn't Speaker Brown himself have a law firm prominent in personal injury law and lobbying for it? Gee, isn't that a conflict of interest for Speaker Brown? Gee, wasn't Bill Honig just convicted in a felony trial for doing something like that?

Ironically, I also note the April 1993 issue of The Atlantic Monthly entitled "DAN QUAYLE WAS RIGHT, After decades of public dispute about so-called diversity, the evidence from social-science research is coming in: The dissolution of two-parent families, though it may benefit the adults involved, is harmful to many children, and dramatically undermines our society."

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See also the following articles which show that there is a tremendous void in ethics and discipline in the California legal system and clearly, contrary to Speaker Brown, discipline must be harshly ratcheted down, rather than relaxed. 6-10-93 LAT, p.1, "Nathanson Pleads Guilty to 2 Federal Counts", which indicates Speaker Brown knows Mr. Nathanson quite well; 6-4-93 LADJ, p.1, "Judge Gets Hot, Then Gets Heat For Deflating Tire", about a Santa Barbara Superior Court judge who admitted letting the air out of a tire of a disabled lady, who had parked in the judge's space, yet the district attorney declined to prosecute despite concluding it was an "unjustified tampering" by the judge and stating "the incident is better resolved outside the criminal justice system" - see follow-up 6-11-93 LAT, p.A3, "Judge's Action Deflates His Approval Rating", which reports about a Santa Barbara News-Press article calling for a grand jury investigation and a public poll where 74% (of the 7,350 responders) said the judge received special treatment; 5-11-93 LADJ, section 2, p.1, "Legal Overfilling Practice Cultivated by S.F. Attorney"; 5-7-93 LAT, p.3, "Corrosive Influence of Money in Sacramento Decried"; 5-6-93 LAT, p.B10, "2 Indicted in Escrow Fraud That Netted Over \$6 Million"; 4-28-93 LADJ, p.6, "The King Verdicts Dealt a Heavy Blow to Law Enforcement, Criminal Justice System"; 4-20-93 LAT, p.D1, "Law Firm to Pay \$51 Million in Keating Case", which states Keating's own attorneys knowingly aided his fraudulent conduct; 2-12-93 LAT, p.A3, "Embezzlement Pay-Back Ruled No Defense", which tells about a convicted attorney trying get-off by giving back the money he stole; 2-12-93 LAT, p.D1, "Legal-Fee Padding Alleged in Exec Life Case"; 2-10-93 LAT, p.D3, "Worker's Comp Judge Balks, Cries Fraud - Long Beach Jurist rejects claims of 10 laid-off workers, accuses them, their doctors and lawyers of deception"; 2-8-93 LADJ, p.6, Editorial "On Secrecy - Punish Bad Judges in Public" (which also appeared on 12-29-92 in the LADJ Open Forum section, p.6 as "Make Public Judicial Probes" and on 12-14-92 in the Op/Ed section of The San Diego Union-Tribune), telling how complaints from the public to the Commission on Judicial Performance about judicial misconduct are kept confidential and then the investigation and any discipline imposed is conducted in and kept secret; 2-7-93 LAT Magazine, cover story "America's Mean Streak - It's Cool to be Mean"; 2-7-93 LAT, p.A3, "Lawyer's Use of Client's Assets Investigated - The State Bar is examining possible misconduct and financial abuse of Anaheim widow's \$24-million trust"; 2-1-93 LADJ, p.5, "When the Judiciary Came Under Attack, The Spineless State Bar Ran For Cover"; 1-23-93 LADJ, p.7, "Smart Lawyers Do Dumb Things"; 1-22-93 LADJ, p.1, "O.C. Defender Battling Judge on His [the Judge's] Behavior"; 1-22-93 LAT, p.A26, "Calls Against Baird Flooding Talk Shows"; 1-14-93 LAT, p.A26 "35 Arrested in Auto Fraud Scheme-Crime: Attorneys and doctors in Orange and San Diego counties were targeted"; 1-14-93 LAT, p.A23, "Nominee Baird Hired Illegal Immigrants"; 1-12-93 LADJ, p.6, "Invasion of the Super Lawyers, Aggressive American Law Firms Will Ruin the European Way of Life"; 1-12-93 LADJ, p.6, "Can the Market Keep Attorneys in Check"; 1-8-93 "Skill of Attorney Known for TV Ads Questioned" tells about a San Diego attorney on trial for running a settlement mill, fraudulent advertising - perpetrating "one of the largest frauds in San Diego history" by claiming substantial litigation experience, yet actually having never tried a case and malpractice; 4-9-92 LAT, p.A3, "Attorneys' Gifts to Judges, Verdicts Under Study", tells of attorneys that gave gifts to a particular judge, then later tried cases before him and may have received favored treatment; 9-1-92 LAT, p.E2, "Which Lawyers Shall Stay and Which Shall Go"; 9-27-92 LAT Magazine, cover story "California's Bitter Season - A Fumbling State Government Finally Confronts the Realities of a Crumbling Economy"; 3-4-92 LADJ, p.3, "FAX Poll Finds Attorneys Aren't Happy With Work", states that of those attorneys that responded, over 50% would rather be doing something outside the law and over 70% did not want their offspring to go into the law; 3-16-93 LADJ, p.7, "What Price Ethics? \$41 Million Settlement Has Lawyers Asking"; 11-19-91 LAT, p.7, "The Mincompoops Aren't in the Jury Box"; 11-19-91 LAT, p.A26, "Survey Finds Many Condone Lying to Insure"; 9-13-91 LADJ, "Why Rambo is loose in the Courts - Many Judges Don't Care Enough to Enforce Rules Against Misconduct"; 2-91 California Lawyer, "Stop Litigation Terrorism - Lawyers who use Rambo tactics have no respect for their clients or the legal system"; 10-5-90 LADJ, p. , "Who Needs More Judges? Too many Jurists Producing Too Many Conflicting and Erroneous Rulings Is the Cause of Court Congestion"; 11-88 California Lawyer, "The chambers Have Ears, As part of its New Discipline System the State Bar is asking judges to turn in wayward attorneys". See also my 3-25-93 letter at page 14, fnt. 9, page 15, fnt. 10, and page 16, fnt. 11.

AGAIN - THIS GUY WANTS TO RELAX DISCIPLINE PROCEDURES?

Didn't Dan Quayle also say something about tasseled-loafered trial lawyers?

Again, Senators I have not heard from any of you. This is despite my later also sending each of you a copy of my 5-20-93 letter to Mr. Heflin, showing further dereliction by the Bar (including Mr. Heflin himself) and further acts of disrespect and contempt for the law committed by attorney Belli. Most particular, my letter provided you copies of pictures of an "ornament" that attorney Belli has apparently prominently mounted on his legal office. (See ENCLOSURE H). As you have seen from the pictures provided, the "ornament" is the scales of justice, only the lady has been replaced with the bird finger. Not only is this a symbolic act of disrespect, contempt, and a statement by attorney Belli that he believes he simply is above the law, but such conduct by attorney Belli also is in clear violation of Business & Professions Code, section 6068 - Duties of Attorneys, subsection (b) To maintain the respect due to the courts of justice and judicial officers, and his attorney oath. (A copy of that letter was sent to Senator Presley and the LA Times).

I am sure there are those who will trumpet that all attorney Belli is doing is simply exercising rights of free speech. I would disagree and posit that his "ornament" clearly is not "speech", only expressive conduct at best, and clearly conduct not permitted from a California attorney. (See Kahn below; also see Mr. Gordon below). Arguably, Mr. Belli, as opposed to attorney Belli, could engage in such conduct. I for one though, would still be of the opinion that such behavior was not that of a gentleman or of the professionalism and wisdom that should by definition emanate from

² See THE LITIGATION EXPLOSION - WHAT HAPPENED WHEN AMERICA UNLEASHED THE LAWSUIT (1991) Truman Talley Books/Plume, by Walter K. Olsen, for an enlightening and damning condemnation of contemporary American tort law, which like the disintegration of the American family, Mr. Quayle diligently tried to get America to recognize and confront. The following quotes are an example:

A PIECE OF THE ACTION: The Triumph of the Contingency Fee, Chapt. 2, at 33.

"One reason lawyering has always been treated as something of a special line of work is that lawyers come under such intense and varied ethical pressures. They face countless temptations to exploit opponents and clients alike. Huge amounts of money can hang on the choices they make when no one is looking over their shoulder. Few occupations offer such chances for dishonest persons to become very rich.

"A job that offers enormous returns to unscrupulousness will attract many unscrupulous persons and corrupt many persons of ordinary character. Most of the possible ways to sort out the bad apples are not very promising."

THE BALANCE OF LEGAL PEACE, Chapt. 16, at 339.

"For all the many successes of the American society, our system of civil litigation is a grotesque irrationality. America's litigation explosion has squandered immense fortunes, sent the cream of the nation's intellectual talent into dubious battle, reduced valuable enterprises to ruin, made miserable the practice of honorable professions, and brought destructive recrimination, with no end in sight.

