

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
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FILED

OCT 27 2014

STATE BAR COURT
 CLERK'S OFFICE
 LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of:) Case Nos. 13-O-14012; 14-O-1001;
 13 THOMAS JAMES BAYARD,) 13-O-14747
 14 No. 226247,) NOTICE OF DISCIPLINARY CHARGES
 15 A Member of the State Bar)

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

3 1. Thomas James Bayard ("Respondent") was admitted to the practice of law in the
4 State of California on August 13, 2003, was a member at all times pertinent to these charges, and
5 is currently a member of the State Bar of California.

6 The State Bar of California alleges:

7 COUNT ONE

8 Case No. 13-O-14012
9 Business and Professions Code, section 6068(k)
[Failure to Comply With Conditions of Probation]

10 2. Respondent failed to comply with conditions attached to Respondent's
11 disciplinary probation in State Bar Case no. 10-O-02913 as follows, in willful violation of
12 Business and Professions Code, section 6068(k):

- 13 A. Respondent failed to timely submit the Fee Arbitration letter to Victor and
14 Linda Lopez by the due date of January 21, 2012.
- 15 B. Respondent failed to submit a quarterly report due on April 10, 2012.
- 16 C. Respondent failed to timely submit a quarterly report by its due date of July
17 10, 2012.
- 18 D. Respondent failed to fully pay restitution to Herminio Academia and Donna
19 Keller by July 10, 2012.
- 20 E. Respondent failed to pay restitution on a quarterly basis to Lorraine Minick
21 and Terry Thompson by July 10, 2012, October 10, 2012, January 10, 2013,
22 and April 10, 2013.

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COUNT TWO

Case No. 14-O-1001
Business and Professions Code, section 6068(k)
[Failure to Comply With Conditions of Probation]

3. Respondent failed to comply with conditions attached to Respondent's disciplinary probation in State Bar Case no. 11-O-15120 as follows, in willful violation of Business and Professions Code, section 6068(k):

- A. Respondent failed to contact the Office of Probation and schedule a meeting by December 16, 2012.
- B. Respondent failed to timely submit quarterly reports due on January 10, 2014.
- C. Respondent failed to pay full restitution by the due dates of November 16, 2013 to Eloise Lee, Vesta Waltower, and Mary Medina.

COUNT THREE

Case No. 13-O-14747
Business and Professions Code, section 6068(m)
[Failure to Inform Client of Significant Development]

4. Respondent failed to keep Respondent's client, Aurelia Villa, reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m), by failing to inform the client of the following:

- A. A hearing was scheduled to take place on October 2, 2012 in the unlawful detainer action against Ms. Villa in, *Wells Fargo Bank v. Villa*, Case No. 12-U-03054.
- B. At the hearing, Respondent entered into a stipulation with Wells Fargo Bank on behalf of Ms. Villa, without Ms. Villa's prior knowledge or consent, to vacate the premises and abandon her personal property.

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COUNT FOUR

Case No. 13-O-14747

Business and Professions Code, section 6068(d)
[Seeking to Mislead a Judge]

5. On or about October 2, 2012, Respondent represented to the Court that he had the authority from his client, Aurelia Villa, to enter into the stipulation in, *Wells Fargo Bank v. Villa*, Case No. 12-U-03054, when in fact, Respondent did not have the authority of his client, and in which Respondent knew the statement was false, and thereby sought to mislead the judge or judicial officer by an artifice or false statement of fact or law, in willful violation of Business and Professions Code, section 6068(d).

COUNT FIVE

Case No. 13-O-14747

Business and Professions Code, section 6103
[Failure to Obey a Court Order]

6. 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 December 19, 2013 Bankruptcy court order, ordering Respondent to pay the Trustee \$8,000 in disgorged fees, in *In re Aurelia Alexandra Villa*, Case No. 2:12-bk-34278-NB, in willful violation of Business and Professions Code, section 6103.

COUNT SIX

Case No. 13-O-14747

Business and Professions Code, section 6068(a)
[Failure to Comply With Laws – Unauthorized Practice of Law]

7. On or about November 20, 2012 Respondent held himself out as entitled to practice law when Respondent was not an active member of the State Bar by emailing Ms. Aurelia Villa regarding the legal actions he had been taking on her behalf and those legal actions he would be taking that day on her behalf, in violation of Business and Professions Code, sections 6125 and 6126, and thereby willfully violated Business and Professions Code, section 6068(a).

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COUNT SEVEN
Case No. 13-O-14747
Business and Professions Code, section 6106
[Moral Turpitude]

8. On or about November 20, 2012, Respondent held himself out as entitled to practice law when Respondent knew, or was grossly negligent in not knowing, Respondent was not an active member of the State Bar by emailing Ms. Aurelia Villa regarding the legal actions he had been taking on her behalf and those legal actions he would be taking that day, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

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: 10/27/14

By: 
Sue K. Hong
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-14012, 13-O-14747, 14-O-1001;

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)) - 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))

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 1008 2124 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: Thomas James Bayard, 20651 Golden Springs Dr., #240 Diamond Bar, CA 91789, Electronic Address, Susan L. Margolis, Esq. 2000 Riverside Drive Los Angeles, CA 90039

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: October 27, 2014

SIGNED:

Carmen Corona

Carmen Corona Declarant