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**PUBLIC MATTER
FILED**

OCT 22 2010

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:

Case Nos. 07-O-12195
07-O-13674

MICHAEL BRUCE BAKER,
No. 53099,

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 BAR RULES, 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 BAR COURT HAS

1 GRANTED, A MOTION FOR TERMINATION OF THE ACTUAL
2 SUSPENSION. AS A CONDITION FOR TERMINATING THE ACTUAL
3 SUSPENSION, THE STATE BAR COURT MAY PLACE YOU ON
4 PROBATION AND REQUIRE YOU TO COMPLY WITH SUCH
5 CONDITIONS OF PROBATION AS THE STATE BAR COURT DEEMS
6 APPROPRIATE. SEE RULE 205, RULES OF PROCEDURE FOR STATE
7 BAR COURT PROCEEDINGS.

8 The State Bar of California alleges:

9 **JURISDICTION**

10 1. Respondent Michael Bruce Baker was admitted to the practice of law in the State
11 of California on December 14, 1972, was a member at all times pertinent to these charges, and
12 is currently a member of the State Bar of California.

13 **COUNT ONE**

14 **Case No. 07-O-12195**
15 **Rule of Professional Conduct 3-110(A)**
16 **[Failure to Perform with Competence]**

17 1. Respondent wilfully violated Rule of Professional Conduct 3-110(A), by
18 intentionally, recklessly, or repeatedly failing to perform legal services with competence, as
19 follows:

20 2. On January 25, 2006, Respondent filed a Substitution of Attorney, designating
21 himself as attorney of record for Linda Romney ("Romney"), the plaintiff in a lawsuit entitled
22 *Estate of Marie Kloss and Linda Romney v. Michael Vaughan* (Case No. PC037555) (the
23 "Romney action") filed in Los Angeles Superior Court.

24 3. Respondent appeared at a Case Management Conference in the *Romney* action
25 on February 28, 2006. At the hearing, Respondent represented to the Court that the summons
26 and compliant was out for service on an additional defendant, James Carter.

27 4. The Case Management Conference was continued to April 20, 2006.
28 Respondent received notice of the new Case Management Conference date.

Respondent failed to appear at the Case Management Conference held on April
20, 2006, and was ordered to pay sanctions in the amount of \$100. Respondent received notice
of the April 20, 2006 sanctions order. The court gave Respondent notice of the new Case

1 Management Conference date of June 27, 2006. Respondent received notice of the new Case
2 Management Conference date.

3 6. On April 19, 2006, defendant, Michael Vaughan, filed a demurrer to second
4 amended complaint. Respondent filed a response to Vaughan's demurrer to second amended
5 complaint on May 31, 2006. .

6 7. On May 24, 2006, Vaughan filed motions to compel responses to the form
7 interrogatories, the special interrogatories, the request for admissions, and identification and
8 production of documents. Despite his receipt of the discovery, Respondent had provided no
9 responses to the discovery served by the defendant and did not obtain any extension on the
10 discovery. Romney provided her discovery responses to Respondent. Respondent received
11 notice of Vaughan's discovery motions. However, Respondent failed to file any opposition to
12 Vaughan's discovery motions.

13 8. On June 2, 2006, Vaughan's demurrer was sustained as to two of the causes of
14 action, due to Respondent's failure to state a breach of contract or fraud and deceit cause of
15 action. Respondent received notice of the court's order sustaining Vaughan's demurrer

16 9. On June 14, 2006, Vaughan filed and served his answer and a cross-complaint.
17 Respondent received the answer and cross-complaint.

18 10. On June 27, 2006, at the scheduled Case Management Conference, the court
19 advanced the hearing on Vaughan's discovery motions, and then continued the hearing on the
20 four pending discovery motions to August 8, 2006, since Respondent told the court he had
21 relocated his office and did not receive the moving papers. The court afforded Respondent an
22 additional 20 days to file and serve oppositions to the discovery motions. Respondent did not
23 file any oppositions to the discovery motions, even after being given additional time to file the
24 oppositions.