"This practical failure is born of an underlying moral failure. Our law has ceased to attach moral significance to wrongful accusation. The fee-shifting practiced in all other major countries has a plain ethical meaning: accusation is a serious matter. Do not expect to offer excuses if you have accused wrongly. The apparatus of coercion is not there to be deployed at your whim."

Unfortunately, the warnings from Mr. Olsen and Mr. Quayle have clearly proven both correct and unheeded - as exemplified by what has occurred in the three (3) Ornelas cases and as shown by the numerous articles set forth in fnt. 1, above. Who would argue otherwise. Moreover, as these complaints to the State Bar show, it is indeed hard, maybe even impossible to get rid of the "bad apples."

even an ex-attorney and that all attorney Belli is doing is further tarnishing a once, but long ago, highly regarded reputation. (See ENCLOSURE A, p. 3, Attorney Belli, no. 5). Although a pitiful waste, I have no objections to Mr. Belli, as opposed to attorney Belli, continuing to make a fool of himself. Mr. Belli, as opposed to attorney Belli, clearly has that right.

I first notified the Bar of this misconduct by attorney Belli, when I sent it a copy of my 9-9-92 letter to the Supreme Court entitled "**BLACK ROBE CRIME - A COVER-UP**" (at pages 29 and 30B). There, I provided a copy of a picture of the "**ornament**" (ENCLOSURE H) and told the Supreme Court that "**arguably as YOU hold the highest legal office in this state some might surmise that he is pointing at YOU.**" Apparently the Court, like the Bar, did nothing. (Senators, it also could be argued that as legislators of this state, attorney Belli is likewise pointing at you). Of course, all I was doing was informing the Court of this incident (following my initial 3-28-91 complaint that listed a myriad of other serious acts of misconduct he committed see ENCLOSURE A), which was part of the 12-91 California Lawyer cover story entitled "**The Lion in winter - Melvin Belli, Both King of Torts and King's Fool.**"

Senators, you will recall that my 5-20-93 letter to Mr. Heflin also stated the following regarding attorney Belli's "**ornament**":

"... And we lawyers wonder why the public has such a low opinion of us? of the Bar? of the law? by doing nothing, the Bar is sending the public the message that it condones Mr. Belli's "**ornament**" and his conduct. Or worse yet, the public might believe that the Bar is adopting the "**ornament**" and replacing it as its own symbol.

"In fact, while preparing this letter, I wondered what my 13-year old step-son would think if he saw the pictures of Mr. Belli's "**ornament**." I believe he would probably ask me a couple of questions, something like this. One - Why would an attorney, Mr. Belli, even have such an "**ornament**" and then display it so proudly in public, when an attorney should be one that honors and respects the law? Mr. Heflin, I would simply tell him that Mr. Belli is not well. Two - How and why would the State Bar and the courts do nothing, just stand by and allow Mr. Belli to go around bragging about his "**ornament**", when his mother, I and his teachers had taught him that such were the crudest symbols of disdain and disrespect and human communication, which he should take all efforts to avoid? I would not be able to answer that question for him, Mr. Heflin, but maybe you and the Bar could?"

Ironically, I also just noted a 6-4-93 LA Daily Journal article entitled "Court Reporter's License Plate Is 2 OB SEEN", reporting about the case of Kahn v. California Dept. of Motor Vehicles, a published opinion issued 6-3-93 by the 2nd District Court of Appeal, Div. One. There plaintiff Anita Kahn, a court reporter at Culver City Municipal Court sued to recover her vanity license plate depicting the symbols "TP U BG" after concerned citizen Pamela Reed, who was conversant with shorthand symbols, complained to the DMV pointing out TP, U, BG are shorthand keypad designations for the word F-U-C-K and "Not exactly what should be on our roads." The DMV concluded the letters on the plate were obscene and ordered Ms. Kahn to give up the plate. Trial Judge Ronald Sohigian, after weighing testimony from court reporters about the connotation of the plate and from sociologists on the import of the f-word, sustained the DMV's order and stated such was not a violation of Ms. Kahn's right of free speech. The appellate court agreed, with Presiding Justice Vaino Spencer writing:

"As the DMV learned, the offensive meanings of these plates clearly was known to certain of the state's citizens and it thus was in the state's interest to prevent the further abuse of its official vehicle identification.

"There are 6,000 court reporters in California and 40,000 to 50,000 unlicensed reporters in the state, as well a sizable number of people who can read some shorthand reporting."

The issue was "at best expressive conduct, not speech per se," and the DMV's authority was "unrelated to the suppression of free expression."

The Kahn opinion also cited testimony from Marcus K. Felson, professor of sociology at the University of Southern California, who said that the four-letter word at issue is "the pre-eminent curse word in this society and thus is insulting if used in reference to someone else. . . Often considered inoffensive among young males when no females are present, unless it is directed at someone in an insulting manner." (See also ENCLOSURE I, a 6-14-93 LA Times article entitled "Kids and Profanity: 'Where Does it Stop?'").

Clearly, "the finger" is a pre-eminant symbol that in our society communicates nothing positive, but instead tremendous disrespect and insult. The offensive meaning of the "the finger" is clearly known to the majority of the people of this state, this country and arguably the world. By taking the scales of justice and placing them on "the finger", clearly attorney Belli communicates nothing positive, but instead communicates tremendous disrespect, insult and contempt for the law, the courts, the Bar - the entire legal profession and legal system. There are over 110,000 active members

of the California Bar, not to mention the entire public - particularly young children, who can read the California Lawyer, the Daily Journal and who can also walk by attorney Belli's office and observe his "ornament."³ Attorney Belli's message is clear and unambiguous. Attorney Belli by prominently publicly displaying his "ornament" has committed an egregious violation of the Business & Professions Code. I believe it should be in the Bar's (and the State of California's) interest to censure attorney Belli and prevent further abuse by him and others.

Again, Senators I have not heard anything from you. This is despite my also having called each of your offices on at least two (2) occasions. In fact, most disappointing was a 5-24-93 call I made to Senator Torres office, where I spoke with Mr. Alan Gordon, inquiring if the letter that I had requested on behalf of Ms. Ornelas (who resides in Senator Torres' district) that Senator Torres write to Mr. Heflin had been sent. Mr. Gordon replied: that they simply were too busy, that most of the complaints/calls they receive are from lawyers complaining the Bar is "not fair and too tough on them", and that Ms. Ornelas would have to write to and make the request of Senator Torres herself; this was despite my having informed Mr. Gordon that Ms. Ornelas had only completed the 6th grade, spoke very little English and was obviously unsophisticated with legal matters - in fact she still does not fully comprehend the fraud committed upon her by attorneys Greene and Belli. Mr. Gordon claimed he could not write the letter on my request, because I did not live in Senator Torres' district.⁵ Finally, when I asked Mr. Gordon if he had received my 5-20-93 letter and inquired about attorney Belli's disgraceful "ornament" and informed him what a poor example such conduct made of the law - particularly for children, Mr. Gordon said he had read the letter, then quickly trumpeted attorney Belli's right of free speech.

³What's next? Maybe attorney Belli will fly the skull and crossbones over his office and put it on his letterhead and cards? (See ENCLOSURE I, 6-14-93 LA Times article "Kids and Profanity: 'Where Does it Stop?'" and 2-7-93 LAT Magazine, cover story "America's Mean Streak - It's Cool to Be Mean"). Arguably, a large portion of the public already might think the Jolly Roger flies over the Bar.

⁴It is indisputable that is not the case. See Special disciplinary monitor Professor Fellmuth's 9-20-91 "FINAL REPORT", particularly at page 5, which states:

"(4) Under the system then extant, the Bar relied upon the "complaining witness" (CW)-that is, the person informing the Bar of a possible problem licensee-to "carry the ball" and provide evidence. However, 80% of those complaining to the State Bar by phone did not bother to send in subsequently requested material. When this occurred, the matter was dropped. With rare exception, the Bar viewed a complaint about an attorney as a matter between the CW and the attorney who was the subject of the complaint."

CLEARLY, NOTHING HAS CHANGED. Also see ftnts. 1 and 2 above, and my 3-25-93 letter at page 16, ftnt. 11.

⁵This is not only truly disappointing, but it is in fact incredible and untrue. Incredible - what reason - or law, could possibly prevent an elected representative from pressing and trying to right a tremendous injustice done to a constituent, when simply asked by the wronged constituent - that is called democratic government! That used to be called America. (However, see ftnt.6). Untrue - Senator Presley wrote his 4-20-93 letter to the Bar - Mr. Heflin, and neither Ms. Ornelas, nor Ms. Castro or myself, even reside in his district. (See above, page 1, paragraph 2, point 3). There is nothing to prevent you Senators from writing a letter and taking further action, except themselves, a lack of concern and maybe their staffs.

Recall Senators, that in my 5-6-93 letter I also requested to meet with each of you. Again though, I have not heard anything from any of you.

