

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
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FILED
SEP 30 2013
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

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STATE BAR COURT
HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of:) Case No. 12-O-15334
13 WARREN JOSEPH SMALL,)
No. 90945,) NOTICE OF DISCIPLINARY CHARGES
14)
15 A Member of the State Bar.)

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**
THE STATE BAR COURT TRIAL:

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

26 The State Bar of California alleges:

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1 8. On or about April 15, 2009, Respondent signed Mr. Sharp's name under penalty
2 of perjury to a Community and Quasi-Community Property Declaration, which Respondent then
3 filed or caused to be filed with the court in the dissolution case on or about May 8, 2009.

4 9. On or about May 5, 2009, Respondent signed Mr. Sharp's name under penalty of
5 perjury to a Responsive Declaration to an Order to Show Cause, which Respondent then filed or
6 caused to be filed with the court in the dissolution case on or about May 14, 2009.

7 10. On or about June 22, 2009, Respondent signed Mr. Sharp's name to a Notice to
8 Set Aside Default, which Respondent then filed or caused to be filed with the court in the
9 dissolution case on or about June 22, 2009.

10 11. On or about September 3, 2009, Respondent signed Mr. Sharp's name under
11 penalty of perjury to an Income and Expense Declaration, which Respondent then filed or caused
12 to be filed with the court in the dissolution case on or about September 9, 2009.

13 12. On or about September 3, 2009, Respondent signed Mr. Sharp's name under
14 penalty of perjury to a Response to Dissolution of Marriage, which Respondent then filed or
15 caused to be filed with the court in the dissolution case on or about September 9, 2009.

16 13. On or about November 13, 2009, Respondent signed Mr. Sharp's name under
17 penalty of perjury to an Application for Order and Supporting Declaration, which Respondent
18 then filed or caused to be filed with the court in the dissolution case on November 19, 2009.

19 14. On or about November 13, 2009, Respondent signed Mr. Sharp's name under
20 penalty of perjury to an Income and Expense Declaration, which Respondent then filed or caused
21 to be filed with the court in the dissolution case on or about November 19, 2009.

22 15. Prior to on or about September 13, 2012, Respondent failed to advise the court
23 that any of the documents filed with the court in the dissolution case which purportedly bore the
24 signature of Mr. Sharp, including those purportedly signed under penalty of perjury by Mr.
25 Sharp, had actually been signed by Respondent on behalf of Mr. Sharp.

26 16. On or about September 13, 2012, Respondent provided notice to the court that the
27 Income and Expense Declaration dated March 18, 2009, the Supporting Declaration of Edward
28 D. Sharp dated March 20, 2009, the Response to Dissolution of Marriage dated April 15, 2009,

1 the Community and Quasi-Community Property Declaration dated April 15, 2009, and the
2 Notice to Set Aside Default dated June 22, 2009, had actually been signed by Respondent on
3 behalf of Mr. Sharp.

4 17. On or about August 21, 2013, Respondent provided notice to the court that the
5 Responsive Declaration to Order to Show Cause filed May 14, 2009, the Application for Order
6 and Supporting Declaration filed November 19, 2009, the Income and Expense Declaration filed
7 November 19, 2009, the Income and Expense Declaration filed September 9, 2009, the Response
8 to Dissolution of Marriage filed September 9, 2009, and the Notice to Set Aside Default filed
9 June 22, 2009, had actually been signed by Respondent on behalf of Mr. Sharp.

10 18. By signing his client's name to the Declaration in Support of an Order to Show
11 Cause, Notice to Set Aside Default, Income and Expense Declarations, Response to Dissolution
12 of Marriage, and Application for Order and Supporting Declaration, and submitting those
13 documents for filing with the court in the dissolution case, Respondent sought to mislead the
14 judge or judicial officer by an artifice or false statement of fact or law.

15 COUNT TWO

16 Case No. 12-O-15334
17 Business and Professions Code, section 6106
18 [Moral Turpitude]

19 19. Respondent willfully violated Business and Professions Code, section 6106, by
20 committing an act involving moral turpitude, dishonesty or corruption, as follows:

21 20. The allegations of Count One are incorporated by reference.

22 21. By signing his client's name to the documents listed above in paragraphs 4
23 through 14, including those purportedly signed under penalty of perjury, and by submitting those
24 documents for filing with the court without notifying the court that Respondent had actually
25 signed his client's name on the documents, Respondent committed an act involving moral
26 turpitude, dishonesty or corruption.

27 **NOTICE - INACTIVE ENROLLMENT!**

28 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**

1 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
2 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
3 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
4 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
5 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
6 RECOMMENDED BY THE COURT.

7 **NOTICE - COST ASSESSMENT!**

8 IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
9 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
10 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
11 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
12 PROFESSIONS CODE SECTION 6086.10.

13 Respectfully submitted,

14 THE STATE BAR OF CALIFORNIA
15 OFFICE OF THE CHIEF TRIAL COUNSEL

16 DATED: September 30, 2013

17 By: Melissa R. Marshall
18 Melissa R. Marshall
19 Contract Attorney for the State Bar
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DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 12-O-15334

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

- By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

- (for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)
(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7196 9008 9111 6409 7778 at Los Angeles, addressed to: (see below)
(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking No.: addressed to: (see below)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy to:
WARREN JOSEPH SMALL, Law Office of Warren J Small, Jr, 3638 University Ave #203, Riverside, CA 92501, Electronic Address

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

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, and overnight delivery by the United Parcel Service ('UPS').

I am aware that on motion of the 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.

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: September 30, 2013

SIGNED: LAURA JETT Declarant