

**PUBLIC MATTER**

**FILED**

**NOV 14 2014**

**STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES**

1 STATE BAR OF CALIFORNIA  
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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of: ) Case Nos. 14-O-02549  
14 MICHAEL ALAN BRUSH, ) 14-O-02915  
15 No. 46576, ) 14-O-03847  
16 A Member of the State Bar ) 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.**

The State Bar of California alleges:

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JURISDICTION

1. MICHAEL ALAN BRUSH ("respondent") was admitted to the practice of law in the State of California on June 26, 1970, 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-02549  
Business and Professions Code, section 6068(a)  
[Failure to Comply With Laws – Unauthorized Practice of Law]

2. Respondent engaged in the unauthorized practice of law when respondent was not an active member of the State Bar, in violation of Business and Professions Code, sections 6125 and 6126, and thereby willfully violated Business and Professions Code, section 6068(a), as follows:

- a. by holding himself out as entitled to practice law in April 2014 when he accepted the representation of Salvador Perez in his criminal case, *United States of America v. Salvador Perez*, United States District Court case number 14-cr-01174-AJB;
- b. by holding himself out as entitled to practice law and representing to Benjamin Davis, counsel appointed to represent Salvador Perez in *United States of America v. Salvador Perez*, United States District Court case number 14-mj-1295-DHB, during a detention hearing on or about April 10, 2014, that the family of Salvador Perez had retained respondent to represent Salvador Perez in his criminal case; and
- c. by holding himself out as entitled to practice law and actually practicing law by appearing at the arraignment on or about April 28, 2014 in the criminal case of Salvador Perez and attempting to substitute himself as the attorney of record for Salvador Perez in his criminal case.

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COUNT TWO

Case No. 14-O-02549  
Business and Professions Code, section 6068(d)  
[Means Inconsistent With Truth, Seeking to Mislead a Judge]

3. On or about April 28, 2014, respondent appeared before a judge at an arraignment and attempted to substitute himself as the attorney of record for Salvador Perez in his criminal case, *United States of America v. Salvador Perez*, United States District Court case number 14-cr-01174-AJB, when respondent knew that he was not entitled to practice law and without disclosing to the judge that respondent was not entitled to practice law, and thereby failed to employ means only as are consistent with truth and sought to mislead the judge or judicial officer by an artifice, in willful violation of Business and Professions Code, section 6068(d).

COUNT THREE

Case No. 14-O-02549  
Business and Professions Code, section 6106  
[Moral Turpitude]

4. Respondent held himself out as entitled to practice law and actually practiced law when respondent knew, or was grossly negligent in not knowing, respondent was not an active member of the State Bar, and thereby committed acts involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106, as follows:

- a. by holding himself out as entitled to practice law in April 2014 when he accepted the representation of Salvador Perez in his criminal case, *United States of America v. Salvador Perez*, United States District Court case number 14-cr-01174-AJB;
- b. by holding himself out as entitled to practice law and representing to Benjamin Davis, counsel appointed to represent Salvador Perez in *United States of America v. Salvador Perez*, United States District Court case number 14-mj-1295-DHB, during a detention hearing on or about April 10, 2014, that the family of Salvador Perez had retained respondent to represent Salvador Perez in his criminal case; and

1 c. by holding himself out as entitled to practice law and actually practicing  
2 law by appearing at the arraignment on or about April 28, 2014 in the  
3 criminal case of Salvador Perez and attempting to substitute himself as the  
4 attorney of record for Salvador Perez in his criminal case.

5 COUNT FOUR

6 Case No. 14-O-02549  
7 Business and Professions Code, section 6103  
8 [Failure to Obey a Court Order]

9 5. Respondent disobeyed or violated an order of the court requiring respondent to  
10 forbear an act connected with or in the course of respondent's profession which respondent ought  
11 in good faith to forbear by failing to comply with the Supreme Court's Order S215192 in *In the*  
12 *Matter of Michael A. Brush*, State Bar Court case no. 12-H-17982, suspending respondent from  
13 the practice of law between March 26 and May 25, 2014, in willful violation of Business and  
14 Professions Code, section 6103, as follows:

- 15 a. by holding himself out as entitled to practice law in April 2014 when he  
16 accepted the representation of Salvador Perez in his criminal case, *United*  
17 *States of America v. Salvador Perez*, United States District Court case  
18 number 14-cr-01174-AJB;
- 19 b. by holding himself out as entitled to practice law and representing to  
20 Benjamin Davis, counsel appointed to represent Salvador Perez in *United*  
21 *States of America v. Salvador Perez*, United States District Court case  
22 number 14-mj-1295-DHB, during a detention hearing on or about April  
23 10, 2014, that the family of Salvador Perez had retained respondent to  
24 represent Salvador Perez in his criminal case; and
- 25 c. by holding himself out as entitled to practice law and actually practicing  
26 law by appearing at the arraignment on or about April 28, 2014 in the  
27 criminal case of Salvador Perez and attempting to substitute himself as the  
28 attorney of record for Salvador Perez in his criminal case.

