

COPY

**PUBLIC MATTER**

**FILED**

APR 30 2014

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

1 STATE BAR OF CALIFORNIA  
 2 OFFICE OF THE CHIEF TRIAL COUNSEL  
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 4 CHIEF TRIAL COUNSEL  
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 12 Los Angeles, California 90017-2515  
 13 Telephone: (213) 765-1295

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of: ) Case No. 13-O-16755  
 13 ROBERT MICHAEL DYKES, ) **NOTICE OF DISCIPLINARY CHARGES**  
 14 No. 166052, )  
 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:**

- 19 (1) **YOUR DEFAULT WILL BE ENTERED;**
- 20 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;**
- 21 (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;**
- 22 (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. Robert Michael Dykes ("Respondent") was admitted to the practice of law in the  
4 State of California on December 1, 1993, was a member at all times pertinent to these charges,  
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 13-O-16755  
8 Business and Professions Code, section 6106  
9 [Moral Turpitude - Misappropriation]

10 2. In or about August 2011, Respondent received from Respondent's client, Edward  
11 Pollick (the "Client"), during the course of the Client's divorce proceedings, funds in the  
12 amount of \$22,027.80, which were to be held in Respondent's client trust account for purposes  
13 of settling the amount of spousal support and related payments that the Client owed to his  
14 spouse. At that time, Respondent deposited the \$22,027.80 into Respondent's client trust  
15 account at Wells Fargo, account #XXXXXXX6317, on behalf of the Client. Between about  
16 September 1, 2011 and October 30, 2011, Respondent dishonestly or grossly negligently  
17 misappropriated for Respondent's own purposes \$16,253.78 that either the Client or his spouse  
18 was entitled to receive, and thereby committed an act involving moral turpitude, dishonesty or  
19 corruption in willful violation of Business and Professions Code, section 6106.

20 COUNT TWO

21 Case No. 13-O-16755  
22 Rules of Professional Conduct, rule 4-100(A)  
23 [Failure to Maintain Client Funds in Trust Account]

24 3. In or about July 2011, Respondent received from Respondent's client, Edward  
25 Pollick (the "Client"), during the course of the Client's divorce proceedings, funds in the  
26 amount of \$22,027.80, which were to be held in Respondent's client trust account for purposes  
27 of settling the amount of spousal support and related payments that the Client owed to his  
28 spouse. At that time, Respondent deposited the \$22,027.80 into Respondent's client trust  
account at Wells Fargo, account #XXXXXXX6317, on behalf of the Client. Of this sum, either

1 the Client or his spouse was entitled to receive \$22,027.80. Respondent failed to maintain a  
2 balance of \$22,027.80 on behalf of the Client in Respondent's client trust account, in willful  
3 violation of Rules of Professional Conduct, rule 4-100(A).

4 COUNT THREE

5 Case No. 13-O-16755  
6 Rules of Professional Conduct, rule 4-100(B)(3)  
7 [Failure to Render Accounts of Client Funds]

8 4. On or about August 30, 2011, Respondent received from Respondent's client,  
9 Edward Pollick, the sum of \$5,500 as advanced fees for legal services to be performed.  
10 Respondent thereafter failed to render an appropriate accounting to the client regarding those  
11 funds upon the termination of Respondent's employment on or about November 15, 2013, in  
12 willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

13 COUNT FOUR

14 Case No. 13-O-16755  
15 Rules of Professional Conduct, rule 3-700(D)(1)  
16 [Failure to Release File]

17 5. Respondent failed to release promptly to Respondent's client, Edward Pollick, after  
18 termination of Respondent's employment on or about November 15, 2013, all of the client's  
19 papers and property following the client's request for the client's file on or about October 17,  
20 2013, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

21 COUNT FIVE

22 Case No. 13-O-16755  
23 Business and Professions Code, section 6068(i)  
24 [Failure to Cooperate in State Bar Investigation]

25 6. Respondent failed to cooperate and participate in a disciplinary investigation  
26 pending against Respondent by failing to provide a substantive response to the State Bar's  
27 letters of November 20, 2013 and December 11, 2013, which Respondent received, that  
28 requested Respondent's response to the allegations of misconduct being investigated in case  
no. 13-O-16755, in willful violation of Business and Professions Code, section 6068(i).

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**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.

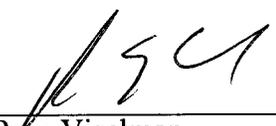
**NOTICE - COST ASSESSMENT!**

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: April 30, 2014

By:   
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Ross Viselman  
Deputy Trial Counsel

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**DECLARATION OF SERVICE BY CERTIFIED MAIL**

**CASE NUMBER: 13-O-16755**

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, 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 Los Angeles, 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, **Article No.: 7196 9008 9111 6410 0355**, at Los Angeles, on the date shown below, addressed to:

**Robert Michael Dykes  
2914 East Katella Ave., Suite 204  
Orange, CA 92867**

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: April 30, 2014

Signed:   
Carmen Corona  
Declarant