

# PUBLIC MATTER

FILED

AUG 24 2011

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

1 STATE BAR OF CALIFORNIA  
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## STATE BAR COURT

### HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of:

13 JAMES HARVEY TIPLER,  
14 No. 80748,

15 A Member of the State Bar

) Case No. 11-O-15020

) NOTICE OF DISCIPLINARY CHARGES

### NOTICE - FAILURE TO RESPOND!

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

- 20 (1) YOUR DEFAULT WILL BE ENTERED;
- 21 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU  
22 WILL NOT BE PERMITTED TO PRACTICE LAW;
- 23 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN  
24 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION  
25 AND THE DEFAULT IS SET ASIDE, AND;
- 26 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.  
27 SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE  
28 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. James Harvey Tipler ("Respondent") was admitted to the practice of law in the State  
4 of California on June 23, 1978, 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-15020  
8 Business and Professions Code, section 6068(k)  
[Failure to Comply with Conditions of Probation]

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

11 3. On or about December 21, 2010, the California Supreme Court filed Order No.  
12 S158221 ("Disciplinary Order") regarding discipline of Respondent. On or about December 21,  
13 2010, the Clerk of the California Supreme Court properly served a copy of the Disciplinary  
14 Order by mail on Respondent at the address on file with the State Bar membership records.  
15 Respondent received the Disciplinary Order.

16 4. On or about January 20, 2011, the Disciplinary Order became effective, thirty days  
17 after the Disciplinary Order was filed.

18 5. The Disciplinary Order revoked Respondent's pre-existing probation, lifted the  
19 previously ordered stay of execution, placed Respondent on actual suspension for a minimum of  
20 two years with credit given toward the period of involuntary inactive enrollment and placed  
21 Respondent on a new two year probation subject to certain conditions.

22 6. On or about February 1, 2011, a probation deputy of the Office of Probation mailed a  
23 letter to Respondent at his member records address reminding him of the conditions of probation.  
24 Respondent received the letter from the probation deputy.

25 7. As a condition of probation, Respondent was required to submit written quarterly  
26 reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the  
27 period of probation, stating under penalty of perjury his compliance with the State Bar Act, the  
28 Rules of Professional Conduct, and all conditions of probation during the preceding calendar

1 quarter. To date, Respondent has not submitted to the Office of Probation written quarterly  
2 reports due by April 10, 2011 and July 10, 2011.

3 8. By the foregoing, Respondent failed to comply with all conditions attached to any  
4 disciplinary probation.

5 **NOTICE - INACTIVE ENROLLMENT!**

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

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, HEARING**  
18 **AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND**  
19 **PROFESSIONS CODE SECTION 6086.10.**

20 Respectfully submitted,

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

23 DATED: August 24, 2011

24 By: 

25 Rosalba L. Gutierrez  
26 Acting Deputy Trial Counsel

1 **DECLARATION OF SERVICE BY CERTIFIED MAIL**

2 **CASE NUMBER: 11-O-15020**

3 I, the undersigned, over the age of eighteen (18) years, whose business address and place  
4 of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California  
5 90015, declare that I am not a party to the within action; that I am readily familiar with the State  
6 Bar of California's practice for collection and processing of correspondence for mailing with the  
7 United States Postal Service; that in the ordinary course of the State Bar of California's practice,  
8 correspondence collected and processed by the State Bar of California would be deposited with  
9 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

10 **NOTICE OF DISCIPLINARY CHARGES**

11 in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,  
12 Article No.: 7196 9008 9111 0443 2614, at Los Angeles, on the date shown below, addressed to:

13 **JAMES HARVEY TIPLER**  
14 **P.O. BOX 10**  
15 **MARY ESTHER, FL 32569**

16 in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,  
17 Article No.: 7196 9008 9111 0443 2621, at Los Angeles, on the date shown below, addressed to:

18 **JAMES H. TIPLER**  
19 **40398**  
20 **OKALOOSA COUNTY DEPARTMENT OF CORRECTIONS**  
21 **1200 E. JAMES LEE BLVD.**  
22 **CRESTVIEW, FL 32539**

23 **And Courtesy Copy Regular Mail to:**

24 **JAMES H. TIPLER**  
25 **40398**  
26 **OKALOOSA COUNTY DEPARTMENT OF CORRECTIONS**  
27 **1200 E. JAMES LEE BLVD.**  
28 **CRESTVIEW, FL 32539**

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: August 24, 2011

Signed: 

**Lupe Pacheco-Granados**  
**Declarant**