

STATE BAR COURT
OF THE STATE BAR OF CALIFORNIA

DISTRICT 7

FILED

JUL 07 1983

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

In the Matter of)
DAVID W. WILLIAMS, JR.) 82-0-28 LA
A Member of the State Bar) LA 3543
ORDER

The Supreme Court of the State of California, having accepted the resignation of David W. Williams, Jr. in Bar Misc. 4628, on April 20, 1983, the above entitled matter is dismissed without prejudice to further proceedings therein should he seek reinstatement.

Dated JUL 6 1983

Seymour Fried
SEYMOUR FRIED
Assistant Presiding Referee

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Bar Misc. No. 4628

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA
IN BANK

SUPREME COURT
FILED

APR 20 1983

IN THE MATTER OF THE RESIGNATION
OF DAVID W. WILLIAMS, JR., A MEMBER
OF THE STATE BAR OF CALIFORNIA.

LAURENCE P. GILL, Clerk

Deputy

Mosk, J., and Kaus, J., did not participate.

The voluntary resignation of David W. Williams, Jr., as a member of The State Bar of California is accepted without prejudice to further proceedings in any disciplinary matter pending against him should he hereafter seek reinstatement.

I, LAURENCE P. GILL, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court, as shown by the records of my office.

Witness my hand and the seal of the Court this

day of APR 20, 1983, A.D. 19

[Signature]
Deputy Clerk

RECEIVED

[Signature]
Chief Justice

DECLARATION OF SERVICE

I, the undersigned, over the age of 18 years, whose business address and place of employment is 1230 West Third Street, Los Angeles, California, declare that I am not a party to the within action; that in the City and County of Los Angeles, on the date shown below, I deposited a true copy of the within

ORDER

in a sealed envelope as follows:

In a facility regularly maintained by the United States Postal Service with postage thereon fully prepaid addressed to:

Thomas J. Kelley, Jr., Esq.
One Wilshire
Suite 2000
Los Angeles, CA 90017

Ronald Dean, Esq.
15135 Sunset Blvd.
#280
Pacific Palisades, CA 90272

John C. Gregory, Esq.
3001 Corda Drive
Los Angeles, CA 90049

David W. Williams, Esq.
#1 Topsail Street
Marina Peninsula, CA 90291

David W. William, Esq.
10801 Sunset Boulevard
Los Angeles, CA 90024

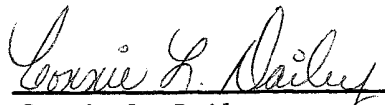
Ms. Nancy W. Burton
c/o Sandra S. Froman, Esq
One Wilshire Boulevard
16th Floor
Los Angeles, CA 90017

In an inter-office mail facility regularly maintained by the State Bar of California addressed to:

Alyse Lazar,
Attorney At Law

Dated: August 19, 1983

I declare under penalty of perjury at Los Angeles, California, on the date shown above, that the foregoing is true and correct.



Connie L. Dailey
Administrative Assistant I

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FEB 18 1983

STATE BAR COURT

FEB 18 1983

OF THE STATE BAR OF CALIFORNIA

STATE BAR COURT
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LOS ANGELES

STATE BAR COURT
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LOS ANGELES

DISTRICT 7

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In the Matter of)	L.A. No. 3543 (82-0-28 LA)
)	CSF 81-17, CSF 81-167, CSF 81-168
DAVID W. WILLIAMS)	CSF 81-169
)	STIPULATION AS TO FACTS PURSUANT
A Member of the State Bar)	TO RULES 401 & 650 OF THE STATE
)	BAR RULES OF PROCEDURE

IT IS HEREBY STIPULATED by and between the State Bar of California through its Examiner, Alyse M. Lazar, and David W. Williams, in propria persona (hereinafter referred to as Respondent) in accordance with Rules 401 and 650 of the State Bar Rules of Procedure as follows:

