

IN THE SUPREME COURT OF THE STATE OF  
CALIFORNIA

In the Matter of )  
 ) Case No. S282314  
 )  
DREXEL ANDREW ) State Bar Case No.: 16-O-15558  
BRADSHAW, )  
 )  
 )  
 )  
State Bar No. 209584. )

**REPLY BRIEF IN SUPPORT OF  
PETITION FOR REVIEW**

ELLIN DAVTYAN, No. 238608  
General Counsel  
ROBERT G. RETANA, No. 148677  
Deputy General Counsel  
BRADY R. DEWAR, No. 252776  
Assistant General Counsel  
OFFICE OF GENERAL COUNSEL  
THE STATE BAR OF CALIFORNIA  
180 Howard Street  
San Francisco, California 94105  
Telephone: (415) 538-2012  
Facsimile: (415) 538-2321  
Email: brady.dewar@calbar.ca.gov

Attorneys for Petitioner  
Chief Trial Counsel of The State Bar of  
California

Of Counsel  
RACHEL S. GRUNBERG, No. 197080  
DANIELLE A. LEE, No. 223675

## TABLE OF CONTENTS

I.	INTRODUCTION .....	4
II.	ARGUMENT .....	8
	A. Review Should Be Granted on Multiple Grounds.....	8
	B. The State Bar Did Not Misrepresent The Record.....	10
	1. Many of the Purported “Erroneous and Misleading Fact Contentions” Are Simply Points on Which the State Bar (and the Hearing Department, Probate Court, and Court of Appeal) Takes a Different View of Ultimate Facts than Bradshaw and the Review Department .....	11
	2. Other Purported Misrepresentations are Merely Areas Where Bradshaw Asserts Additional, But Ultimately Irrelevant, Information .....	12
	3. Bradshaw Misleads with Several of his Allegations of Purported Erroneous or Misleading Contentions by the State Bar .....	14
	C. The State Bar’s Legal Analysis is Not Erroneous .....	17
	D. That OCTC Has Referred To Bradshaw’s Conduct as “Embezzlement” Is Irrelevant to the Issues on Review .....	20
III.	CONCLUSION .....	21

## TABLE OF AUTHORITIES

### Cases

<i>Bradner v. Vasquez</i> (1954) 43 Cal. 2d 147.....	18
<i>Fair v. Bakhtiari</i> (2011) 195 Cal. App. 4th 1135 .....	18
<i>Ferguson v. Yaspan</i> (2014) 233 Cal. App. 4th 676 .....	18
<i>Layton v. State Bar</i> (1990) 50 Cal.3d. 889.....	19
<i>Matter of Bach</i> (1991) 1 Cal. State Bar Ct. Rptr. 631 .....	19
<i>Montgomery Sansome LP v. Rezai</i> (2012) 204 Cal. App. 4th 786 .....	17
<i>Shneider v. State Bar</i> (1987) 43 Cal.3d 784.....	18

### Rules

Cal. Rules of Court	
rule 9.16(a)(1).....	8, 9
rule 9.16 (a)(4).....	9
rule 9.16(a)(5).....	9
Rules of Professional Conduct	
former rule 3-300 .....	19
former rule 3-310 .....	19

## I. INTRODUCTION

Over four years ago, this Court rejected the State Bar Court Review Department’s Opinion dismissing this case, and remanded this matter because it knew that respondent Drexel Andrew Bradshaw’s (“Respondent” or “Bradshaw”) conduct could not be properly evaluated without taking into consideration the probate court’s findings that Bradshaw committed misconduct as trustee for the Ora Gosey Family Trust. That misconduct consisted of breaching his fiduciary duty as trustee by creating a sham license for a construction company that he controlled and that owed him money, spending trust assets on that same company, and lying to the probate court about his ties to that company to conceal his financial motivations. In the intervening time since this Court issued that remand, the Court of Appeal also came to the conclusion that Bradshaw breached his fiduciary duty as a trustee, made misrepresentations to the probate court, and otherwise committed misconduct. The Court of Appeal understood that the gravamen of the breach of fiduciary duty finding came from Bradshaw’s flouting the public protection aspect of licensing statutes—statutes that parallel the regulatory scheme that this Court oversees for attorney admissions and discipline.

