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FILED

APR 02 2013

4 In Pro Per Respondent
5 JOHN WESLEY VILLINES

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

7 **STATE BAR COURT**
8 **HEARING DEPARTMENT – SAN FRANCISCO**

9 In the Matter of:) Case No.: 11-O-19295 [12-O-1589; 13-O-
10) 10160]
11)
11 JOHN WESLEY VILLINES,)
12) **RESPONSE TO NOTICE OF**
12) **DISCIPLINARY CHARGES**
13)
13 A Member of the State Bar) [State Bar Rule of Procedure, Rule 5.43]
14)

15 John Wesley Villines, Respondent (hereinafter referred to as "Respondent"), a member
16 of the State Bar of California, representing himself in pro per, in response to the Notice of
17 Disciplinary Charges (hereinafter "NDC") on file in this matter, admits, denies and alleges as
18 follows:
19

20 JURISDICTION

- 21 1. Respondent admits the allegations contained in Paragraph 1 of the NDC.

22 COUNT ONE

23 Case No. 11-O-19295

- 24
25 2. Respondent denies the allegations contained in Paragraph 2 of Count One of the NDC.
26 3. Respondent admits the allegations contained in Paragraph 3 of Count One of the NDC.
27 4. Respondent admits the allegations contained in Paragraph 4 of Count One of the NDC.
28



1 5. Respondent admits the allegation contained in Paragraph 5 of Count One of the NDC
2 that Respondent did not file a lawsuit on behalf of Ramirez, but denies the remaining
3 allegations in this paragraph.

4 6. Respondent denies the allegations contained in sentence one of Paragraph 6 of Count
5 One of the NDC.
6

7 Count Two

8 Case No. 11-O-19295

9 7. Respondent denies the allegations contained in Paragraph 7 of Count Two of the NDC.

10 8. Respondent incorporates the previous admissions and denials in Count One as
11 previously pleaded above.

12 9. Respondent admits the allegation contained in Paragraph 9 of Count Two of the NDC
13 that Respondent did not refund any of the monies paid by Ramirez, but Respondent
14 denies the remaining allegations in this paragraph.
15

16 10. Respondent denies the allegations contained in sentence one of Paragraph 10 of Count
17 Two of the NDC, since Respondent's earned fees exceeded the amount paid by
18 Ramirez.
19

20 Count Three

21 Case No. 11-O-19295

22 11. Respondent denies the allegations contained in Paragraph 11 of Count Three of the
23 NDC.
24

25 12. Respondent incorporates the previous admissions and denials in Counts One and Two
26 as previously pleaded above.
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1 13. Respondent admits the allegations contained in Paragraph 13 of Count Three of the
2 NDC.

3 14. Respondent denies the allegations contained in Paragraph 14 of Count Three of the
4 NDC.

5 Count Four

6 Case No. 12-O-15897

7
8 15. Respondent denies the allegations contained in Paragraph 15 of Count Four of the NDC.

9 16. Respondent admits the allegations contained in Paragraph 16 of Count Four of the
10 NDC.

11 17. Respondent admits the allegations contained in Paragraph 17 of Count Four of the
12 NDC.

13
14 18. Respondent denies the allegation contained in Paragraph 18 of Count Four of the NDC
15 that Yerzy informed the DRE Investigator that Respondent was still acting as an
16 attorney and further denies the State Bar's overall mischaracterization of the
17 conversation between the DRE Investigator and Yerzy. Respondent admits the
18 remaining allegations in this paragraph.

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20 19. Respondent denies the allegations contained in Paragraph 19 of Count Four of the NDC.

21 20. Respondent admits the allegations contained in Paragraph 20 of Count Four of the NDC
22 that the nameplate on the mailbox in the lobby at address 726 14th Street in Modesto,
23 California, identified the location as John W. Villines, Attorney; JV LAW, Suite E.
24 Respondent further denies the implication that the presence of a mere nameplate
25 constitutes the practice of law. Respondent has no knowledge as to the truth or falsity
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1 of a State Bar Investigator's visit of this location on August 30, 2012, and on that basis,
2 denies this allegation.

3 21. Respondent strongly and fervently denies the allegations contained in Paragraph 21 of
4 Count Four of the NDC.

5 Count Five

6 Case No. 12-O-15897

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8 22. Respondent denies the allegations contained in Paragraph 22 of Count Five of the NDC.

9 23. Respondent incorporates the previous admissions and denials in Count Four as
10 previously pleaded above.

11 24. Respondent admits the allegations contained in Paragraph 24 of Count Five of the NDC
12 in that Respondent did know of the details of his suspension, but denies that he was
13 grossly negligent.

14 25. Respondent strongly and fervently denies the allegations contained in Paragraph 25 of
15 Count Five of the NDC, including but not limited to the allegation that he advertised
16 and held himself out as entitled to practice law while he was not an active member of
17 the State Bar.
18

19 Count Six

20 Case No. 13-O-10160

21 26. Respondent denies the allegations contained in Paragraph 26 of Count Six of the NDC.

22 27. Respondent admits the allegations contained in Paragraph 27 of Count Six of the NDC.

23 28. Respondent admits the allegations contained in Paragraph 28 of Count Six of the NDC.

24 29. Respondent admits the allegation contained in Paragraph 29 of Count Six of the NDC
25 that Respondent did not file a lawsuit on behalf of Scott, but denies that the rest of the
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1 remaining allegations since Respondent obtained two loan modifications for Scott and
2 contacted her lender hundreds of times about obtaining a loan modification and
3 rescinding the loan over a 3-year period.

