

PUBLIC MATTER

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

JUN 27 2014

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of:) Case No. 13-O-14034
13 DUANE D'ROY DADE,)
14 No. 140379,) NOTICE OF DISCIPLINARY CHARGES
15 A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

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

- 20 (1) YOUR DEFAULT WILL BE ENTERED;
- 21 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
22 WILL NOT BE PERMITTED TO PRACTICE LAW;
- 23 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
24 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
25 AND THE DEFAULT IS SET ASIDE, AND;
- 26 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
27 SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
28 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. Duane D’Roy Dade (“Respondent”) was admitted to the practice of law in the State of California on June 6, 1989, 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-14034
Business and Professions Code section 6106
[Moral Turpitude - Misrepresentation]

2. On or about March 23, 2009, Respondent stated in writing under penalty of perjury in an “Application for Title or Registration” to the California Department of Motor Vehicles that he purchased a 2003 Porsche Cayenne for \$12,500, when Respondent knew or was grossly negligent in not knowing the statement was false, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

COUNT TWO

Case No. 13-O-14034
Business and Professions Code section 6106
[Moral Turpitude - Misrepresentation]

3. On or about June 16, 2010, Respondent stated in writing under penalty of perjury in an “Application for Title or Registration” to the California Department of Motor Vehicles that he purchased a 2008 Harley Davidson Electra Glide for \$2,500, when Respondent knew or was grossly negligent in not knowing the statement was false, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

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COUNT THREE

Case No. 13-O-14034
Business and Professions Code section 6106
[Moral Turpitude - Misrepresentation]

4. On or about October 4, 2010, Respondent stated in writing under penalty of perjury in a Voluntary Petition filed with the United States Bankruptcy Court, Central District of California, in Case No. 6:10-bk-42238-DS that he had not sold a 2003 Porsche Cayenne for approximately \$10,000 between in or about February 2010 and May 2010, had not sold a 2005 Harley Davidson Road King for \$8,000 in or about May 2010, had not sold a 2008 Harley Davidson Electra Glide for \$15,000 in or about July 2010, did not have possession of or an ownership interest in a 2006 Forest River - All American 385RLTS trailer, and was not paying \$100 a month to a storage facility to store the trailer, when Respondent knew or was grossly negligent in not knowing those statements were false, and thereby committed acts involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

COUNT FOUR

Case No. 13-O-14034
Business and Professions Code section 6106
[Moral Turpitude - Misrepresentation]

5. On or about March 11, 2011, Respondent stated under penalty of perjury to Trustee Robert S. Whitmore during a 341(a) hearing in Case No. 6:10-bk-42238-DS that he "had not sold, given away, or transferred anything in the past two years" when Respondent knew or was grossly negligent in not knowing the statement was false, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

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COUNT FIVE

Case No. 13-O-14034
Business and Professions Code section 6106
[Moral Turpitude - Misrepresentation]

6. On or about May 14, 2012, Respondent stated in writing to Hemborg Ford that he had not graduated from law school and had not been employed as an attorney in an application for employment, when Respondent knew or was grossly negligent in not knowing the statements were false, and thereby committed acts involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

COUNT SIX

Case No. 13-O-14034
Business and Professions Code section 6106
[Moral Turpitude - Misrepresentation]

7. On or about May 9, 2013, Respondent stated under penalty of perjury during a deposition taken by the State Bar as part of a proceeding to determine his rehabilitation, fitness to practice, and present learning and ability in the general law that he had not owned a motorcycle between 2009 and in or about December 2012, when Respondent knew or was grossly negligent in not knowing the statement was false, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

COUNT SEVEN

Case No. 13-O-14034
Business and Professions Code section 6106
[Moral Turpitude - Misrepresentation]

8. On or about July 10, 2010, January 10, 2011, April 10, 2011, July 10, 2012, and July 10, 2013, Respondent submitted quarterly reports to the Office of Probation of the State Bar of California for the compliance periods ending June 30, 2010, December 31, 2010, March 31, 2011, June 30, 2012, and June 30, 2013, that stated under penalty of perjury that during the compliance period preceding each quarterly report, he had complied with all provisions of the State Bar Act and Rules of Professional Conduct, when Respondent knew or was grossly

1 negligent in not knowing the statements were false, and thereby committed acts involving moral
2 turpitude, dishonesty or corruption in willful violation of Business and Professions Code section
3 6106.

4 **NOTICE - INACTIVE ENROLLMENT!**

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

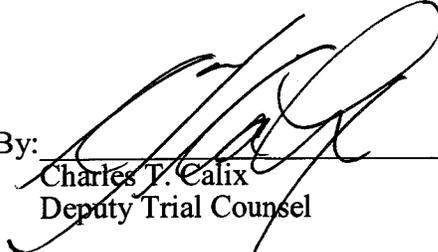
13 **NOTICE - COST ASSESSMENT!**

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

19 Respectfully submitted,

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

22 DATED: June 27, 2014

23 By: 

24 Charles T. Calix
25 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-14034

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 6410 9457 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 (Via Certified Mail), Business-Residential Address, Via Regular USPS to, and Courtesy Copy via regular USPS to. Content includes DUANE D'ROY DADE and Paul Jean Virgo.

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: June 27, 2014

SIGNED:

Sandra Reynolds
Declarant