Ironically, I just noted a 6-8-93 LA Times page one article entitled **UCLA Strikers End Fast; Compromise Reached**, which tells that Senator Hayden and Senator Torres were in town and then states that they:

"... had threatened funding reprisals against UCLA unless the school started a full Chicano studies department. Hayden and Torres advised the strikers during many negotiating sessions, and Hayden on Monday even pushed the wheelchair for Mancillas [a striking-fasting UCLA professor]."

Gee, all Ms. Ornelas, Ms. Castro and I asked was for you guys to write a letter for us and for an opportunity for me to meet and discuss this matter with you. Gosh, instead maybe I should have asked you guys to "threaten" and "push" the State Bar around. Or maybe my clients and I instead should have held a hunger-strike at your offices. Obviously, that behavior seems to work much much better.⁶

Senators I would again politely ask you to carefully review my correspondence and write Mr. Heflin on behalf of my clients (your constituents), the public and myself and that you "ask him just what is going on at the State Bar." Can you do that small task?

I should not have had to have asked YOU a second time. Or the third and fourth times.

What has occurred at the State Bar is not only disgusting and disgraceful, but it is rampant lawlessness! You Senators however, appear not to care.

Additionally, Senators I would ask that you promptly initiate a thorough investigation of the State Bar, as it is without doubt that the Bar is not only in a "state of crisis", but that it is in a state of corruption.

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⁶ See Mr. William Greider's book "Who Will Tell the People? The Betrayal of Democracy. The following quotes are found in the forward of the book:

"Democracy is in deep trouble, trouble more serious than we realize. The very fabric of our system--the meaning of self-government, the values that have sustained us--is unraveling quickly, dangerously and perhaps irrevocably."

"... The public's belief that government serves 'a few big interests' is not mistaken."

"... And where are the institutions designed to represent the people? Where are the unions? The political parties? The press? Gone, Greider writes, or transformed so radically that they no longer speak faithfully for the people. Citizen action is reduced to media stunts designed for shock value. Voters leave the traditional parties and dismiss elections as meaningless. Reporters write to please the people whose values they share--the guys at the top..."

Finally, as referenced in my 3-25-93 letter at page 14, ftnt. 9, is the most frightening aspect of the Bar's conduct. The Bar, without notifying me, itself initiated a complaint against me, based simply upon its reading a 6-27-90 LADJ article entitled "Judge Threatening Sanctions in Belli Legal-Malpractice Suit." My first knowledge of the complaint was when I received a 1-2-91 letter from the Bar informing me the complaint was being "dropped." Calling the Bar to inquire who had filed the complaint and why, I was told by the Bar investigator that the Bar itself had, based upon the investigator reading the above article and a sanction assessment law/rule. I was then told the complaint was being "dropped" in a procedural manner, as there had been no follow-up activity since the date it was initiated. In fact, the investigator, asked me what had in fact happened! Clearly, the Bar's conduct here is reckless and ran roughshod over my rights of due process, as first and foremost, there was no basis whatsoever to order sanctions and no sanctions in fact were ever ordered/imposed! (See ftnt. 2, above). Second, the judge was a renegade rogue jurist, that the Commission on Judicial Performance, the Bar and the courts had repeatedly failed to curb, or remove from the bench, until he finally went too far - his only option then, to resign in disgrace. (See ftnt. 7-a, re LADJ article dated 4-16-91 and 6-26-91). Third, the above 6-27-90 articles states that hearing was continued and a subsequent 7-13-90 LADJ article reporting the resumed hearing is entitled "Judge Drops 'Frivolous Suit' Fine" and states the judge "declined to issue sanctions." Clearly, the Bar investigator never: went to the continued hearing, researched Judge Nelson, called the court, called the LADJ reporter, or called/wrote me. Instead, the Bar prematurely and without basis filed the complaint against me and left it pending for about six months.

I can readily think of a number of other matters the Bar's attention and efforts would be better spent investigating.

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Senators please help me clean up the State Bar. I have stood up and done my duty - and more, to my clients, as a member of the State Bar and as a concerned citizen. I however, can not do it alone.⁷ Ms. Ornelas, Ms. Castro, the public and I need your help.

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⁷ See my 9-9-92 letter to the Supreme Court entitled "BLACK ROBE CRIME - A COVER-UP", which in specific detail:

a. lists the numerous acts of extreme judicial misconduct committed by renegade rogue trial Judge Henry Nelson - now retired; he wisely stepped down from the bench while facing a scheduled disciplinary hearing before the Commission on Judicial Performance concerning a complaint I filed against him regarding his misconduct at the trial. Including: repeatedly ignoring the law, repeatedly without basis threatening me with contempt and sanctions (see 6-27-90 LADJ article "Judge Threatening Sanctions in Belli Legal Malpractice Case and 7-13-90 LADJ article p.2, "Judge Drops 'Frivolous Fine'; although no sanctions were awarded Nelson assaulted my reputation, with him ironically claiming, among other things, "I think these are bad-faith actions. I feel the method by which the lawyer [Zerman] has forwarded this case has wasted this court's time and is abusive." It should be noted that Nelson refused to let the case go to the jury based, by his inventing false issues about speculative damages and then making improper rulings. Then later, at the sanction hearing refused to recuse himself and without basis threatened my attorney (Mr. Kuri) with sanctions. Furthermore, after his appointment to the bench, Nelson early on was prohibited from hearing criminal cases because of his misconduct; then when transferred to civil cases he continued to reign with terror and caused even more complaints; and after the Ornelas trial, he was transferred to juvenile cases, where he continued to generate further complaints. (See 4-16-91 LADJ, p.2., "Judge Nelson Faces Disciplinary Hearing" and 6-26-91 LADJ, p. , "Investigated L.A. Judge Will Retire". After the trial, I learned that a few years earlier Judge Nelson had been rated "unqualified" by the LA County Bar and "one of the ten worst judges in the state" by California Magazine, yet the Commission repeatedly refused to take action against this thug and when I asked it for an explanation for its repeated failure to investigate/discipline/remove him earlier, I was repeatedly rebuffed and told simply "that was confidential". A complaint against him is currently pending before the State Bar's Complainant's Grievance Panel concerning his undisclosed ex parte conversations with attorney Green at the trial, which was followed by his improper/illegal favorable comments/rulings for Greene and Belli. The Bar simply has no integrity.

b. dissects the numerous instances of blatant fraud in the unpublished appellate decision by Justice Joan Klein. I filed a complaint against Justice Klein with the Commission. Its repeated response was to hide behind a wall of "confidentiality" and "secrecy", refusing to even explain what investigation it had done and what its bald conclusions were based upon, yet the Commission arrogantly and incredibly admitted that it had made summary conclusions without even obtaining/reading supporting documents/evidence. In particular, the Commission would not explain how it concluded there was no misconduct by Justice Klein, despite her decision never addressing, among others, the issues of: Judge Nelson's misconduct; the misconduct of attorneys Greene and Belli; and the law of conflicts of interest. (See 2-8-93 LADJ Editorial, p.6, "On Secrecy - Punish Bad Judges in Public" (which also appeared on 12-29-92 in the LADJ Open Forum Section, p.6, as "Make Public Judicial Probes" and first appeared on 12-14-92 in the Op/Ed section of the San Diego Union-Tribune). The Commission simply has no integrity.

c. questions how the Supreme Court summarily denied the appeal to it. Issue I to the Supreme Court stated: "ATTORNEY GREENE INDISPUTABLY COMMITTED FRAUD UPON AND WILFULLY BREACHED MANDATORY FIDUCIARY DUTIES OWED TO APPELLANTS ORNELAS AND CASTRO WHEN HE FAILED TO RECOGNIZE, ADVISE OF AND ASSERT THE CONFLICT OF INTEREST. BOTH THE TRIAL AND APPELLATE COURTS HERE HAVE IGNORED GREENE'S WRONGFUL CONDUCT AND AMAZINGLY STATE THAT SUCH CONTENTIONS 'LACK MERIT.'" It should be noted that: Judge Nelson determined as a matter of law that the conflict of interest existed (2 RT 397, 400) and that was affirmed by the appellate court, which also concluded that driver "Munoz alone caused the accident." (Appellate Decision at page 11 and 7, respectively, attached as exhibit A to Appellants' Petition for Rehearing - APR, and Appellants' Petition to Supreme Court - APRSC). Actually, no other conclusion is possible. Again though, both the trial court and appellate court refused to address the issue of attorneys Greene and Belli ignoring and never disclosing the conflict to Ms. Ornelas and Ms. Castro - a clear breach and "violation" of a mandatory fiduciary duty and fraud, Rule 5-102 (see Bali v. Posey (1986) 176 Cal.App.3d 1214, 1215 and Bette v. Allstate (1984) 154 Cal.App.3d 688, 716) - which the courts were/are required to take mandatory judicial notice of, pursuant to Evidence Code, section 451(c) (Day v. Rosenthal (1985) 170 Cal.App.3d 1125, 1147). Despite its clear incompetence/corruption, the Bar concluded that the "violation" in fact had occurred. (See ENCLOSURE E, the Bar's 3-10-93 letter). Ironically, the cover story of the June 1993 California Lawyer issue is entitled "CONFLICT? What Conflict?, and a similar story appears in the April 1993 issue of Los Angeles Lawyer.

