

1 **WADE ROBERTSON (SBN 217899)**
P.O. Box 20185
2 Stanford, CA. 94309

3 Telephone: 1-866-845-6003

4 Respondent Attorney *Pro Se*

5 **RECEIVED**

6 **MAY 04 2016**

8 STATE BAR COURT CLERK'S OFFICE STATE BAR COURT
SAN FRANCISCO REVIEW DEPARTMENT
9 OF THE STATE BAR OF CALIFORNIA

10	In re:)	Case No. 09-O-19259
11	WADE A. ROBERTSON)	DECLARATION OF JASON L. YEAROUT
12	No. 217899)	IN SUPPORT OF MOTION TO DISMISS FOR
13	A Member of The State Bar)	FRAUD ON THE COURT BY STATE BAR
14)	Oral Argument Held on April 13, 2016
15)	
16)	

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DECLARATION OF JASON L. YEAROUT

I, JASON L. YEAROUT, declare as follows:

1. I am over nineteen (19) years of age, and am personally familiar with the facts stated herein and, if called upon, could competently testify thereto.
2. I currently reside in Birmingham, Alabama and am a duly licensed attorney in Alabama (2000), Maryland (1999), and Nevada (2001) as well as District Courts for the Northern and Middle Districts of Alabama and the Eleventh Circuit Court of Appeals.
3. I am currently a partner with the law firm of Yearout & Traylor, P.C. and have been with this firm since 2000.
4. I make this declaration regarding communications from and a conversation with Cydney Batchelor with the State Bar of California and related to the litigation Lui v. Credit Suisse.
5. On or about April 14, 2016, the office manager for Yearout & Traylor, P.C. received an e-mail from Ms. Batchelor regarding "Lui v. Credit Suisse". (Exhibit "A", forwarded E-mail from Ms. Batchelor). Exhibit "A" is a true and correct copy of the e-mail and any replies.
6. On the same day, that e-mail was forwarded to me by my office manager.
7. The e-mail requested limited information about the payment of expenses related to the "Credit Suisse litigation" and the amounts thereof.

- 1 8. I vaguely recall that litigation. I was not directly involved in it.
- 2 9. In response to that e-mail, I e-mailed Ms. Barchelor that I would check and that it
3 may take a short period of time. (Exhibit "B", Responsive E-mails). Exhibit "B" is a
4 true and correct copy of the e-mail and any replies.
- 5
- 6 10. On or about April 18, 2016, my office manager provided an expense detail that line
7 itemed our expenses related to that litigation.
- 8
- 9 11. From that detail, I was able to confirm that Wade Robertson did pay, or reimburse,
10 expenses to my firm as part of the Credit Suisse litigation.
- 11 12. On April 18, 2016, after a few failed attempts to call each other, we spoke by
12 telephone at approximately 4:36 p.m. (central time). The call lasted approximately
13 five (5) minutes.
- 14
- 15 13. As I explained to Ms. Batchelor, I was not entirely comfortable regarding what I
16 should or should not disclose, what obligations I might have to this firm's clients,
17 and exactly how to proceed. (I later informally contacted the Alabama State bar for
18 guidance.)
- 19
- 20 14. However, I did feel comfortable confirming that our expense detail unequivocally
21 provides that Mr. Robertson paid, or reimbursed, expenses associated with the
22 Credit Suisse litigation - an amount that I told Ms. Batchelor that I considered
23 substantial.
- 24
- 25
- 26 15. I explained that I would meet with my partners on April 19, 2016, to discuss
27 disclosing the precise amount.
- 28

1 16. Ms. Batchelor indicated that if I did not feel comfortable disclosing the amount, to
2 simply not worry about it. I explained that I did not mind meeting with my partners
3 to discuss it further. In substance, she indicated that was not necessary.