A. THE PROCEEDINGS INVOLVED

On or about March 4, 1982, a Notice to Show Cause in the above-referenced matter was issued by a State Bar Court referee, and was subsequently served on Respondent on April 30, 1982. Said disciplinary matter was consolidated for hearing with Client Security Fund matters enumerated as CSF 81-17, CSF 81-167, CSF 81-168 and CSF 81-169. On or about August 1, 1982, Respondent submitted his Resignation as a member of the State Bar of California to the State Bar. The State Bar Board of Governors thereafter adopted the recommendation of the State Bar Committee on Adjudication and Discipline that said Resignation with disciplinary proceedings pending be accepted. The Board of Governors further ordered perpetuation of the disciplinary matter pending prior to referring said resignation to the California Supreme Court for final resolution.

1 It is now the intention of the parties to enter into a
2 stipulation as to the facts regarding this matter for purposes
3 of perpetuation as ordered by the State Bar Board of Governors
4 and for purposes of the Client Security Fund matters referenced
5 hereinabove.

6 B. STATEMENT OF ACTS OR OMISSIONS BY RESPONDENT WHICH ARE
7 ADMITTED BY RESPONDENT

8 1. From in or about October, 1970, through in or about
9 August, 1979, Respondent was engaged by Nancy Wilson Burton to
10 provide legal counsel with regard to her business ventures.

11 2. As Ms. Burton's attorney, Respondent was authorized to
12 receive funds belonging to his client and to disburse these
13 funds for certain business and personal expenses of Ms. Burton.

14 3. A portion of Ms. Burton's funds were deposited by
15 Respondent in Wells Fargo Bank Account Number 0645-348996.

16 4. Respondent was a signator on said Wells Fargo Bank
17 Account which was opened on February 28, 1978.

18 5. None of the funds deposited in said Wells Fargo Bank
19 Account were monies belonging to Respondent.

20 6. On or about March 2, 1978, Respondent withdrew
21 \$5,000.00 from said Wells Fargo Bank Account for his own use
22 and purposes without obtaining the authorization and consent of
23 his client to do so.

24 7. On or about March 15, 1978, Respondent transferred
25 \$3,500.00 from said Wells Fargo Bank Account to Respondent's
26 personal account at Continental Bank in Chicago, Illinois, and
27 thereafter utilized said funds for his own use and purposes

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1 without obtaining the authorization and consent of Ms. Burton
2 to do so.

3 8. On or about March 24, 1978, Respondent withdrew
4 \$5,000.00 from said Wells Fargo Bank Account and applied these
5 funds to his own use and purposes without obtaining the consent
6 and authorization of Ms. Burton to do so.

7 9. On or about March 28, 1978, Respondent withdrew
8 \$5,000.00 from said Wells Fargo Bank Account and applied these
9 funds to his own use and purposes without obtaining the consent
10 and authorization of Ms. Burton to do so.

11 10. On or about April 14, 1978, Respondent withdrew
12 \$6,000.00 from said Wells Fargo Bank Account and applied these
13 funds to his own use and purposes without obtaining the consent
14 and authorization of Ms. Burton to do so.

15 11. On or about June 23, 1978, Respondent withdrew
16 \$1,000.00 from said Wells Fargo Bank Account and applied these
17 funds to his own use and purposes without obtaining the consent
18 and authorization of Ms. Burton to do so.

19 12. On or about July 27, 1978, Respondent transferred
20 \$1,000.00 from said Wells Fargo Bank Account to Respondent's
21 personal account at Continental Bank in Chicago, Illinois, and
22 thereafter utilized said funds for his own purposes without
23 obtaining the authorization and consent of Ms. Burton to do so.

24 13. On or about December 11, 1978, Respondent withdrew
25 \$2,000.00 from said Wells Fargo Bank Account and applied these
26 funds to his own use and purposes without obtaining the consent
27 and authorization of Ms. Burton to do so.

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1 14. On or about February 1, 1979, Respondent withdrew
2 \$3,000.00 from said Wells Fargo Bank Account and applied these
3 funds to his own use and purposes without obtaining the consent
4 and authorization of Ms. Burton to do so.