My letter to the Supreme Court concluded by stating:

"The only thing necessary for the triumph of evil is for good men to do nothing." (Edmund Burke) . . . YOU did nothing. It must be said, SHAME ON THIS SUPREME COURT."

I conclude Senators, with a quote that was in my 3-25-93 letter to the Bar, at page 17:

"Maybe the failures here by these attorneys, the Bar and the Medical Board⁸ really are no surprise, when you read the 9-20-92 LA Times article by Richard Reeves entitled "The Lie, Big and Small: 20th-Century American Ethics: How did we become so tolerant of lying?" A pertinent part of that article states:

"If the worst is true and the United States is indeed destroying itself economically or ecologically, politically or spiritually, this will be our epitaph: "They lied!"

* * * *

"It's killing us. How can government of the people survive if the people believe or accept things that are not true, and that they know are not true?

"Even leaving President Bush and Bill Clinton out of this, lies are personal and public betrayals more certain to overthrow a country than violence; and if there are more of them now at all levels of American life, it means we are in greater trouble than we think."

Again Senators, I ask for your help. It is time for some courage and leadership in this state, in this country.

Senators, Ms. Ornelas, Ms. Castro, the public and I are waiting for a copy of your respective letters to Mr. Heflin. I also await your calls to schedule our joint meeting. Thankyou.

Should you elect not to do anything Senators - elect not to help, Ms. Ornelas and Ms. Castro, and me, please have the courtesy of at least telling me so. I will then tell Ms. Ornelas and Ms. Castro.

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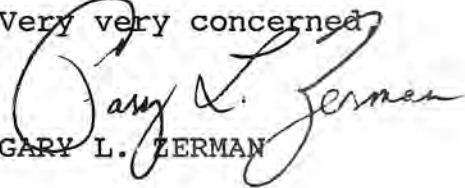
⁸ This reference was to another failure of another California agency responsible for policing another group of professionals, at page 16 of my 3-25-93 letter, which I believed the Bar would have taken as a warning to get its act together. In pertinent part my letter stated:

"A 1-22-93 LA Times article, entitled "Staff Exposed Dismissal of Doctors' Files - Investigation: Medical Board workers say they were angered that bosses had swept away backlog of complaints. The whistle-blower's are called heroes" tells about the California Highway Patrol - CHP being called into investigate complaints that the California Medical Board ordered dismissal of hundreds of complaints against doctors. (The CHP investigated the matter because the state attorney general had a conflict of interest). A report of the investigation in fact found that 'hundreds of Medical Board cases had been improperly dismissed--and in many instances destroyed.'"

I would welcome comment and assistance from anyone this letter is copied to. Again, it is time for some courage and leadership in this state, in this country.

GZ/ms

Very very concerned


GARY L. ZERMAN

ENCLOSURES

- A. Endnote: specific alleg. of misconduct by Greene and Belli.
- B. 12-81 American Lawyer article re "WORST PERFORMANCE", Case 1.
- C. 1985 O'Brien's Evaluator report on Ornelas v. Greene, Case 2.
- D. 7-9-90 Nat'l Law Jrnl art. re Ornelas v. Greene/Belli, Case 3.
- E. 3-10-93 letter from State Bar re "violation" of Rule 5-102.
- F. 9-21-91 LA Times article re State Bar in "state of crisis".
- G. 5-21-93 LA Daily Journal article re Willie Brown Assembly Bill.
- H. Copy of pictures of attorney Belli's "ornament."
- I. 6-14-93 LA Times art. "Kids and Profanity."

cc

Senator Presley	Prof. Fellmuth	Pamela Reed
Judge Sohigian	Justice Spencer	LA Times
LA Daily Journal	ABA Journal	ABA Ethics Dept.
American Lawyer	Court TV	Susan McMillan-Carpenter
Nat'l Law Journal	Prof. Felson	The Atlantic Monthly
Dan Quayle	ABC - Nightline	CBS - 60 Minutes
NBC - DateLine	Common Cause	Steve Edwards, ABC
Daryl Gates, KFI	Robert Heflin	Harvey Saferstein
20/20 - ABC	ABC - DayOne	ABC - PrimeTime Live
Gov. Pete Wilson	A.G. Dan Lungren	KABC TV
KCBS TV	KNBC TV	KCET Life & Times

Endnote - ENCLOSURE A

The following specific allegations of misconduct are taken verbatim from my 3-25-93 letter to the State Bar, at pages 7-13.

ACTS OF MISCONDUCT

Attorney Greene

1. After attorney Greene ignored the clear fundamental facts of the accident that readily established the conflict of interest - the CHP accident investigation report that listed driver Munoz operating the truck improperly and in violation of the vehicle code, the cause of the accident and recommended that Munoz be prosecuted for vehicular manslaughter (baby Jesus); and the coroner's report that concluded baby Jesus died from a crushed skull, not fire - attorney Greene then intentionally ignored:

- a) the Ford cross-complaint filed against driver Munoz (DFES at 7-11-80);
- b) at least three (3) separate instances where the Ford attorney expressly advised of the conflict of interest¹; and,
- c) a further advisement when told by the judge, just before the case was submitted to the jury, that under the evidence driver Munoz would be found liable.²

¹ ONE - on 7-10-80 attorney Greene's office (attorney Charles O'Reilly) was expressly advised of the conflict of interest and the issue of informed consent by the Ford attorney during the taking of Ms. Ornelas' deposition in Case 1. (See DFES at 7-10-80). The Bar was provided the relevant pages from Ms. Ornelas' deposition with my 6-10-91 letter, as exhibit 8.

TWO - on 8-8-80 Ford filed a motion regarding the cross-complaint and in a declaration attached to the motion, stated: "59. At that point your declarant brought out the fact that the attorneys representing the various parties plaintiff in this action are facing a clear conflict of interest with respect to their continued representation of the driver of the subject vehicle, VENTURA MUNOZ-FLORES." (See DFES at 8-8-80 and Case 1 court file, clerk's transcript at 687-798).

THREE - on 6-6-81 attorney Greene took Case 1 to trial and during preliminary matters, the subject of Ford's cross-complaint against driver Munoz was discussed with the court. There the Ford attorney again expressly informed Greene about the issue of the conflict of interest stating:

"MR. HUNT: . . . The case was trailed. It was not for the fact that a cross complaint had been filed. The cross-complaint was filed because we believed the evidence is going to show the sole proximate cause of the death of the child was the act of Ventura rolling the vehicle over and the child went under the vehicle, according to evidence and was crushed to death. At least that is our position. I assume they will contest that position. Ventura should very definitely be a party to this action. They elected not to, I assume because it would have presented a conflict of interest for them."

Attorney Greene then argued the cross-complaint should be severed and stated:

"MR. GREENE: . . . Your honor, if Ford wanted to have this jury make this decision on this cross-complaint, very simply what would be done is what is always done. After the verdict comes in against Ford for \$20,000,000 [twenty million] then you just send the jury right back out and let them determine if there exists a cross-complaint against Ventura. It is very simple. That is what they want to do. That will take 10 more minutes. He is not going to have any more evidence, he is not going to take any more time. What you are going to do is minimize confusion and smoke laying which is basically the whole purpose of this particular cross complaint." (Case 1, Trial Transcript, Vol. 1, pages 42-63).

The Bar was provided these pages with my 6-10-91 letter, as exhibit 10.

² The DFES at 7-30-81 contains the following entry. At the conclusion of the evidence, while going over jury instructions this discussion occurred:

"THE COURT: All right. Well, what he's basically saying, then is -- and you guys have both had a lot more experience in this than I have, but don't you kind of have a feeling for this, case, that they'll probably find some -- in other words, looking at its face on the best standpoint of your case, Mr. Greene, don't you feel they'll probably find some sort of percentage of contrib?

MR. GREENE: I don't think they are going to find legal cause on it Judge. See, the last case I just finished with Judge Supp was worse than that; they found negligence on the part of the driver of the car and found no comparative, no legal cause, because they found that the seat would have broken, irrespective of whether the driver was drunk or speeding or anything.

THE COURT: Did they find contributory negligence?

MR. GREENE: Yes, they found a percentage of 20 percent.

THE COURT: All right.

MR. GREENE: But they found no cause.

MR. HUNT: That case was a little bit broader in its facts than what we have here.

THE COURT: But there they did find a percentage.

MR. GREENE: Yes.

THE COURT: Don't you think there's a potential possibility here they will find some percentage?

MR. GREENE: That certainly is possible, yes.

THE COURT: Looking at the , you know, even Severy felt that he had turned the corner too fast, didn't he?

MR. GREENE: Words to that effect.

THE COURT: So if they find your best shots in your case, one of your better witnesses was Severy, and if he suggested it, I would assume they're [the jury] going to find something." (Case 1 trial transcript, Vol. 31, pages 6039-6041; also see DFES at 7-30-81 entry).

The Bar was provided these pages with my 6-10-91 letter, as exhibit 10.

