

PUBLIC MATTER

FILED

DEC - 2 2010

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

1 STATE BAR OF CALIFORNIA
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9 STATE BAR COURT

10 HEARING DEPARTMENT - LOS ANGELES

11 In the Matter of:

) Case Nos. 10-O-02512; 10-O-05986

12 JOHN RANDALL FAITH,
13 No. 50474,

) NOTICE OF DISCIPLINARY CHARGES

14 A Member of the State Bar.

15 **NOTICE - FAILURE TO RESPOND!**

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

27 **STATE BAR RULES REQUIRE YOU TO FILE YOUR WRITTEN**
28 **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 GRANTED, A MOTION FOR
TERMINATION OF THE ACTUAL SUSPENSION. AS A CONDITION
FOR TERMINATING THE ACTUAL SUSPENSION, THE STATE BAR

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**COURT MAY PLACE YOU ON PROBATION AND REQUIRE YOU TO
COMPLY WITH SUCH CONDITIONS OF PROBATION AS THE STATE
BAR COURT DEEMS APPROPRIATE. SEE RULE 205, RULES OF
PROCEDURE FOR STATE BAR COURT PROCEEDINGS.**

The State Bar of California alleges:

JURISDICTION

1. John Randall Faith (“Respondent”) was admitted to the practice of law in the State of California on January 5, 1972, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE

Case No. 10-O-02512
Business and Professions Code, section 6068(a)
[Failure to Comply With Laws]

2. Respondent willfully violated Business and Professions Code, section 6068(a), by advertising or holding himself out as practicing law when he was not an active member of the State Bar in violation of Business and Professions Code sections 6125 and 6126, as follows:

3. On or about June 17, 2009, the State Bar of California served Respondent with a Notice of Entry of Order of Suspension notifying Respondent that he would be suspended on July 1, 2009 due to the nonpayment of State Bar membership fees. Enclosed with the Notice of Entry of Order of Suspension was a June 11, 2009 California Supreme Court Order regarding the suspension of attorneys for nonpayment of fees. Respondent received the notice of suspension and the California Supreme Court Order.

4. On or about July 1, 2009, Respondent was suspended from the practice of law due to his failure to pay State Bar membership fees.

5. On or about July 2, 2009, Respondent, on behalf of his defendant clients, filed a declaration in support of Opposition of Ex Parte Application in *Margaret Holguin v. Holguin & Holguin et. al.*, in Los Angeles County Superior Court, case no. KC05617 (the “Holguin action”).

6. On or about July 2, 2009, while Respondent was actually suspended from the practice of law, Respondent appeared as attorney of record in court for his clients in the Holguin action.

1 7. On or about July 7, 2009, while Respondent was actually suspended from the practice
2 of law, Respondent filed opposition to ex-parte motions with supporting declarations on behalf
3 of his clients in the Holguin action.

4 8. On or about July 8, 2009, while Respondent was actually suspended from the practice
5 of law, Respondent appeared as the attorney of record in court for his clients in the Holguin
6 action.

7 9. On or about August 4, 2009, while Respondent was actually suspended from the
8 practice of law, Respondent appeared in court as the attorney of record for his clients in the
9 Holguin action.

10 10. On or about August 4, 2009, while Respondent was actually suspended from the
11 practice of law, Respondent filed a declaration in support of his client's opposition motion. In
12 the declaration, Respondent described himself as the "attorney of record for the defendants."

13 11. On or about August 11, 2009, while Respondent was actually suspended from the
14 practice of law, Respondent appeared in court as the attorney of record for his clients in the
15 Holguin action.

16 12. On or about October 26, 2009, the Office of the Chief Trial Counsel ("OCTC") filed
17 Notice of Disciplinary Charges ("NDC") against Respondent ("State Bar proceedings"). On or
18 about October 26, 2009, Respondent was properly served with the NDC. Respondent received
19 the NDC but failed to file a response.

20 13. On or about November 20, 2009, Respondent paid his State Bar membership fees and
21 was restored to active status.

22 14. On or about January 6, 2010, OCTC filed a Motion for Entry of Default in the State
23 Bar proceedings. On or about January 6, 2010, Respondent was properly served with a copy of
24 the Motion for Entry of Default. Respondent received a copy of the motion for default but failed
25 to file a response.

26 15. On or about January 25, 2010, the State Bar Court issued an Order of Entry of
27 Default and ordered Respondent involuntarily enrolled as an inactive member of the State Bar of
28 California, effective January 28, 2010.

1 16. On or about January 25, 2010, the State Bar Court properly served a copy of its
2 January 25, 2010 Order of Entry of Default on Respondent at his State Bar membership records
3 address. Respondent received the January 25, 2010 order.