5 15. On or about February 2, 1979, Respondent transferred
6 \$3,505.00 from said Wells Fargo Bank Account to Respondent's
7 personal account at Continental Bank in Chicago, Illinois, and
8 thereafter utilized said funds for his own purposes without
9 obtaining the authorization and consent of Ms. Burton to do so.

10 16. On or about February 9, 1979, Respondent withdrew
11 \$200.00 from said Wells Fargo Bank Account and applied these
12 funds to his own use and purposes without obtaining the consent
13 of Ms. Burton to do so.

14 17. On or about March 2, 1978, Respondent withdrew
15 \$2,500.00 from said Wells Fargo Bank Account and applied these
16 funds to his own use and purposes without obtaining the consent
17 of Ms. Burton to do so.

18 18. On or about December 11, 1978, Respondent withdrew
19 \$1,550.00 from said Wells Fargo Bank Account and applied these
20 funds to his own use and purposes without obtaining the consent
21 of Ms. Burton to do so.

22 19. None of the afore-described funds withdrawn by
23 Respondent from Wells Fargo Bank Account Number 0645-348996
24 were compensation for legal services performed by Respondent on
25 behalf of Ms. Burton.

26 20. The afore-described funds which Respondent mis-
27 appropriated from Wells Fargo Bank Account Number 0645-348996,
28 were funds belonging solely to Ms. Burton to be used towards

1 the development of
2 residence.

3 21. In connection with his representation of Ms. Burton,
4 Respondent performed all legal services necessary to establish
5 the corporation named Nancy Wilson Productions, Inc.,
6 (hereinafter referred to as N.W. Productions).

7 22. From the date of incorporation of N.W. Productions
8 through in or about August, 1979, Respondent was employed to
9 perform legal services for N.W. Productions. Throughout this
10 period, Respondent also served as an Officer and Director of
11 N.W. Productions.

12 23. On or about November 8, 1975, Respondent caused to
13 have opened a savings account for N.W. Productions at Broadway
14 Federal Savings and Loan Association (hereinafter referred to
15 as Broadway Federal) located in Los Angeles, California,
16 bearing account number 7214187-2.

17 24. All funds deposited in said Broadway Federal Account
18 were to be maintained and utilized only in accordance with the
19 expressed purpose of the shareholders and/or Board of Directors
20 of N.W. Productions.

21 25. In his representative capacities for N.W. Productions,
22 Respondent had sole responsibility for receiving bank
23 statements and maintaining the financial records of said
24 Broadway Federal Bank Account for the corporation. Respondent
25 was also responsible for disbursing and investing funds
26 received by N.W. Productions.

27 26. None of the funds deposited in said Broadway Federal
28 Account were monies belonging to Respondent.

1 27. On or about November 14, 1975, Respondent withdrew
2 \$2,000.00 from said Broadway Federal Account for his own use
3 and purposes without obtaining the authorization and consent of
4 the Board of Directors and/or Shareholders of N.W. Productions
5 to do so.

6 28. On or about November 24, 1975, Respondent withdrew
7 \$3,000.00 from said Broadway Federal account for his own use
8 and purposes without obtaining the authorization and consent of
9 the Board of Directors and/or Shareholders of N.W. Productions
10 to do so.

11 29. On or about December 1, 1975, Respondent withdrew
12 \$5,000.00 from said Broadway Federal account for his own use
13 and purposes without obtaining the authorization and consent of
14 the Board of Directors and/or Shareholders of N.W. Productions
15 to do so.

16 30. On or about April 30, 1976, Respondent withdrew
17 \$3,000.00 from said Broadway Federal account for his own use
18 and purposes without obtaining the authorization and consent of
19 the Board of Directors and/or Shareholders of N.W. Productions
20 to do so.

21 31. On or about May 17, 1976, Respondent withdrew
22 \$5,000.00 from said Broadway Federal account for his own use
23 and purposes without obtaining the authorization and consent of
24 the Board of Directors and/or Shareholders of N.W. Productions
25 to do so.