4 30. Respondent denies the allegations contained in Paragraph 30 of Count Six of the NDC.

5 Count Seven

6 Case No. 13-O-10160

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8 31. Respondent denies the allegations contained in Paragraph 31 of Count Seven of the
9 NDC.

10 32. Respondent incorporates the previous admissions and denials in Count Six as
11 previously pleaded above.

12
13 33. Respondent denies the allegations contained in Paragraph 33 of Count Seven of the
14 NDC, except Respondent admits that the effective date of Civil Code section
15 2944.7(a)(1) was October 11, 2009.

16
17 34. Respondent denies the allegations contained in Paragraph 34 of Count Seven of the
18 NDC.

19 Count Eight

20 Case No. 13-O-10160

21 35. Respondent denies the allegations contained in Paragraph 35 of Count Eight of the
22 NDC.

23
24 36. Respondent incorporates the previous admissions and denials in Counts Six and Seven
25 as previously pleaded above.

26 37. Respondent denies the allegations contained in Paragraph 37 of Count Eight of the
27 NDC, except that Respondent admits that he did not refund any of the \$5,345 in
28

1 advance fees paid by Scott prior to October 2009, since these fees were not unearned
2 and did not require to be refunded.

3 38. Respondent denies the allegations contained in Paragraph 38 of Count Eight of the
4 NDC.

5 Count Nine

6 Case No. 13-O-10160

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8 39. Respondent denies the allegations contained in Paragraph 39 of Count Nine of the
9 NDC.

10 40. Respondent incorporates the previous admissions and denials in Counts Six, Seven, and
11 Eight as previously pleaded above.

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13 41. Respondent has no knowledge to the truth or falsity of the allegations contained in
14 Paragraph 41 of the NDC, and on that basis, denies these allegations.

15 42. Respondent admits the allegations contained in Paragraph 42 of Count Nine of the
16 NDC.

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18 43. Respondent admits the allegations contained in Paragraph 43 of Count Nine of the
19 NDC.

20 44. Respondent admits the allegations contained in sentence one of Paragraph 44 of Count
21 Nine of the NDC; Respondent denies the false allegations contained in sentence two of
22 Paragraph 44 that Respondent did not respond further since Respondent faxed a written
23 response to the investigator on March 7, 2013, prior to the ENE and the filing of the
24 NDC by the State Bar.

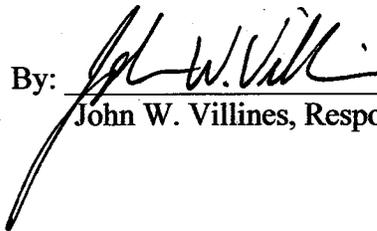
25
26 45. Respondent denies the allegations contained in Paragraph 45 of Count Nine of the NDC
27 since Respondent did provide a written response and has always cooperated with the
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1 State Bar investigation. Respondent further alleges that the State Bar was intent on
2 filing this NDC regardless of the outcome of any investigation or written response
3 because of Respondent's refusal to stipulate to disbarment in Case No. 12-N-16486, as
4 plainly stated by State Bar counsel Suzan J. Anderson to Respondent via a telephone
5 conversation on or about February 12, 2013.
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8 Respectfully submitted,

9 RESPONDENT JOHN W. VILLINES
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11 Dated: March 30, 2013
12

13 By: 

14 John W. Villines, Respondent In Pro Per
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PROOF OF SERVICE

1 I, the undersigned, declare:

2 I am over 18 years of age, and I am not a party to this matter. I am a resident in the
3 county where the mailing took place. My residence address is 5959 W. Grayson Road, Modesto,
California 95358.

4 On March 30, 2013, I mailed the following document(s) from Modesto, California:

5 **RESPONSE TO NOTICE OF DISCIPLINARY CHARGES**

6 **By U.S. mail**, on the following party(ies) in said action, in accordance with Code of Civil
7 Procedure §§ 1013 and 1013a, by depositing a true copy thereof enclosed in a sealed
8 envelope with the correct amount of postage in a place for collection and mailing in the
City of Modesto, County of Stanislaus, California.

9 **By personally delivering** a true copy thereof, in accordance with Code of Civil
10 Procedure § 1011, to the persons during a case-related deposition at the address of the
Court, 1225 Fallon Street in Oakland, California, Department 25.

11 **By overnight delivery** on the following party(ies) in said action, in accordance with
12 Code of Civil Procedure § 1013(c), by placing a true copy thereof enclosed in a sealed
13 envelope, with delivery fees paid or provided for, in a designated area for outgoing
14 overnight mail, addressed as set forth below. In the ordinary course of business at the
law offices of JV LAW, mail placed in that designated area is picked up that same day for
delivery the following business day.

15 **By facsimile transmission**, at approximately _____, by use of facsimile machine
16 telephone number (209) 758-0966 to the following party(ies) at the facsimile number(s)
17 indicated. This transmission was reported as complete and without error, and a copy of
the transmission report which was issued by the transmitting facsimile machine is
attached to the original hereof.

18 Suzan J. Anderson, Esq.
19 STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
180 Howard Street
San Francisco, CA 94105-1639
20 Fax: 1-415-538-2220
21 (Deputy Trial Counsel)

22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct, and that this document was executed on March 30, 2013, at
Modesto, California.

24 
25 _____
JAMMIE VILLINES
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