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COUNT FIVE

Case No. 14-O-02549  
Rules of Professional Conduct, rule 4-200(A)  
[Illegal Fee]

6. In or about April 2014, respondent entered into an agreement for, charged, and collected an illegal, advanced fee of \$7,500 from Salvador Perez, Jr., paid on behalf of his father, Salvador Perez, to perform legal services for Salvador Perez because respondent was suspended and not entitled to practice law at the time he received the \$7,500 fee, in willful violation of Rules of Professional Conduct, rule 4-200(A).

COUNT SIX

Case No. 14-O-02549  
Rules of Professional Conduct, rule 3-700(D)(2)  
[Failure to Refund Unearned Fees]

7. In or about April 2014, respondent received advanced fees of \$7,500 from Salvador Perez, Jr., to represent his father, Salvador Perez, in a pending criminal case, *United States of America v. Salvador Perez*, United States District Court case number 14-cr-01174-AJB. Respondent performed no services of value on behalf of the client and therefore earned none of the advanced fees paid. Respondent failed to refund promptly, upon respondent's termination of employment on or about May 13, 2014 any part of the \$7,500 fee, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

COUNT SEVEN

Case No. 14-O-02549  
Rules of Professional Conduct, rule 3-310(F)  
[Accepting Fees From a Non-Client]

8. In or about April 2014, respondent accepted \$7,500 from Salvador Perez, Jr. as compensation for representing a client, Salvador Perez, which funds did not belong to Salvador Perez, without obtaining his client's informed written consent to receive such compensation, in willful violation of the Rules of Professional Conduct, rule 3-310(F).

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COUNT EIGHT

Case No. 14-O-02915  
Business and Professions Code, section 6068(a)  
[Failure to Comply With Laws – Unauthorized Practice of Law]

9. On or about April 9 and May 9, 2014, respondent held himself out as entitled to practice law and actually practiced law when respondent was not an active member of the State Bar by appearing in court at hearings as the attorney of record for a juvenile client in the San Bernardino County Juvenile Delinquency Court, case no. J253452, in violation of Business and Professions Code, sections 6125 and 6126, and thereby willfully violated Business and Professions Code, section 6068(a).

COUNT NINE

Case No. 14-O-02915  
Business and Professions Code, section 6068(d)  
[Means Inconsistent With Truth, Seeking to Mislead a Judge]

10. On or about April 9 and May 9, 2014, respondent appeared in court before a judge at hearings as the attorney of record for a juvenile client in the San Bernardino County Juvenile Delinquency Court, case no. J253452, when respondent knew that he was not entitled to practice law and without disclosing to the judge that respondent was not entitled to practice law, and thereby failed to employ means only as are consistent with truth and sought to mislead the judge or judicial officer by an artifice, in willful violation of Business and Professions Code, section 6068(d).

COUNT TEN

Case No. 14-O-02915  
Business and Professions Code, section 6106  
[Moral Turpitude]

11. On or about April 9 and May 9, 2014, respondent held himself out as entitled to practice law and actually practiced law when respondent knew, or was grossly negligent in not knowing, respondent was not an active member of the State Bar by appearing in court at hearings as the attorney of record for a juvenile client in the San Bernardino County Juvenile Delinquency

1 Court, case no. J253452, and thereby committed acts involving moral turpitude, dishonesty or  
2 corruption in willful violation of Business and Professions Code, section 6106.

3 COUNT ELEVEN

4 Case No. 14-O-02915  
5 Business and Professions Code, section 6103  
6 [Failure to Obey a Court Order]

7 12. Respondent disobeyed or violated an order of the court requiring respondent to  
8 forbear an act connected with or in the course of respondent's profession which respondent ought  
9 in good faith to forbear by failing to comply with the Supreme Court's Order S215192 in *In the*  
10 *Matter of Michael A. Brush*, State Bar Court case no. 12-H-17982, suspending respondent from  
11 the practice of law between March 26 and May 25, 2014, by holding himself out as entitled to  
12 practice law and appearing in court at hearings on or about April 9 and May, 9 2014 as the  
13 attorney of record for a juvenile client in the San Bernardino County Juvenile Delinquency  
14 Court, case no. J253452, in willful violation of Business and Professions Code, section 6103.