2. Attorney Greene allowed and encouraged his employee investigator Walter Goode to procure a 10% investigation contingency contract with each plaintiff. (Recall, I previously provided the Bar copies of those contracts with my 6-10-91 letter; moreover, the Bar was informed that this was a regular practice of the Greene law firm, according to Goode v. Greene, et al., OCSC Case No. 394373). This practice clearly was an unconscionable, if not illegal act, and clearly was not in the clients' interests. (See DFES at 5-31-77, 7-30-81 and 1- 82).

It also created another conflict of interest and breached further fiduciary duties, as attorney Greene, later defending himself in Case 2, testified that the clients and Goode insisted that all communications, particularly settlement offers, go through Goode. That was another "violation" of Rule 5-102. This purported arrangement was also in direct violation of Rule 5-105, which placed a nondelegable duty upon the attorney to communicate settlement offers to the client. Although, when questioned further about that purported arrangement, Greene admitted there were no documents establishing that arrangement; where he had advised the clients about its consequences - i.e., it was contrary to Rule 5-105, created a conflict and that it would not be prudent; or where the clients in fact had agreed to such. (Greene deposition, Case 2, 126:6-128:7). Ms. Ornelas and Ms. Castro, to the contrary, denied there was any such arrangement.

Moreover, at the trial of Case 2, Goode was one of the main witnesses on plaintiffs' behalf. He was repeatedly impeached and arguably his multiple positions played a role in plaintiffs losing the case - ironically, due to the conflict (Goode contract) that Greene himself had wrongly fostered/allowed. Of course, again there was the affect of the main conflict, having negligent-driver Munoz again sitting on the same side with Ms. Ornelas and Ms. Castro. The jury in Case 2 (like the jury in Case 1), arguably focused on Munoz and his fault and wrongly concluded, now in hindsight, that plaintiffs were not entitled to the settlement money Ford had offered, rather than correctly focusing on whether Greene had properly communicated the offer - ironically, again begging the issue of that conflict, which the Bar has correctly concluded that Greene had wrongfully ignored in "violation" of Rule 5-102. (See DFES at 6-4-83 and my 6-10-91 letter).

3. Attorney Greene recklessly ignored the evidence and fact that baby Jesus died from blunt force trauma, being crushed by the truck, which was caused solely by Munoz - as opposed to fire, the allegations against Ford. Greene ignored that conflict. This was another "violation" of Rule 5-102. By ignoring that conflict, Greene created the following further problems: he failed to depose the coroner until during the trial (who only affirmed his opinion that baby Jesus died from a crushed skull, not fire) and he failed to obtain a consultant forensic pathologist until just shortly before trial. The pathologist attempted to exhume the body of baby Jesus (now almost 5 years later), but having ignored proper protocol, initially got the wrong body - which of course only served to alienate the jury and thus destroy the case. (See DFES at 7-16-81, 9-21-82 - declaration of Case 1 jury foreman Michael Wyatt; also see my 6-10-91 letter, exhibit 4 - declaration of Richard DuPar).

4. Attorney Greene in circumstances similar to Betts v. Alletate, above, prepared statements for his clients to sign stating he had advised them of the \$2,000,000 settlement offer from Ford at the trial, after a 12-81 article appeared in American Lawyer entitled "Worst Performance", that claimed Greene had not. (Bell is quoted in that article stating he wanted to handle the case against Greene). Greene then had his investigator take the documents and obtain the signatures of Ms. Ornelas and Ms. Castro. Neither Greene, nor anyone else, ever told Ms. Ornelas and Ms. Castro about the article, nor explained the statement, nor advised that it could be against their interest, nor advised them to seek the advice of an independent attorney. This obviously created another conflict of interest between attorney Greene and his clients Ms. Ornelas and Ms. Castro. This clearly was another "violation" of Rule 5-102 (as well as Rule 5-105), if not another act of fraud upon them! (See DFES at 10-16-81, 1- 82, and 7-30-81).

Attorney Belli

1. Attorney Belli in handling Case 2 faced the same conflict of interest that Greene had in Case 1, only now the conflict was in fact established. Obviously, with Ford not at fault that left only driver Munoz, who Belli was representing, along with fault-free passengers Ms. Ornelas and Ms. Castro. This was a "violation" of Rule 5-102. Belli then, of course beyond what simple common sense, basic analysis, the Rules and case law would dictate, somehow inexcusably also ignored the numerous express references in the court and trial transcripts telling of the conflict. (See DFES at 7-10-80, 8-8-80, 6-6-81, 7-30-81, 6-4-83 and 11-16-84; see my 6-10-91 letter, exhibit 4 - declaration of Richard DuPar).

2. Attorney Belli became involved in Case 2 (which concerned Greene's failure to have communicated the \$2,000,000 offer to his clients) from his comment in the above American Lawyer article, when investigator Goode had a falling out with attorney Greene over payment for his services and then brought Ms. Ornelas and Ms. Castro to attorney Belli. Despite the settlement offer communication problems from Goode's contract/arrangement with the plaintiffs in Case 1, and now that arrangement essentially being Greene's defense in Case 2, amazingly attorney Belli allowed Goode to again procure another 10% contingency contract with each plaintiff. Obviously this contract presented another conflict and an unconscionable/illegal act. This was a "violation" of Rule 5-102. (Recall, I previously provided the Bar copies of those contracts with my 6-10-91 letter; see also DFES at 6-7-82, 5-31-77 and 1- 82).

3. Attorney Belli, by jointly handling Case 2 and Case 1 created another conflict - which he intentionally ignored, even after being expressly advised of such by Greene's office.³ This was a "violation" of Rule 5-102. (See DFES at 1-12-83, 1-31-83 and 6-4-83; see my 6-10-91 letter, exhibit 4 - declaration of Richard DuPar).

What is most troubling here, is that neither attorney Greene nor Belli, have in any way showed remorse for their misconduct and the indisputable fact their misconduct caused Ms. Ornelas and Ms. Castro to lose all compensation for their losses and horrible burn injuries - twice! Not to mention that their misconduct has caused considerable embarrassment, shame and distrust for the Bar and the entire legal profession and that it also

³ The DFES entry at 1-12-83 references a letter of that date by attorney Charles O'Reilly (Greene's partner) that replied to a letter from Belli's office (by partner Paul Monzions who co-handled Case 1 and Case 2 with Belli - who obviously then also ignored the conflicts) that requested their thoughts about appellate theories for Case 1. In pertinent part attorney O'Reilly wrote:

"Without discussing the ethics of this conduct, it goes without saying that your office now represents the Ornelas, et al., Plaintiffs in an alleged malpractice case against this office and also represents the Ornelas, et al., Plaintiffs in an appeal from an adverse judgment in the case that underlies the alleged malpractice case against this office. Therefore, simple logic dictates that if Mr. Belli desires to harm Mr. Greene, he will pursue the appeal under the threat of the cross purposes possible in the Ornelas et al., v. Ford case.

"The truly sad, sad part of this scenario is that Ms. Ornelas, Ms. Castro, Mr. Jose Munoz, and Mr. Ventura Munoz-Flores are the people that will suffer most from Mr. Belli's blind hatred of Mr. Greene. (3 CT 753).

The Bar was provided a copy of attorney O'Reilly's letter with my 6-10-91 letter, as exhibit 12. It is somewhat ironic, if not hypocritical for attorney O'Reilly to chide attorney Belli for ignoring this conflict, after he and partner Greene had earlier repeatedly intentionally ignored the main conflict. (See fnnt. 6 above). He nonetheless should be given some credit for recognizing it, doing his duty and being correct.

wasted considerable court resources - the trial of Case 1 (an "irregular proceeding", Price v. Giles), the appeal of Case 1, the trial of Case 2 (an "irregular proceeding"), and the trial, the appeal of, and two (2) appellate petitions in Case 3. Obviously, all of which could have been easily prevented had attorney Greene just respected the rights of his clients followed the law and complied with Rule 5-102. The same is true for attorney Belli.

FURTHER AGGRAVATING ACTS

As will be shown below, attorneys Greene and Belli are not only not sorry for what they did, they are not even sorry they got caught. As shown below, they have continued to display attitudes of blind arrogance and contempt for the law, their attorney oaths, and for their legal duties, repeatedly violating Business & Professions Code, sections 6013, 6067, 6068.

Attorney Greene

1. After serving the civil complaint in Case 3 on attorney Greene, he replied on 5-28-86 with a letter stating: "I read with great humor the attempt at a Complaint that you did on this matter . . . would you be kind enough to inform me of the insurance carrier for your errors and omissions policy." (See DFES at 5-28-86).

2. Then on 12-9-86 I appeared at a motion in Case 3. Attorney Greene's partner, Charles O'Reilly (who was also a named defendant in the case) appeared on behalf of Greene's office; after the hearing he threatened me and blocked my exit from court. (See DFES at 12-9-86). I wrote Mr. Greene about the incident (particularly because Mr. O'Reilly had earlier repeatedly harassed and then threatened Mr. Goode when taking his deposition in Case 2) and cautioned him that I would not tolerate any further improper conduct from Mr. O'Reilly, or any other member of his firm and should such occur I would notify the Bar. Mr. Greene never responded and clearly he did not heed my advice. (See No. 3 directly below). As the Bar is aware, Mr. O'Reilly had been the subject of Bar discipline earlier. As he handled Case 1 himself for an extended period of time before Greene, he like Greene also intentionally ignored the conflict. (See DFES at 7-10-80).

