



PUBLIC MATTER

1 THE STATE BAR OF CALIFORNIA
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FILED

MAY 19 2008

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

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THE STATE BAR COURT
HEARING DEPARTMENT - LOS ANGELES

In the Matter of) Case Nos. 06-O-13533, 06-O-14354
 JAMES EARL BROWN, No. 59180)
 A Member of the State Bar.) NOTICE OF DISCIPLINARY CHARGES

NOTICE - FAILURE TO RESPOND!

IF YOU FAIL TO FILE AN ANSWER TO THIS NOTICE WITHIN THE TIME ALLOWED BY STATE BARRULES, INCLUDING EXTENSIONS, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL, (1) YOUR DEFAULT SHALL BE ENTERED, (2) YOU SHALL BE ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR AND WILL NOT BE PERMITTED TO PRACTICE LAW UNLESS THE DEFAULT IS SET ASIDE ON MOTION TIMELY MADE UNDER THE RULES OF PROCEDURE OF THE STATE BAR, (3) YOU SHALL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOUR DEFAULT IS SET ASIDE, AND (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.

STATE BAR RULES REQUIRE YOU TO FILE YOUR WRITTEN RESPONSE TO THIS NOTICE WITHIN TWENTY DAYS AFTER SERVICE.

IF YOUR DEFAULT IS ENTERED AND THE DISCIPLINE IMPOSED BY THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD OF ACTUAL SUSPENSION, YOU WILL REMAIN SUSPENDED FROM THE PRACTICE OF LAW FOR AT LEAST THE PERIOD OF TIME SPECIFIED BY THE SUPREME COURT. IN ADDITION, THE ACTUAL SUSPENSION WILL CONTINUE UNTIL YOU HAVE REQUESTED, AND THE STATE

1 Respondent or Gutierrez.

2 20. On about March 6, 2006, Gutierrez contacted Ms. Erickson to tell her that the law
3 firm needed \$2,000 to hire an Arizona attorney to represent her in Arizona. Ms. Erickson
4 withdrew the \$2,000 from her bank account and delivered it to Respondent's law office. She
5 was told that she would receive a receipt in the mail in about one week.

6 21. About one week later, Ms. Erickson called Respondent's law office to inquire about
7 her case and to ask for her receipt. She was told that no one was available to speak to her.

8 22. Between about March 6, 2006, and August 1, 2006, Ms. Erickson called
9 Respondent's law office on numerous occasions and wrote several letters asking for the status of
10 her case. Respondent never returned her calls or responded to her letters.

11 23. On about August 1, 2006, Ms. Erickson went to Respondent's office. She saw that
12 the office staff appeared to be packing up the office's contents and was told that the
13 Respondent's law office was moving.

14 24. On about August 1, 2006, Respondent sent a letter to Ms. Erickson informing her
15 that the Respondent's office had moved and giving her the new address. Ms. Erickson was never
16 able to contact anyone from Respondent's office after about August 1, 2006.

17 25. Recently, Ms. Erickson went to inspect her aunt's property in Arizona and
18 discovered that persons unknown to her were living in her aunt's house.

19 26. By taking no action on Ms. Erickson's legal matter Respondent wilfully violated
20 Rules of Professional Conduct, rule 3-110(A).

21 COUNT THREE

22 Case No. 06-O-14354
23 Rules of Professional Conduct, rule 3-700(A)(2)
24 [Improper Withdrawal From Employment]

25 27. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(A)(2), by
26 failing, upon termination of employment, to take reasonable steps to avoid reasonably
27 foreseeable prejudice to his client, as follows:

28 28. The allegations of paragraphs 15 through 25 are incorporated by reference.

29. By not taking any action on Ms. Erickson's legal matter, Respondent abandoned Ms.

1 Erickson's case in wilful violation Rules of Professional Conduct, rule 3-700(A)(2).

2 COUNT FOUR

3 Case No. 06-O-14354
4 Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

5 30. Respondent wilfully violated Business and Professions Code, section 6068(m), by
6 failing to respond promptly to reasonable status inquiries of a client, as follows:

7 31. The allegations of paragraphs 15 through 25 are incorporated by reference.

8 32. By failing to respond to Ms. Erickson's multiple letters and phone calls, Respondent
9 wilfully violated Business and Professions Code, section 6068(m).

10 COUNT FIVE

11 Case No. 06-O-14354
12 Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

13 33. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(2), by
14 failing to refund promptly any part of a fee paid in advance that has not been earned, as follows:

15 34. The allegations of paragraphs 15 through 25 are incorporated by reference.

16 35. After August 1, 2006, Ms. Erickson has learned that her initial check in the amount
17 of \$500 was never negotiated. As a result Ms. Erickson paid Respondent's law office a total of
18 \$2,000 to handle her legal matter.

19 36. To date, Respondent has not refunded any or Ms. Erickson's unearned fees.

20 37. By not refunding any of Ms. Erickson's unearned fees, Respondent has wilfully
21 violated Rules of Professional Conduct, rule 3-700(D)(2).

22
23 **NOTICE - INACTIVE ENROLLMENT!**

24 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
25 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**
26 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**
27 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**
28 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**
INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
RECOMMENDED BY THE COURT. SEE RULE 101(c), RULES OF
PROCEDURE OF THE STATE BAR OF CALIFORNIA.

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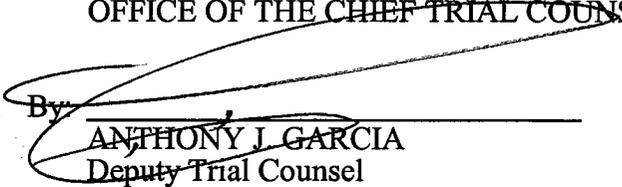
NOTICE - COST ASSESSMENT!

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10. SEE RULE 280, RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

Respectfully Submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

Date: May 19, 2008

By: 
ANTHONY J. GARCIA
Deputy Trial Counsel

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DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 06-O-13533; 6-O-14354

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on the date shown below, a true copy of the within.

NOTICE OF DISCIPLINARY CHARGES

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7160 3901 9844 3983 1972, at Los Angeles, on the date shown below, addressed to:

James Earl Brown: 2800 Nielson Way, Suite 110, Santa Monica, CA. 90405
Article No.: 7160 3901 9844 3983 1972
James Earl Brown: 4988 N. Figueroa Street, Los Angeles, CA 90042
Article No.: 7160 3901 9848 5951 6831

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

N/A

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

DATED: 05/19/08

SIGNED: 
C. ESCOBAR
Declarant