

FILED

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STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case No. 14-O-06274
14 BERNARD RICHARD DEETMAN,)
No. 120511,) NOTICE OF DISCIPLINARY CHARGES
15)
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
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
23 AND THE DEFAULT IS SET ASIDE, AND;
24 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
25 OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
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.



1 The State Bar of California alleges:

2 JURISDICTION

3 1. Bernard Richard Deetman ("Respondent") was admitted to the practice of law in the
4 State of California on December 16, 1985, was a member at all times pertinent to these charges,
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 14-O-06274
8 Rules of Professional Conduct, rule 4-100(B)(1)
[Failure to Notify of Receipt of Client Funds]

9 2. On or about August 15, 2013, Respondent received on behalf of his client, Lisa
10 Cameron, a settlement check from Arnold & Arnold made payable to Respondent's law office
11 and his client in the sum of \$22,500. Respondent never notified the client of Respondent's
12 receipt of funds on the client's behalf, in willful violation of Rules of Professional Conduct, rule
13 4-100(B)(1).

14 COUNT TWO

15 Case No. 14-O-06274
16 Rules of Professional Conduct, rule 4-100(A)
[Commingling Personal Funds in Client Trust Account]

17 3. On or about August 15, 2013, Respondent received on behalf of his client, Lisa
18 Cameron, a settlement check from Arnold & Arnold made payable to Respondent's law office
19 and his client in the sum of \$22,500. On or about August 15, 2013, Respondent deposited the
20 \$22,500 into his client trust account at Wells Fargo, Account No. xxxxx3358¹ on behalf of his
21 client. As of on or about August 15, 2013, Respondent's total fees and costs as a portion of the
22 client's settlement became fixed at \$7, 644.23. Thereafter, Respondent did not promptly remove
23 the funds which he had earned as attorney's fees and costs from his client trust account and
24 instead, left his attorney's fees and costs in his client trust account to be withdrawn as needed,
25 and thereby failed to withdraw funds formerly belonging in part to the client and in part presently
26 or potentially to Respondent from a client trust account at the earliest reasonable time after
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28 ¹ The account number has been redacted to protect the account and account holder.

1 Respondent's interest in the funds became fixed, in willful violation of Rules of Professional
2 Conduct, rule 4-100(A).

3 COUNT THREE

4 Case No. 14-O-06274
5 Rules of Professional Conduct, rule 4-100(B)(3)
6 [Failure to Render Account of Client Funds]

7 4. On or about August 15, 2013, Respondent received on behalf of his client, Lisa
8 Cameron, a settlement check from Arnold & Arnold made payable to Respondent's law office
9 and his client in the sum of \$22,500. On or about August 15, 2013, Respondent deposited the
10 \$22,500 into his client trust account at Wells Fargo, Account No. xxxxx3358² on behalf of his
11 client. Respondent thereafter failed to prepare and maintain a written ledger for the client, a
12 written journal for the client trust account, and the monthly reconciliation for the written ledger,
13 written journal, and bank statement, in willful violation of the Rules of Professional Conduct,
14 rule 4-100(B)(3).

15 COUNT FOUR

16 Case No. 14-O-06274
17 Rules of Professional Conduct, rule 4-100(A)
18 [Failure to Maintain Client Funds in Trust Account]

19 5. On or about August 15, 2013, Respondent received on behalf of his client, Lisa
20 Cameron, a settlement check from Arnold & Arnold made payable to Respondent's law office
21 and his client in the sum of \$22,500. On or about August 15, 2013, Respondent deposited the
22 \$22,500 into his client trust account at Wells Fargo, Account No. xxxxx3358³ on behalf of his
23 client. Of those funds, his client was entitled to at least \$14,855.77. Respondent failed to
24 maintain a balance of at least \$14,855.77 on behalf of his client in his client trust account, in
25 willful violation of Rules of Professional Conduct, rule 4-100(A).
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28 ² The account number has been redacted to protect the account and account holder.