26 32. On or about May 28, 1976, Respondent withdrew
27 \$5,000.00 from said Broadway Federal account for his own use
28 and purposes without obtaining the authorization and consent of

1 the Board of Directors and/or Shareholders of N.W. Productions
2 to do so.

3 33. On or about June 17, 1976, Respondent withdrew
4 \$5,000.00 from said Broadway Federal account for his own use
5 and purposes without obtaining the authorization and consent of
6 the Board of Directors and/or Shareholders of N.W. Productions
7 to do so.

8 34. On or about July 9, 1976, Respondent withdrew
9 \$2,200.00 from said Broadway Federal account for his own use
10 and purposes without obtaining the authorization and consent of
11 the Board of Directors and/or Shareholders of N.W. Productions
12 to do so.

13 35. None of the afore-described funds withdrawn by
14 Respondent from Broadway Federal account number 7214187-2 were
15 compensation for services performed by Respondent on behalf of
16 N.W. Productions.

17 36. On or about October 19, 1976, Respondent arranged for
18 a savings account to be opened at Continental Bank located in
19 Chicago, Illinois in the name of Nancy Wilson Burton on behalf
20 of N.W. Productions.

21 37. The sum of \$50,000.00 belonging to N.W. Productions
22 was caused to be deposited in Continental Bank Account Number
23 04-128589 by Respondent on or about October 19, 1976.

24 38. Respondent was authorized pursuant to a Power of
25 Attorney as an officer and director of the corporation to
26 disburse funds from said Continental Bank account for certain
27 business expenses of N.W. Productions.

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1 39. None of the funds deposited in Continental Bank
2 account number 04-128589 belonged to Respondent.

3 40. Without obtaining the consent of Ms. Burton and N.W.
4 Productions, or either of them, to do so, on or about
5 November 17, 1976, Respondent caused to have transferred
6 \$10,000.00 from said Continental Bank account to Respondent's
7 trust account number 123-701 of Wells Fargo Bank located in
8 Beverly Hills, California.

9 41. Thereafter, Respondent utilized said \$10,000.00
10 referred to in paragraph 40, for purposes other than those
11 authorized by Ms. Burton.

12 42. Without obtaining the consent of Ms. Burton and N.W.
13 Productions, or either of them, to do so, on or about
14 December 8, 1976, Respondent caused to have transferred
15 \$5,000.00 from said Continental Bank account to Wells Fargo
16 Bank account number 016829, in the name of David Williams,
17 Trustee for Nancy Wilson.

18 43. Said \$5,000.00 described in paragraph 42 hereinabove,
19 was thereafter applied by Respondent to his own use and
20 purposes without the authorization of Ms. Burton and N.W.
21 Productions, or either of them, to do so.

22 44. Without obtaining the consent of Mrs. Burton and N.W.
23 Productions, or either of them, to do so, on or about
24 December 20, 1976, Respondent caused to have transferred
25 \$5,500.00 from said Continental Bank account to Wells Fargo
26 Bank account number 016829, in the name of David Williams,
27 Trustee for Nancy Wilson.

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1 45. Said \$5,500.00 described in paragraph 44 hereinabove,
2 was thereafter applied by Respondent to his own use and
3 purposes without the authorization of Ms. Burton and N.W.
4 Productions, or either of them, to do so.

5 46. None of the afore-described funds withdrawn by
6 Respondent from Continental Bank Account Number 04-128589 were
7 compensation for services performed by Respondent on behalf of
8 Ms. Burton and N.W. Productions, or either of them.

9 47. Respondent was also employed by N.W. Productions to
10 establish a Profit-Sharing Trust (hereinafter referred to as
11 N.W. Trust) for the benefit of the seven employees of the
12 corporation.

13 48. In or about September, 1976, Respondent prepared the
14 Trust Agreement creating N.W. Trust in which Respondent, Ms.
15 Burton and Mr. Michael Mesnick were named trustees.

