

FILED

SEP 17 2014

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STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case Nos. 12-O-16961
14 JAMES EDWARD GRISWOLD,) 12-O-17023
15 No. 207294,) 13-O-11325
16 A Member of the State Bar) FIRST AMENDED NOTICE OF
DISCIPLINARY CHARGES

NOTICE - FAILURE TO RESPOND!

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

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (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;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
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.**

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1 The State Bar of California alleges:

2 JURISDICTION

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4 1. Respondent James Edward Griswold was admitted to the practice of law in the State
5 of California on June 6, 2000, was a member at all times pertinent to these charges, and is
6 currently a member of the State Bar of California.

7 COUNT ONE

8 Case No. 12-O-16961
9 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

10 2. On or about June 10, 2008, Kevin Meadows, Elicia Hernandez, and Ray Pizinger
11 employed Respondent to perform legal services, namely to represent them in a civil lawsuit
12 entitled *Kevin Meadows, et al. v. Pacific Property Company*, Orange County Superior Court
13 case no. 30-2010-00335320 in Orange County Superior Court, in which Respondent
14 intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of
15 Rules of Professional Conduct, rule 3-110(A), by the following:

16 A) failing to provide responses to discovery requests served on Respondent on or about
17 February 28, 2011;

18 B) failing to oppose or otherwise respond to the motions to compel responses to
19 discovery and for monetary and terminating sanctions filed on or about October 20,
20 2011;

21 C) failing to appear at the hearing on the motions to compel responses to discovery and
22 for monetary and terminating sanctions held on or about December 13, 2011; and

23 D) failing to oppose or otherwise respond to the motions for monetary and terminating
24 sanctions filed on or about February 22, 2012.

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COUNT TWO

Case No. 12-O-16961
Business and Professions Code section 6068(m)
[Failure to Respond to Client Inquiries]

3. Respondent failed to respond promptly to several written and telephonic reasonable status inquiries made by and on behalf of Respondent's clients, Kevin Meadows, Elicia Hernandez, and Ray Pizinger, between on or about September 2011 and on or about March 2012, that Respondent received in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code section 6068(m).

COUNT THREE

Case No. 12-O-16961
Business and Professions Code section 6068(i)
[Failure to Cooperate in State Bar Investigation]

4. Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent by failing to provide a substantive response to the State Bar's letters of October 24, 2012 and November 14, 2012 which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 12-O-16961, in willful violation of Business and Professions Code section 6068(i).

COUNT FOUR

Case No. 12-O-17023
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

5. On or about June 10, 2008, Diane Tellez, her children, Anthony Diaz-Hipolito and Daniel Diaz-Hipolito, and her husband Pablo Tellez employed Respondent to perform legal services, namely to represent them in a civil lawsuit entitled *Kevin Meadows, et al. v. Pacific Property Company*, Orange County Superior Court case no. 30-2010-00335320 in Orange County Superior Court, in which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by the following:

- 1 A) failing to provide responses to discovery requests served on Respondent on or about
2 February 28, 2011;
- 3 B) failing to oppose or otherwise respond to the motions to compel responses to
4 discovery and for monetary and terminating sanctions filed on or about October 20,
5 2011;
- 6 C) failing to appear at the hearing on the motions to compel responses to discovery and
7 for monetary and terminating sanctions held on or about December 13, 2011 and April
8 17, 2012; and
- 9 D) failing to oppose or otherwise respond to the motions for monetary and terminating
10 sanctions filed on or about February 22, 2012.

11 COUNT FIVE

12 Case No. 12-O-17023
13 Business and Professions Code section 6068(m)
14 [Failure to Respond to Client Inquiries]

15 6. Respondent failed to respond promptly to several written and telephonic reasonable
16 status inquiries made by and on behalf of Respondent's clients, Diane Tellez, her children,
17 Anthony Diaz-Hipolito and Daniel Diaz-Hipolito, and her husband Pablo Tellez, between on or
18 about September 2011 and on or about March 2012, that Respondent received in a matter in
19 which Respondent had agreed to provide legal services, in willful violation of Business and
20 Professions Code section 6068(m).

21 COUNT SIX

22 Case No. 12-O-17023
23 Business and Professions Code section 6068(i)
24 [Failure to Cooperate in State Bar Investigation]

25 7. Respondent failed to cooperate and participate in a disciplinary investigation
26 pending against Respondent by failing to provide a substantive response to the State Bar's
27 letters of October 30, 2012 and November 15, 2012, which Respondent received, that requested
28 Respondent's response to the allegations of misconduct being investigated in case no.
12-O-17023, in willful violation of Business and Professions Code section 6068(i).

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COUNT SEVEN

Case No. 13-O-11325
Rules of Professional Conduct, rule 3-300
[Business Transaction with a Client]

8. On or about November 2, 2007, Respondent entered into a business transaction with his clients, orally renegotiating his contingency agreement with Rebecca Perez and Valerie Perez-Akin, pursuant to which Respondent agreed to reduce his attorney fees, forego recovery of the advanced litigation costs in excess of \$9,000, and to assume responsibility to negotiate and pay the outstanding chiropractor bill of Anthony Fedoryk, in order to ensure that the clients received over \$50,000 from the \$125,000 settlement in their personal injury matter Respondent had received on their behalf. In exchange for Respondent's reductions of his fees and costs, Respondent was authorized under the oral agreement with his clients to retain any reductions he was able to negotiate with Dr. Fedoryk, on his bill of \$17,139.58, thereby receiving an ownership and possessory interest in any reductions in the chiropractor's bill. Respondent did not fully disclose in writing to his clients the terms of the business transaction in a manner which should have been reasonably understood by the clients, and Respondent did not advise his clients in writing that they may seek the advice of an independent lawyer of the clients' choice and did not give the clients a reasonable opportunity to seek that advice. The clients did not consent in writing to the terms of the business transaction with Respondent. Respondent thereby willfully violated Rules of Professional Conduct, rule 3-300.

COUNT EIGHT

Case No. 13-O-11325
Business and Professions Code section 6068(i)
[Failure to Cooperate in State Bar Investigation]

9. Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent by failing to provide a substantive response to the State Bar's letters of April 5, 2013, April 20, 2013 and July 8, 2013, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 13-O-11325, in willful violation of Business and Professions Code section 6068(i).

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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.

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: September 16, 2014

By: _____


Erin McKeown Joyce
SENIOR TRIAL COUNSEL

DECLARATION OF SERVICE

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

CASE NUMBER(s): 12-O-16961, 12-O-17023, 13-O-11325

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:

FIRST AMENDED 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))
- 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.

By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service (UPS).

By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

By Electronic Service: (CCP § 1010.6)
Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(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.: 71969008911110068586 & at Los Angeles, addressed to: (see below)
71969008911110068579

(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:
James E. Griswold, 100 Oceangate 12th Fl Ste 432, Long Beach, CA 90802, (714) 633-3885, oclawman@earthlink.net
Edward O. Lear, Century Law Group, 5200 W. Century Boulevard #345, Los Angeles, CA 90045, lear@centurylawgroup.com

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). 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, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

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 17, 2014

SIGNED: [Signature]
JULI FINNILA
Declarant