

# PUBLIC MATTER

# FILED

1 STATE BAR OF CALIFORNIA  
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OCT 06 2014  
STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of: ) Case No. 14-O-01387  
14 BRUCE NICKEL, )  
15 No. 177824, ) NOTICE OF DISCIPLINARY CHARGES  
16 A Member of the State Bar. )

## 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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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Bruce Nickel ("Respondent") was admitted to the practice of law in the State of  
4 California on November 7, 1995, 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-01387  
8 Rules of Professional Conduct, rule 3-700(A)(2)  
9 [Improper Withdrawal from Employment]

10 2. Respondent failed, upon termination of employment, to take reasonable steps to avoid  
11 reasonably foreseeable prejudice to Respondent's client, Meily Yip, by constructively  
12 terminating Respondent's employment in or about September 2013 by failing to take any action  
13 on the client's behalf after the United States Trustee filed a Notice of Default and Intent to  
14 Dismiss the matter of *Meily Yip*, United States Bankruptcy Court Eastern District of California,  
15 Case No. 10-60938-B-13F on or about September 12, 2013, failing to notify Yip that Respondent  
16 shut down his law office in or about October 2013, and thereafter failing to inform the client that  
17 Respondent was withdrawing from employment, in willful violation of Rules of Professional  
18 Conduct, rule 3-700(A)(2).

19 COUNT TWO

20 Case No. 14-O-01387  
21 Business and Professions Code, section 6103  
22 [Failure to Obey a Court Order]

23 3. Respondent disobeyed or violated an order of the court requiring Respondent to do or  
24 forbear an act connected with or in the course of Respondent's profession which Respondent  
25 ought in good faith to do or forbear by failing to comply with the November 8, 2013 order that  
26 Respondent account for and disgorge all monies received from Meily Yip, or the chapter 13  
27 trustee in connection with the matter of *Meily Yip*, United States Bankruptcy Court Eastern  
28 District of California, Case No. 10-60938-B-13F and file proof of compliance no later than on or

1 about November 20, 2013 or, in the alternative, appear in person on or about November 27, 2013  
2 to show cause why Respondent should not be removed as Meily Yip's counsel and/or ordered to  
3 account for and disgorge the monies received, in willful violation of Business and Professions  
4 Code, section 6103.

5  
6 COUNT THREE

7 Case No. 14-O-01387  
8 Business and Professions Code, section 6103  
9 [Failure to Obey a Court Order]

10 4. Respondent disobeyed or violated an order of the court requiring Respondent to do or  
11 forbear an act connected with or in the course of Respondent's profession which Respondent  
12 ought in good faith to do or forbear by failing to comply with the December 2, 2013 order that  
13 Respondent account for and disgorge all fees paid to him by Meily Yip and the chapter 13 trustee  
14 to Meily Yip's proposed new counsel and file proof of payment within 10 days of the entry of  
15 the December 2, 2013 order in the matter of *Meily Yip*, United States Bankruptcy Court Eastern  
16 District of California, Case No. 10-60938-B-13F, in willful violation of Business and Professions  
17 Code, section 6103.

18  
19 COUNT FOUR

20 Case No. 14-O-01387  
21 Business and Professions Code, section 6103  
22 [Failure to Obey a Court Order]

23 5. Respondent disobeyed or violated an order of the court requiring Respondent to do or  
24 forbear an act connected with or in the course of Respondent's profession which Respondent  
25 ought in good faith to do or forbear by failing to comply with the December 19, 2013 order that  
26 Respondent appear and show cause on or about January 30, 2014 why he should not be held in  
27 contempt of court for failing to properly represent Meily Yip and to comply with the prior orders  
28 of the bankruptcy court in the matter of *Meily Yip*, United States Bankruptcy Court Eastern  
District of California, Case No. 10-60938-B-13F, and why he should not be barred from filing

1 further bankruptcy petitions in the United States Bankruptcy Court Eastern District of California,  
2 in willful violation of Business and Professions Code, section 6103.

3  
4 COUNT FIVE

5 Case No. 14-O-01387  
6 Business and Professions Code, section 6068(j)  
7 [Failure to Update Membership Address]

8 6. In or about October 2013, Respondent vacated Respondent's office at the address  
9 maintained on the official membership records of the State Bar and thereafter failed to comply  
10 with the requirements of Business and Professions Code section 6002.1, by failing to notify the  
11 State Bar of the change in Respondent's address within 30 days, in willful violation of Business  
12 and Professions Code, section 6068(j).

13 NOTICE - INACTIVE ENROLLMENT!

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

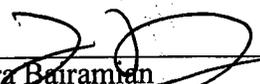
22 NOTICE - COST ASSESSMENT!

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

28 Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: October 6, 2014

By: 

Lara Barraman  
Deputy 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-01387

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 6410 8191 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:
BRUCE NICKEL, 4 Metoknow Deadhead City, OR 97268, 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').

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: October 6, 2014

SIGNED:

Charles C. Bagai
Declarant