4 17. Ms. Batchelor mentioned that the matter involved funding in the millions of dollars.
5 She indicated that during a disciplinary hearing she was specifically asked if anyone
6 could confirm the payment of any expenses by Mr. Robertson related to the Credit
7 Suisse litigation. My understanding is that this inquiry is what precipitated the e-mail
8 to my firm.
9

10 18. She later mentioned that an amount was discussed (or identified or suggested) of
11 approximately \$35,000. I responded that such a number would be consistent with
12 my firm's expense detail.
13

14 19. Ms. Batchelor was appreciative of my responses, but again indicated that nothing
15 further was needed. I also indicated that if she needed anything further, to let me
16 know.
17

18 20. At the conclusion of the call, in substance, Ms. Batchelor indicated to me, more than
19 once, that she would not note or document our conversation and would not keep a
20 record of it. I did not request that the conversation be confidential or off the record.
21

22 21. In fairness to Mr. Robertson, and as a professional courtesy, I called the number
23 that I found on the State Bar of California's website and spoke with him.
24

25 //

26 //


27

1 22. When he answered, after brief introductions, I informed him of my conversation
2 with Ms. Batchelor. He requested that I provide a declaration and, at least in
3 substance, outline my conversation with Ms. Batchelor. I agreed to provide that to
4 him.

5
6 23. Further, after meeting with my partners, I can confirm that Mr. Robertson paid, or
7 reimbursed Yearout & Traylor, approximately \$34,798.23 for expenses related to the
8 Credit Suisse litigation.
9

10 I declare under penalty of perjury under the laws of the State of California, and
11 under the laws of the United States of America, that the foregoing is true and correct.

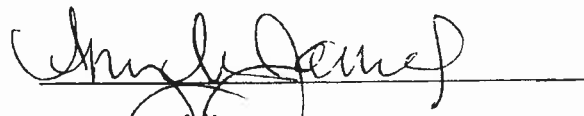
12 Executed on May 3, 2016, at Birmingham, Alabama.

13
14 
15 Jason L. Yearout

16 STATE OF ALABAMA)

17 COUNTY OF JEFFERSON)

18 I, Amy M James, the undersigned authority, a notary public in and
19 for said Province and District, hereby certify that Jason L. Yearout, whose name is signed
20 to the foregoing, and who is known to me, acknowledged before me on this date that being
21 informed of the contents, he executed the same voluntarily on this the 3rd day of
22 May, 2016.

23
24 
25 Notary Public

26 (SEAL)

27 My commission expires. AMY M. JAMES
28 MY COMMISSION EXPIRES FEBRUARY 25, 2019



Jason Yearout <jyearout@yearout.net>

Fwd: Lui v. Credit Suisse -- referral from John Watts

2 messages

Janice Martin <jmartin@yearout.net>

Thu, Apr 14, 2016 at 9:07 PM

To: "Jason L. Yearout" <jyearout@yearout.net>, Amy James <ajames@yearout.net>

Janice Martin

Begin forwarded message:

From: "Batchelor, Cydney" <Cydney.Batchelor@calbar.ca.gov>
Date: April 14, 2016 at 5:36:09 PM CDT
To: "'Jmartin@yearout.net'" <Jmartin@yearout.net>
Cc: "Batchelor, Cydney" <Cydney.Batchelor@calbar.ca.gov>
Subject: Lui v. Credit Suisse – referral from John Watts

Good Afternoon,

I am a California State Bar prosecutor and am prosecuting Wade Robertson's appeal of the disbarment recommendation against him. At oral argument yesterday in the State Bar Court Review Department, the Court asked me whether Robertson (or his WAR LLP) had ever paid any expenses of the *Credit Suisse* litigation. I was unable to answer the question, so I contacted John Watts, who referred me to you for the answer. Please feel free to contact him to confirm my bona fides.

I know it has been some time ago, but I wonder if it would be possible to determine whether Robertson (or WAR LLP) ever paid any expenses of the *Credit Suisse* litigation, and if he did, what is the total amount and dates of his contributions. I would like to provide this information to the Court if possible.

Please do not hesitate to contact me if you have questions, comments or concerns about my inquiry. Thank you for your professional cooperation and courtesy.'