On remand, the Review Department majority disregarded the proper framework it should have applied in evaluating civil court factual, legal, and credibility findings, which independently corroborated the State Bar Court’s own Hearing Department in

the original disbarment recommendation under a clear and convincing standard. Instead, the Review Department majority dismissed virtually all of the findings by the three other courts that evaluated this case (including two triers of fact) and came to the conclusion that Bradshaw's only transgressions were three misrepresentations—which the Review Department majority found to be not intentional, despite the fact that even Bradshaw in his Answer could not even explain how such clearly false statements could be anything but intentional.

The Review Department's dissenting opinion pointed out the majority's glaring departure from the appropriate analytical framework and appropriately found that Bradshaw's misconduct was egregious and warranted disbarment. The Review Department dissenting judge, along with the State Bar Court Hearing Department, the probate court and the Court of Appeal, recognized Bradshaw's conduct for what it was—a scheme to defraud the Gosey Trust by draining the trust assets and funneling them to his own construction company so he could recoup his investment in that company. Bradshaw's authority as trustee is what he exploited in order to realize that goal. That is conduct that this Court should not condone.

Bradshaw's Answer, as a whole, is an attempt to lead this Court to miss the forest for the trees. For instance, in the very first paragraph, Bradshaw states that he "agrees and accepts the 2015 statement about 'no relationship' with any agent was inaccurate but was not made to attempt to mislead the Court in any way." (Answer at p. 8.) Yet nowhere in his Answer does he

address how such a clearly and utterly false statement—even setting aside issues Bradshaw disputes such as whether he was technically an owner of Bay Construction, he undisputedly had an extremely involved relationship with it—could be anything but intentional, as the Hearing Department, Superior Court (affirmed by the Court of Appeal) and dissenting Review Department judge all found it to be.<sup>1</sup> Throughout his Answer, Bradshaw makes heated arguments and accusations against the State Bar, but on closer review, the arguments and accusations are baseless and/or irrelevant, and, moreover, Bradshaw fails to meaningfully address the key reasons why review should be granted—the Review Department’s substitution of its own factual determinations, including credibility determinations, over both the Hearing Department and probate court (which both heard witnesses live over many days of trial), and the Review Department’s insistence, despite the Court of Appeal’s clear holding otherwise in this very matter, that no culpability for breach of fiduciary duty or scheme to defraud can lie because no harm was done by Bradshaw’s self-dealing, notwithstanding that, by using a construction company with a “sham” license and not seeking other bids, Bradshaw was putting the trust at risk.

Bradshaw makes the following arguments in support of his request for review to be denied by this court: 1) there are no unsettled important questions of law for this court to decide, 2)

---

<sup>1</sup> The intentionality of Bradshaw’s misstatements is shown not only by their egregiously obvious falsity, but by repetition and the financial incentive he had for making them. (See Petition for Review (“Pet.”) at 35-36.)

the Review Department's opinion is supported by the weight of the evidence, and 3) the recommended discipline isn't appropriate in light of the record as a whole. Bradshaw also argues that the State Bar's petition misrepresents the record, and that the legal authority that the State Bar has cited is inapplicable.<sup>2</sup> None of these arguments have merit.

First and foremost, the State Bar's Petition for Review asks this Court to reaffirm and clarify the appropriate weight and deference to be given to superior court and Court of Appeal findings and well as credibility findings determined by triers of fact. The State Bar submits that the analysis employed by the Review Department is incorrect, and not supported by case law, and the State Bar as a whole is in need of published case law from this Court to set that framework for this and future cases. Within the appropriate analysis, it becomes obvious that the

---

<sup>2</sup> Bradshaw's answer also includes much material that does not constitute argument warranting a detailed reply.

For instance, pages 38 to 78 of Bradshaw's answer appear to be a more or less verbatim repetition of the Review Department's fact findings from its two opinions in this matter. (See Answer at p. 38 fn. 1.) The State Bar's entire Petition for Review sets forth why the Review Department was incorrect—including for its failure to pay proper deference to the Hearing Department's credibility findings and to the corroborating opinions of the probate court and the Court of Appeal. The State Bar need not respond separately to Bradshaw repeating the Review Department's findings.

