

1 STATE BAR OF CALIFORNIA
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PUBLIC MATTER

FILED

NOV 13 2013

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

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11 In the Matter of:) Case No. 13-O-13049, 13-O-13999 & 13-O-
12 JOSEPH YOUNG,) 14023
13 No. 248795,) NOTICE OF DISCIPLINARY CHARGES
14)
15 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:**

- 19 (1) **YOUR DEFAULT WILL BE ENTERED;**
20 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
21 **WILL NOT BE PERMITTED TO PRACTICE LAW;**
22 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER**
23 **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.**
26 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE OR**
27 **VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN ORDER**
28 **RECOMMENDING YOUR DISBARMENT WITHOUT 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:

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JURISDICTION

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1. Joseph Young ("Respondent") was admitted to the practice of law in the State of California on May 11, 2007, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

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COUNT ONE

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Case No. 13-O-13049
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

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2. 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 June 18, 2013 order of the San Bernardino Superior Court in *Mark C. Londean, et al. v Terminix, et al.*, case no. CIVDS 913365, which imposed monetary sanctions on Respondent in the amount of \$5,241 to be paid on or before August 16, 2013, in willful violation of Business and Professions Code, section 6103.

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COUNT TWO

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Case No. 13-O-13049
Business and Professions Code, section 6068(o)(3)
[Failure to Report Judicial Sanctions]

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3. Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against Respondent by failing to report to the State Bar the \$5,241 in sanctions the San Bernardino Superior Court imposed on Respondent on or about June 18, 2013 in connection with *Mark C. Londean, et al. v Terminix, et al.*, case no. CIVDS 913365, in willful violation of Business and Professions Code section, 6068(o)(3).

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COUNT THREE

Case No. 13-O-13049
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 May 6, 2013, June 26, 2013 and July 23, 2013, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 13-O-13049, in willful violation of Business and Professions Code, section 6068(i).

COUNT FOUR

Case No. 13-O-14023
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

5. On or about May 1, 2013, Yafa Toran employed Respondent to perform legal services, namely to represent Yafa Toran at a re-examination hearing conducted by the Department of Motor Vehicles on or about May 16, 2013, 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 appear at said hearing.

COUNT FIVE

Case No. 13-O-14023
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

6. On or about May 1, 2013, Respondent received advanced fees of \$500 from Yafa Toran for purposes of representing Yafa Toran at a re-examination hearing conducted by the Department of Motor Vehicles on or about May 16, 2013. Respondent performed no services of value on behalf of 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 May 16, 2013 any part of the \$500 fee, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

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COUNT SIX

Case No. 13-O-14023
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

7. 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 June 18, 2013 and August 26, 2013, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 13-O-14023, in willful violation of Business and Professions Code, section 6068(i).

COUNT SEVEN

Case No. 13-O-13999
Business and Professions Code, section 6106
[Moral Turpitude - Misappropriation]

8. On or about May 10, 2013, Respondent received on behalf of Respondent's client, Valerie Ward, a settlement check from LPL Financial made payable to Valerie Ward in the sum of \$74,677.52. On or about May 10, 2013, Respondent deposited \$74,677.52 into Respondent's client trust account at CitiBank, account number 202668XXX, on behalf of Valerie Ward. Between May 14, 2013 and June 1, 2013, Respondent dishonestly or grossly negligently misappropriated for Respondent's own purposes approximately \$22,316.78 that Respondent's client was entitled to receive, 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. 13-O-13999
Rules of Professional Conduct, rule 4-100(B)(4)
[Failure to Pay Client Funds Promptly]

9. On or about May 10, 2013, Respondent received on behalf of Respondent's client, Valerie Ward, a settlement check from LPL Financial made payable to Valerie Ward in the sum of \$74,677.52. Of this sum, the client was entitled to \$47,316.78. In or about July 2013, the client requested that Respondent pay the full amount of the settlement funds to her. To date, Respondent has failed to pay promptly, as requested by Respondent's client, the full amount of

1 the \$47,316.78 in Respondent's possession in willful violation of Rules of Professional Conduct,
2 rule 4-100(B)(4).

3 COUNT NINE

4 Case No. 13-O-13999
5 Rules of Professional Conduct, rule 4-100(A)
6 [Failure to Maintain Client Funds in Trust Account]

7 10. On or about May 10, 2013, Respondent received on behalf of Respondent's client,
8 Valerie Ward, a settlement check from LPL Financial made payable to Valerie Ward in the sum
9 of \$74,677.52. On or about May 10, 2013, Respondent deposited \$74,677.52 into Respondent's
10 client trust account at CitiBank, account number 202668XXX, on behalf of Valerie Ward. Of
11 this sum, the client was entitled to that \$74,677.52. Respondent failed to maintain a balance of
12 \$74,677.52 on behalf of the client in Respondent's client trust account, in willful violation of
13 Rules of Professional Conduct, rule 4-100(A).

14 NOTICE - INACTIVE ENROLLMENT!

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

23 NOTICE - COST ASSESSMENT!

24 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE,
25 YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY
26 THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF
27 THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE
28 SECTION 6086.10.**

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATE: Nov. 13, 2013

By: 

Ross Viselman
Deputy 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-13049, 13-O-13999 and 13-O-14023

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 6410 6562 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: Joseph Young, 13829 Christine Drive, Apt. F Whittier, CA 90605, 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: November 13, 2013

SIGNED: Carmen Corona
Carmen Corona
Declarant