

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
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FILED

NOV 21 2014

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:

) Case Nos. 13-O-16607; 14-O-02064

MANUEL LOPEZ,
No. 40235,

) NOTICE OF DISCIPLINARY CHARGES

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. Manuel Lopez (“respondent”) was admitted to the practice of law in the State of
4 California on June 6, 1967, 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-16607
8 Business and Professions Code, section 6068(o)(3)
9 [Failure to Report Judicial Sanctions]

10 2. Respondent failed to report to the agency charged with attorney discipline, in writing,
11 within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions
12 against Respondent by failing to report to the State Bar the \$2,000 in sanctions the U.S. Court of
13 Appeals of the Ninth Circuit imposed on Respondent on or about October 22, 2013 in connection
14 with Federal Appeal in Case No. 2:11-cr-00472-MMM-9, in willful violation of Business and
15 Professions Code section, 6068(o)(3).

16 COUNT TWO

17 Case No. 13-O-16607
18 Business and Professions Code, section 6103
19 [Failure to Obey a Court Order]

20 3. Respondent disobeyed or violated an order of the court requiring Respondent to do or
21 forbear an act connected with or in the course of Respondent’s profession which Respondent
22 ought in good faith to do or forbear by failing to comply with the April 3, 2013 and May 8, 2013
23 Court orders to pay the filing fees on appeal or to file a motion to appear in forma pauperis, and
24 by failing to comply with the July 31, 2013, October 22, 2013, and May 12, 2014 Court orders to
25 pay the monetary sanctions issued against him, as issued in the case, *U.S.A. v. Aoreo Cruz*, U.S.
26 Court of Appeals for the Ninth Circuit, Case No. 2:11-cr-00472-MMM-9, in willful violation of
27 Business and Professions Code, section 6103.
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COUNT THREE

Case No. 14-O-02064
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

4. Respondent failed to respond promptly to several, telephonic, reasonable status inquiries made by respondent's client, Jose Diaz, between in or about November 2013 and September 2014, 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).

COUNT FOUR

Case No. 14-O-02064
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

5. On or about September 14, 2013, Jose and Marisol Diaz paid \$2,500 to employ respondent to perform legal services, namely to file an appeal or habeas petition challenging Marisol Diaz's criminal conviction, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by failing to file the appeal, the habeas petition, or perform any other legal service.

COUNT FIVE

Case No. 14-O-02064
Rules of Professional Conduct, rule 3-310(F)
[Accepting Fees From a Non-Client]

6. On or about December 20, 2013, respondent accepted \$2,000 from Joe and Susie Garcia, as compensation for representing a client, their daughter Marisol Diaz, without obtaining his client's informed written consent to receive such compensation, in willful violation of the Rules of Professional Conduct, rule 3-310(F).

COUNT SIX

Case No. 14-O-02064
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

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7. Respondent received advanced fees of \$2,500 from a client, Marisol Diaz, and her husband Jose Diaz, and \$2,000, from his client's parents, Joe and Susie Garcia, for purposes of representing the client in an appeal or habeas corpus petition challenging Ms. Diaz's criminal conviction. Respondent performed no legal services of value on behalf of the client, and therefore, did not earn the \$4,500 in advanced fees. Respondent has failed to refund the unearned fees promptly, upon Respondent's constructive termination of employment on or about December 21, 2013, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

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.

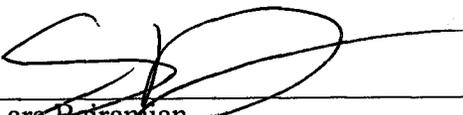
NOTICE - COST ASSESSMENT!

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 November 21, 2014

By: 

Lara Bairamian
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-16607; 14-O-02064

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 1479 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: MANUEL LOPEZ, 1186 W Sunset Blvd Los Angeles, CA 90012, Electronic Address.

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: November 21, 2014

SIGNED: Charles C. Bagai Declarant