Bradshaw concludes his Answer with an impenetrable section regarding the State Bar's use of the term "embezzlement" to decide his conduct. That section is addressed briefly in Part II.D, below.

Review Department's opinion dismissing the findings of a scheme to defraud and breach of fiduciary duty is not supported by the record in this case and the recommended discipline is therefore not appropriate in light of the record as a whole.

The State Bar's factual allegations in its petition are accurate and supported by the record. Bradshaw dislikes the State Bar's arguments, but disagreeing with arguments does mean the State Bar made misrepresentations.

When properly evaluated, it is clear that Bradshaw's misconduct involves serious public protection issues and warrants disbarment. In this case, the dissenting Review Department judge was correct. It was error for the Review Department to find no culpability for scheme to defraud and breach of fiduciary duty and to not recognize that Bradshaw acted intentionally when he funneled trust money to his own company and lied to the probate court about it. The Hearing Department, dissenting Review Department Judge, probate court, and unanimous Court of Appeal panel have all determined that Bradshaw breached his fiduciary duties. This Court should grant review; find Bradshaw culpable for scheme to defraud, breach of fiduciary duties, intentional misrepresentation, and misappropriation; and order him disbarred, or, alternatively, remand with instructions.

## **II. ARGUMENT**

### **A. Review Should Be Granted on Multiple Grounds**

There are at least three grounds for review here: review is necessary to settle important questions of law (Cal. Rules of



Court, rule 9.16(a)(1)), and because the Review Department's Opinion is not supported by the weight of the evidence and is inappropriate in light of the record as a whole. (Cal. Rules of Court, rule 9.16 (a)(4) and (5)). Bradshaw's contentions otherwise lack merit.

First, Bradshaw claims that the State Bar points to no important questions of law. (Answer at p. 9.) This argument is absurd, as the State Bar's entire Petition is based on important legal issues unsettled by the Review Department's erroneous opinion, such as the proper weight to be given to the factual findings and in particular the credibility findings of the Hearing Department, the proper weight to be given to the factual findings and legal conclusions of the courts of record, and whether it is permissible for an attorney and trustee to engage in self-dealing that puts trust assets at risk by use of an unlicensed contractor simply because, in the end, the work performed by chance was satisfactory.

Second, Bradshaw claims the decision was supported by the weight of the evidence (Answer at p. 9), but again, that the Review Department was *not* supported is the focus of the entire Petition, and is corroborated by the decisions of the Hearing Department, the probate court, and the Court of Appeal, and the dissenting Review Department judge's opinion.

Finally, Bradshaw claims that the recommended discipline is appropriate in light of the record. (Answer at pp. 9 – 15.) Yet Bradshaw's entire argument in this regard is premised on the argument that the Review Department's recommended discipline

of a six-month suspension is appropriate for the misconduct of grossly negligent misrepresentation. His argument does not address the appropriate discipline for the misconduct he is actually culpable of: scheme to defraud, breach of trust, intentional misrepresentation, and misappropriation. As set forth in the Petition, disbarment is clearly the appropriate misconduct for the misconduct Bradshaw actually committed. (Pet. at 37 – 40.)

### **B. The State Bar Did Not Misrepresent The Record**

Bradshaw claims that the State Bar “grossly misrepresents the record,” and presents a 23-row, 18-page table purporting to show this. (Answer at pp. 15 – 33.) Bradshaw’s table in large part fails to explain how his purported corrections to the record are relevant at all to whether review should be granted, and the State Bar need not address each of his rows separately, though we note that they largely fall into three groups: (1) differences in opinion as to ultimate conclusions to be drawn from the record (i.e., Bradshaw claims his testimony should be credited, notwithstanding that the two courts that held trials on these issues did not find him credible, and thus that his version of events should be believed); (2) instances where Bradshaw provides additional, but irrelevant, detail in response to the State Bar’s record citations; or (3) ironically, instances where Bradshaw himself distorts or omits key facts from the record.