15 COUNT TWELVE

16 Case No. 14-O-02915  
17 Business and Professions Code, section 6068(i)  
18 [Failure to Cooperate in State Bar Investigation]

19 13. Respondent failed to cooperate and participate in a disciplinary investigation pending  
20 against respondent by failing to provide a substantive response to the State Bar's letters of June 4  
21 and 25, 2014, which respondent received, that requested respondent's response to the allegations  
22 of misconduct being investigated in case no. 14-O-02915, in willful violation of Business and  
23 Professions Code, section 6068(i).

24 COUNT THIRTEEN

25 Case No. 14-O-03847  
26 Business and Professions Code, section 6068(a)  
27 [Failure to Comply With Laws – Unauthorized Practice of Law]

28 14. On or about April 7, 2014, respondent held himself out as entitled to practice law and  
actually practiced law when respondent was not an active member of the State Bar by appearing  
in court at a hearing as the attorney of record for Deshawn Anthony Thomas in *People v. Justin*

1 *Vorish, et al.*, San Bernardino County Superior Court case no. FWV1300003, in violation of  
2 Business and Professions Code, sections 6125 and 6126, and thereby willfully violated Business  
3 and Professions Code, section 6068(a).

4 COUNT FOURTEEN

5 Case No. 14-O-03847  
6 Business and Professions Code, section 6068(d)  
7 [Means Inconsistent With Truth, Seeking to Mislead a Judge]

8 15. On or about April 7, 2014, respondent appeared in court before a judge at a hearing  
9 as the attorney of record for Deshawn Anthony Thomas in *People v. Justin Vorish, et al.*, San  
10 Bernardino County Superior Court case no. FWV1300003, when respondent knew that he was  
11 not entitled to practice law and without disclosing to the judge that respondent was not entitled to  
12 practice law, and thereby failed to employ means only as are consistent with truth and sought to  
13 mislead the judge or judicial officer by an artifice, in willful violation of Business and  
14 Professions Code, section 6068(d).

14 COUNT FIFTEEN

15 Case No. 14-O-03847  
16 Business and Professions Code, section 6106  
17 [Moral Turpitude]

18 16. On or about April 7, 2014, respondent held himself out as entitled to practice law and  
19 actually practiced law when respondent knew, or was grossly negligent in not knowing,  
20 respondent was not an active member of the State Bar by appearing in court at a hearing as the  
21 attorney of record for Deshawn Anthony Thomas in *People v. Justin Vorish, et al.*, San  
22 Bernardino County Superior Court case no. FWV1300003, and thereby committed an act  
23 involving moral turpitude, dishonesty or corruption in willful violation of Business and  
24 Professions Code, section 6106.

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COUNT SIXTEEN

Case No. 14-O-03847  
Business and Professions Code, section 6103  
[Failure to Obey a Court Order]

17. Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith to do or forbear by failing to comply with the Supreme Court's Order S215192 in *In the Matter of Michael A. Brush*, State Bar Court case no. 12-H-17982, suspending respondent from the practice of law between March 26 and May 25, 2014, by holding himself out as entitled to practice law and appearing in court on or about April 7, 2014 at a hearing as the attorney of record for Deshawn Anthony Thomas in *People v. Justin Vorish, et al.*, San Bernardino County Superior Court case no. FWV1300003, in willful violation of Business and Professions Code, section 6103.

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.**

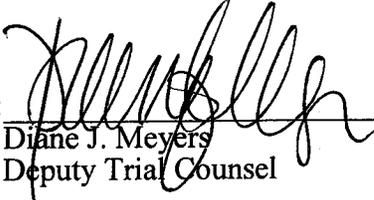
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Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: November 14, 2014

By:   
Diane J. Meyers  
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-02549; 14-O-02915; 14-O-03847

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 6409 9543 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:
MICHAEL ALAN BRUSH, BRUSH & SACKS, P.O. BOX 920776, SYLMAR, CA 91392, Electronic Address, MICHAEL ALAN BRUSH, BRUSH & SACKS, P.O. BOX 920776, SYLMAR, CA 91392

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: November 14, 2014

SIGNED: SANDRA JONES
Declarant