

PUBLIC MATTER

FILED

1 STATE BAR OF CALIFORNIA
 OFFICE OF THE CHIEF TRIAL COUNSEL
 2 JAYNE KIM, No. 174614
 CHIEF TRIAL COUNSEL
 3 JOSEPH R. CARLUCCI, No. 172309
 DEPUTY CHIEF TRIAL COUNSEL
 4 ALAN B. GORDON, No. 125642
 ASSISTANT CHIEF TRIAL COUNSEL
 5 R. KEVIN BUCHER, No. 132003
 DEPUTY TRIAL COUNSEL
 6 845 S. Figueroa Street
 Los Angeles, California 90017-2515
 7 Telephone: (213) 765-1630

FEB 07 2014

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

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STATE BAR COURT
 HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of:) Case No. 13-O-14432, 13-O-14434
)
 THOMAS R. GILL,) NOTICE OF DISCIPLINARY CHARGES
 No. 61267,)
)
 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.



1 The State Bar of California alleges:

2 JURISDICTION

3 1. THOMAS R. GILL ("Respondent") was admitted to the practice of law in the State of
4 California on December 18, 1974, 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-14432
8 Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

9 2. On or about May 9, 2012, Respondent received on behalf of Respondent's client,
10 Christopher Nelson, advanced fees in the sum of \$7,500. Respondent thereafter failed to render
11 an appropriate accounting to the client regarding those funds upon the termination of
12 Respondent's employment on or about June 13, 2013, in willful violation of the Rules of
13 Professional Conduct, rule 4-100(B)(3).

14 COUNT TWO

15 Case No. 13-O-14432
16 Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

17 3. Respondent failed to cooperate and participate in a disciplinary investigation pending
18 against Respondent by failing to provide a substantive response to the State Bar's letter of
19 August 13, 2013, which Respondent received, and which was also sent as an attachment to a
20 follow-up email on the same day, that requested Respondent's response to the allegations of
21 misconduct being investigated in case no. 13-O-14432, in willful violation of Business and
22 Professions Code, section 6068(i).

23 COUNT THREE

24 Case No. 13-O-14434
25 Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

26 4. On or about January 13, 2013, Respondent received advanced fees of \$5,000 from a
27 client, Marcia Lopez, to represent her and handle her divorce proceedings. Respondent did
28 perform some services on behalf of Lopez, and on March 2, 2013 provided an accounting

1 reflecting Respondent had earned fees of \$2,275. Respondent did not earn any additional fees
2 after March 2, 2013, and failed to refund promptly, upon Respondent's termination of
3 employment on or about June 26, 2013, any part of the remaining unearned advanced fee, in
4 willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

5 COUNT FOUR

6 Case No. 13-O-14434
7 Business and Professions Code, section 6068(i)
8 [Failure to Cooperate in State Bar Investigation]

9 5. Respondent failed to cooperate and participate in a disciplinary investigation pending
10 against Respondent by failing to provide a substantive response to the State Bar's letter of
11 August 21, 2013, which Respondent received, and which was also sent as an attachment to a
12 follow-up email on the same day, that requested Respondent's response to the allegations of
13 misconduct being investigated in case no. 13-O-14434, in willful violation of Business and
14 Professions Code, section 6068(i).

15 NOTICE - INACTIVE ENROLLMENT!

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

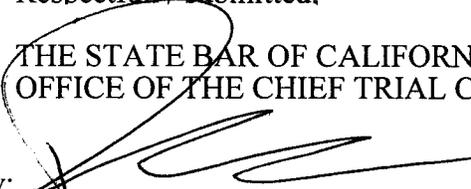
24 NOTICE - COST ASSESSMENT!

25 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
26 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
27 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
28 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

26 DATED: February 7, 2014

27 By: 
28 R. KEVIN BUCHER
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-14432 13-O-14434

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 1008 0663 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: THOMAS R. GILL, The Gill Group Employment Rights Center Apc 3368 Governor Dr # 333 San Diego, CA 92122, Electronic Address, (blank).

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: February 7, 2014

SIGNED:

Handwritten signature of Kim Wimbish, KIM WIMBISH, Declarant