

FILED

JUL 30 2015

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

1 STATE BAR OF CALIFORNIA  
2 OFFICE OF THE CHIEF TRIAL COUNSEL  
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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of: ) Case No. 14-O-06160  
14 AL FADEL AMER, )  
15 No. 197745, ) 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 SHALL 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. Al Fadel Amer (“respondent”) was admitted to the practice of law in the State of  
4 California on November 25, 1998, 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-06160  
8 Rules of Professional Conduct, rule 3-310(F)  
9 [Accepting Fees From a Non-Client]

10 2. Between or about June 9, 2010 and in or about October 2011, Respondent accepted  
11 \$14,800 from Ahmed Shah as compensation for representing a client, Mohammed Shah, without  
12 obtain his client’s informed written consent to receive such compensation from his father Ahmed  
13 Shah, in willful violation of the Rules of Professional Conduct, rule 3-310(F).

13 COUNT TWO

14 Case No. 14-O-06160  
15 Rules of Professional Conduct, rule 3-110(A)  
16 [Failure to Perform with Competence]

17 3. On or about June 9, 2010, Ahmed Shah employed Respondent to perform legal  
18 services, namely to prepare and file a Petition for Writ of Habeas Corpus on behalf of his client,  
19 Mohammed Shah, which Respondent intentionally, recklessly, or repeatedly failed to perform  
20 with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by failing  
21 to file the petition on behalf of the client or otherwise take any action to pursue the client’s  
22 petition by in or about October 2011, when Respondent’s employment was terminated.

23 COUNT THREE

24 Case No. 14-O-06160  
25 Business and Professions Code, section 6068(m)  
26 [Failure to Respond to Client Inquiries]

27 4. Respondent failed to respond promptly to approximately eight telephonic reasonable  
28 status inquiries made by Ahmed Shah on behalf of his client, Mohammed Shah, between in or

1 about June 2010 to in or about October 2011, that he received in a matter in which he had agreed  
2 to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

3 COUNT FOUR

4 Case No. 14-O-06160  
5 Rules of Professional Conduct, rule 3-700(D)(1)  
6 [Failure to Release File]

7 5. Respondent failed to release promptly, after termination of his employment in or  
8 about October 2011, to his client, Mohammed Shah or his client's father, Ahmed Shah, all of the  
9 client's papers and property following the client's request for the client's file in or about October  
10 2011, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

11 COUNT FIVE

12 Case No. 14-O-06160  
13 Rules of Professional Conduct, rule 4-100(B)(3)  
14 [Failure to Render Accounts of Client Funds]

15 6. Between or about June 9, 2010 and in or about October 2011, Respondent received  
16 advanced attorney's fees of \$14,800 from Ahmed Shah as compensation for representing a  
17 client, Mohammed Shah, to prepare and file a Petition for Writ of Habeas Corpus. Respondent  
18 thereafter failed to render an appropriate accounting to Ahmed Shah or the client regarding those  
19 funds following the termination of respondent's employment in or about October 2011, and  
20 Ahmed Shah's four or five requests for such accounting between in or about October 2011 and in  
21 or about June 2012, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

22 COUNT SIX

23 Case No. 14-O-06160  
24 Rules of Professional Conduct, rule 3-700(D)(2)  
25 [Failure to Refund Unearned Fees]

26 7. Between or about June 9, 2010 and in or about October 2011, Respondent received  
27 advanced attorney's fees of \$14,800 from Ahmed Shah as compensation to prepare and file a  
28 Petition for Writ of Habeas Corpus for the client, Mohammed Shah. Respondent failed to  
prepare the 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

1 of employment in October 2011, any part of the remaining \$8,625 fee to Ahmed Shah, in willful  
2 violation of Rules of Professional Conduct, rule 3-700(D)(2).

3 **NOTICE - INACTIVE ENROLLMENT!**

4 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**  
5 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**  
6 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**  
7 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**  
8 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**  
9 **INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**  
10 **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**  
11 **RECOMMENDED BY THE COURT.**

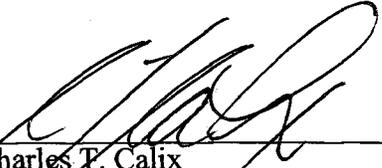
12 **NOTICE - COST ASSESSMENT!**

13 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC**  
14 **DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS**  
15 **INCURRED BY THE STATE BAR IN THE INVESTIGATION, HARING**  
16 **AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND**  
17 **PROFESSIONS CODE SECTION 6086.10.**

18 Respectfully submitted,

19 THE STATE BAR OF CALIFORNIA  
20 OFFICE OF THE CHIEF TRIAL COUNSEL

21 DATED: July 29, 2015

22 By:   
23 Charles F. Calix  
24 (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-06160**

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 0881 34 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 via U.S. First Class & Certified Mail	Business-Residential Address	Fax Number	Courtesy Copy to:
AL FADEL AMER	The Amer Law Firm 100 Oceangate Ste 1200 Long Beach, CA 90802	Electronic Address	The Amer Law Firm 100 Oceangate Ste 1200 Long Beach, CA 90802

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: July 30, 2015

SIGNED:

*Genelle De Luca-Suarez*  
Genelle De Luca-Suarez  
Declarant