

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
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FILED
MAY 13 2014
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

9 STATE BAR COURT
10 HEARING DEPARTMENT - LOS ANGELES

11
12 In the Matter of:) Case No. 13-O-13158
13 WILLIAM STEPHEN TOMASI,) 13-O-16281
No. 139518,) 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 IN**
23 **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.**
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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The State Bar of California alleges:

JURISDICTION

1. William Stephen Tomasi ("Respondent") was admitted to the practice of law in the State of California on December 27, 1988, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE

Case No. 13-O-13158
Rules of Professional Conduct, rule 3-300
[Acquiring Interest Adverse to Client]

2. In or about October 2011, Respondent acquired an interest adverse to Respondent's client, Jonathan Layman, specifically, Respondent acquired an ownership interest in his client's personal vehicle, a 2006 Jeep Wrangler Rubicon. Respondent acquired the adverse interest on terms which were not fair and reasonable to the client in that Respondent did not fully disclose in writing to the client the terms of the acquisition of the adverse interest in a manner which should reasonably have been understood by the client and Respondent did not advise the client in writing that he may seek the advice of an independent lawyer of the client's choice and did not give the client a reasonable opportunity to seek that advice, and thereby willfully violated Rules of Professional Conduct, rule 3-300.

COUNT TWO

Case No. 13-O-13158
Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

3. Between in or about October 2011 through in or about September 2012, Respondent received from Respondent's client, Jonathan Layman, the sum of \$7,500 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds following the termination of Respondent's employment in or about January 2013, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

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COUNT THREE

Case No.13-O-13158
Rules of Professional Conduct, rule 3-700(A)(1)
[Failure to Obtain Court Permission to Withdraw]

4. In or about October 2011, Jonathan Layman employed Respondent to perform legal services, and thereafter, Respondent appeared as counsel of record for the client in Ventura County Superior Court, Case Nos. 2011035223FA, 2012019479FA and 2012036840FA. Respondent took no further action on behalf of the client after on or about January 11, 2013, and effectively withdrew from the employment. Respondent withdrew from employment in proceedings before a tribunal without its permission when the rules of the court required that he obtain court permission , in willful violation of the Rules of Professional Conduct, rule 3-700(A)(1).

COUNT FOUR

Case No. 13-O-16281
Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

5. Between on or about November 8, 2012 through on or about November 16, 2012, Respondent received from Respondent's client, Isabella Watkins, the sum of \$2,500 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds following the termination of Respondent's employment on or about December 17, 2012, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT FIVE

Case No.13-O-16281
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

6. Between on or about November 8, 2012 through on or about November 16, 2012, Respondent received advanced fees of \$2,500 from a client, Isabella Watkins, to represent her in a criminal matter. 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

1 Respondent's termination of employment on or about December 17, 2012, the full amount of the
2 \$2,500 fee, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

3 **NOTICE - INACTIVE ENROLLMENT!**

4 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
5 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
6 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
7 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
8 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
9 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
10 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
11 RECOMMENDED BY THE COURT.**

12 **NOTICE - COST ASSESSMENT!**

13 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
14 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
15 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
16 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
17 PROFESSIONS CODE SECTION 6086.10.**

18 Respectfully submitted,

19 THE STATE BAR OF CALIFORNIA
20 OFFICE OF THE CHIEF TRIAL COUNSEL

21 DATED: May 13, 2014

22 By: Sherell N. McFarlane

23 Sherell N. McFarlane
24 Deputy Trial Counsel
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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): 13-O-13158, 13-O-16281

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 90017-2515, 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)) - 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 U.S. Certified Mail: (CCP §§ 1013 and 1013(a)) - I am readily familiar 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.: 7196 9008 9111 6410 9334 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: William Stephen Tomasi, Law Office of William Stephen Tomasi, 3145 Old Conejo Rd., Newbury Park, CA 91320, Electronic Address

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: May 13, 2014

SIGNED: Sandra Reynolds (signature) Sandra Reynolds Declarant