

PUBLIC MATTER

FILED

NOV - 2 2015

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

1 STATE BAR OF CALIFORNIA
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STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

13 In the Matter of:) Case No. 14-O-03742 [14-O-06088]
14 JULIUS MICHAEL ENGEL,)
15 No. 137759,) NOTICE OF DISCIPLINARY CHARGES
16 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
20 THE STATE BAR COURT TRIAL:

- 21 (1) YOUR DEFAULT WILL BE ENTERED;
- 22 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
23 WILL NOT BE PERMITTED TO PRACTICE LAW;
- 24 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
25 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
26 AND THE DEFAULT IS SET ASIDE; AND
- 27 (4) YOU WILL BE SUBJECT TO ADDITIONAL DISCIPLINE.
28 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.

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Julius Michael Engel ("respondent") was admitted to the practice of law in the State
4 of California on December 7, 1988, 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-03742
8 Rules of Professional Conduct, rule 3-110(A)
9 [Failure to Perform with Competence]

10 2. On or about October 2012, Stanley and Elizabeth Henry employed Respondent to
11 perform legal services, namely file a bankruptcy petition on their 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 prepare or file any bankruptcy
14 petition on the Henrys' behalf, or perform any other legal services for the clients.

15 COUNT TWO

16 Case No. 14-O-03742
17 Rules of Professional Conduct, rule 3-700(D)(2)
18 [Failure to Refund Unearned Fees]

19 3. Between on or about November 17, 2012 through December 26, 2012, Respondent
20 received advanced fees of \$2,000 from clients, Stanley and Elizabeth Henry, to file a bankruptcy
21 petition on their behalf. Respondent failed to prepare or file a bankruptcy petition, or perform
22 any legal services for the clients, and therefore earned none of the advanced fees paid.
23 Respondent failed to refund promptly, upon Respondent's termination of employment on or
24 before May 14, 2014 any part of the \$2,000 fee to the clients, in willful violation of Rules of
25 Professional Conduct, rule 3-700(D)(2).

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COUNT THREE

Case No. 14-O-03742
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]
[Failure to Inform Client of Significant Development]

4. Respondent failed to respond promptly to reasonable status inquiries made by Respondent's clients, Stanley and Elizabeth Henry, between January 2013 and May 2014, that Respondent received concerning a matter in which Respondent had agreed to provide legal services; and failed to keep respondent's clients, Stanley and Elizabeth Henry, reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, by failing to inform the client that respondent relocated his office on or around June 3, 2013, in willful violation of Business and Professions Code, section 6068(m).

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COUNT FOUR

Case No. 14-O-03742
Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

5. Between on or about November 16, 2012 through December 26, 2012, Respondent received from Respondent's clients, Stanley and Elizabeth Henry, the sum of \$2,000 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds, even upon the effective termination of Respondent's employment in or about May 2014, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

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COUNT FIVE

Case No. 14-O-03742
Business and Professions Code, section 6106
[Moral Turpitude - Misrepresentation]

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6. On or about October 16, 2014, Respondent stated to/stated in writing to a State Bar Investigator that attorney David Foyil was respondent's "associate" whom respondent hired to prepare the Henrys' bankruptcy petition filed May 14, 2014, when respondent knew or was grossly negligent in not knowing the statement(s) were false and/or misleading because Foyil was never employed by respondent in the Henrys' matter, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT SIX

Case No. 14-O-06088
Business and Professions Code, section 6068(o)(2)
[Failure to Report Lawsuits]

7. Respondent failed to report to the State Bar of California, in writing, within 30 days of the time Respondent had knowledge thereof, the entry of judgment issued on or about November 7, 2014 against respondent in a civil action for fraud, misrepresentation, breach of fiduciary duty, or gross negligence committed in a professional capacity, in willful violation of Business and Professions Code, section 6068(o)(2) in:

<u>CASE NAME</u>	<u>CASE NO.</u>	<u>JURISDICTION OF CASE</u>	<u>DATE CASE FILED</u>
<i>Engel v. Fountaine</i>	14SC01726-1	Sacramento County Superior	May 16, 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.

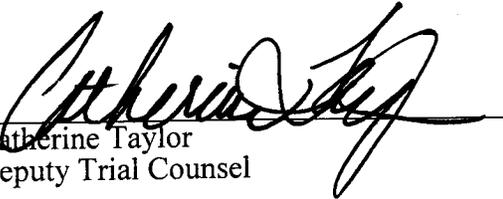
NOTICE - COST ASSESSMENT!

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: November 2, 2015

By: 
Catherine Taylor
Deputy Trial Counsel

DECLARATION OF SERVICE
BY CERTIFIED AND REGULAR MAIL

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CASE NOS.: 14-O-03742; 14-O-06088

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that 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; that 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; that I am aware that on motion of 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; and that 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, on the date shown below, a true copy of the within

NOTICE OF DISCIPLINARY CHARGES

in a sealed envelope placed for collection and mailing as *certified mail, return receipt requested*, and in an additional sealed envelope as *regular mail*, at San Francisco, on the date shown below, addressed to:

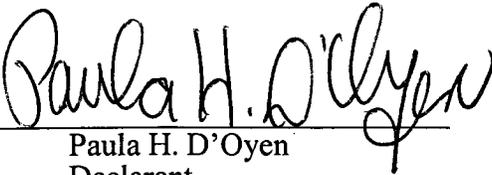
Article No.: 9414 7266 9904 2011 9761 26
Julius M. Engel
Engel Law Group
1731 Howe Ave., #621
Sacramento, CA 95825

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

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: November 2, 2015

Signed: 
Paula H. D'Oyen
Declarant