

PUBLIC MATTER

STATE BAR OF CALIFORNIA
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FILED

DEC 09 2014

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:) Case No. 14-O-02720; 14-O-02723
RICHARD CLAY MENDEZ,)
No. 199927,) NOTICE OF DISCIPLINARY CHARGES
A Member of the State Bar)

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.**



1 The State Bar of California alleges:

2 JURISDICTION

3 1. RICHARD CLAY MENDEZ ("Respondent") was admitted to the practice of law in
4 the State of California on December 10, 1998, was a member at all times pertinent to these
5 charges, and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 14-O-02720
8 Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

9 2. Respondent failed, upon termination of employment, to take reasonable steps to avoid
10 reasonably foreseeable prejudice to Respondent's client, Guadalupe Bernal, by constructively
11 terminating Respondent's employment on June 12, 2013, by failing to take any action on the
12 client's behalf and thereafter moving his office on September 28, 2013 without notifying his
13 client, and by failing to inform the client that Respondent was withdrawing from employment, in
14 willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

15 COUNT TWO

16 Case No. 14-O-02720
17 Business and Professions Code, section 6068(m)
[Failure to Inform Client of Significant Development]

18 3. Respondent failed to keep Respondent's client, Guadalupe Bernal, reasonably
19 informed of significant developments in a matter in which Respondent had agreed to provide
20 legal services, in wilful violation of Business and Professions Code section 6068(m), by failing
21 to inform his client that as of June 12, 2013, he was no longer working on her case since she had
22 stopped paying fees, and by failing inform the client that he was relocating his office and
23 changing his telephone number.

24 COUNT THREE

25 Case No. 14-O-02723
26 Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

27 4. Respondent failed, upon termination of employment, to take reasonable steps to avoid
28 reasonably foreseeable prejudice to Respondent's client, Guadalupe Lopez Gomez, by

1 constructively terminating Respondent's employment in April, 2013, by failing to take any
2 action on the client's behalf after informing the client in April 2013 that she would get a court
3 date in a month, then failing to undertake any further work on her case, and thereafter failing to
4 inform the client that Respondent was withdrawing from employment, in willful violation of
5 Rules of Professional Conduct, rule 3-700(A)(2).

6 COUNT FOUR

7 Case No. 14-O-02723
8 Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

9 5. Respondent failed to respond promptly to at least six reasonable monthly telephonic
10 status inquiries made by Respondent's client, Guadalupe Gomez Lopez, between April 2013 and
11 October 2013, that Respondent received in a matter in which Respondent had agreed to provide
12 legal services, in willful violation of Business and Professions Code, section 6068(m).

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**
INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
RECOMMENDED BY THE COURT.

19 NOTICE - COST ASSESSMENT!

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

23 Respectfully submitted,

24 ~~THE STATE BAR OF CALIFORNIA~~
25 ~~OFFICE OF THE CHIEF TRIAL COUNSEL~~

26
27 DATED: 12.9 2014

By: _____

28 R. KEVIN BUCHER
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-02720;14-O-02723

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 0918 06 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)*

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
PAUL JEAN VIRGO	9909 Topanga Blvd # 282 Chatsworth, CA 91311	Electronic Address	

☐

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

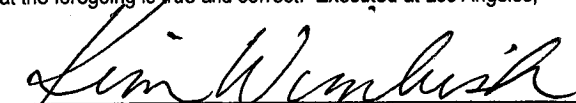
I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence 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: December 9, 2014

SIGNED:


KIM WIMBISH
Declarant