

JUL 22 2014

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

1 STATE BAR OF CALIFORNIA
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9 STATE BAR COURT

10 HEARING DEPARTMENT - SAN FRANCISCO

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12 In the Matter of:) Case Nos. 13-O-14287 [13-O-14752 & 13-O-
13 JUDSON THOMAS FARLEY,) 16876]
14 No. 83378,) NOTICE OF DISCIPLINARY CHARGES
15 A Member of the State Bar)

16 **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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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Judson Thomas Farley ("respondent") was admitted to the practice of law in the State
4 of California on November 29, 1978, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 13-O-14287
8 Business and Professions Code, section 6103
9 [Failure to Obey a Court Order]

10 2. Respondent disobeyed or violated an order of the court requiring respondent to do or
11 forbear an act connected with or in the course of respondent's profession which respondent ought
12 in good faith to do or forbear by failing to comply with the July 2, 2013 Order Imposing Rule
13 9011 Sanctions in In re Martin L. Carver, U.S. Bankruptcy Court, Northern District of
14 California, case no. 12-51803 in willful violation of Business and Professions Code, section
15 6103.

16 COUNT TWO

17 Case No. 13-O-14287
18 Business and Professions Code, section 6068(c)
19 [Maintaining an Unjust Action]

20 3. Between on or about July 18, 2012 and on or about November 5, 2012 respondent
21 failed to counsel or maintain such action, proceedings, or defenses only as appear to respondent
22 legal or just by failing to withdraw the objection to confirmation filed July 18, 2012 in U.S.
23 Bankruptcy Court, Northern District of California, case no. 12-51803, even after being notified
24 the objection lacked basis by a) a letter written by respondent's client, Deborah Malkin, in which
25 she explicitly states the error in calculations was made by a title company and not fraud on the
26 part of Carver; and b) a letter written by Carver's counsel Jim Erickson of Mlnarik Law Group,
27 explaining how respondent's objection was factually and legally frivolous, in willful violation of
28 Business and Professions Code, section 6068(c).

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COUNT THREE

Case No. 13-O-14287
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 September 10, 2013 and September 30, 2013, which respondent received, that requested respondent's response to the allegations of misconduct being investigated in case no. 13-O-14287, in willful violation of Business and Professions Code, section 6068(i).

COUNT FOUR

Case No. 13-O-14752
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

5. On or about December 7, 2012, Wade and Bernarda Grant employed respondent to perform legal services, namely file a bankruptcy petition on their behalf, which respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by performing no legal services of value on behalf of the client.

COUNT FIVE

Case No. 13-O-14752
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

6. Between on or about December 7, 2012, and January 7, 2013, respondent received advanced fees of \$1,500 and advanced costs of \$306 from clients, Wade and Bernarda Grant, to file a bankruptcy petition on the Grants' behalf. Respondent performed no services of value on behalf of the clients and therefore earned none of the advanced fees paid. Respondent failed to refund promptly, upon respondent's termination of employment on or about March 23, 2013 any part of the \$1,500 advanced fee or \$306 advanced cost, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

1 respondent's own purposes \$306 that respondent's clients, Wade and Bernarda Grant, were
2 entitled to receive, and thereby committed an act involving moral turpitude, dishonesty or
3 corruption in willful violation of Business and Professions Code, section 6106.

4 COUNT NINE

5 Case No. 13-O-14752
6 Business and Professions Code, section 6068(i)
7 [Failure to Cooperate in State Bar Investigation]

8 10. Respondent failed to cooperate and participate in a disciplinary investigation pending
9 against respondent by failing to provide a substantive response to the State Bar's letters of
10 September 11, 2013 and September 30, 2013, which respondent received, that requested
11 respondent's response to the allegations of misconduct being investigated in case no. 13-O-
12 14752, in willful violation of Business and Professions Code, section 6068(i).

13 COUNT TEN

14 Case No. 13-O-16876
15 Rules of Professional Conduct, rule 3-110(A)
16 [Failure to Perform with Competence]

17 11. Between on or about September 5 and 6, 2013, Bouke Hollinga employed respondent
18 to perform legal services, namely remove liens on his property, which respondent intentionally,
19 recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of
20 Professional Conduct, rule 3-110(A), by performing no legal services of value on behalf of the
21 client.

