APPENDIX A

SUPREME COURT OF CALIFORNIA

FINAL JUDGMENT

CASE S263130

SEPTEMBER 23, 2020

S263130

IN THE SUPREME COURT OF CALIFORNIA

En Banc

MICHELLE STOPYRA YANEY, Petitioner,

v.

THE STATE BAR OF CALIFORNIA, Respondent.

The petition for writ of mandate is denied.

CANTIL-SAKAUYE

Chief Justice

APPENDIX A PART 2

THE CALIFORNIA SUPREME COURT

DOCKET OF CASE S263130

Appellate Courts Case Information

Supreme Court

Change court

Court data last updated: 10/04/2020 02:10 PM

Docket (Register of Actions)

YANEY v. STATE BAR OF CALIFORNIA
Division SF
Case Number S263130

Date	Description	Notes
07/02/2020	Petition for writ of mandate/prohibition filed	Petitioner: Michelle Stopyra Yaney Pro Per
07/02/2020	Forma pauperis application filed	
07/02/2020	Forma Pauperis application granted	
07/02/2020	Letter sent to:	Re: S263130 - Yaney v. State Bar of California Dear Ms. Yaney: This will acknowledge that your petition for writ of mandate has been filed on July 2, 2020. Under the California Rules of Court, 8.500(f), you must now submit an original proof of service reflecting service on the State Bar of California. You will have 5 days from this notice to comply. Failure to do so may result in the court striking your filing.
07/06/2020	Received:	Amended proof of service to State Bar of California. Michelle Stopyra Yaney, Petitioner Pro Per
07/06/2020	Received:	Additional Exhibits: Volumes 2-5 Michelle Stopyra Yaney, Petitioner Pro Per
07/06/2020	Received:	Supplemental proof of service Michelle Stopyra Yaney, Petitioner Pro Per
07/06/2020	Received:	Notice of Errata on exhibits: Volumes 2-6 Michelle Stopyra Yaney, Petitioner Pro Per
07/07/2020	Received:	Letter dated July 7, 2020 from the State Bar of California indicating it does not intend to submit an Answer to the Petition for Writ of Mandate filed by petitioner on July 2, 2020, unless requested by the Court. State Bar of California, Respondent James Jou Chang, State Bar
07/07/2020	Received:	Notice of Errata on Exhibits: Volumes 2-6 Michelle Stopyra Yaney, Petitioner Pro Per
07/07/2020	Received:	Supplemental proof of service Michelle Stopyra Yaney, Petitioner Pro Per
07/08/2020	Received:	Supplemental Declaration in Support of Writ of Mandate Michelle Stopyra Yaney, Petitioner Pro Per
07/09/2020	Received:	Second Supplemental Declaration Michelle Stopyra Yaney, Petitioner Pro Per
07/10/2020	Received:	Letter dated July 10, 2020 Michelle Stopyra Yaney, Petitioner Pro Per
07/13/2020	Received:	Letter dated July 13, 2020 informing the Court that the State Bar has granted petitoner's request for further review in her complaint against attorneys. State Bar of California, Respondent James Jou Chang, State Bar

07/20/2020	Received:	Letter dated July 17, 2020 Michelle Stopyra Yaney, Petitioner Pro Per
09/23/2020	Petition for writ of mandate/prohibition denied	38

Click here to request automatic e-mail notifications about this case.

APPENDIX A PART 3

RELIEF GRANTED BY RESPONDENT

THE STATE BAR OF CALIFORNIA

CASE 8263130

The State Bar
of California

OFFICE OF GENERAL COUNSEL

180 Howard Street, San Francisco, CA 94105 415-538-2381 james.chang@calbar.ca.gov

July 13, 2020

VIA ELECTRONIC FILING

Supreme Court of California
Clerk of the Court
350 McAllister Street
San Francisco, CA 94102

RE: *Michelle Stopyra Yaney v. The State Bar of California*
California Supreme Court Case No. S263130

Dear Clerk of the Court:

Further to my letter of July 7, 2020, I write to inform the Court that the State Bar has granted petitioner's request for further review of her complaint against attorneys in State Bar case numbers 19O00041 (David Baron) and 19O15840 (Thomas Slovak). A true and correct copy of my email exchange with petitioner confirming this action is attached hereto.

Respectfully submitted,

/s/

James J. Chang
Assistant General Counsel
The State Bar of California

APPENDIX B

THE ORDER OF DENIAL OF AN ADA ACCOMMODATION BY THE STATE BAR OF CALIFORNIA, NOVEMBER 17, 2020.

The State Bar of California

OFFICE OF GENERAL COUNSEL

180 Howard Street, San Francisco, CA 94105

jay.lee@calbar.ca.gov
415-538-2444

Via US Mail and Email to: horse4ever22@yahoo.com

November 17, 2020

Michelle S. Yaney
78365 Hwy 111, #302
La Quinta, CA 92253

Re: Request for Accommodation Under Title II of the Americans with Disabilities Act

Dear Ms. Yaney:

I am the acting ADA Coordinator for the State Bar of California (State Bar). Your November 7, 2020, letter to the Complaint Review Unit (CRU) was forwarded to me for response.

You have filed several complaints against California-licensed attorneys alleging that their negligence during their representation of you resulted in your losing real and personal property. These complaints were closed by the State Bar's Office of Chief Trial Counsel (OCTC) because, even assuming that the allegations could be proven, your complaints would not support findings that the subject attorneys violated the California Rules of Professional Conduct. In closing your complaints, OCTC advised you of your right to seek a review of its decisions with CRU, which you have done. The CRU review process involves non-OCTC attorneys reviewing the case file including any documents submitted to independently evaluate whether a complaint was properly closed. This review process is conducted in writing; thus, complaining witness do not speak with reviewing attorneys via telephone.

In your letter, you volunteered that you suffer from a "mental anxiety disorder" and requested that a CRU attorney speak to you verbally over the phone about your complaints. Specifically, you state that you want to have a better understanding of why your complaints were closed by OCTC as "understanding is something that helps minimize anxiety and without it I cannot cope."

Title II of the Americans with Disabilities Act (ADA), requires that public agencies, such as the State Bar, provide accommodations to members of the public who are disabled, so that they may have equal or equivalent access to the public services and programs that are offered to the general public. The ADA requires, however, that qualified individuals with disabilities articulate how their impairments limit their ability to access the public services they seek. In your letter,

you do not state that your impairment limits your ability to effectively communicate in writing, or to physically send documents or other supporting evidence via US Post or electronic mail. Rather, you state that you wish to speak with a CRU attorney over the phone because doing so will lessen your anxiety and hence allow you to cope better.

As previously noted, Title II of the ADA only requires the State Bar to accommodate your anxiety disorder if that condition keeps you from accessing the CRU process. As you have described it, the impact of your impairment, while regrettable, simply does not limit or restrict your access to CRU or the above-described process it uses to review closed attorney complaints.

Consequently, the State Bar denies your requested accommodation. Please feel free to contact me at the address, email or telephone number above if you wish to discuss my decision. Alternatively, if you contend the State Bar is violating the ADA by denying you accommodation, you may make a direct complaint to the Disability Rights Section of the Civil Rights Division of the U.S. Department of Justice, whose contact information follows:

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Ave., NW
4CON, 9th Floor
Washington, DC 20530

You may also submit a complaint on-line at https://civilrights.justice.gov/report/.

Very Truly Yours,

/s/ Jay J. Lee

Jay J. Lee
Assistant General Counsel and Acting ADA Coordinator

Additional material from this filing is available in the Clerk's Office.