16 49. From in or about October 1, 1976 through in or about
17 August 14, 1979, Respondent served as a trustee and a member of
18 the administrative committee of N.W. Trust.

19 50. Respondent had sole responsibility for establishing a
20 trust account and for arranging for the deposit of funds in
21 said account on behalf of the N.W. Trust.

22 51. Respondent failed to establish a trust account on
23 behalf of N.W. Trust.

24 52. Respondent was entrusted with \$17,000.00 by N.W.
25 Productions to be maintained by the N.W. Trust on behalf of the
26 beneficiaries of said trust.

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1 53. Respondent applied said \$17,000.00 to his own use and
2 purposes rather than for purposes permitted in the Trust
3 Agreement.

4 54. Respondent wilfully failed to perform his duties as
5 trustee of the N.W. Trust.

6 55. Respondent falsely represented to the co-trustees of
7 N.W. Trust that a trust account had been established at
8 Continental Bank in Chicago, Illinois for the N.W. Trust, and
9 that funds had been deposited therein.

10 56. Respondent wilfully misrepresented to Michael Mesnick,
11 the accountant for Ms. Burton and N.W. Productions, the amount
12 of funds that Respondent has received and disbursed from the
13 bank accounts of Ms. Burton and N.W. Productions.

14 57. On or about March 1, 1979, Respondent first informed
15 Ms. Burton that he had misappropriated monies belonging to Ms.
16 Burton and N.W. Productions to his own use and purposes.

17 58. On or about July 6, 1979, Wiley Burton, on behalf of
18 Ms. Burton and N.W. Productions, sent a letter to Respondent
19 requesting a complete accounting of all monies received by
20 Respondent on behalf of Ms. Burton and N.W. Productions.

21 59. Respondent wilfully failed and refused to provide an
22 accounting regarding the afore-described funds to Wiley and
23 Nancy Burton, or either of them.

24 60. On or about August 14, 1979, Respondent received a
25 letter from Attorney Keith Zajec on behalf of Ms. Burton,
26 demanding a complete accounting of all funds Respondent had
27 handled for Ms. Burton and N.W. Productions, as well as the

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1 return of all monies taken by Respondent for his own use
2 without the consent of his clients.

3 61. After some delay, Respondent did provide Mr. Zajec
4 with an accounting for said funds.

5 62. Respondent wilfully failed to repay all or any of the
6 money he misappropriated from Ms. Burton, N.W. Productions and
7 the N.W. Trust.

8 63. On October 1, 1979, Ms. Burton, N.W. Productions and
9 N.W. Trust filed a lawsuit against Respondent referred to as
10 Los Angeles County Superior Court Case Number C299766.

11 64. On January 7, 1981, a judgment was entered against
12 Respondent in case number C299766 pursuant to Stipulation
13 wherein the court ordered Respondent to pay the sum of
14 \$39,305.00 to Ms. Burton, the sum of \$56,750.00 to N.W.
15 Productions, and the sum of \$17,000.00 to N.W. Trust.

16 65. Respondent has failed to comply with the order of the
17 Court in Los Angeles Superior Court Case Number C299766, in
18 that he has failed to pay all or any portion of the sums
19 indicated to Ms. Burton, N.W. Productions and N.W. Trust, or
20 any of them.

21 66. At all times relevant herein, Respondent was an
22 attorney admitted to the practice of law in the State of
23 California.

24 67. Ms. Burton is not a relative, partner, associate,
25 employer or employee of Respondent, nor controlled by same.

26 68. Neither Ms. Burton nor N.W. Productions are an
27 insurer, surety or bonding agency.

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69. N.W. Productions is neither controlled by Respondent nor any relative, partner, associate, employer or employee of Respondent.

Dated: January 27, 1983

David Welford Williams
David Welford Williams
Respondent

Dated: December 15, 1982

Alyse M. Lazar
Alyse M. Lazar
Examiner for the State Bar