

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
2 OFFICE OF THE CHIEF TRIAL COUNSEL
3 JAYNE KIM, No. 174614
4 CHIEF TRIAL COUNSEL
5 JOSEPH R. CARLUCCI, No. 172309
6 DEPUTY CHIEF TRIAL COUNSEL
7 MELANIE J. LAWRENCE, No. 230102
8 ASSISTANT CHIEF TRIAL COUNSEL
9 MIA R. ELLIS, No. 228235
10 SUPERVISING SENIOR TRIAL COUNSEL
11 ROSS VISELMAN, No. 204979
12 DEPUTY TRIAL COUNSEL
13 845 South Figueroa Street
14 Los Angeles, California 90017-2515
15 Telephone: (213) 765-1295

FILED
SEP 19 2014
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case Nos. 14-O -1388 & 14-O-01391
14 NORBERTO FIDEL REYES III,) NOTICE OF DISCIPLINARY CHARGES
15 No. 158569,)
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.



1 The State Bar of California alleges:

2 JURISDICTION

3 1. Norberto Fidel Reyes III ("Respondent") was admitted to the practice of law in the
4 State of California on June 9, 1992, 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-1388
8 Rules of Professional Conduct, rule 3-110(A)
9 [Failure to Perform with Competence]

10 2. On or about June 29, 2013, Toni Crey ("Crey") employed and paid \$5,000 to
11 Respondent to file a lawsuit on behalf of Crey against Crey's mortgage lender (Bank of
12 America) for wrongful foreclosure, which Respondent intentionally or recklessly failed to
13 perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A),
14 by failing to file the lawsuit that Crey employed Respondent to file.

15 COUNT TWO

16 Case No. 14-O-1388
17 Rules of Professional Conduct, rule 3-700(D)(2)
18 [Failure to Refund Unearned Fees]

19 3. On or about July 29, 2013, Respondent received advanced fees of \$5,000 from a
20 client, Toni Crey ("Crey"), to file a lawsuit on behalf of Crey against Crey's mortgage lender
21 (Bank of America) for wrongful foreclosure. Respondent performed no services of value on
22 behalf of Crey and therefore earned none of the advanced fees paid. Respondent failed to refund
23 promptly, upon Respondent's termination of employment on or about August 26, 2013, any part
24 of the \$5,000 fee, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

25 COUNT THREE

26 Case No. 14-O-1388
27 Business and Professions Code, section 6068(i)
28 [Failure to Cooperate in State Bar Investigation]

4. Respondent failed to cooperate and participate in a disciplinary investigation pending
against Respondent by failing to provide a substantive response to the State Bar's letters of July

1 7 and July 22, 2014, which Respondent received, that requested Respondent's response to the
2 allegations of misconduct being investigated in case no. 14-O-1388, in willful violation of
3 Business and Professions Code, section 6068(i).

4 COUNT FOUR

5 Case No. 14-O-1391
6 Business and Professions Code, section 6103
[Failure to Obey a Court Order]

7 5. Respondent disobeyed or violated an order of the court requiring Respondent to do or
8 forbear an act connected with or in the course of Respondent's profession which Respondent
9 ought in good faith to do or forbear by failing to comply with the January 16, 2014 Order
10 Granting In Part And Denying In Part Application For Fees And Expenses Of Reyes Law Group,
11 APLC, filed in *In re: David Brian Fee*, United States Bankruptcy Court, Central District of
12 California (Northern Division), case no. 9:11-bk-14420-RR, which ordered Respondent to
13 disgorge his attorney fees, in willful violation of Business and Professions Code, section 6103.

14 COUNT FIVE

15 Case No. 14-O-1391
16 Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

17 6. Respondent failed to cooperate and participate in a disciplinary investigation pending
18 against Respondent by failing to provide a substantive response to the State Bar's letters of June
19 24 and July 10, 2014, which Respondent received, that requested Respondent's response to the
20 allegations of misconduct being investigated in case no. 14-O-1391, in willful violation of
21 Business and Professions Code, section 6068(i).

22 **NOTICE - INACTIVE ENROLLMENT!**

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

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

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: September 19, 2014

By: 

Ross Viselman
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-01388 & 14-O-01391

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 1008 4517 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: Norberto F. Reyes III, Reyes Law Group, APLC 3460 Wilshire Blvd Ste 1005 Los Angeles, CA 90010, 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: September 19, 2014

SIGNED:

Handwritten signature of Jason Peralta over a horizontal line, with the printed name 'Jason Peralta Declarant' below it.