

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
2 OFFICE OF THE CHIEF TRIAL COUNSEL
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FILED

APR 22 2014
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

11 In the Matter of:) Case No. 13-O-12463
12 THOMAS WILLIAM GILLEN,)
13 No. 152569,) NOTICE OF DISCIPLINARY CHARGES
14 A Member of the State Bar.)

NOTICE - FAILURE TO RESPOND!

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

- 18 (1) **YOUR DEFAULT WILL BE ENTERED;**
19 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
20 **WILL NOT BE PERMITTED TO PRACTICE LAW;**
21 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**
22 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**
23 **AND THE DEFAULT IS SET ASIDE, AND;**
24 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
25 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
26 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**
27 **ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**
28 **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. THOMAS WILLIAM GILLEN ("Respondent") was admitted to the practice of law
4 in the State of California on June 6, 1991, was a member at all times pertinent to these charges,
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 13-O-12463
8 Business and Professions Code section 6133
9 [Failure to Supervise Attorney Who Resigned With Charges Pending]

10 2. From on or about September 10, 2012 through on or about April 12, 2013,
11 Respondent permitted Kenneth Hagen, a formerly licensed attorney who had resigned from the
12 California Bar in 1994 with disciplinary charges pending and who was not entitled to practice
13 law, to practice law and to advertise and hold himself out as practicing law, by delegating to
14 Hagen the primary responsibility for handling the litigation in the case entitled *Steven T. Nguyen*
15 *et al. v. Bank of America, N.A. et al.*, Santa Clara County Superior Court case number
16 112CV231914 without supervision, and by telling opposing counsel Sridavi Ganesan on or about
17 December 12, 2012 to speak to Hagen, "the attorney handling this matter," in willful violation of
18 Business and Professions Code section 6133.

18 COUNT TWO

19 Case No. 13-O-12463
20 Business and Professions Code section 6106
21 [Moral Turpitude]

22 3. On or about December 12, 2012, Respondent told opposing counsel Sridavi Ganesan
23 to speak to Kenneth Hagen, "the attorney handling this matter," in reference to the case entitled
24 *Steven T. Nguyen et al. v. Bank of America, N.A. et al.*, Santa Clara County Superior Court case
25 number 112CV231914, when Respondent knew that Hagen was not an attorney entitled to
26 practice law in California, and thereby committed an act of moral turpitude, dishonesty or
27 corruption in willful violation of Business and Professions Code section 6106.

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COUNT THREE

Case No. 13-O-12463
Business and Professions Code section 6103
[Failure to Obey a Court Order]

4. Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith to do or forbear by failing to comply with the April 13, 2013 order that Respondent pay monetary sanctions in the amount of \$2,543 in the case entitled *Steven T. Nguyen et al. v. Bank of America, N.A. et al.*, Santa Clara County Superior Court case number 112CV231914, in willful violation of Business and Professions Code section 6103.

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.

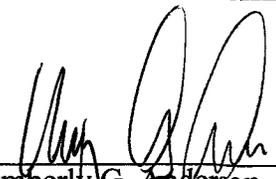
NOTICE - COST ASSESSMENT!

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: April 21, 2014

By: 

Kimberly G. Anderson
Senior Trial Counsel

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 13-O-12463

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, 845 South Figueroa Street, Los Angeles, California 90017, 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 1008 0601 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. Row 1: THOMAS WILLIAM GILLEN, 4192 Denver Ave Yorba Linda, CA 92686, 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: April 21, 2014

SIGNED: Kim Wimbish, KIM WIMBISH Declarant