

PUBLIC MATTER

FILED

DEC 17 2014

STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

1 STATE BAR OF CALIFORNIA  
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STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

12 In the Matter of:

) Case No. 14-O-03491

13 JAMES JOSEPH LYNCH,  
14 No. 85805,

) NOTICE OF DISCIPLINARY CHARGES

15 A Member of the State Bar

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  
26 FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,  
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

27 ///

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. James Joseph Lynch ("respondent") was admitted to the practice of law in the State of  
4 California on May 31, 1979, 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-03491  
8 Business and Professions Code, section 6103  
[Failure to Obey a Court Order]

9 2. Respondent disobeyed or violated an order of the court requiring respondent to do or  
10 forbear an act connected with or in the course of respondent's profession which respondent ought  
11 in good faith to do or forbear by failing to comply with the December 13, 2013 sanction order in  
12 *Martin v. Cristodore*, in Sacramento Superior Court, case number 06AS00279, in willful  
13 violation of Business and Professions Code, section 6103.

14 COUNT TWO

15 Case No. 14-O-03491  
16 Business and Professions Code, section 6068(o)(3)  
17 [Failure to Report Judicial Sanctions]

18 3. Respondent failed to report to the agency charged with attorney discipline, in writing,  
19 within 30 days of the time respondent had knowledge of the imposition of any judicial sanctions  
20 against respondent by failing to report to the State Bar the \$4,041.50 in sanctions the court  
21 imposed on respondent on or about December 13, 2013 in connection with *Martin v. Cristodore*,  
22 in Sacramento Superior Court, case number 06AS00279, in willful violation of Business and  
23 Professions Code section, 6068(o)(3).

24 NOTICE - INACTIVE ENROLLMENT!

25 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**  
26 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**  
27 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**  
28 **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**

1 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE  
2 RECOMMENDED BY THE COURT.

3 **NOTICE - COST ASSESSMENT!**

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

7 Respectfully submitted,

8 THE STATE BAR OF CALIFORNIA  
9 OFFICE OF THE CHIEF TRIAL COUNSEL

10  
11 DATED: December 17, 2014

By: Jonathan Cesena  
Jonathan Cesena  
Deputy Trial Counsel

DECLARATION OF SERVICE

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

CASE NUMBER(s): 14-O-03491

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))

- 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 San Francisco.



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 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.: 9414 7266 9904 2011 9754 33 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:
James Joseph Lynch Jr, Respondent; James Joseph Lynch Jr Attorney at Law; 1108C, 2 Serendra Fort Bonifacio Global City, Taguig PHILIPPINE; 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 San Francisco, California, on the date shown below.

DATED: December 17, 2014

SIGNED:

Handwritten signature of Megan McGowan
Megan McGowan
Declarant