

PUBLIC MATTER

FILED

1 STATE BAR OF CALIFORNIA
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FEB 17 2016

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

9
10 STATE BAR COURT

11 HEARING DEPARTMENT - LOS ANGELES

12
13 In the Matter of:) Case Nos. 14-O-00863 and 14-O-04538
14 JAMAUL DMITRI CANNON,)
No. 229047,) NOTICE OF DISCIPLINARY CHARGES
15)
16 A Member of the State Bar)

17 **NOTICE - FAILURE TO RESPOND!**

18 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE**
19 **WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT**
20 **THE STATE BAR COURT TRIAL:**

- 21 (1) **YOUR DEFAULT WILL BE ENTERED;**
22 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
23 **WILL NOT BE PERMITTED TO PRACTICE LAW;**
24 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**
25 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**
26 **AND THE DEFAULT IS SET ASIDE, AND;**
27 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
28 **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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The State Bar of California alleges:

JURISDICTION

1. JAMAUL DMITRI CANNON ("Respondent") was admitted to the practice of law in the State of California on December 8, 2003, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE

Case No. 14-O-00863
Business and Professions Code, section 6106
[Moral Turpitude – Scheme to Defraud / Deceit]

2. In or about March 2013, Respondent submitted a falsified settlement agreement to Peachtree Funding Northeast, LLC ("Peachtree") by which he falsely represented that the civil case entitled *Paul Gyimah, et al., v. Donald William Scott, et al*, Los Angeles County Superior Court Case No. BC 460626 (since converted to Los Angeles County Superior Court Case No. 13K11792) ("the civil case") had settled for \$212,000, and that he would be entitled to receive \$73,140.00 in attorney fees from the case, when Respondent knew or was grossly negligent in not knowing the settlement agreement had not been executed by all parties, and that the case had not settled. Respondent submitted the falsified settlement agreement to Peachtree with the intention of obtaining a personal loan in the form of a cash advance from Peachtree in the approximate amount of \$15,757, and based upon his false representations to Peachtree, Peachtree advanced Respondent approximately \$15,757 on or about March 15, 2013. By these acts, Respondent thereby committed acts involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT TWO

Case No. 14-O-00863
Business and Professions Code, section 6106
[Moral Turpitude – Misrepresentation to State Bar]

3. On or about May 8, 2014, Respondent stated in writing to a State Bar Investigator that he never received \$15,000 from Peachtree Funding Northeast, LLC ("Peachtree"), that he had never applied for a cash advance from Peachtree, and that he did not have a client trust

1 account at Chase Bank Account No. xxxxx7898¹, when Respondent knew or was grossly
2 negligent in not knowing the statement(s) were false, and thereby committed an act involving
3 moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code,
4 section 6106.

5 COUNT THREE

6 Case No. 14-O-00863
7 Business and Professions Code, section 6106
8 [Moral Turpitude – Presentation of False Evidence to State Bar]

9 4. On or about May 8, 2014, Respondent provided to a State Bar Investigator copies of
10 bank records which he falsified to indicate they were associated with a Chase Bank Account No.
11 xxxxx9582, when in fact the bank records Respondent produced were for his Chase Bank
12 Account No. xxxxx7880², when Respondent knew or was grossly negligent in not knowing the
13 bank records 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 COUNT FOUR

16 Case No. 14-O-00863
17 Business and Professions Code, section 6106
18 [Moral Turpitude – Presentation of False Evidence to State Bar]

19 5. On or about June 13, 2014, Respondent provided to a State Bar Investigator a copy of
20 a March 29, 2013 monthly bank statement associated with a Chase Bank Account No.
21 xxxxx7898, which he altered or caused to be altered to falsely show that the deposits and
22 additions, and electronic withdrawals were going to and from a Chase Bank Account No.
23 xxxxx9882, when in fact those deposits and additions, and electronic withdrawals, were going to
24 and from a Chase Bank Account No. xxxxx9582³. Respondent knew or was grossly negligent in
25 not knowing the March 29, 2013 monthly bank statement was altered when he submitted it to the
26 State Bar Investigator, and thereby committed an act involving moral turpitude, dishonesty or
27 corruption in willful violation of Business and Professions Code, section 6106.

28 ¹ Only the last four digits of the bank account number are listed to protect the account.

² Only the last four digits of the bank account numbers are listed to protect the accounts.

³ Only the last four digits of the bank account numbers are listed to protect the accounts.

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COUNT FIVE

Case No. 14-O-00863
Rules of Professional Conduct, rule 4-100(A)
[Commingling Personal Funds in Client Trust Account]

6. On or about March 15, 2015, Respondent deposited or commingled funds belonging to Respondent into Respondent's client trust account at Chase Bank Account No. xxxxx7898, as follows in wilful violation Rules of Professional Conduct, rule 4-100(A):

<u>DATE OF DEPOSIT</u>	<u>AMT. DEPOSITED</u>	<u>FORM OF DEPOSIT</u>
March 15, 2015	\$15,000.00	Electronic Deposit

COUNT SIX

Case No. 14-O-04538
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

7. On or about June 12, 2013, Mishel Bowers ("Bowers") employed Respondent to perform legal services, namely to represent her in a marital dissolution proceeding in the case entitled *Bryan Bowers v. Mishel Bowers*, Los Angeles County Superior Court case number BD584909, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by the following:

(A) By failing to prepare and provide timely responses to Form Interrogatories – Family Law (Set Number One) on behalf of Bowers, which were served upon Respondent by opposing counsel John Sibbison ("Sibbison") on or about September 24, 2013.

(B) By failing to prepare and provide timely responses to Request for Admissions and Form Interrogatories – General (Set Number One) on behalf of Bowers, which were served upon Respondent by opposing counsel John Sibbison ("Sibbison") on or about April 22, 2014.

(C) By submitting untimely responses on behalf of Bowers to Form Interrogatories – Family Law (Set Number One) on or about June 24, 2014, which were inadequate in the following respects:

- Respondent served copies of the responses instead of the originals;

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COUNT EIGHT

Case No. 14-O-04538
Business and Professions Code, section 6106
[Moral Turpitude – Misrepresentation to Client]

10. On or about August 22, 2014, Respondent stated in writing to Mishel Bowers (“Bowers”) that he had performed approximately 7.7 hours of legal services on her marital dissolution case in July 2014 at a rate of approximately \$300 per hour totaling about \$2,310, when Respondent knew or was grossly negligent in not knowing the statements were false in that he had not performed any legal services for Bowers during that time period, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT NINE

Case No. 14-O-04538
Rules of Professional Conduct, rule 4-200(A)
[Unconscionable Fee]

11. On or about August 22, 2014, Respondent charged a fee of \$2,310 from Mishel Bowers (“Bowers”) to perform legal services that was unconscionable for the following reasons, in willful violation of Rules of Professional Conduct, rule 4-200(A):

- A. The fee was unconscionable in proportion to the value of services performed;
- B. The fee was unconscionable with respect to the amount involved and the results obtained; and
- C. The fee was unconscionable in relation to the time and labor required.

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 CHIEF TRIAL COUNSEL

DATED: February 17, 2016

By:


Kimberly G. Anderson
Senior Trial Counsel

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DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 14-O-00863 and 14-O-04538

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.: 9414 7266 9904 2010 0742 81 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: JAMAUL DMITRI CANNON, Jamaul D. Cannon Cannon Legal Group, APC 530 S Lake Ave # 315 Pasadena, CA 91101, 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: February 17, 2016

SIGNED:

Handwritten signature of Kim Wimbish

KIM WIMBISH Declarant