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FILED

APR 11 2011

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

PUBLIC MATTER

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STATE BAR COURT
HEARING DEPARTMENT - LOS ANGELES

In the Matter of:) Case No. 11-O-10974
DAVID LEE CANDAU,)
No. 65382,) NOTICE OF DISCIPLINARY CHARGES
A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

**IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
THE STATE BAR COURT TRIAL:**

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
AND THE DEFAULT IS SET ASIDE, AND;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. David Lee Candaux ("Respondent") was admitted to the practice of law in the State
4 of California on December 18, 1975, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 11-O-10974
8 Business and Professions Code, section 6068(k)
9 [Failure to Comply with Conditions of Probation]

10 2. Respondent willfully violated Business and Professions Code, section 6068(k), by
11 failing to comply with all conditions attached to any disciplinary probation, as follows:

12 3. On or about November 9, 2010, the California Supreme Court filed Order No.
13 S185778 (hereinafter "Disciplinary Order") regarding discipline of Respondent. On or about
14 November 9, 2010, the Clerk of the California Supreme Court properly served a copy of the
15 Disciplinary Order by mail on Respondent at the address on file with the State Bar membership
16 records. Respondent received the Disciplinary Order.

17 4. On or about December 9, 2010, the Disciplinary Order became effective, thirty days
18 after the Disciplinary Order was filed.

19 5. The Disciplinary Order placed Respondent on a two year probation subject to certain
20 conditions of probation. On or about November 19, 2010, a probation deputy of the Office of
21 Probation mailed a letter to Respondent at his member records address reminding him of the
22 conditions of probation. Respondent received the letter from the probation deputy.

23 6. As a condition of probation, Respondent was required to contact the Office of
24 Probation within 30 days of the effective date of the Discipline Order and schedule a meeting
25 with Respondent's assigned probation deputy to discuss the terms and conditions of probation.
26 Respondent did not contact the Office of Probation to schedule a meeting with a probation
27 deputy by January 8, 2011, or at any time to date.

28 7. As a condition of probation, Respondent was required, subject to the assertion of
applicable privileges, to answer fully, promptly and truthfully, any inquiries of the Office of

1 Probation which are directed to him personally or in writing relating to whether he is complying
2 or has complied with the probation conditions. On or about January 26, 2010, a probation
3 deputy telephoned Respondent at his telephone number on record with the State Bar and left a
4 message on his voice mail requesting that Respondent contact the probation deputy to discuss
5 compliance with the probation conditions. Respondent received the message. Respondent did
6 not contact the probation deputy in response to the inquiry to report on his compliance with the
7 probation conditions. On or about January 26, 2011, a probation deputy mailed a letter to
8 Respondent at his member records address informing him of his non-compliance and requesting
9 that he contact the probation deputy. Respondent received the letter from the probation deputy.
10 Respondent did not contact the probation deputy or otherwise respond to the letter.

11 8. As a condition of probation, Respondent was required to comply with all provisions
12 and conditions of his Participation Agreement/Plan with the Lawyer Assistance Program (LAP)
13 until he provides to the Office of Probation a certification of completion of the LAP. On or
14 about September 1, 2010, prior to the issuance of the Disciplinary Order, Respondent decided to
15 terminate his participate in the LAP and did not obtain a certification of successful completion.

16 9. By the foregoing, Respondent failed to comply with all conditions attached to any
17 disciplinary probation.

18 **NOTICE - INACTIVE ENROLLMENT!**

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

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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.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: April 11, 2011 By: Dane C. Dauphine
Dane C. Dauphine
Supervising Trial Counsel

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DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 11-O-10974

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 9845 4872 3229, at Los Angeles, on the date shown below, addressed to:

**David Lee Candaux
23371 Mulholland Dr #176
Woodland Hills, CA 91364**

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: April 11, 2011

Signed: *Paula Heider*
Paula Heider
Declarant