1. Many of the Purported “Erroneous and Misleading Fact Contentions” Are Simply Points on Which the State Bar (and the Hearing Department, Probate Court, and Court of Appeal) Takes a Different View of Ultimate Facts than Bradshaw and the Review Department

First, Bradshaw characterizes as “erroneous and misleading” a number of contentions that the State Bar makes that are supported by citations to the record and by the Hearing Department’s, probate court’s, Court of Appeal’s and dissenting Review Department judge’s opinions.

Thus, for instance, Bradshaw takes issue with the State Bar’s assertion in the introduction to its Petition that Bradshaw controlled Bay Construction. As counterevidence, Bradshaw cites the Review Department’s July 30, 2019 Opinion at p. 19, which he characterizes as stating “Bay Construction was controlled by its owner, Juan Gonzalez.” (Answer at p. 17, row 3.) First, the Review Department does not even say this at the cited page; rather, on that page the Review Department stated:

We disagree with the hearing judge’s finding that Bradshaw perpetrated his scheme to defraud “by running Bay Construction from the shadows.” While Bradshaw did incorporate Bay Construction and provided money to it in order to help Gonzalez, clear and convincing evidence does not exist to show that Bradshaw controlled or owned Bay Construction.

(July 30, 2019 Review Department Opinion at 21.) The Review Department does not state that Gonzalez controlled Bay Construction, so, ironically, it is Bradshaw misstating the record. More importantly, though, he is citing the Review Department’s departure from the Hearing Department’s credibility findings,

which the Petition for Review establishes was improper. Moreover, the State Bar’s Petition contains pages of facts, with citation to the record, supporting the conclusion that Bradshaw controlled Bay Construction. (Pet. at pp. 11 – 14, 16 – 21; see also Hearing Department Decision (“HD Dec.”) at pp. 8 – 12, 15 – 17 [facts underlying its conclusion that Bradshaw controlled Bay Construction]; Request for Judicial Notice, Exh. A (“Probate Court Dec.”) at pp. 2 – 11 [facts underlying probate court determination that Bradshaw was a principal of and controlled Bay Construction.]

Similarly, at rows 4 and 6 of his chart, Bradshaw attacks as “erroneous and misleading” the State Bar’s assertions that Bradshaw secured a sham licenses and by doing so was putting the trust at risk, but these assertions are supported by the record and by the findings of the Hearing Department and probate court (which, again, was affirmed by the Court of Appeal), the only courts to have actually heard testimony on these issues. (See Pet. at pp. 13; HD Dec. at pp. 10, 23, 25; Probate Court Dec. at pp. 17 – 20). These and similar attacks by Bradshaw merely indicate that he disagrees with the Hearing Department, the Probate Court, the Court of Appeal, and the dissenting Review Department justice, not that the State Bar misrepresented anything.

2. Other Purported Misrepresentations are Merely Areas Where Bradshaw Asserts Additional, But Ultimately Irrelevant, Information

Another group of purported erroneous and misleading fact contentions by the State Bar are merely areas where Bradshaw

wanted to assert additional or different facts, but which have no relevance to whether review should be granted. Thus, for instance, in row 7 of the chart, he quibbles with the State Bar's characterization of the probate court that issued the decision finding him in breach of fiduciary duties and removing him as trustee as the court "overseeing the trust," arguing that it is misleading because the particular judge who held the trial and issued the order removing him as trustee did not oversee other aspects of the trust or conservatorship. This is immaterial as the same superior court heard all these matters and, what is relevant is that the judge who oversaw the trial on contested matters related to his removal is the judge who was present for testimony and therefore the best positioned to make credibility determinations and rule on whether Bradshaw breached his fiduciary duties with respect to the trust. Many of Bradshaw's chart entries are further instances of Bradshaw making distinctions without a difference (and characterizing them as "erroneous and misleading" contentions by the State Bar), including:

- in row 13, Bradshaw correcting a typo the State Bar made with respect to exhibit numbers;
- in row 15, Bradshaw listing various additional information about Bay Construction that does nothing to contradict the fact that Bradshaw incorporating Bay Construction on the same day as the probate court approving his request to secure a reverse mortgage supports and is consistent with

the conclusion that Bradshaw set up Bay Construction in order to direct trust funds to it;

- in row 20, asserting that payments for certain foundation repairs were spread out for months after Bradshaw as trustee approved a proposal by Bradshaw-controlled Bay Construction for \$40,735.05 of the foundation work, while the State Bar’s view of the record was that it established the payment was made immediately<sup>3</sup>; ultimately, the timing of such payments is immaterial to whether Bradshaw breached the trust, misappropriated funds, and engaged in a scheme to defraud.

