

**PUBLIC MATTER**

1 STATE BAR OF CALIFORNIA  
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**FILED**

OCT 17 2012

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

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9  
10 STATE BAR COURT

11 HEARING DEPARTMENT - LOS ANGELES

12  
13 In the Matter of: ) Case No. 12-O-12813  
14 EUGENE WELLINGTON MATTHEWS, ) NOTICE OF DISCIPLINARY CHARGES  
No. 161396, )  
15 )  
16 A Member of the State Bar. )

17 **NOTICE - FAILURE TO RESPOND!**

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

- 21 (1) **YOUR DEFAULT WILL BE ENTERED;**  
22 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**  
23 **WILL NOT BE PERMITTED TO PRACTICE LAW;**  
24 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**  
25 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**  
26 **AND THE DEFAULT IS SET ASIDE, AND;**  
27 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**  
28 **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.**



1 The State Bar of California alleges:

2 JURISDICTION

3 1. Eugene Wellington Matthews ("Respondent") was admitted to the practice of law in  
4 the State of California on December 9, 1992, was a member at all times pertinent to these  
5 charges, and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 12-O-12813  
8 Business and Professions Code section 6103  
[Failure to Obey a Court Order]

9 2. Respondent willfully violated Business and Professions Code section 6103 by  
10 willfully disobeying or violating an order of the court requiring him to do or forbear an act  
11 connected with or in the course of Respondent's profession which he ought in good faith to do or  
12 forbear, as follows:

13 3. In or about 2006, Respondent was retained to represent Juan C. ("Juan C." was a  
14 minor at the time Respondent was retained) in an action against the Los Angeles Unified School  
15 District ("LAUSD") regarding an injury suffered by Juan C. while Juan C. was under the  
16 supervision of LAUSD.

17 4. In or about 2010, Juan C.'s injury case was settled, and LAUSD offered a monetary  
18 settlement to resolve Juan C.'s claim. A blocked account was opened on behalf of Juan C., and  
19 the settlement funds from LAUSD were deposited there.

20 5. On or about August 31, 2010, Respondent withdrew \$2,500.00 for attorney's fees  
21 from Juan C.'s blocked account for costs arising from the creation of a conservatorship on Juan  
22 C.'s behalf.

23 6. A conservatorship was then formed on Juan C.'s behalf by Respondent.

24 7. On or about December 7, 2011, the Los Angeles County Probate Court in Case LP  
25 015852 issued an "Order for Return of Funds." The order required Respondent to immediately  
26 refund to Juan C.'s conservatorship the \$2,500.00 in funds taken from Juan C.'s blocked account  
27 on or about August 31, 2010. The order was served by the court clerk upon Respondent's  
28 membership records address on January 12, 2012.

- 1 8. The order of on or about December 7, 2011 has not been set aside.
- 2 9. Respondent never sought relief from the on or about December 7, 2011 order.
- 3 10. On or about September 10, 2012, after the State Bar advised Respondent that charges
- 4 would be filed regarding his failure to obey the court's order, Respondent issued a cashier's
- 5 check to Juan C. in the amount of \$2,500.00.
- 6 11. By failing to refund the \$2,500.00 in fees paid to Respondent by Juan C.'s
- 7 conservatorship for nearly seven (7) months despite the court's on or about December 7, 2011
- 8 order to return the funds immediately, Respondent willfully disobeyed or violated an order of the
- 9 court requiring him to do or forbear an act connected with or in the course of Respondent's
- 10 profession which he ought in good faith to do or forbear.

11

12 **NOTICE - INACTIVE ENROLLMENT!**

13 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**

14 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**

15 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**

16 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**

17 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**

18 **INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**

19 **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**

20 **RECOMMENDED BY THE COURT.**

21

22 **NOTICE - COST ASSESSMENT!**

23 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC**

24 **DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS**

25 **INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING**

26 **AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND**

27 **PROFESSIONS CODE SECTION 6086.10.**

28

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: October 17, 2012

By:   
William Todd  
Deputy Trial Counsel