25 11. At the June 27, 2006 hearing, the court also dismissed the remaining defendant,
26 James Carter, since Respondent had failed to file the proof of service reflecting service on
27 Carter. Respondent received notice of this order, but failed to notify Romney and failed to take
28 any steps to protect Romney's interests. Respondent undertook no steps to serve Carter.

1 12. At the August 8, 2006 hearing on Vaughan's discovery motions, Romney was
2 ordered to pay sanctions in the total amount of \$1,200. Respondent received the sanctions
3 order. Despite his receipt of the August 8, 2006 sanctions order, Respondent failed to notify
4 Romney of the order and failed to take any steps to protect Romney's interests.

5 13. Respondent appeared at a Case Management Conference on September 27, 2006,
6 where the case was referred to the Court Alternative Dispute Resolution program for mediation
7 to be completed by April 15, 2007. Respondent received notice of the court's September 27,
8 2006 order.

9 14. On October 10, 2006, the mediator served the parties with a Notice of
10 Alternative Dispute Resolution Hearing for a mediation set for December 11, 2006. Respondent
11 received notice of the mediation, but failed to attend. Respondent failed to notify Romney of
12 the mediation date.

13 15. On February 16, 2007, Vaughan filed a motion regarding Respondent's failure to
14 attend the meditation, requesting that the complaint be stricken, or in the alternative, requesting
15 sanctions in the amount of \$1,540 against Romney and Respondent. The hearing date was set
16 for March 22, 2007. Respondent received notice of Vaughan's motion. On March 8, 2007,
17 Respondent filed a declaration in opposition to Vaughan's motion for sanctions.

18 16. Despite Respondent's declaration, the court ordered Respondent to pay sanctions
19 in the amount of \$750 on March 22, 2007, for his failure to attend the scheduled mediation.
20 Respondent received notice of the March 22, 2007 sanctions order. Respondent never complied
21 with this order.

22 17. By failing to appear at several court hearings, failing to respond to Vaughan's
23 discovery motions, failing to serve the additional defendant and failing to appear at the court
24 ordered mediation, Respondent intentionally, recklessly, or repeatedly failed to perform legal
25 services with competence in willful violation of Rule of Professional Conduct 3-110(A).
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COUNT TWO

**Case No. 07-O-12195
Rule of Professional Conduct 3-110(A)
[Failure to Perform with Competence]**

18. Respondent wilfully violated Rule of Professional Conduct 3-110(A), by intentionally, recklessly, or repeatedly failing to perform legal services with competence, as follows:

19. The State Bar incorporates the allegations of Count One as though fully set forth at length.

20. On January 25, 2006, Respondent filed a second lawsuit on behalf of Romney, entitled *Estate of Marie Kloss and Linda Romney v. Safeco Insurance* (Case No. PC038174) (the "Safeco action") in Los Angeles Superior Court.

21. On that same day, the court issued a Notice of All Purpose Case Assignment and Notice of Case Management Conference ("Notice of Assignment") in the *Safeco* action which set the Case Management Conference for June 22, 2006. Respondent received notice of the Notice of Assignment and notice of the Case Management Conference.

22. Respondent failed to serve the complaint in the *Safeco* action on the defendant.

23. Respondent failed to appear at the Case Management Conference on June 22, 2006. Because of Respondent's failure to appear at the Case Management Conference the action was dismissed. The clerk of the court served proper notice to the parties on June 23, 2006 of the dismissal order. Respondent received notice of the June 22, 2006 dismissal order. Respondent failed to notify Romney of the dismissal of the *Safeco* action.

24. By failing to serve the *Safeco* complaint on the defendant and failing to appear at a Case Management Conference in the *Safeco* action, which resulted in the dismissal of the client's case, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rule of Professional Conduct 3-110(A).

1 **COUNT THREE**

2 **Case No. 07-O-12195**

3 **Business and Professions Code section 6068(m)**
4 **[Failure to Respond to Reasonable Status Inquiries]**

5 25. 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 26. The State Bar incorporates the allegations of Count One and Count Two as
8 though fully set forth at length

9 27. In the time period April to July 2007, Romney sent numerous letters to
10 Respondent via fax and regular mail requesting status reports on her legal matters. Respondent
11 received these faxes and letters.