### 3. Bradshaw Misleads with Several of his Allegations of Purported Erroneous or Misleading Contentions by the State Bar

Ironically, Bradshaw’s table of allegedly erroneous and misleading fact contentions contains a number of misleading statements by Bradshaw, which include:

- in row 23, attempting to discredit the State Bar’s citation of evidence showing that Bay Construction’s Better Business Bureau listed Bradshaw as Bay Construction’s principal

---

<sup>3</sup> On this immaterial point, the record may not be clear. Bradshaw cites “Ex. 50, page 24” as establishing that checks paying invoices for this work were dated between May 12, 2015 and October 6, 2015, though his citation appears to be in error, as page 24 of Exhibit 50 is a Schedule of Trust Assets on Hand and has no information regarding checks. The State Bar’s contention that the payment was made in full is based on page 24 of Exhibit 17, which appears to show that three checks were issued on May 11, 2015 in response to a May 11, 2015 invoice which shows that the full amount of the May 12, 2015 proposal for work was invoiced immediately, notwithstanding that the proposal stated the bulk of payment would be later. (Compare Ex. 17 at p. 74, with Ex. 50 at pg. 74.)

and Gonzalez's testimony that *he* had nothing to do with the application with the assertion that Brea Violette testified that she prepared the Better Business Bureau application. Bradshaw fails to acknowledge that Ms. Violette was Bradshaw's employee at the time (RT II at p. 10)); thus her testimony, along with Gonzalez's testimony and the application itself, supports the contention that Bradshaw submitted the application.

- in row 2, Bradshaw argues that the State Bar's Petition overstated the amount of trust funds that Bradshaw directed to Bay Construction, ignoring the fact that the State Bar's Petition expressly stated the precise amount of funds spent: \$157,246.76. (Pet. at 15.)
- in row 8, Bradshaw attempts to discredit the State Bar's correct assertion that the Court of Appeal decision holding that Bradshaw's conduct put the trust at risk because Bay Construction had no valid license corroborated the Hearing Department's holding by noting that the Hearing Department decision does not include the words "valid" or "risk." This is misleading: the Hearing Department clearly held that Bradshaw hired an unlicensed contractor to perform work required to be performed by a licensed contractor, and in so doing engaged in a scheme to defraud and breached his fiduciary duties:

The evidence before this court demonstrates that Respondent engaged in a prolonged scheme to defraud the Gosey Trust, including but not limited to... hiring and paying an unlicensed contractor for services that were

required to be performed by a licensed contractor ....

(HD Dec. at 22 – 23.)\_

Respondent willfully violated his duty of loyalty and duty to avoid conflicts of interest by surreptitiously and repeatedly retaining his own construction company to perform work on the Gosey home between approximately January 2015 and February 2016. During this time span, Respondent did not disclose his affiliation with Bay Construction, nor did he earnestly seek out and obtain bids from licensed contractors. **Further, when Respondent repeatedly retained Bay Construction, he knew the work would not be supervised by a licensed contractor because he was the one who orchestrated the arrangement with Mr. Invernon in an effort to obtain the contractor’s license for Bay Construction.**

(Id. at 24 – 25 [emphasis added].)

Rather than actually write an argument in answer that meaningfully addresses the key issues in the petition for review—including the proper deference to credibility determinations by both the Hearing Department and the corroborating determinations of the probate court as affirmed by the Court of Appeal, as well as following the Court of Appeal’s legal conclusion that using an unlicensed or sham licensed contractor did put the trust at risk, thus violating his fiduciary duties—or attempting to explain how his repeated misstatements to the probate court could have been anything but intentional—Bradshaw submitted a pages-long table of mostly irrelevant



quibbles with the State Bar’s Petition that do not refute the State Bar’s showing that review is necessary, let alone that the State Bar misled the Court. Indeed, the State Bar’s recitation of facts in its Petition for Review is the polar opposite of misrepresentation, as the State Bar points to the record for its assertions, so that this Court may review them.

