

# PUBLIC MATTER

1 STATE BAR OF CALIFORNIA  
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**FILED**  
 DEC 04 2014  
 STATE BAR COURT  
 CLERK'S OFFICE  
 LOS ANGELES

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STATE BAR COURT  
 HEARING DEPARTMENT - LOS ANGELES

In the Matter of: ) Case Nos. 14-O-01718; 14-O-01720  
 )  
 DERRICK RABURN STURM, ) NOTICE OF DISCIPLINARY CHARGES  
 No. 189083, )  
 )  
 )  
 )  
 )  
 A Member of the State Bar. )

### NOTICE - FAILURE TO RESPOND!

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 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  
 THE STATE BAR COURT TRIAL:

- 20 (1) YOUR DEFAULT WILL BE ENTERED;  
 21 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU  
 WILL NOT BE PERMITTED TO PRACTICE LAW;  
 22 (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;  
 23 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.  
 24 SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE  
 OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN  
 25 ORDER RECOMMENDING YOUR DISBARMENT WITHOUT  
 FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,  
 26 RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Derrick Raburn Sturm ("respondent") was admitted to the practice of law in the State  
4 of California on June 9, 1997, 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-01718  
8 Rules of Professional Conduct, rule 3-110(A)  
[Failure to Perform with Competence]

9 2. On or about March 29, 2013, Jeffrey Pitts ("Pitts") employed respondent to perform  
10 legal services, namely to represent Pitts in the defense of a civil action in Orange County  
11 Superior Court case number 30-2013-00632533-CU-BC-CJC, which respondent intentionally,  
12 recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of  
13 Professional Conduct, rule 3-110(A), by the following:

- 14 A) failing to appear at a case management conference on August 2, 2013 or  
15 arrange for another attorney to appear on Pitts' behalf;  
16 B) failing to respond to written discovery that was propounded on Pitts on or  
17 about August 6, 2013; and  
18 C) failing to perform any substantive legal services on behalf of Pitts after on or  
19 about August 6, 2013.

20 COUNT TWO

21 Case No. 14-O-01718  
22 Rules of Professional Conduct, rule 3-700(A)(2)  
[Improper Withdrawal from Employment]

23 3. Respondent failed, upon termination of employment, to take reasonable steps to avoid  
24 reasonably foreseeable prejudice to respondent's client, Jeffrey Pitts ("Pitts"), by constructively  
25 terminating respondent's employment on or about August 2, 2013 by failing to appear on Pitts'  
26 behalf at a case management conference in Orange County Superior Court case number 30-2013-  
27 00632533-CU-BC-CJC and by failing thereafter to take any action on Pitts' behalf after  
28 opposing counsel in that case propounded discovery on Pitts, and thereafter failing to inform

1 Pitts that respondent was withdrawing from employment, failing to notify Pitts that he should  
2 seek new counsel, and failing to take any other steps to avoid reasonable foreseeable prejudice to  
3 Pitts, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

4 COUNT THREE

5 Case No. 14-O-01718  
6 Business and Professions Code section 6068(i)  
7 [Failure to Cooperate in State Bar Investigation]

8 4. Respondent failed to cooperate and participate in a disciplinary investigation pending  
9 against respondent by failing to provide a substantive response to the State Bar's letters of May  
10 7, 2014 and May 27, 2014, which respondent received, that requested respondent's response to  
11 the allegations of misconduct being investigated in case number 14-O-01718, in willful violation  
12 of Business and Professions Code section 6068(i).

13 COUNT FOUR

14 Case No. 14-O-01720  
15 Rules of Professional Conduct, rule 3-110(A)  
16 [Failure to Perform with Competence]

17 5. On or about March 29, 2013, Nancy Twineham ("Twineham") employed respondent  
18 to perform legal services, namely to represent Twineham in the defense of a civil action in  
19 Orange County Superior Court case number 30-2013-00632533-CU-BC-CJC, which respondent  
20 intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of  
21 Rules of Professional Conduct, rule 3-110(A), by the following:

- 22 A) failing to appear at a case management conference on August 2, 2013 or  
23 arrange for another attorney to appear on Twineham's behalf;  
24 B) failing to respond to written discovery that was propounded on Twineham on  
25 or about August 6, 2013; and  
26 C) failing to perform any substantive legal services on behalf of Twineham after  
27 on or about August 6, 2013.

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COUNT FIVE

Case No. 14-O-01720  
Rules of Professional Conduct, rule 3-700(A)(2)  
[Improper Withdrawal from Employment]

6. Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to respondent's client, Nancy Twineham ("Twineham"), by constructively terminating respondent's employment on or about August 2, 2013 by failing to appear on Twineham's behalf at a case management conference in Orange County Superior Court case number 30-2013-00632533-CU-BC-CJC and by failing thereafter to take any action on Twineham's behalf after opposing counsel in that case propounded discovery on Twineham, and thereafter failing to inform Twineham that respondent was withdrawing from employment, failing to notify Twineham that she should seek new counsel, and failing to take any other steps to avoid reasonable foreseeable prejudice to Twineham, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

COUNT SIX

Case No. 14-O-01720  
Rules of Professional Conduct, rule 3-700(D)(1)  
[Failure to Release File]

7. Respondent failed to release promptly, after termination of respondent's employment on or about December 30, 2013, to respondent's client, Nancy Twineham ("Twineham"), all of Twineham's papers and property following Twineham's requests for her file on January 8, 2014 and January 23, 2014, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

COUNT SEVEN

Case No. 14-O-01720  
Business and Professions Code, section 6068(i)  
[Failure to Cooperate in State Bar Investigation]

8. 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 May 7, 2014 and May 27, 2014, which respondent received, that requested respondent's response to the allegations of misconduct being investigated in case number 14-O-01720, 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.**

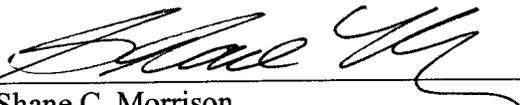
**NOTICE - COST ASSESSMENT!**

**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: December 4, 2014

By:   
Shane C. Morrison  
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-01718; 14-O-01720

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.: 9414 7266 9904 2010 0879 08 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 via email:
DERRICK RABURN STURM, DERRICK R. STURM, P.C. 30021 TOMAS, STE. 300 RANCHO SANTA MARGARITA, CA 92688, Electronic Address, sturmlaw@gmail.com

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: December 4, 2014

SIGNED: [Signature] SANDRA JONES Declarant