



PUBLIC MATTER

FILED

NOV - 2 2015

STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

1 STATE BAR OF CALIFORNIA  
OFFICE OF CHIEF TRIAL COUNSEL  
2 JAYNE KIM, No. 174614  
CHIEF TRIAL COUNSEL  
3 JOSEPH R. CARLUCCI, No. 172309  
DEPUTY CHIEF TRIAL COUNSEL  
4 GREGORY P. DRESSER, No. 136532  
ASSISTANT CHIEF TRIAL COUNSEL  
5 ROBERT A. HENDERSON, No. 173205  
SUPERVISING SENIOR TRIAL COUNSEL  
6 ESTHER J. ROGERS, No. 148246  
SENIOR TRIAL COUNSEL  
7 180 Howard Street  
San Francisco, California 94105-1639  
8 Telephone: (415) 538-2285

STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of:

LOUIS A. LIBERTY,  
No. 147975,

A Member of the State Bar

) Case No. 14-O-00647; 11-O-18778

) NOTICE OF DISCIPLINARY CHARGES

**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. Louis A. Liberty ("respondent") was admitted to the practice of law in the State of  
4 California on October 12, 1990, 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. 14-O-00647; 11-O-18778  
8 Business and Professions Code, section 6106  
[Moral Turpitude – Misrepresentation]

9 2. Between in or about February 2011 through in or about August 2011, respondent  
10 stated under penalty of perjury on approximately 180 Department of Motor Vehicle ("DMV")  
11 forms that he required confidential consumer information in order to represent existing clients,  
12 when he had none, and therefore he knew, or was grossly negligent in not knowing, the  
13 statements were false, and thereby committed an act involving moral turpitude, dishonesty or  
14 corruption in willful violation of Business and Professions Code, section 6106.

15 3. Between in or about February 2011 through in or about August 2011, respondent  
16 made misrepresentations in his communications to approximately 180 prospective clients when  
17 he stated that his investigation was at "no cost" to each prospective client, when respondent  
18 knew or should have known that the prospective client could be responsible for paying the used  
19 car dealers' attorney fees and costs if the used car dealers prevailed against the prospective  
20 clients, and thereby committed an act involving moral turpitude, dishonesty or corruption in  
21 willful violation of Business and Professions Code, section 6106.

22 COUNT TWO

23 Case No. 14-O-00647; 11-O-18778  
24 Business and Professions Code, section 6068(a)  
[Failure to Comply With Laws – Violation of Vehicle Code section 1808.22]

25 4. Between in or about February 2011 and in or about August 2011, respondent  
26 violated Vehicle Code section 1808.22 when he submitted approximately 180 Department of  
27 Motor Vehicle ("DMV") forms stating that he requested confidential DMV information on

1 behalf of his 180 clients, when respondent did not actually represent these consumers at that  
2 time, and thereby wilfully violated Business and Professions Code, section 6068(a), by failing  
3 to support the laws of this state.

4 COUNT THREE

5 Case No. 14-O-00647; 11-O-18778  
6 Rules of Professional Conduct, rule 1-400  
7 [Improper Solicitation]

8 5. Between in or about February 2011 and in or about August 2011, respondent made a  
9 communication, to approximately 180 prospective clients, concerning respondent's availability  
10 for professional employment which:

- 11 (a) tended to confuse, deceive and mislead the public, namely by giving the impression  
12 that: respondent had a relationship with the Department of Motor Vehicles ("DMV"),  
13 respondent possessed evidence that the prospective clients' recently-purchased used  
14 cars were unsafe to drive, the prospective clients would surrender their legal rights if  
15 they contacted the dealer before calling respondent, and there would be no cost to the  
16 prospective client, when the prospective client could be liable for attorney fees and  
17 costs if the used car dealers prevailed, in wilful violation of Rules of Professional  
18 Conduct, rule 1-400(D)(2);
- 19 (b) omitted to state a fact necessary to make the statement made, in light of the  
20 circumstances under which it was made, not misleading to the public, namely that  
21 respondent had no personal knowledge that the used car dealers failed to disclose  
22 frame damage, that the prospective clients' cars were worth less than 50 percent of  
23 the purchase price, and that each prospective clients surrendered his or her legal rights  
24 by contacting the dealer before calling respondent, in wilful violation of Rules of  
25 Professional Conduct, rule 1-400(D)(3);
- 26 (c) failed to indicate clearly, expressly, or by context, that the letter was a  
27 communication, in wilful violation of Rules of Professional Conduct, rule 1-  
28 400(D)(4); and

1 (d) was transmitted in a manner which involves intrusion, coercion, duress, compulsion,  
2 intimidation, threats, or vexatious or harassing conduct, by sending letters and follow-  
3 up emails with identifying confidential DMV information specific to the recently  
4 purchased used cars, and by implying that each used car dealer sold an unsafe,  
5 defective car to the prospective clients for which only respondent could remedy the  
6 harm, in wilful violation of Rules of Professional Conduct, rule 1-400(D)(5).

7 COUNT FOUR

8 Case No. 14-O-00647; 11-O-18778  
9 Business and Professions Code, section 6068(a)  
[Failure to Comply With Laws – Violation of Business and Professions Code section 6155]

10 6. Between in or about September 2010 and November 2011, respondent violated  
11 Business and Profession Code section Code section 6155 when he entered into a partnership  
12 with William Sutton and Larry Maloney to operate, for the direct or indirect purpose, in whole  
13 or in part, of referring potential clients to attorneys and when he accepted and paid for referrals  
14 for such clients, without registering the service with the State Bar, and thereby wilfully violated  
15 Business and Professions Code, section 6068(a), by failing to support the laws of this state.

16 NOTICE - INACTIVE ENROLLMENT!

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

25 NOTICE - COST ASSESSMENT!

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF CHIEF TRIAL COUNSEL

DATED: November 2, 2015

By: *Esther Rogers*  
Esther Rogers  
Senior Trial Counsel

DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 14-O-00647; 11-O-18778

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, 180 Howard Street, San Francisco, California 94105, 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 San Francisco.



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 San Francisco, addressed to: (see below)



(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,

Article No.: 9414 7266 9904 2042 4853 21 at San Francisco, 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)

Person Served	Business-Residential Address	Fax Number	Courtesy Copy via regular mail to:
Louis A. Liberty	553 Pilgrim Dr., Suite A-1 Foster City, CA 94404	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 San Francisco, California, on the date shown below.

DATED: November 2, 2015

SIGNED:

  
Dawn Williams  
Declarant