12 28. Despite his receipt of the numerous letters and faxes from Romney, Respondent
13 failed to respond to Romney's requests for status reports.

14 29. By failing to respond to his client's requests for status reports, Respondent failed
15 to respond promptly to reasonable status inquiries of a client in willful violation of Business and
16 Professions Code section 6068(m).

17 **COUNT FOUR**

18 **Case No. 07-O-12195**

19 **Rule of Professional Conduct 6068(m)**
20 **[Failure to Communicate Significant Developments]**

21 30. Respondent wilfully violated Business and Professions Code, section 6068(m) by
22 failing to keep a client reasonably informed of significant developments in a matter in which
23 Respondent had agreed to provide legal services, as follows:

24 31. The State Bar incorporates the allegations of Count One and Count Two as
25 though fully set forth at length.

26 32. In the *Safeco* action, Romney's case was dismissed on June 22, 2006, due to
27 Respondent's failure to appear at a Case Management Conference. The clerk of the court
28 served proper notice to Respondent on June 23, 2006. Respondent received notice of the Case
Management Conference and the subsequent dismissal.

1 assigned to Judge Patricia L. Collins ("Judge Collins"). Thompson was the attorney of record
2 for plaintiff Roy S. Pearl ("Pearl").

3 40. Pearl hired Respondent and his firm to replace Thompson as his attorney in the
4 *Pearl* action.

5 41. On June 7, 2007, Respondent sent a letter to Thompson via regular mail,
6 informing him that the Law Offices of Steven Solomon, where Respondent was an associate,
7 would be substituting in place of Thompson in the *Pearl* action. Respondent's letter advised
8 Thompson that all further work on the *Pearl* action should cease and that no effort should be
9 made to contact Pearl, as the substitution of attorney was to be effective immediately.

10 42. Thompson immediately returned the signed substitution of counsel form to
11 Respondent.

12 43. After Respondent notified Thompson he was substituting into the *Pearl* action,
13 Respondent never filed the Substitution of Attorney form with the court, and never took any
14 steps to formally appear in the *Pearl* action. Thompson continued to receive service of papers
15 from the defendants since Respondent had not filed the substitution of Attorney form with the
16 court.

17 44. Respondent failed to appear at the initial status conference on August 20, 2007 in
18 the *Pearl* action. Thompson appeared at the hearing and provided the court with a copy of
19 Respondent's June 7, 2007 letter stating Respondent was now the attorney of record for Pearl in
20 the *Pearl* action. The court scheduled an Order to Show Cause hearing why sanctions should
21 not be imposed on Respondent due to his failure to file the Substitution of Attorney form, to be
22 heard on August 31, 2007. Thompson served notice to parties, including Respondent, of the
23 August 31, 2007 Order to Show Cause hearing. Respondent received notice of the Order to
24 Show Cause hearing in the *Pearl* action.

25 45. Respondent failed to appear at the Order to Show Cause hearing scheduled for
26 August 31, 2007 and failed take any other steps to respond to the Order to Show Cause. Due to
27 his failure to appear, the court imposed sanctions on Respondent in the amount of \$500 to be
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1 paid to Thompson by September 26, 2007. Respondent received notice of the court's August
2 31, 2007 sanctions order. Respondent did not comply with the August 31, 2007 sanctions order.

3 46. The court scheduled a second Order to Show Cause hearing why the court should
4 not report Respondent to the State Bar for failing to file the Substitution of Attorney form and
5 failing to appear before the court on August 31, 2007, to be heard on September 18, 2007.

6 Thompson served notice to the parties, including Respondent, on September 10, 2007.

7 Respondent received notice of the second Order to Show Cause hearing.

8 47. Respondent failed to appear at the second Order to Show Cause hearing
9 scheduled for September 18, 2007, and failed to take any other steps to respond to the second
10 Order to Show Cause.

