

FILED

AUG 03 2011

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK¹

In the Matter of)	Case No. 11-Q-12029
)	
ANTHONY JOHN TURNER,)	RECOMMENDATION ON
)	RESIGNATION
A Member of the State Bar, No. 139355.)	
_____)	

On March 29, 2011, Anthony John Turner filed a Resignation with Charges Pending. We recommend Turner's resignation be declined under California Rules of Court, rule 9.21(d)² because (1) he did not comply with rule 9.20 in this matter; (2) he has not entered a written stipulation with the Office of the Chief Trial Counsel (State Bar) setting forth the facts and disciplinary conclusions of law regarding his misconduct; and (3) accepting the resignation will be inconsistent with the need to protect the public, the courts, and the legal profession.

I. BACKGROUND

Turner was admitted to practice law in California on February 9, 1989. He has been disciplined twice. In 2002, he was publicly reprovved for commingling, failing to maintain client funds in a trust account and failing to deposit client funds in a trust account between October 2000 and October 2001. In 2004, he received a one-year stayed suspension conditioned on three years' probation for failing to maintain client funds in trust and commingling in 2002. Nine

¹ Remke, P. J., did not participate in these proceedings.

² Unless otherwise noted, all further references to "rule(s)" are to this source.

public disciplinary matters are pending against Turner in the State Bar Court. In those matters, Turner is alleged to have committed acts involving moral turpitude, misappropriated client funds, failed to competently perform, failed to communicate with clients, failed to cooperate with the State Bar's investigation, failed to refund unearned fees, failed to report judicial sanctions, collected an illegal fee, and aided the unauthorized practice of law.³

In June 2011, the State Bar filed its Report and Recommendation regarding Turner's resignation, recommending that it be rejected. (Rules Proc. of State Bar, rule 5.427(C).) Turner did not file a response.

II. CONSIDERATION OF THE GROUNDS SET FORTH IN RULE 9.21(d)

We have considered Turner's resignation in light of the grounds set forth in rule 9.21(d). Below is a summary of the relevant information as to each ground:

1. Whether the preservation of testimony is complete

The State Bar reports that preservation of testimony is unnecessary since the underlying investigation materials and documentary evidence will provide a sufficient factual record of Turner's misconduct should he seek reinstatement to the practice of law.

2. Whether Turner committed the unauthorized practice of law after he submitted his resignation

The State Bar reports that it has no information suggesting that Turner continued to practice law or hold himself out as entitled to practice law after he filed his resignation.

3. Whether Turner performed the acts specified by rule 9.20(a)-(b)

The State Bar reports that it has not received any information from clients, opposing counsel or the courts that would give rise to an investigation on this issue.

³ We take judicial notice of the State Bar Court records regarding prior discipline and pending disciplinary matters. We direct the Clerk to include copies of those records in this resignation proceeding.

4. Whether Turner provided proof of compliance with rule 9.20(c)

Turner has not filed his affidavit of compliance with rule 9.20.

5. Whether the Supreme Court has filed a disbarment order

The Supreme Court has not filed a disbarment order.

6. Whether the State Bar Court has filed a decision recommending disbarment

The State Bar Court has not filed a decision or opinion recommending Turner's disbarment.

7. Whether Turner previously resigned or has been disbarred and reinstated to the practice of law

Turner has not previously resigned or been disbarred.

8. Whether Turner and the State Bar have entered into a stipulation as to facts and conclusions of law regarding the pending disciplinary matter

Turner has not stipulated to the facts and conclusions of law regarding the disciplinary matters pending against him.

9. Whether the acceptance of Turner's resignation will reasonably be inconsistent with the need to protect the public, the courts, or the legal profession

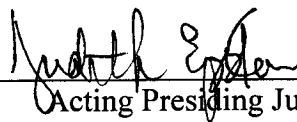
Turner has not entered into a stipulation with the State Bar that sets forth the facts and circumstances of his misconduct. Consequently, if the Supreme Court accepts his resignation, there would be no public record of the alleged misconduct associated with Turner's license to practice law. The absence of a public discipline record setting forth the nature and extent of his misconduct would be misleading to the public and potentially harmful to any future employer, licensing agency or other jurisdiction.

In addition, the State Bar reports that Turner owes \$29,747.00 in restitution, has four matters pending against him with the Client Security Fund, and has yet to repay a single client. To allow Turner to resign under these circumstances would undermine public confidence in the disciplinary system and the legal profession. Thus, we find that acceptance of Turner's

resignation would be inconsistent with the need to protect the public, the courts, and the legal profession.

III. RECOMMENDATION

We recommend that the Supreme Court decline to accept the resignation of Anthony John Turner, State Bar number 139355.



Handwritten signature of Judith E. Egan in cursive script, positioned above a horizontal line.

Acting Presiding Judge

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on August 3, 2011, I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED AUGUST 3, 2011

in a sealed envelope for collection and mailing on that date as follows:


- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ANTHONY J. TURNER
LAW OFFICES OF ANTHONY J. TURNER
1818 W BEVERLY BLVD STE 103
MONTEBELLO, CA 90640**

- [X] by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

JEAN H. CHA, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 3, 2011.



Rosalie Ruiz
Case Administrator
State Bar Court