4 17. Respondent has been not entitled to practice law from January 28, 2010 to the
5 present.

6 18. On or about February 23, 2010, while Respondent was not entitled to practice law,
7 Respondent appeared at the Final Status Conference as the attorney of record for his clients in
8 the Holguin action.

9 19. Following the Final Status Conference in the Holguin action, opposing counsel,
10 Clayton D. Wilson ("Wilson"), became aware that Respondent was not entitled to practice law.

11 20. On or about March 1, 2010, Wilson appeared in court in the Holguin action and
12 raised the issue of Respondent's not entitled status with both Respondent and the court.

13 21. On or about March 1, 2010, the defendants in the Holguin action filed substitutions of
14 attorney, substituting out Respondent out as their attorney of record in the Holguin action.

15 22. By appearing in court representing the defendants in the Holguin action, by holding
16 himself as an attorney entitled to practice law in California when he was not an active member of
17 the State Bar of California and by practicing law when he was not an active member of the State
18 Bar of California, Respondent failed to support the Constitution and laws of the United States
19 and of this state.

20 COUNT TWO

21 Case No. 10-O-02512
22 Business and Professions Code, section 6106
[Moral Turpitude-Misrepresentation]

23 23. Respondent willfully violated Business and Professions Code, section 6106, by
24 committing an act involving moral turpitude, dishonesty or corruption, as follows:

25 24. The allegations of Count One are incorporated herein by reference.

26 25. Respondent knew, or in the absence of gross negligence, should have known that he
27 was not entitled to practice law from July 2, 2009 to November 20, 2009 and was not entitled to
28 practice law from January 28, 2010 to the present.

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COUNT FOUR

Case No. 10-O-05986
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

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

34. The allegations of Count One are incorporated herein by reference.

35. On or about August 17, 2009, Suwandi Chandra ("Chandra") hired Respondent to handle a real estate matter.

36. On or about August 20, 2009, Chandra paid Respondent \$180 to prepare the Affidavit of Death and record a grant deed. In addition, Chandra provided Respondent with the required original documents, including his father's original power of attorney. Respondent told Chandra that it would take six to eight weeks to complete the work.

37. From in or about October 2009 to in or about January 2010, Chandra periodically telephoned Respondent seeking the status of his matter. In or about December 2009, Respondent told Chandra that he had filed the appropriate paperwork with the Los Angeles Recorder's office.

38. On or about February 8, 2010, Chandra left a voicemail message for Respondent seeking the status on his matter. Respondent failed to respond to Chandra's telephone call.

39. On or about February 8, 2010, Chandra emailed Respondent seeking the status of his matter.

40. On or about February 11, 2010, Respondent responded to Chandra's email stating that he had to make a correction to the grant deed and resubmit it for recording.

41. On or about March 4, 2010, Chandra's email Respondent seeking the status of his real estate matter. On or about March 5, 2010, Respondent responded stating that he would check on the status of Chandra's matter.

42. On or about March 9, 2010 and on or about March 18, 2010, Chandra emailed Responding seeking the status of his matter and inquiring about why Respondent was not responding. Respondent received the emails but did not respond.

1 43. On or about April 1, 2010, Chandra emailed Respondent requesting proof that the
2 grant deed had been filed. In the email, Chandra stated that if Respondent could not provide
3 proof Respondent had filed the grant deed, then Chandra wanted a refund of the \$180 and the
4 return of his original documents. Respondent received the email but did not respond.

5 44. On or about May 3, 2010, Chandra sent Respondent a letter by certified mail
6 requesting a full refund and the return of his original documents. Respondent received the letter
7 but failed to respond.

8 45. Chandra subsequently learned that Respondent had not filed any documents with the
9 Los Angeles County Recorder's office on his behalf.

10 46. By failing to perform on Chandra's behalf between November 20, 2009 and January
11 27, 2010 when he was eligible to practice law in California, Respondent intentionally, recklessly,
12 or repeatedly failed to perform legal services with competence.

13 COUNT FIVE

14 Case No. 10-O-05986
15 Business and Professions Code, section 6068(a)
16 [Failure to Comply With Laws]

17 47. Respondent willfully violated Business and Professions Code, section 6068(a), by
18 advertising or holding himself out as practicing law when he was not an active member of the
19 State Bar in violation of Business and Professions Code sections 6125 and 6126, as follows:

20 48. The allegations of Counts One and Four are incorporated herein by reference.

21 49. When Chandra employed and paid Respondent to handle his legal matter, Respondent
22 was not entitled to practice law in California.

23 50. By holding himself as an attorney entitled to practice law in California when he was
24 not an active member of the State Bar of California, Respondent failed to support the
25 Constitution and laws of the United States and of this state.