Cydney Batchelor | Senior Trial Counsel | Office of Chief Trial Counsel

The State Bar of California | 180 Howard Street | San Francisco, CA | 94105

415.538.2204 | Cydney.Batchelor@calbar.ca.gov

This message may contain confidential information that may also be privileged. Unless you are the intended recipient or are authorized to receive information for the intended recipient, you may not use, copy, or disclose the message in whole or in part. If you have received this message in error, please advise the sender by reply e-mail and delete all copies of the message. Thank you.

Jason L. Yearout <jyearout@yearout.net>
To: Janice Martin <jmartin@yearout.net>
Cc: Amy James <ajames@yearout.net>

Fri, Apr 15, 2016 at 2:49 PM

Janice, we need to pull expenses and see if we can respond definitively.

Sincerely,

Jason L. Yearout,



3300 Cahaba Road, Suite 300
Birmingham, Alabama 35223

205.414.8169 (direct)
205.795.7169 (fax)
205.414.8160 (main)
205.414.8162 (assistant - Amy)
63-0882821 (Tax ID)
JasonYearout+

vCard

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For more information about our firm, please visit our [website](#).

[Quoted text hidden]

EXHIBIT B



Jason Yearout <jyearout@yearout.net>

Credit suisse

Batchelor, Cydney <Cydney.Batchelor@calbar.ca.gov>
To: "Jason L. Yearout" <jyearout@yearout.net>
Cc: "Henderson, Robert" <Robert.Henderson@calbar.ca.gov>

Fri, Apr 15, 2016 at 12:28 AM

Thank you sir.

From: Jason L. Yearout [jyearout@yearout.net]
Sent: Thursday, April 14, 2016 7:50 PM
To: Batchelor, Cydney
Subject: Credit suisse

Let me check on this. It may take a short period of time.

--

Sincerely,

Jason L. Yearout<<http://www.yearout.net/attorney-profiles/jason-lamar-yearout/>> ,[<http://www.yearout.net/wp-content/themes/client/images/logo.png>]<<http://www.yearout.net>>

3300 Cahaba Road, Suite 300
Birmingham, Alabama 35223

205.414.8169 (direct)
205.795.7169 (fax)
205.414.8160 (main)
205.414.8162 (assistant - Amy)
63-0882821 (Tax ID)
JasonYearout+<<http://google.com/+JasonYearout>>

vCard<<http://www.yearout.net/wp-content/uploads/Jason-L.-Yearout.vcf>>

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For more information about our firm, please visit our website<<http://www.yearout.net>>.

1 **PROOF OF SERVICE**

2 (State Bar Rule of Procedure Rule 5.26;)

3 **In Re: Wade A. Robertson**

4 **Case No. 09-O-19259**

5 I, Anna Perez, do hereby declare as follows:

6 I am a citizen of the United States; my business address is 888 Villa Street; Mountain
7 View, CA. 94041. I am employed in the County of Santa Clara; I am over eighteen years of age
8 and not a party to the within cause. On the date of execution of this document as set forth below
9 I served one copy of the within

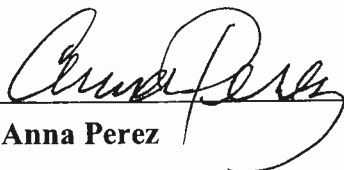
10
11 **“DECLARATION OF JASON L. YEAROUT
12 IN SUPPORT OF MOTION TO DISMISS FOR FRAUD ON THE
13 COURT BY STATE BAR”**

14
15 on the following person(s), by placing a true copy thereof enclosed in a sealed envelope with
16 postage thereon fully prepaid, by regular mail, in the United States Post Office mail box in the
17 city of Mountain View, California, in the county of Santa Clara, addressed as follows:

18
19 Cydney Batchelor, Esq.,
20 Office of Chief Trial Counsel
21 State Bar of California
180 Howard Street
San Francisco, CA 94105

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

24
25 Served and Executed this day of May 4, 2016

26
27 
28 **Anna Perez**