

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: Continued Hearing re State Bar of California's
Application for Assumption of Jurisdiction Over Law
Practice; Request for Orders.

JUDGE: FRANK DOUGHERTY

Bailiff: D. Mejia

Case No. 2016630

Clerk: K. Stein

Rptr: Sean Gumm

Date: Oct. 9, 2015

CONFERENCE CALL MATTER

Modesto, Calif.

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 Noah
S. Rosenthal, Esq.

Intervenor is present by Frear Stephen Schmid, Esq. (late).

(Also present is Court Calendar Manager, Stephanie Mitchell.)

At 8:03 a.m. this case is regularly called for hearing in an open
courtroom in Department 6. The courtroom doors are open and the public
has full access.

Court has received and reviewed declarations from Percy Martinez and
Jessica Duran.

Ms. Ewins updates the Court with the status of Mr. Carson's cases. Mr.
Habib Mohammed Shahid is a client that is missing in action. She states
that Mr. Carson's office has taken reasonable steps, including sending him
a registered letter informing him of his need to appear in Court. There
is a hearing that is set for November 2, 2015 in his case. At that time,
Mr. Carson's office will request the Court allow his office to withdraw as
attorney of record.

In addition, she states that Sterling Carson is missing in action. He has been living on the streets as far as anyone knows. He missed his most recent hearing. The office has done what it can to provide him notice. He has a misdemeanor bench warrant issued against him and once he is either located or arrested, there will be a hearing scheduled and Mr. Carson's office will ask to withdraw as his attorney.

The State Bar requests Mr. Carson have the motions to withdraw on file now rather than wait even though that Court is accepting oral motions to withdraw.

The Court finds that it will be sufficient to have a simple letter written to the Court pointing out the due diligence performed in attempting to locate the missing individuals and advise that should the Defendants come before the Court, Mr. Carson is simply asking to be relieved and request other counsel be appointed. The State Bar agrees.

The Court compliments all counsel in their handling of this matter.

IT IS HEREBY ORDERED:

The Court **DENIES** the State Bar's motion to assume the practice of Frank Carson based on the fact that Mr. Carson has, through counsel, taken adequate steps to protect the interests of the clients and by associating Preciliano Martinez in the cases that he will continue to have, and removing himself as counsel of record in the other cases. The application for assumption of law practice is dismissed without prejudice. Intervenor, Michael Hoyt's Motion to Intervene is dismissed without prejudice as well.

Court recesses for the day at 8:12 a.m.