### **C. The State Bar’s Legal Analysis is Not Erroneous**

Bradshaw’s Answer does not meaningfully address the dispositive legal errors in the Review Department’s decision, including its failure to give proper deference to the Hearing Department’s fact findings, including in particular its credibility findings, its failure to consider how the probate court and Court of Appeal decision corroborated these fact findings, or its erroneous refusal to adhere to the Court of Appeal’s legal holding that actual monetary harm to the trust assets was not required to prove a breach of fiduciary duty when Bradshaw engaged in self-dealing by having an unlicensed or invalidly licensed contractor perform repairs on trust property. Rather, it broadly asserts that the State Bar’s legal analysis is erroneous, and supports this assertion primarily with attempts to factually distinguish a handful of cases cited in the Petition (or, in one case, by the Court of Appeal), without actually negating any of the relevant legal points for which the cases are cited. (Answer at pp. 33 – 36.)

The first case Bradshaw challenges is *Montgomery Sansome LP v. Rezai* (2012) 204 Cal. App. 4th 786, which Bradshaw claims the State Bar cites to “push[] the theory that Bay Construction was not properly licensed and could not,

therefore, be paid for work done on Ms. Gosey’s home.” (Answer at p. 33.) Yet it was not the State Bar that cited this case; it was the Court of Appeal, which cited the case and statute to demonstrate that the purpose of licensing schemes is to protect the public. (Pet. at pp. 26 – 27 [citing Ct. App. Op. at p. 39].) The Court of Appeal then held, based in part on this purpose of the licensing statutes, that “hiring a contractor without a valid license carries more risk than hiring a properly licensed contractor.” The main point of the Court of Appeal’s decision on this issue—that risking the trust is sufficient to show breach of trust, even if things purportedly turned out OK despite the risk—is not disputed by anything in Bradshaw’s Answer. Bradshaw also makes difficult-to-follow but apparently irrelevant fact distinctions with *Shneider v. State Bar* (1987) 43 Cal.3d 784 and *Ferguson v. Yaspan* (2014) 233 Cal. App. 4th 676, which in no way contravene the legal principles for which the State Bar cites the cases. (Compare Answer at p. 34 with Pet. at pp. 28, 31.)

Two cases Bradshaw quibbles with—*Bradner v. Vasquez* (1954) 43 Cal. 2d 147, *Fair v. Bakhtiari* (2011) 195 Cal. App. 4th 1135 (see Answer at pp. 34 – 35)—were cited by the State Bar to support the State Bar’s secondary, belt-and-suspenders argument that the Review Department’s “no harm, no foul” approach is inconsistent with probate law holding that a transaction between a trustee and beneficiary where the trustee obtains an “advantage” is presumed to be a breach of the trustee’s fiduciary duties, and that “advantage” is defined broadly to include, for instance, “a favorable opportunity,” *Bradner*, 43 Cal. 2d at p. 152.

Bradshaw claims these cases “add nothing new to the analysis” but he does not contradict the legal holdings the State Bar actually cites the cases for. (Moreover, the State Bar’s argument based on these cases is not necessary to the success of its Petition, as the Court of Appeal already held that breach of trust could be established by Bradshaw putting the trust assets at risk by using a contractor without a valid license, thus proving the Review Department’s “no harm, no foul” approach to be error.)

Bradshaw next challenges the State Bar’s use of *Layton v. State Bar* (1990) 50 Cal.3d. 889, arguing it is irrelevant because he does not claim that his actions “are insulated from scrutiny under the Rules of Professional Conduct.” (Answer at p. 36.) If this is the case, then Bradshaw must agree that former Rules of Professional Conduct 3-300 and 3-310 required disclosure of his relationship with Bay Construction, and that the terms of the Gosey trust did not, in fact, relieve him of this obligation. (See Pet. at 30.)