3. During the prosecution of Case 3, attorney Greene repeatedly disobeyed trial subpoenas. While the case was trailing (on the beeper) Greene while under subpoena, on one occasion left town and on another left the country, without notifying the court or me; each instance necessitated my having to go to court to remove the case from the beeper. I then sent a letter to Greene asking him to explain this conduct and to explain why the Bar should not be notified of his disobedience and illegal behavior; Greene never replied. (See DFES at 2-7-90, 3-26-90, 5-4-90, 6-4-90, 6-6-90 and my 10-2-90 letter to the Bar). Shortly thereafter, the trial began and several telephone calls were made to Greene's office in an attempt to locate him and again request/confirm his appearance under the subpoena. Greene failed to return the calls and thus he had to be served with another trial subpoena; he then not only failed to appear as the subpoena directed, but failed to call the court or myself. I requested the judge issue a bench warrant; the judge refused. I requested a brief continuance; the judge refused. Greene then later had undisclosed ex parte communications with the trial judge, who then made improper comments/rulings favorable to Greene, when he finally appeared. (See DFES at 6-6-90 and pages 51-4; also see my 3-4-93 letter to the Bar, with declaration of Stephen Kuri). These incidents alone should warrant disbarment. How and why has the Bar ignored them?

4. During the trial, Greene admitted: he thought there was no conflict (2 RT 380-1, 384) and that he thought it was "absolutely absurd" to have obtained consent from his clients (2 RT 384). Then when asked if he had consulted any legal authorities for those opinions, stated: "No, I didn't look at any books. I didn't have to for that. Because I know what the facts were and having tried a number of these cases it was my judgment and the judgment of everyone in our firm that was the way to proceed." (2 RT 385). The when asked if anyone in his firm was a specialist in conflicts of interests, he responded: "No, I wouldn't call it that. We know what the law is." (2 RT 385). (See Day, Betts, Yokozeki v. State Bar (1974) 11 Cal.3d 436 and Maltman v. State Bar (1987) 43 Cal.3d 924).

5. Most recently, attorney Greene again demonstrated that he learned nothing or still just does not care about the law of conflicts of interest, as shown by a 9-7-91 LA Daily Journal article entitled "Award in Plane Crash Overturned - Judge voids \$57-million verdict, tells of a plaintiffs' lawyer who failed to disclose that he once worked for firm that represented the defendant aircraft maker." The plaintiffs' counsel there was Greene's firm/partner. (See my 9-9-92 letter at page 25).

Attorney Belli

1. On 5-14-86 I sent a letter to attorney Belli requesting the underlying case files of Ms. Ornelas and Ms. Castro be provided to me, as their attorney. For quite some time he failed to even respond. Then after he finally responded, production of the file was delayed further and when the file was finally produced a large portion was missing. Throughout the prosecution of the lawsuit, he repeatedly failed to comply with and abused basic discovery law. (See my 2-14-89 letter at 3 CT 728-36). Most telling is when attorney Belli without cause walked out of his deposition shortly after it began, but first threatened me and then called me a "miserable bastard." (Belli deposition Case 3, Vol. 1, page 42; also at 2 CT 392). Then when the deposition resumed (actually compelled by court order, with referee) so did his disorderly and disrespectful conduct, the deposition ending with him again threatening me and calling me an "incompetent bastard." (Belli deposition Case 3, Vol. 2, page 101; also at 3 CT 810).

2. During his deposition in Case 3, attorney Belli was asked whether during his handling of Case 1 and 2, he ever consulted any legal authorities, including the Rules of Professional Conduct, he responded: "Never, No. No reason to." (Belli deposition, Case 3, 80:24-81:14; see also DFES at page 29 and 54-5).

3. During the prosecution of Case 3 attorney Belli threatened me with Bar complaints, in fact while under oath in deposition falsely stated that he had filed a Bar complaint. (Belli deposition Case 3, at 18:19, 57:24, 101:21). He also falsely answered several other material questions in his deposition. (It appears that the Bar has missed that those are acts of perjury). He also directed his employee-attorney to write letters threatening to sue my employers. (See my 3-28-91 Bar complaint, with deposition pages, and DFES at 1-9-89, 3-21-90, 3-28-90, and 2-27-91). These incidents alone should warrant disbarment. Why and how has the bar ignored them?

4. After the purported trial of Case 3, when the judge, without cause and without competence held bogus sanction hearings against me, attorney Belli (or at his direction his employee) telephoned the LA Daily Journal and requested they attend/report the case and hearing dispositions. Belli and his employee-attorney then made disparaging and untrue statements assailing my reputation, which were published/reported. (See DFES at 6-26-90, 6-27-90, 7-12-90, 7-13-90, 8-1-90, 9-24-91 and see pages 56-7).

5. It is no secret, that over the last decade plus, attorney Belli has left a path of numerous embarrassing acts and legal problems in his wake, as evidenced by an article entitled "The Lion in Winter - Melvin Belli, Both King of Torts and King's Fool, Still Rages at 84" that appeared in the December 1991 issue of California Lawyer. Most emblematic of his attitudes of blind arrogance and disrespect for the law is shown in a photograph and his comments at page 38-9 of the article. (See DFES at page 29 and 30B; see also a much earlier 3-85 front page article in THE AMERICAN LAWYER entitled "CLIENTS BEWARE: Use of this once-great king of torts and his ever-changing band of associates may be hazardous to your case" and an 11-27-89 front page LA Times article "Melvin Belli: Is the Image Tarnishing?").

This article appeared in the 12-81 issue of the AMERICAN LAWYER re Ornelas v. Ford (Case 2) referencing attorney Greene. Recall this was a single-vehicle accident where Ford was found not to be at fault, but later in Case 3, both Judge Nelson and Justice Klein (who wrote the unpublished appellate decision) determined as a matter of law that a conflict of interest existed between driver Ventura Munoz and passengers Maria Ornelas and Fabiola Castro - all represented by attorney Greene in Case 1; in fact, Justice Klein even concluded that "Munoz alone caused the accident." Nelson and Klein though, both also refused to address the issue of Greene and Belli ignoring and not disclosing the conflict. The State Bar however later concluded that was a "violation" of Rule 5-102, yet then, contrary to the law failed to impose any meaningful discipline. (See Beery v. State Bar (1987) 43 Ca.3d 806).

WORST PERFORMANCE

Browne Greene

Los Angeles plaintiffs' lawyer Browne Greene, 45, must have thought he had another Pinto case on his hands when he went to trial against the Ford Motor Company in June on behalf of three plaintiffs who were badly burned when their Ford F-100 pickup truck overturned and caught on fire, allegedly because of defective design of the in-cab gas tank. Ford's defense counsel, Marshall Hunt of Los Angeles's Brill & Hunt, offered Greene \$2 million to settle the case at the close of argument, but Greene—who has a string of multimillion-dollar verdicts to his credit—turned it down. Then the jury came in for the defense.

Now Greene's motion for a new trial has been denied, and several other plaintiffs' lawyers are reportedly angling for the case, prepared to assert that Greene acted improperly because he did not get his clients' informed consent before he rejected the offer. (The plaintiffs could not be reached for comment, and Greene declines to comment on the suit.) One of the lawyers who claims that Greene did not get his clients' consent is Melvin Belli. Says Belli, "I would like to be their lawyer."

THE PANEL



Browne Greene

Former president of the California Trial Lawyers Association and the Los Angeles Trial Lawyers Association, Browne has won numerous multimillion dollar verdicts for plaintiffs with personal injuries. Trial Lawyer of the Year in '78 by the LATLA, national finalist in '89 for Trial Lawyer of the Year by the Trial Lawyers for Public Justice, he was selected in a California State Bar Poll as one of the two most respected civil trial lawyers in California.

This insert appears in "The Masters in Trial" seminar taking place on 6-25-93 presented by The American Board of Trial Advocacy. Compare the praise given attorney Greene here to the allegations of his misconduct set forth in the Endnote, ENCLOSURE A.

ENCLOSURE - C

This is a summary of Ornelas v. Greene (Case 2), from O'Brien's Evaluator (1985), p. 79.

Note the absence of any reference to the conflict of interest. Again the conflict is ignored.

See ENCLOSURE A re further conflicts, acts of misconduct and "violations" of the Rules of Professional Conduct by attorneys Greene and Belli. See particularly how the Greene/Goode relationship harmed Ms. Ornelas and Ms. Castro, in both Case 1 and Case 2.