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COUNT SIX

Case No. 10-O-05986
Business and Professions Code, section 6106
[Moral Turpitude-Misrepresentation]

51. Respondent willfully violated Business and Professions Code, section 6106, by committing an act involving moral turpitude, dishonesty or corruption, as follows:

52. The allegations of Counts One and Four are incorporated herein by reference.

53. Respondent knew, or in the absence of gross negligence, should have known that he was suspended from the practice of law.

54. By misrepresenting to Chandra that he was entitled to practice law when he was not an active member of the State Bar, Respondent committed an act involving moral turpitude, dishonesty or corruption.

COUNT SEVEN

Case No. 10-O-05986
Rules of Professional Conduct, rule 4-200(A)
[Illegal Fee]

55. Respondent willfully violated Rules of Professional Conduct, rule 4-200(A), by entering into an agreement for, charging, or collecting an illegal fee, as follows:

56. The allegations of Counts One, Four and Five are incorporated herein by reference.

57. When Respondent collected \$180 in attorney's fees from Chandra, he knew, or in the absence of gross negligence, should have known that he was not entitled to practice law.

58. By collecting \$180 in attorney's fees from Chandra when he was not entitled to practice law in California, Respondent entered into an agreement for and collected an illegal fee.

COUNT EIGHT

Case No. 10-O-05986
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

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

60. The allegations of Count Four are incorporated herein by reference.

1 61. By not responding to Chandra's telephone calls, emails and letter regarding his
2 matter, Respondent failed to respond promptly to reasonable status inquiries of a client in a
3 matter in which Respondent had agreed to provide legal services.

4 COUNT NINE

5 Case No. 10-O-05986
6 Rules of Professional Conduct, rule 3-700(D)(1)
7 [Failure to Release File]

8 62. Respondent willfully violated Rules of Professional Conduct, rule 3-700(D)(1), by
9 failing to release promptly, upon termination of employment, to the client, at the request of the
10 client, all the client papers and property, as follows:

11 63. The allegations of Count Four are incorporated herein by reference.

12 64. By failing to return Chandra's documentation despite his requests, Respondent failed
13 to release promptly, upon termination of employment, to the client, at the request of the client, all
14 the client papers and property.

15 COUNT TEN

16 Case No. 10-O-05986
17 Rules of Professional Conduct, rule 3-700(D)(2)
18 [Failure to Refund Unearned Fees]

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

21 66. The allegations of Count Four are incorporated herein by reference.

22 67. Respondent did not earn the \$180 paid by Chandra and has not refunded any of the
23 fees.

24 68. By failing to refund the \$180 in attorney's fees to Chandra despite his requests,
25 Respondent failed to refund promptly any part of a fee paid in advance that has not been earned.
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1 COUNT ELEVEN

2 Case No. 10-O-05986
3 Business and Professions Code, section 6068(i)
4 [Failure to Cooperate in State Bar Investigation]

5 69. Respondent willfully violated Business and Professions Code, section 6068(i), by
6 failing to cooperate and participate in a disciplinary investigation pending against Respondent, as
7 follows:

8 70. On or about June 22, 2010, the State Bar opened an investigation, case no. 10-O-
9 05986, pursuant to a complaint made against Respondent regarding Suwandi Chandra (the
10 "Chandra matter").

11 71. On or about August 11, 2010, a State Bar investigator mailed a letter to Respondent
12 at his address of record regarding the Chandra matter. The investigator's August 11, 2010 letter
13 requested that Respondent respond in writing by August 26, 2010 to specific allegations of
14 misconduct being investigated by the State Bar in the Chandra matter. Respondent received the
15 August 11, 2010 letter but did not provide a response.

16 72. On or about September 29, 2010, a State Bar investigator mailed a second letter to
17 Respondent regarding the allegations in the Chandra matter. The investigator's letter asked
18 Respondent to provide a written response by October 14, 2010 in the Chandra matter.
19 Respondent received the September 29, 2010 letter but did not provide a response.

20 73. To date, Respondent has not provided the State Bar with a written response or
21 otherwise cooperated in the investigation in the Chandra matter.

22 74. By not providing a written response to the allegations in the Chandra matter or
23 otherwise cooperating in the investigation of the Chandra matter, Respondent failed to cooperate
24 and participate in a disciplinary investigation pending against Respondent.

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NOTICE - INACTIVE ENROLLMENT!

YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO 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.

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

DATED: December 2, 2010

By: 
Katherine Kinsey
Deputy Trial Counsel

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DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBERS: 10-0-02512; 10-0-05986

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 9848 5951 5445, at Los Angeles, on the date shown below, addressed to:


**John Randall Faith
Law Offices of J. Randall Faith
PO Box 232
Covina, CA 91723-0232**

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: December 2, 2010

Signed: 
KIM WIMBISH
Declarant