Finally, Bradshaw dismissed the State Bar’s citation of *Matter of Bach* (1991) 1 Cal. State Bar Ct. Rptr. 631, 632, in support of its argument that the Review Department did not give proper deference to the Hearing Department. (Answer at p. 36.) However, Bradshaw—and the Review Department—ignore *Bach*’s instruction that “we are reluctant to deviate from [the Hearing Department’s] credibility-based findings in the absence of a specific showing they were in error....” *Matter of Bach*, *supra*, 1 Cal. State Bar. Ct. Rptr. at p. 638. The Review Department here did not make specific findings that the Hearing

Department’s findings were in error—it simply made its own choice to find Bradshaw credible, notwithstanding the added fact that the probate court’s decision here—which was the basis for this Court’s previous grant of review in this matter—provided further corroboration of the Hearing Department’s findings. Substituting its own credibility determination for that of the two courts that actually heard days of witness testimony was not consistent with *Bach* or with the Review Department’s or this Court’s other holdings regarding the proper deference to be given the Hearing Department. (See Pet. at pp. 31 -34.)

Bradshaw’s haphazard swipes at a handful of the cases the State Bar cites in no way supports his position that review should not be granted.

**D. That OCTC Has Referred To Bradshaw’s Conduct as “Embezzlement” Is Irrelevant to the Issues on Review**

Bradshaw’s final argument, under the heading “Why Accept the Culpability Findings in the Review Department’s September 2023 Opinion and Order When the Notice of Disciplinary Charges Was Filed in 2017?”, does not appear to be relevant at all to the issues raised in the State Bar’s Petition for Review. (Answer at pp. 78 – 80.) To the extent the State Bar can make any sense of it at all, it appears that Bradshaw is faulting the State Bar for using the term “embezzlement” to describe his conduct, and claims that “these scandalous allegations” left him “with no choice” but to vigorously defend himself. (Id. at p. 80.) The State Bar does not contend that Bradshaw does not have the right to defend himself. Regardless, whether the State Bar’s

prior use of the phrase “embezzlement” accurately describes the self-dealing Bradshaw engaged in—funneling over \$150,000 in trust funds to a company he had created, controlled, and was financially interested at the very least due to his having made the company tens of thousands of dollars of unsecured loans—is not relevant at all to whether review should be granted.

### III. CONCLUSION

Review by this Court is necessary because the Review Department’s decision goes against the weight of the evidence, is at odds with the interpretations of law and fact of the probate court and Court of Appeal, and fails to give the necessary deference to the Hearing Department’s carefully-considered factual findings. Nothing in Bradshaw’s Answer meaningfully rebuts these points. For these reasons and as set forth above and in its Petition for Review, the State Bar respectfully requests that the Court grant the Petition for Review, and adopt the Hearing Department’s recommendation of disbarment, or, in the alternative, remand the matter to the State Bar Court with instructions.

Dated: April 12, 2024

Respectfully submitted,

ELLIN DAVTYAN  
ROBERT G. RETANA  
BRADY R. DEWAR

By: /s/BRADY R. DEWAR  
BRADY R. DEWAR

Attorneys for Petitioner  
Chief Trial Counsel of  
The State Bar of California

**WORD COUNT CERTIFICATE PURSUANT TO  
CALIFORNIA RULE OF COURT 8.520(C)(1)**

Pursuant to rule 8.520(c)(1) of the California Rules of Court, I hereby certify that this brief contains 5,087 words. I have relied on the word count of the computer program used to prepare the brief.

Dated: April 12, 2024

/S/BRADY R. DEWAR  
BRADY R. DEWAR

**PROOF OF SERVICE**

I, Joan Randolph, hereby declare: that I am over the age of eighteen years and am not a party to the within above-entitled action, that I am employed in San Francisco, that my business address is The State Bar of California, 180 Howard Street, San Francisco, California, 94105.

On April 12, 2024, following ordinary business practice, I served a copy of the

**REPLY BRIEF IN SUPPORT OF  
PETITION FOR REVIEW**

via email via the Court’s Truefiling, and by U.S. Mail on the party listed as follows:

Drexel A. Bradshaw  
3053 Fillmore Street #205  
San Francisco, CA 94123

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed in San Francisco, California this 12<sup>th</sup> day of April, 2024.

/s/ Joan Randolph  
Joan Randolph