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FILED

APR 16 2013

4 In Pro Per Respondent
5 JOHN WESLEY VILLINES

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO



7 **STATE BAR COURT**
8 **HEARING DEPARTMENT – SAN FRANCISCO**

9 In the Matter of:) Case No.: 13-O-10649
10)
11) **RESPONSE TO NOTICE OF**
12) **DISCIPLINARY CHARGES**
13) [State Bar Rule of Procedure, Rule 5.43]
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JOHN WESLEY VILLINES,
No. 193672

A Member of the State Bar

15 John Wesley Villines, Respondent (hereinafter referred to as "Respondent"), a member
16 of the State Bar of California, representing himself in pro per, in response to the Notice of
17 Disciplinary Charges (hereinafter "NDC") on file in this matter, admits, denies and alleges as
18 follows:
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20 **JURISDICTION**

- 21 1. Respondent admits the allegations contained in Paragraph 1 of the NDC.

22 **COUNT ONE**

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- 24 2. Respondent denies the allegations contained in Paragraph 2 of Count One of the NDC.
25 3. Respondent admits the allegations contained in Paragraph 3 of Count One of the NDC.
26 4. Respondent admits the allegations contained in Paragraph 4 of Count One of the NDC,
27 except that Respondent received a total of \$4,500 in advanced attorney fees from
28

Owens, not \$4,000 stated by the State Bar, which I believe is merely a calculation error by the State Bar in the NDC.

5. Respondent admits the allegation contained in Paragraph 5 of Count One that Respondent sent Owens a copy of the Offer and Compromise.
6. Respondent admits that Owens met with Respondent in Respondent's office on or about August 19, 2011, and that Respondent showed Owens another Offer and Compromise form dated October 25, 2010. Respondent denies the remaining allegations contained in Paragraph 6 of Count One of the NDC.
7. Respondent admits that the Offer and Compromise was filed on or around February 10, 2012. Respondent denies that it was returned because Respondent failed to use the correct forms. Respondent admits that it was returned because Owens did not provide a down payment. Respondent admits he has not re-filed an Offer in Compromise with the IRS.
8. Respondent denies the allegations contained in Paragraph 8 of Count One of the NDC.
9. Respondent admits the allegations contained in Paragraph 9 of Count One of the NDC, except that Respondent denies that the employment was part of a bankruptcy filing, since Owens retained separate legal counsel for his bankruptcy filing.
10. Respondent admits the allegation contained in Paragraph 10 of Count One of the NDC.
11. Respondent admits the allegations contained in Paragraph 11 of Count One of the NDC, except that Respondent denies that he informed Owens during the bankruptcy period that he was working on the loan modification since the bank would not even consider a loan modification until after the bankruptcy was finished, a fact Owens was well aware of.

- 1 12. Respondent denies the allegations contained in Paragraph 12 of Count One of the NDC.
- 2 13. Respondent admits the allegations contained in Paragraph 13 of Count One of the NDC.
- 3 14. Respondent denies the allegations contained in Paragraph 14 of Count One of the NDC.
- 4 15. Respondent admits the allegation contained in Paragraph 15 of Count One of the NDC
- 5 that Owens received a letter from Respondent in June 2012, but denies the remaining
- 6 allegations since Respondent has no knowledge as to the truth or falsity of Owens'
- 7 actions or thoughts as alleged.
- 8
- 9 16. Respondent denies the allegations contained in Paragraph 16 of Count One of the NDC.
- 10 17. Respondent denies the allegations contained in Paragraph 17 of Count One of the NDC.
- 11

12 Count Two

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- 14 18. Respondent denies the allegations contained in Paragraph 18 of Count Two of the NDC.
- 15 19. Respondent incorporates the previous admissions and denials in Count One as
- 16 previously pleaded above.
- 17
- 18 20. Respondent denies the allegations contained in Paragraph 20 of Count Two, except that
- 19 Respondent admits that he did not refund any of the \$7,000 in advance fees paid by
- 20 Owens, since these fees were earned and did not require to be refunded.
- 21 21. Respondent denies the allegations contained in Paragraph 21 of Count Two of the NDC.
- 22

23 Count Three

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- 25 22. Respondent denies the allegations contained in Paragraph 22 of Count Five of the NDC.
- 26 23. Respondent incorporates the previous admissions and denials in Counts One and Two
- 27 as previously pleaded above.
- 28

1 24. Respondent admits the allegations contained in Paragraph 24 of Count Three of the
2 NDC.

3 25. Respondent admits the allegations contained in Paragraph 25 of Count Three of the
4 NDC.

5 26. Respondent admits the allegations contained in Paragraph 26 of Count Three of the
6 NDC.

7 27. Respondent denies the allegations contained in Paragraph 27 of Count Three of the
8 NDC.

9 28. Respondent denies the allegations contained in Paragraph 28 of Count Three of the
10 NDC, since Respondent did provide a written response and has always cooperated with
11 the State Bar investigation. Respondent further alleges that the State Bar was intent on
12 filing this NDC regardless of the outcome of any investigation or written response
13 because of Respondent's refusal to stipulate to disbarment in Case No. 12-N-16486, as
14 plainly stated by State Bar counsel Suzan J. Anderson to Respondent via a telephone
15 conversation on or about February 12, 2013.
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20 Respectfully submitted,

21 RESPONDENT JOHN W. VILLINES
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24 Dated: April 12, 2013

25 By: 

26 John W. Villines, Respondent In Pro Per
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PROOF OF SERVICE

1 I, the undersigned, declare:

2 I am over 18 years of age, and I am not a party to this matter. I am a resident in the
3 county where the mailing took place. My residence address is 5959 W. Grayson Road, Modesto,
California 95358.

4 On April 12, 2013, I mailed the following document(s) from Modesto, California:

5 **RESPONSE TO NOTICE OF DISCIPLINARY CHARGES**

6 X By U.S. mail, on the following party(ies) in said action, in accordance with Code of Civil
7 Procedure §§ 1013 and 1013a, by depositing a true copy thereof enclosed in a sealed
8 envelope with the correct amount of postage in a place for collection and mailing in the
City of Modesto, County of Stanislaus, California.

9 _____ By personally delivering a true copy thereof, in accordance with Code of Civil
10 Procedure § 1011, to the persons during a case-related deposition at the address of the
Court, 1225 Fallon Street in Oakland, California, Department 25.

11 _____ By overnight delivery on the following party(ies) in said action, in accordance with
12 Code of Civil Procedure § 1013(c), by placing a true copy thereof enclosed in a sealed
13 envelope, with delivery fees paid or provided for, in a designated area for outgoing
overnight mail, addressed as set forth below. In the ordinary course of business at the
14 law offices of JV LAW, mail placed in that designated area is picked up that same day for
delivery the following business day.

15 _____ By facsimile transmission, at approximately _____, by use of facsimile machine
16 telephone number (209) 758-0966 to the following party(ies) at the facsimile number(s)
indicated. This transmission was reported as complete and without error, and a copy of
17 the transmission report which was issued by the transmitting facsimile machine is
attached to the original hereof.

18 Suzan J. Anderson, Esq.
19 STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
180 Howard Street
San Francisco, CA 94105-1639
20 Fax: 1-415-538-2220
21 (Deputy Trial Counsel)

22 I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct, and that this document was executed on April 12, 2013, at
23 Modesto, California.

24 
25 JAMMIE VILLINES
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