22 COUNT ELEVEN

23 Case No. 13-O-16876
24 Rules of Professional Conduct, rule 3-700(D)(2)
25 [Failure to Refund Unearned Fees]

26 12. Between on or about September 5 and 6, 2013, respondent received advanced fees of
27 \$1,000 from a client, Bouke Hollinga, to remove liens on his property. Respondent performed
28 no services of value on behalf of the client and therefore earned none of the advanced fees paid.

1 Respondent failed to refund promptly, upon respondent's termination of employment on or about
2 October 22, 2011, any part of the \$1,000 fee, in willful violation of Rules of Professional
3 Conduct, rule 3-700(D)(2).

4 COUNT TWELVE

5 Case No. 13-O-16876
6 Rules of Professional Conduct, rule 4-100(A)
7 [Failure to Deposit Client Funds in Trust Account]

8 13. Between on or about September 5 and 6, 2013, respondent received on behalf of
9 respondent's client, Bouke Hollinga, advanced costs of \$306. Respondent failed to deposit \$306
10 in funds received for the benefit of the client in a bank account labeled "Trust Account," "Client's
11 Funds Account" or words of similar import, in wilful violation Rules of Professional Conduct,
12 rule 4-100(A).

13 COUNT THIRTEEN

14 Case No. 13-O-16876
15 Business and Professions Code, section 6106
16 [Moral Turpitude - Misappropriation]

17 14. Between on or about September 5 and 6, 2013, respondent received on behalf of
18 respondent's client, Bouke Hollinga, \$306 in advanced costs. Respondent failed to deposit the
19 funds into respondent's client trust account at Bank of America, account no. XXXXXX4295, on
20 behalf of the client because the account was "forced closed" on November 8, 2012. Between
21 September 5, 2013 and present, respondent dishonestly or grossly negligently misappropriated
22 for respondent's own purposes \$306 that respondent's client, Bouke Hollinga, was entitled to
23 receive, and thereby committed an act involving moral turpitude, dishonesty or corruption in
24 willful violation of Business and Professions Code, section 6106.

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COUNT FOURTEEN

Case No. 13-O-16876
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

15. 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 December 4, 2013 and January 3, 2014, which respondent received, that requested respondent's response to the allegations of misconduct being investigated in case no. 13-O-16876, in willful violation of Business and Professions Code, section 6068(i).

COUNT FIFTEEN

Case No. 13-O-16876
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

16. Respondent failed to respond promptly to several telephonic and electronic reasonable status inquiries made by respondent's client, Bouke Hollinga, and by Hollinga's daughter and son-in-law on behalf of Bouke Hollinga, between September 6, 2013 and present, that respondent received in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

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!

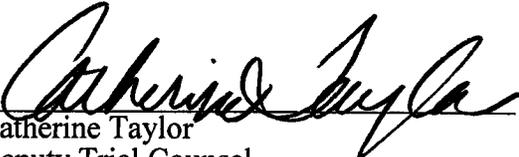
IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: July 22, 2014

By:


Catherine Taylor
Deputy Trial Counsel

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DECLARATION OF SERVICE
BY CERTIFIED AND REGULAR MAIL

CASE NOS.: 13-O-14287 [13-O-14752 & 13-O-16876]

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that 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; that 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; that I am aware that on motion of 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; and that 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 San Francisco, on the date shown below, a true copy of the within

NOTICE OF DISCIPLINARY CHARGES

in a sealed envelope placed for collection and mailing as *certified mail, return receipt requested*, and in an additional sealed envelope as *regular mail*, at San Francisco, on the date shown below, addressed to:

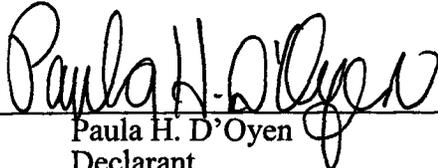
Article No.: 7196 9008 9111 2393 1174
Judson Thomas Farley
830 Bay Ave., #B
Capitola, CA 95010 2173

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: July 22, 2014

Signed: 

Paula H. D'Oyen
Declarant