11 48. At the second Order to Show Cause hearing on September 18, 2007, the court
12 then scheduled a third Order to Show Cause hearing regarding the dismissal of the case for
13 September 27, 2007. The clerk of the court served notice to the parties, including Respondent,
14 of the September 27, 2007 third Order to Show Cause hearing. Respondent received notice of
15 the third Order to Show Cause hearing.

16 49. Despite his receipt of the notice of the third Order to Show Cause hearing,
17 Respondent did not file any response and took no steps to protect Pearl's rights in the *Pearl*
18 action in advance of the September 27, 2007 Order to Show Cause hearing.

19 50. Thompson and Respondent appeared at the September 27, 2007 Order to Show
20 Cause hearing. The court granted the defendant's motion to dismiss, and the case was
21 dismissed without prejudice. The court also granted the defendant's Motion for Order
22 Compelling Response to Request for Production of Documents and Motion for Order
23 Compelling Answers to Interrogatories. The defendant had properly served Respondent with
24 notice of the two discovery motions. Despite his receipt of the two discovery motions,
25 Respondent filed no opposition to the defendant's discovery motions. Respondent had not
26 served discovery responses on behalf of Pearl.

27 51. At the September 27, 2007, Order to Show Cause hearing, Thompson's motion
28 for additional sanctions in the amount of \$403 was also granted by the court. The sanctions

1 were ordered to be paid jointly and severally by Respondent and Pearl, in addition to the
2 previously imposed sanctions in the amount of \$500. The sanctions were to be paid by October
3 4, 2007. Respondent received notice of the September 27, 2007 sanctions order. Respondent
4 did not file any opposition to the sanctions motion. Respondent has never complied with the
5 September 27, 2007 sanctions order.

6 52. By failing to file a Substitution of Attorney form with the court, failing to appear
7 at numerous Order to Show Cause hearings, failing to file oppositions to the defendant's
8 discovery motions, and failing to comply with the court's sanctions orders, Respondent
9 intentionally, recklessly, or repeatedly failed to perform legal services with competence in
10 willful violation of Rule of Professional Conduct 3-110(A).

11 **COUNT SEVEN**

12 **Case No. 07-O-13674**
13 **Business and Professions Code section 6103**
14 **[Failure to Obey a Court Order]**

15 53. Respondent violated Business and Professions Code section 6103 by wilfully
16 disobeying or violating an order of the court requiring him to do or forbear an act connected
17 with or in the course of Respondent's profession which he ought in good faith to do or forbear,
18 as follows:

19 54. The State Bar incorporates the allegations contained in Count Six as though fully
20 set forth at length.

21 55. Respondent failed to appeal the sanctions orders of August 31, 2007 and
22 Septebmer 27, 2007, and both sanctions orders became final.

23 56. Respondent has never complied with the August 31, 2007 sanctions order or the
24 September 27, 2007 sanctions order.

25 57. By failing to comply with the court's sanction orders of August 31, 2007 and
26 September 27, 2007, Respondent willfully disobeyed or violated an order of the court requiring
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1 him to do or forbear an act connected with or in the course of Respondent's profession which he
2 ought in good faith to do or forbear in willful violation of Business and Professions Code
3 section 6103.

4 **INACTIVE ENROLLMENT!**

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

14 **NOTICE - COST ASSESSMENT!**

15 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC**
16 **DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS**
17 **INCURRED BY THE STATE BAR IN THE INVESTIGATION,**
18 **HEARING AND REVIEW OF THIS MATTER PURSUANT TO**
19 **BUSINESS AND PROFESSIONS CODE SECTION 6086.10. SEE RULE**
20 **280, RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

21 Respectfully submitted,

22 THE STATE BAR OF CALIFORNIA
23 OFFICE OF THE CHIEF TRIAL COUNSEL

24 DATED: October 21, 2010

25 By: 

26 Erin McKeown Joyce
27 DEPUTY TRIAL COUNSEL
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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

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7160 3901 9848 3337 2606, at Los Angeles, on the date shown below, addressed to:

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.

Signed: Paula Heider
Paula Heider
Declarant