

DEC 05 2014

**STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO**

1 STATE BAR OF CALIFORNIA
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9 STATE BAR COURT
10 HEARING DEPARTMENT - SAN FRANCISCO

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12 In the Matter of:) Case No. 14-O-03000 [14-O-03448 & 14-O-
13 JUDSON THOMAS FARLEY,) 05670]
14 No. 83378,) NOTICE OF DISCIPLINARY CHARGES
15 A Member of the State Bar)

16 **NOTICE - FAILURE TO RESPOND!**

17 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE**
18 **WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT**
THE STATE BAR COURT TRIAL:

- 19 (1) **YOUR DEFAULT WILL BE ENTERED;**
20 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
WILL NOT BE PERMITTED TO PRACTICE LAW;
21 (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
22 (4) **YOU WILL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
23 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
24 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
25 **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. Judson Thomas Farley ("respondent") was admitted to the practice of law in the State
4 of California on November 29, 1978, 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-03000
8 Rules of Professional Conduct, rule 3-110(A)
9 [Failure to Perform with Competence]

10 2. On or about June 12, 2012, Veronica Barboza-Santana employed Respondent to
11 perform legal services, namely to file a bankruptcy petition on her behalf, which Respondent
12 intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of
13 Rules of Professional Conduct, rule 3-110(A), by failing to file a bankruptcy petition, or perform
14 any other legal services for the client, for more than 20 months until respondent was terminated
15 on February 24, 2014.

16 COUNT TWO

17 Case No. Case No. 14-O-03000
18 Business and Professions Code, section 6068(m)
19 [Failure to Respond to Client Inquiries]

20 3. Respondent failed to respond promptly to repeated telephonic reasonable status
21 inquiries made by Respondent's client, Veronica Barboza-Santana, between June 12, 2012 and
22 June 5, 2013, that Respondent received in a matter in which Respondent had agreed to provide
23 legal services, in willful violation of Business and Professions Code, section 6068(m).

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COUNT THREE

Case No. Case No. 14-O-03000
Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

4. Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to Respondent's client, Veronica Barboza-Santana, by constructively terminating Respondent's employment by failing to take any action on the client's behalf after client hired respondent on June 12, 2012, and thereafter failing to inform the client that Respondent was withdrawing from employment, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

COUNT FOUR

Case No. Case No. 14-O-03000
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

5. On or about June 12, 2012, Respondent received advanced fees of \$1,556 from a client, Veronica Barboza-Santana, to file a bankruptcy petition on her behalf. Respondent failed to file a bankruptcy petition, or perform any legal services for 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 February 24, 2014 any part of the \$1,556 fee to the client, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

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COUNT FIVE

Case No. Case No. 14-O-03000
Rules of Professional Conduct, rule 4-100(A)
[Failure to Deposit Client Funds in Trust Account]

6. On or about June 12, 2012, Respondent received on behalf of Respondent's client, Veronica Barboza-Santana court filing fees of approximately \$200. Respondent failed to deposit court filing fees of approximately \$200 in funds received for the benefit of the client in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, in wilful violation Rules of Professional Conduct, rule 4-100(A).

COUNT SIX

Case No. Case No. 14-O-03000
Business and Professions Code, section 6106
[Moral Turpitude - Misrepresentation]

7. On or about February 2, 2014, Respondent stated to Veronica Barboza-Santana that he would mail her a refund by cashier's check within a few days when Respondent knew or was grossly negligent in not knowing the statement was false, and never made any refund to Veronica Barboza-Santana, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT SEVEN

Case No. Case No. 14-O-03000
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 July 31, 2014 and August 19, 2014, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 14-O-03000, in willful violation of Business and Professions Code, section 6068(i).

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COUNT EIGHT

Case No. 14-O-03448
Business and Professions Code, section 6106
[Moral Turpitude - Misappropriation]

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4 9. Between on or about January 1, 2013 through December 31, 2013, Respondent
5 received checks in varying amounts from respondent's Chapter 13 bankruptcy trustee, Devin
6 Derham-Burke, to be paid to Deborah Farley AKA Deborah Bryan in satisfaction of court-
7 ordered spousal support in the amount of \$2,897 per month pursuant to Santa Cruz County
8 Superior Court case no. FL013348. Between January 2013 and December 2013, respondent
9 received money as follows:

- 10 a. January 9, 2013, respondent received \$98.68;
11 b. February 13, 2013, respondent received \$411.00;
12 c. March 13, 2013, respondent received \$315.02;
13 d. April 10, 2013, respondent received \$1.70;
14 e. May 8, 2013, respondent received \$146.15;
15 f. June 12, 2013, respondent received \$40.50;
16 g. August 14, 2013, respondent received \$140.51;
17 h. September 11, 2013, respondent received \$4,350.00; and
18 i. November 14, 2013, respondent received \$1,826.03.

19 Between January 2013 through December 2013, Respondent dishonestly or grossly negligently
20 misappropriated for Respondent's own purposes \$5,154.59 of \$7,329.59 that Deborah Farley
21 AKA Deborah Bryan was entitled to receive, pursuant to court-ordered spousal support, and
22 thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation
23 of Business and Professions Code, section 6106.

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COUNT NINE

Case No. 14-O-03448
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

10. 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 June 23 and July 9, 2014, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 14-O-03448, in willful violation of Business and Professions Code, section 6068(i).

COUNT TEN

Case No. 14-O-05670
Business and Professions Code, section 6068(k)
[Failure to Comply with Conditions of Probation]

11. Respondent failed to comply with conditions attached to Respondent's disciplinary probation in Supreme Court case no. S218333 [State Bar Case no. 12-O-14754; 13-O-10698] as follows, in willful violation of Business and Professions Code, section 6068(k):

- A. Failing to contact the Office of Probation by September 7, 2014;
- B. Failing to schedule a required meeting with the Office of Probation;
- C. Failing to submit a Quarterly Report on October 10, 2014; and
- D. Failing to submit quarterly proof of restitution payments to three payees by the 15th of each month on October 10, 2014.

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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.

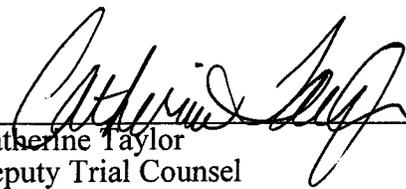
NOTICE - COST ASSESSMENT!

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 5, 2014

By: 
Catherine Taylor
Deputy Trial Counsel

DECLARATION OF SERVICE

by
U.S. CERTIFIED MAIL and U.S. FIRST-CLASS MAIL

CASE NUMBER(s): 14-O-03000 [14-O-03448; 14-O-05670]]

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, 180 Howard Street, San Francisco, California 94105, 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 San Francisco, 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 2393 2416 at San Francisco, 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: Judson Thomas Farley, Respondent; Judson Thomas Farley, 830 Bay Ave #B, Capitola, CA 95010-2173; 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 San Francisco, California, on the date shown below.

DATED: December 5, 2014

SIGNED: [Signature] Meagan McGowan Declarant