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SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS

IN THE MATTER OF THE ASSUMPTION OF JURISDICTION OVER THE LAW PRACTICE OF:
FRANK C. CARSON, No. 13631

NATURE OF HEARING: State Bar of California's Ex-Parte Verified
Application for Assumption of Jurisdiction Over Law
Practice; Request for Orders.

Case No. 2016630

JUDGE: FRANK DOUGHERTY	Bailiff: None	Date: 09/02/2015
Clerk: K. Stein	Rptr: Marilyn Miller	Modesto, Calif.
CONFERENCE CALL MATTER	Jan Brown & Assoc. (San Francisco, CA)	

Appearances:

Petitioner, State Bar of California is present by Robert A. Henderson,
Supervising Sr. Trial Counsel.

Respondent, Frank C. Carson is present by Kathleen M. Ewins, Esq. and
Jessica R. MacGregor, Esq.

Intervenor, Michael Hoyt is present by Stephen Schmid, Esq.

Deputy District Attorney, Marlisa Ferreira is present.

*(Also present are Stephanie Kennedy, Court Operations Manager and Court
Calendar Manager, Stephanie Mitchell.)*

Case is regularly called for ex-parte hearing (via conference call).

Counsel object to the presence of Ms. Ferreira at this hearing. The Court
agrees as this is an ex-parte proceeding conducted in chambers. She
disconnects from the conference call.

Court has reviewed all of the applications, motions, declarations, and
etc. with the exception of the 325 page declaration.

Court and counsel discuss that Mr. Carson is in custody and has 28
retained clients who are currently giving consent to continue being
represented by Mr. Roth or Mr. Hillenbrand. Two of his clients have
declined to consent and ongoing, diligent efforts are being made to
contact any remaining clients.

Court finds that there is no need for an order to show cause re the 28 clients who have given consent.

The Court will give Mr. Carson's counsel an additional two weeks to locate the remaining clients to see if they consent.

The Court needs to know if they have paid a retainer and the status of amount of retainer paid. These clients will need to be put on calendar.

As to the appointed counsel cases and the retained cases that they are trying to locate, the Court needs to know, within the next two weeks, what efforts are being made to put them on calendar.

The Court needs to know if any civil cases are pending as there may be Statute of Limitations concerns.

Mr. Henderson states that they understand that Mr. Carson has requested to be relieved in his appointed cases.

Mr. Henderson states that Mr. Carson has other counsel that have agreed to help him, however, they do not have substitution of attorney filing yet in regards to that as far as he is aware. The Court states that this matter can be continued for a couple of weeks to obtain substitution of attorneys and/or co-counsel, if necessary.

Mr. Henderson also discusses his concerns re the consents. He believes they are short-shrift. The Court addresses his concerns and states that if there is co-counsel on these matters, then the criminal judge can inquire further at that point.

Ms. Ewins responds re Mr. Henderson's comments re the inadequacies of the consents and informs the Court that they personally met with each client and discussed the situation in full. They feel these consents meet the requirements.

Further, she states that in re the appointed matters, they have been asking the judge to appoint new counsel.

Ms. Ewins indicates Mr. Carson has provided the Court with an extraordinary spreadsheet that satisfies the Court and the State Bar.

The Court requests (in two weeks):

- Copies of all minute orders in cases where Mr. Carson is appointed counsel.
- A minute order or document verifying that Mr. Roth and Mr. Hillenbrand are now representing the clients in the represented cases.
- Ms. Ewins and Ms. MacGregor are to meet and confer with Mr. Henderson, within a week, to discuss the two retained clients that have declined to sign a consent form.

Court feels it will be appropriate to make an interim order as to the two clients that are not willing to sign a consent form if they do not retain new counsel soon. The matters as to these two clients should be continued to allow them time to retain new counsel.

She also notes that they do not believe Mr. Carson is currently handling any civil cases at all. She states that he may have been appointed in a case in Yolo County wherein they will be seeking to have him withdrawn as counsel in that matter.

Ms. Ewins and Ms. MacGregor state they can submit a supplemental declaration if any new cases are found other than what is outlined in the spreadsheet.

Discussions are held re the civil case that Mr. Carson has against the County of Stanislaus and it is noted that the Jury Trial that was set for August 11, 2015 was vacated and no future dates are set at this time. Mr. Schmid represents Mr. Carson in this matter.

IT IS HEREBY ORDERED:

State Bar of California's Ex-Parte Verified Application for Assumption of Jurisdiction Over Law Practice; Request for Orders is hereby **CONTINUED** to **September 15, 2015 at 8:00 a.m.** (via telephonic conference). Parties are instructed to dial up the same number as was done today.

The Court notes that the Court has had contact with Mr. Carson as a judge while he was an attorney in some matters in Merced County and also here in Stanislaus County. The Court also notes that Mr. Carson's wife used to be married to someone that worked for him (after their divorce) and during the time the judge was working in the District Attorney's Office in Merced

County. The Court states that he never spoken to their daughter. He has only had a couple of quick telephone conferences with Mr. DeFilippo.

Mr. Schmid's motion slated for September 24, 2015 shall also join in on this continued hearing set for September 15, 2015.