A	B
BROWNE GREENE WINS... BELLI LOSES! CASE: (1) CASTRO (2) ORNELAS vs. <u>BROWNE GREENE</u> (3) FLORES PLAINTIFF: Melvin M. Belli and Paul Monzone ATTORNEYS: San Francisco EXPERTS: Roberta Ritter - Los Angeles Richard Voorhies - Karl Seuthe - Los Angeles Sherman Oaks Garvin Schillenberger - Los Angeles DEFENSE: Charles A. Lynberg ATTORNEY: Los Angeles EXPERT: Thomas Anderson - Indio FACTS: On July 30, 1981 the Deft., Browne Greene, represented four Pltfs. in a product liability action against Ford Motor Co. After a six week trial, as he was about to make his final argument to the jury, Ford offered him \$2,000,000 to settle. Greene told his investigator, Walter Goode, to get hold of the Pltfs. and get them into the courtroom. 2 were Mexican nationals and in Mexico at the time. (they were illegal aliens and in fear of arrest). Castro and Ornelas agreed not to take the offer. The verdict came in for the defense. Goode took signed statements in English and in Spanish confirming the fact that the offer was relayed and rejected. Later Goode took the Pltfs. to Melvin Belli to file a legal malpractice action. Pltf. claimed that it was not proper to have an investigator relay the offer to the Pltfs. Greene should not have rejected the offer until it had been properly discussed with the injured parties. In fact, it appeared that Greene was afraid that they might accept and he would miss out on a much larger verdict. Deft. argued that Greene had done everything possible to properly convey the offer to the hard to reach clients. Goode did communicate the amount of the offer and took signed statements. (Goode later denied he told them the amount of the offer). (Continued on next page)	(Continued) Editor's Note: The four prior plaintiffs all testified that they were never aware of any pretrial offers (there were two) or the \$2,000,000 offer. They didn't even know the verdict was rendered against them. They sued Browne Greene only because Goode told them that Greene had done something wrong. Goode was badly impeached with inconsistent testimony, at one point admitting he had lied to his clients several times. Then the following day he denied that he had admitted he lied. SPECIAL DAMAGES: Loss of \$2,000,000 settlement offer by Ford Motor Co. because Deft. failed to relay offer to them. JUDGE: Hon. Leonard Goldstein DEPT. 17 TRIAL DAYS: 4 weeks DELIB. TIME: 4 1/2 hours JURY POLL: 4/1 PLAINTIFF DEMAND: <u>\$3,500,000</u> DEFENSE OFFER: <u>\$500,000</u> JURY VERDICT: <u>Defendant</u> ORANGE COUNTY 3/29/85

ENCLOSURE - D

This article appeared on 7-9-90 in the NATIONAL LAW JOURNAL re Ornelas v. Greene and Belli (Case 3) referencing Judge Nelson calling the conflict of interest baseless - as he sets a hearing to consider whether he will impose \$164,000 in threatened sanctions.

Recall the State Bar in fact concluded the failure of attorneys Greene and Belli to recognize the conflict was a "violation" of Rule 5-102, although when imposing discipline on attorneys Greene and Belli, the State Bar ignored that the "violation" was also a breach of a mandatory fiduciary duty and fraud. (See Beery v. State Bar (1987) 43 Cal.3d 806; Ball v. Posey (1986) 176 Cal.App.3d 1214, 1215; and Betts v. Allstate (1984) 154 Cal.App.3d 688, 716).

THE NATIONAL LAW JOURNAL

Monday, July 9, 1990

What Goes Around Comes Around

AN EFFORT by alienated clients to play one courtroom Titan off against another has fizzled.

On June 22, Los Angeles Superior Court Judge Harry Nelson directed a defense verdict in a legal malpractice case that named both King of Torts Melvin M. Belli of San Francisco's Belli, Belli, Brown, Monzone, Fabbro & Zakaria and a latter-day scourge of the personal injury defense bar, Browne Greene of L.A.'s Greene, Broillet, Taylor & Wheeler. The judge called the clients' conflict-of-interest allegations baseless, and he set a July 12 hearing on \$164,000 in sanctions Mr. Belli seeks against plaintiff's counsel, Gary Zerman, a sole practitioner in North Hollywood, Calif.

Messrs. Belli and Greene have a history; the rococo insults they traded enlivened the legal press through the early 1980s. (NLJ, 1-31-83.)

The current row started in 1981 when Mr. Greene represented four Mexican nationals who lost an auto accident suit against Ford Motor Co. — "the biggest defeat of my career," he calls it — and Mr. Belli took the losing clients' legal

malpractice case against him. The clients contended Mr. Greene hadn't communicated a settlement offer. But contrary testimony gave Mr. Greene a 1985 win and left Mr. Belli lamenting he'd ever taken the case. The clients then sued them both.

Depositions showed the clients have had an ugly introduction to the U.S. justice system, according to Mr. Belli, who told the court that Mr. Zerman was out to drum up business. Mr. Zerman did not return telephone calls for comment.

Mr. Belli's plan to sue Mr. Zerman for malicious prosecution is "crazy," Mr. Greene says. But characterizations of sanity aside, he says the Belli-Greene feud was patched up long ago.

Mr. Belli's counsel for the case is his firm's Kevin R. McLean. "I'm the clean lily," Mr. McLean quips. "I didn't even join the Belli firm until 1986. Before that, I was writing books in Boston."

— Gail Diane Cox

ENCLOSURE - D

THE STATE BAR
OF CALIFORNIA

555 FRANKLIN STREET, SAN FRANCISCO, CALIFORNIA 94102-4498

OFFICE OF TRIALS

TELEPHONE: (415) 561-8700
FAX: (415) 561-8220
TDD: (415) 561-8231

March 10, 1993

DIRECT DIAL: (415) 561-_____

PERSONAL AND CONFIDENTIALGary Zerman, Esq.
5821 Hickory Drive, Suite D
Agoura, CA 91301Re: Case Nos. 91-O-02431 and 91-O-06361;
Respondents: Melvin M. Belli and R. Browne Greene

Dear Mr. Zerman:

The State Bar has conducted an investigation regarding your complaint against Melvin M. Belli and R. Browne Greene.

The State Bar of California has completed its investigation into the above-referenced complaint, and we conclude that there was a violation of former rule 5-102(B) of the Rules of Professional Conduct.

Given the circumstances in which the misconduct occurred, and considering the overall disciplinary record of each attorney, your complaint would not likely result in suspension or revocation of each attorney's license to practice law. We have therefore issued a Warning Letter to the attorneys, cautioning them to avoid such conduct in the future. Should other complaints indicate that this case was not an exceptional circumstance, the matter may be reviewed for further action.

If you are not satisfied with the State Bar's decision to end this matter with the issuance of the Warning Letter, you may request a review of that decision. Your request, which must be in writing, would then be considered by the Complainants' Grievance Panel. Please direct your request to Complaint Audit and Review, State Bar of California, 333 South Beaudry Avenue, 24th Floor, Los Angeles, CA 90017.

Pursuant to the Rules of Procedure of the State Bar of California, your request for review must be received within three (3) months of the date of this letter, except upon a showing of good cause.

The State Bar thanks you for bringing this matter to its attention. As the agency responsible for processing complaints of misconduct by attorneys, the Bar must depend upon the active involvement of the public in bringing these matters to our attention. Your decision to become involved helps to ensure that such conduct is not repeated in the future.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Andrea T. Wachter".

Andrea T. Wachter
Deputy Trial Counsel

ATW/mao



THE STATE BAR
OF CALIFORNIA

555 FRANKLIN STREET SAN FRANCISCO, CALIFORNIA 94102-4498

OFFICE OF TRIALS

TELEPHONE 415 561 4200
FAX 415 561 4220
TDD 415 561 4230

March 10, 1993

DIRECT DIAL: (415) 561- _____

PERSONAL AND CONFIDENTIAL

Gary Zerman, Esq.
5821 Hickory Drive, Suite D
Agoura, CA 91301

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Very truly yours,

Andrea T. Wachter
Deputy Trial Counsel

ATW/mao

LA Times 9-21-91

★ SATURDAY, SEPTEMBER 21, 1991

A25

State Bar Steps Up Disciplining of Lawyers

By PHILIP HAGER
TIMES LEGAL AFFAIRS WRITER

SAN FRANCISCO—Disciplinary actions against California lawyers have increased sharply under a broadly revamped system, but further reforms are needed to quell a "state of crisis" in attorney misconduct, a special monitor of the State Bar said Friday.

Robert C. Fellmeth, a University of San Diego law professor named in 1987 to investigate a bar discipline system widely assailed as too lax, credited State Bar of California leaders with making improvements that reduced backlogs and accelerated punishment for wrongdoing in the 128,000-member profession in California.

The number of attorneys removed from practice through disbarment or forced resignation jumped from 51 in 1985 to 147 last year, he said. Suspensions rose from 51 to 212 during the same period. The offenses can range from committing crimes to mishandling clients' funds to failing to represent clients properly.

"We know of no precedent anywhere in the nation which can approach the dramatic turnaround achieved from 1987 to 1991 in California," Fellmeth said.

But he issued a strong call for further change—and chided the bar for publicly minimizing the need for reform.

