

1 STATE BAR OF CALIFORNIA  
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**FILED**

**JUL 30 2015**

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

11 STATE BAR COURT

12 HEARING DEPARTMENT - LOS ANGELES

14 In the Matter of: ) Case No. 12-O-15002, 12-O-16879,  
15 TODD EUGENE MARSH, ) 15-O-12674, 15-O-12688  
16 No. 176065, ) NOTICE OF DISCIPLINARY CHARGES  
17 A Member of the State Bar. )

18 **NOTICE - FAILURE TO RESPOND!**

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

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

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. TODD EUGENE MARSH ("respondent") was admitted to the practice of law in the  
4 State of California on April 7, 1995, 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. 12-O-15002  
8 Business and Professions Code, section 6068(a)  
9 [Failure to Comply With Laws – Unauthorized Practice of Law]

10 2. On or about February 2, 2012 and on or about April 19, 2012, Respondent held  
11 himself out as entitled to practice law and actually practiced law when Respondent was not an  
12 active member of the State Bar by accepting the representation of Cody Martinez as a client and  
13 providing legal advice to Martinez about Martinez's case, in violation of Business and  
14 Professions Code, sections 6125 and 6126, and thereby willfully violated Business and  
15 Professions Code, section 6068(a).

16 COUNT TWO

17 Case No. 12-O-15002  
18 Business and Professions Code, section 6106  
19 [Moral Turpitude]

20 3. On or about February 2, 2012 and on or about April 19, 2012, Respondent held  
21 himself out as entitled to practice law and actually practiced law when Respondent knew, or was  
22 grossly negligent in not knowing, Respondent was not an active member of the State Bar by  
23 having received notice that Respondent was suspended as of December 2, 2011, and thereafter  
24 accepting the representation of Cody Martinez as a client and providing legal advice to Martinez  
25 about Martinez's case and thereby committed an act involving moral turpitude, dishonesty or  
26 corruption in willful violation of Business and Professions Code, section 6106.

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COUNT THREE

Case No. 12-O-15002  
Rules of Professional Conduct, rule 4-200(A)  
[Illegal Fee]

4. On or about February 2, 2011, Respondent entered into an agreement for, charged, and collected a fee of \$750 from Cody Martinez to perform legal services that was illegal while Respondent was suspended and not entitled to practice law, in willful violation of Rules of Professional Conduct, rule 4-200(A).

COUNT FOUR

Case No. 12-O-16879  
Rules of Professional Conduct, rule 3-110(A)  
[Failure to Perform with Competence]

5. On or about July 10, 2010, Juan Zaragoza employed Respondent to perform legal services, namely a post-conviction criminal appeal in the Court of Appeal, Second Appellate District, *The People v. Juan Francisco Zaragoza*, case number B227234, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by failing to file an opening brief or any other pleading in the appeal, other than a Notice of Appeal, which led to the dismissal of the appeal.

COUNT FIVE

Case No. 12-O-16879  
Business and Professions Code, section 6068(m)  
[Failure to Inform Client of Significant Development]

6. Respondent failed to keep Respondent's client, Juan Zaragoza, reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, namely *The People v. Juan Francisco Zaragoza* in the Court of Appeal, Second Appellate District case number B227234, in willful violation of Business and Professions Code, section 6068(m), by failing to inform the client that his appeal had been dismissed on February 8, 2011, because Respondent failed to file an opening brief in the case.

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COUNT SIX

Case No. 12-O-16879  
Rules of Professional Conduct, rule 3-700(D)(2)  
[Failure to Refund Unearned Fees]

7. On or about July 10, 2010 through on or about April 19, 2011, Respondent received advanced fees of approximately \$12, 500 from a client, Juan Zaragoza through his sister, Sandra Rink, to file a post-conviction appeal. Respondent failed to file the appeal, or perform any legal services for the client, and therefore earned none of the advanced fees paid. Respondent failed to refund promptly, upon Respondent's termination of employment on or about August 20, 2012, any part of the approximately \$12,500 fee to the client, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

COUNT SEVEN

Case No. 12-O-16879  
Business and Professions Code, section 6106  
[Moral Turpitude - Misrepresentation]

8. In or about February 2012, Respondent stated to Sandra Rink that Juan Zaragoza's appeal was active with the court and pending when Respondent knew or was grossly negligent in not knowing the statement was false because the appeal had been dismissed, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT EIGHT

Case No. 12-O-15002  
Case No. 12-O-16879  
Business and Professions Code, section 6068(j)  
[Failure to Update Membership Address]

9. On or about June 2, 2015, Respondent ceased receiving State Bar mail at Respondent's post office box at the address maintained on the official membership records of the State Bar and thereafter failed to comply with the requirements of Business and Professions Code section 6002.1, by failing to notify the State Bar of the change in Respondent's address within 30 days, in willful violation of Business and Professions Code, section 6068(j).

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COUNT NINE

Case No. 15-O-12674  
Business and Professions Code, section 6068(k)  
[Failure to Comply with Conditions of Probation]

10. Respondent failed to comply with conditions attached to Respondent's disciplinary probation in State Bar Case no. 12-N-12476 as follows, in willful violation of Business and Professions Code, section 6068(k):

- A. Failing to timely contact the Office of Probation to schedule a meeting within 30 days from the effective date of the discipline;
- B. Failing to hold an initial meeting with the Office of Probation;
- C. Failing to submit a quarterly report by the due date of April 10, 2015;
- D. Failing to commence mental health treatment no later than March 30, 2015 and provide the Office of Probation proof of enrollment in mental health treatment; and
- E. Failing to file a mental health report by the due date of April 10, 2015.

COUNT TEN

Case No. 15-O-12688  
Business and Professions Code, section 6068(k)  
[Failure to Comply with Conditions of Probation]

11. Respondent failed to comply with conditions attached to Respondent's disciplinary probation in State Bar Case no.08-O-14841, in willful violation of Business and Professions Code, section 6068(k) by failing to submit six quarterly reports by their due dates of October 10, 2013, January 10, 2014, April 10, 2014, July 10, 2014, October 10, 2014, and December 2, 2014.

**NOTICE - INACTIVE ENROLLMENT!**

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

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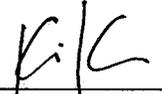
**NOTICE - COST ASSESSMENT!**

**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: July 30, 2015

By:   
KIM KASRELIOVICH  
Deputy Trial Counsel

DATED: July 30, 2015

By:   
JAMIE J. KIM  
Deputy Trial Counsel

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**DECLARATION OF SERVICE BY CERTIFIED MAIL**

**CASE NUMBER: 12-O-15002; 12-O-16879; 15-O-12674; 15-O-12688**

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, 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.: 9414 7266 9904 2010 0714 64, at Los Angeles, on the date shown below, addressed to:

**Todd Eugene Marsh  
P.O. Box 1043  
Lake Hughes, CA 93532**

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: July 30, 2015**

Signed: \_\_\_\_\_

**Lupe Pacheco  
Declarant**