

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
2 JAYNE KIM, No. 174614
CHIEF TRIAL COUNSEL
3 JOSEPH R. CARLUCCI, No. 172309
DEPUTY CHIEF TRIAL COUNSEL
4 MELANIE J. LAWRENCE, No. 230102
ASSISTANT CHIEF TRIAL COUNSEL
5 RIZAMARI C. SITTON, No. 138319
SUPERVISING SENIOR TRIAL COUNSEL
6 ANAND KUMAR, No. 261592
DEPUTY TRIAL COUNSEL
7 845 South Figueroa Street
Los Angeles, California 90017-2515
8 Telephone: (213) 765-1714
9

FILED

OCT 29 2014

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

10 STATE BAR COURT

11 HEARING DEPARTMENT - LOS ANGELES
12

13 In the Matter of:) Case No. 14-O-03100
14 JOHN YAHENG TU,)
No. 146945,) NOTICE OF DISCIPLINARY CHARGES
15)
16 A Member of the State Bar.)

17 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
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.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

26 ///

27 ///

28

kwiktag® 183 821 468



1 The State Bar of California alleges:

2 JURISDICTION

3 1. John Yaheng Tu (“Respondent”) was admitted to the practice of law in the State of
4 California on June 11, 1990, 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-03100
8 Business and Professions Code section 6068, subdivision (a)
9 [Failure to Comply With Laws – Unauthorized Practice of Law]

10 2. Between on or about March 22, 2013 and on or about May 5, 2014, Respondent held
11 himself out as entitled to practice law and actually practiced law when he was not an active
12 member of the State Bar by providing legal services to client Rachel Chang, including charging
13 and collecting legal fees, corresponding with Chang on email which held him out as entitled to
14 practice and failing to inform Chang that he was not entitled to practice law, in violation of
15 Business and Professions Code sections 6125 and 6126, and thereby willfully violated Business
16 and Professions Code section 6068(a).

16 COUNT TWO

17 Case No. 14-O-03100
18 Business and Professions Code section 6106
19 [Moral Turpitude]

20 3. Between on or about March 22, 2013 and on or about May 5, 2014, Respondent held
21 himself out as entitled to practice law and actually practiced law when he was not an active
22 member of the State Bar by providing legal services to client Rachel Chang, including charging
23 and collecting legal fees, corresponding with Chang on email which held him out as entitled to
24 practice and failing to inform Chang that he was not entitled to practice law, and thereby
25 committed an act involving moral turpitude, dishonesty or corruption in willful violation of
26 Business and Professions Code section 6106.

26 \\\

27 \\\

28

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

COUNT THREE

Case No. 14-O-03100
Rules of Professional Conduct, rule 3-700(D)(1)
[Failure to Release File]

4. Respondent failed to release promptly, after termination of Respondent's employment on or about May 5, 2014 to Respondent's client, Rachel Chang, all of the clients' papers and property following the clients' request for the client's file on May 5, 2014, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

COUNT FOUR

Case No. 14-O-03100
Rules of Professional Conduct, rule 4-200(A)
[Illegal Fee]

5. Between on or about April 12, 2013 and on or about April 21, 2013, Respondent charged and collected a fee of \$1,435 from Respondent's client, Rachel Chang, to perform legal services that were illegal while Respondent was suspended and not entitled to practice law, in willful violation of Rules of Professional Conduct, rule 4-200(A).

COUNT FIVE

Case No. 14-O-03100
Business and Professions Code section 6068(i)
[Failure to Cooperate in State Bar Investigation]

6. 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 30, 2014 and July 17, 2014, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case number 14-O-03100, in willful violation of Business and Professions Code section 6068(i).

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.

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: October 29, 2014

By: 
Anand Kumar
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-03100

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 4340 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: John Yaheng Tu, 119 S. Atlantic Blvd., #305 Monterey Park, CA 91754, 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: October 29, 2014

SIGNED:

Sandra Reynolds
Declarant