"The State Bar is prone to excessive spates of self-congratulations," Fellmeth wrote. It is "regrettably likely to focus on the deserved acknowledgement of progress to dampen the equally important need for further reform. In point of fact, in terms of bottom-line performance by attorneys, we are still in a state of crisis."

Among other things, Fellmeth urged the bar to:

- Ease its rules of confidentiality to allow disclosure to consumers of any malpractice or fraud charges, contempt of court orders, court-imposed sanctions or criminal arrests against an attorney.

- Seek legislation requiring malpractice insurance for all attorneys; 25% of the practicing lawyers in the state do not have such insurance.

- Tackle the problem of attorney incompetence. "The bar neither assures competence meaningfully nor disciplines incompetence," the report said, noting that the only barrier to the profession is the bar examination.

- Search for ways to deal with "attorney deceit," particularly in

civil cases. "The level of attorney dishonesty in representations to the court, in promises to clients [and in] dealings with adverse counsel . . . is embarrassing," he said.

Fellmeth told of his "unsettling experience" in listening to callers to the bar's toll-free complaint number. The bar receives about 75,000 calls about lawyers annually—roughly two for every three attorneys in the state.

State Bar President John M. Seitman of San Diego welcomed the report, saying that Fellmeth "has now confirmed that the State Bar's turnaround has been truly unique, and that we today have the finest attorney discipline system in the nation."

However, a spokeswoman for a consumer group often critical of the bar said the report confirmed that the California lawyer-discipline system "still fails to meet consumer needs."

"The discipline system may be operating like a well-oiled machine," said Deborah Chalfie, legislative director for HALT (Help Abolish Legal Tyranny). "But that machine is still spitting out the vast majority of consumer complaints, and lawyers are still calling all the shots. They're just doing it more quickly."

Assembly Speaker's Bill On Discipline Advances

By Tom Dresslar
Daily Journal Staff Writer

SACRAMENTO — Legislation by Assembly Speaker Willie Brown to reform the State Bar lawyer discipline system passed the lower house Thursday on a 66-4 vote.

AB1544 now goes to the Senate.

Brown's measure is designed to deter false complaints, encourage settlement of cases and strengthen procedural protections for accused attorneys. A lawyer and the Legislature's most powerful member, Brown has been a leading critic of the bar. Three years ago, he carried legislation to modify the discipline system, which had undergone a pro-consumer overhaul two years earlier.

The main provisions of AB1544 would:

- Require all complaint forms to include a notification that the knowing filing of a false and malicious complaint is a misdemeanor.
- Specify disputes over medical liens cannot be grounds for discipline.
- Impose a statute of limitations on discipline cases. Complaints would have to be filed within one year after the misconduct was discovered. Prosecutions would have to start no later than two years after a complaint is filed.
- Require settlement conferences to be held before a State Bar Court judge prior to the filing of formal charges.



WILLIE BROWN — His bill strengthens procedural protections for attorneys.

- Require the bar to provide accused lawyers all exculpatory evidence no later than 15 days prior to the court hearing.
- Prohibits bar officials from contacting an accused lawyer if the lawyer is represented by counsel. Bar officials would have authority to sanction violations of the ex parte provisions.

CALIFORNIA

LAWYER

12-91

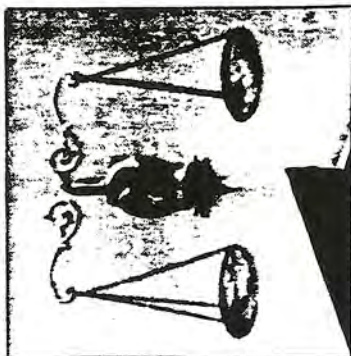
PAGES 38 & 39



Right: Cutting the cake during this year's annual Halloween party.

In the foreground is the ornament Belli intends to mount on his new building.

Far right: Belli and his wife, Lia, right, greet Wild Jasmine after she jumped out of a cake during a street beer party to celebrate Belli's 80th birthday.



Ancient Belli Family Crest

MELVIN M. BELLI

has dissolved his former partnerships

-law offices *and* marital-

with only "associates" hereafter in both fields.

(Applications now being accepted only for the former!)

He has moved to the

Belli Building

900 Montgomery Street

(Corner of Pacific)

San Francisco, CA 94133

(415) YUkon 1-1849.

Other Belli Buildings are also in:

Beverly Hills
(310) 553-1849

Washington D.C.
(301) 881-7600

Orange County
(714) 754-1849

Sacramento
(916) 448-9188

San Diego
(619) 239-5269

Stockton
(209) 942-1849

7-19-93 Daily Journal P. 3

Kids and Profanity: 'Where Does It Stop?'

STEVE PAVICH

Principal, Newport Harbor High School

From the viewpoint of an adult, the way kids use profanity may seem detrimental to society. But from the kids' standpoint, the way they talk is their everyday language. It's their way of expressing themselves and not in any way harmful to society. As far as whether this form of communication can somehow undermine Western society, I don't think it will, but instead it's the normal teen-age growing pain that causes such a pain to adults. In my years being involved with teen-agers, I've noticed that they can be very adept at converting to the cultural norm.



KARI COABAUGH

Senior, 18, Buena High School

If I came here from another country, I would look down on the way profanity was used by young people. But more disturbing is the fact that profanity is finding its way into the vocabulary of little kids. This, to me, seems like a dangerous trend. If these kids grow up using this language, there would probably be no way they could stop from using it. So, this behavior would carry on with them when they became adults and later, when they became parents. I blame a lot of this on music and movies. And when little kids look up to adults, and these same adults are using these words, what kind of message is that sending? I wish I could say it's probably a fad, but I don't think it is. And that's sad.



FATHER JIM ANGUIANO

Dean of admissions, Queen of Angels High School Seminary, Mission Hills

I see it as a problem. However, I do believe it can be corrected if it is pointed out to them by parent or educator. But it seems more and more that the use of these words are becoming more commonplace and there is a danger of them becoming fixed into our language. If the child is made to understand that these words are not acceptable to society, then when they mature they will hopefully police themselves. However, the danger lies within society. And if the web keeps getting thicker as more of these words are accept-

ed into our day-to-day conversations, where does it stop? How tolerant should society become when it comes to language?

PAMELA MUNRO

Professor of linguistics, UCLA

I've seen a dramatic change in sensitivity to profanity among UCLA students over the past few years. I taught seminars on slang in 1988 and 1992, and worked with members of each class to produce slang dictionaries. All these students were talented and enthusiastic, and all reported using many "four-letter words" in their everyday conversation. Both groups recognized the potential offensiveness of words that negatively stereotype certain types of people, such as women or minorities, but their reactions to words older people might consider vulgar or profane varied considerably.

The students in the first group were initially worried about including some entries containing such words in their dictionary, and they decided to indicate that some of these entries might be considered offensive. The students in the second group, however, expressed no such concerns about the same words. I was amazed at the degree of change in student attitudes in just four years.



VALERIE TERRANO

Age 13, La Merced Intermediate School, Bell Gardens

The people who talk like that are low-class. They are trying to be cool or accepted by their peer group so they feel they have to use language like that. And though guys use it much more than girls, I think more girls are starting to talk like that.

I guess I was fortunate that my father has always been strict about how we talk. He does not tolerate the use of profanity. But with so much of it coming from TV, movies and music, it's really hard not to talk like that. Maybe if Hollywood and rap artists started to clean up what they say, the problem wouldn't be so bad.



FELIPE PEREZ

Junior, 17, Bell Gardens High School

I learned to cuss in my neighborhood from the big kids and I'm sure it's the same with the little kids today as it was with

me. I don't see it [profanity] as something bad. It's a way kids and adults communicate. It's a form of expression. I don't talk like that in front of my parents or teachers. But if I were to talk like I do to my parents or teachers, my friends would think I was talking down to them.

I really don't think it's a big deal. More than likely, kids will tend to grow out of it.

CHARLES DENNIS JR.

Parole officer, Department of the Youth Authority, Westminster

There is a real danger when kids use bad language, no matter who is around to hear it. When I grew up, I was taught that you never speak profanity in front of your elders. Today, there's no respect by the kids, and some parents don't seem to care.

I noticed that it started to really get out of hand in the early '80s. I don't tolerate this kind of talk when I deal with kids. I let them know right away that they can't use profanity. After awhile they stop using it in front of me because they know I'll come down on them. So it can be corrected as far as I'm concerned. But if it's allowed to go on, then it becomes as common as drinking a glass of water.



BRIAN PARCEL

Senior, 18, Buena High School, Buena Park

I try to refrain from using profanity. I feel very uncomfortable when people engage with me using this language. It seems that every word is a swear word. And now, with these words being used so much, I really don't think people are aware that they're using them.

So, when they talk like this, they are completely unaware that they might be offending someone.

It's like secondhand smoke. The smoker is blowing his cancer-causing fumes into the air, completely unaware that he is hurting someone else. I do believe, however, that when these same people mature and enter the job market they will try to control the words they use. At least I hope they would.



*Compiled for The Times
by Erik Hamilton*