³ The account number has been redacted to protect the account and account holder.

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COUNT FIVE

Case No. 14-O-06274
Business and Professions Code section 6106
[Moral Turpitude – Misappropriation]

6. On or about August 15, 2013, Respondent received on behalf of his client, Lisa Cameron, a settlement check from Arnold & Arnold made payable to Respondent's law office and his client in the sum of \$22,500. On or about August 15, 2013, Respondent deposited the \$22,500 into his client trust account at Wells Fargo, Account No. xxxxx3358⁴ on behalf of his client. Of those funds, his client was entitled to at least \$14,855.77. Between on or about August 28, 2013 and on or about September 16, 2013, Respondent dishonestly or grossly negligently misappropriated for his own purposes at least \$14,855.77 that his client was entitled to receive, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

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COUNT SIX

Case No. 14-O-06274
Rules of Professional Conduct, rule 4-100(A)
[Failure to Maintain Client Funds in Trust Account]

7. On or about August 15, 2013, Respondent received on behalf of his client, Lisa Cameron, a settlement check from Arnold & Arnold made payable to Respondent's law office and his client in the sum of \$22,500. On or about August 15, 2013, Respondent deposited the \$22,500 into his client trust account at Wells Fargo, Account No. xxxxx3358⁵ on behalf of his client. Of those funds, the client's medical provider, namely Medicare was entitled to at least \$5,314.11, pursuant to its lien held against Respondent's client's recovery. Respondent failed to maintain a balance of at least \$5,314.11 on behalf of the client's medical provider in Respondent's client trust account, in willful violation of Rules of Professional Conduct, rule 4-100(A).

⁴ The account number has been redacted to protect the account and account holder.

⁵ The account number has been redacted to protect the account and account holder.

COUNT SEVEN

Case No. 14-O-06274
Business and Professions Code section 6106
[Moral Turpitude – Misappropriation]

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4 8. On or about August 15, 2013, Respondent received on behalf of his client, Lisa
5 Cameron, a settlement check from Arnold & Arnold made payable to Respondent's law office
6 and his client in the sum of \$22,500. On or about August 15, 2013, Respondent deposited the
7 \$22,500 into his client trust account at Wells Fargo, Account No. xxxxx3358⁶ on behalf of his
8 client. Of those funds, the client's medical provider, namely Medicare, was entitled to at least
9 \$5,314.11. Between on or about August 28, 2013 and on or about September 16, 2013,
10 Respondent dishonestly or grossly negligently misappropriated for Respondent's own purposes
11 at least \$5,314.11 that the client's medical provider was entitled to receive, pursuant to its lien
12 held against Respondent's client's recovery, and thereby committed an act involving moral
13 turpitude, dishonesty or corruption in willful violation of Business and Professions Code section
14 6106.

COUNT EIGHT

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16 Case No. 14-O-06274
17 Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

18 9. On or about August 15, 2013, Respondent received on behalf of his client, Lisa
19 Cameron, a settlement check from Arnold & Arnold made payable to Respondent's law office
20 and his client in the sum of \$22,500. On or about August 15, 2013, Respondent deposited the
21 \$22,500 into his client trust account at Wells Fargo, Account No. xxxxx3358⁷ on behalf of his
22 client. Of those funds, his client was entitled to at least \$14,855.77. Between in or about August
23 2013 and in or about October 2014, the client called respondent's office approximately 20 times
24 and left messages for respondent to provide an accounting of her funds and the payment of her
25 funds on his voice message system or with his brother who is an attorney in the same office,
26 because respondent would not return her calls. Respondent received the messages. Respondent

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28 ⁶ The account number has been redacted to protect the account and account holder.

⁷ The account number has been redacted to protect the account and account holder.

1 thereafter failed to render an appropriate accounting to the client in willful violation of the Rules
2 of Professional Conduct, rule 4-100(B)(3).

3 COUNT NINE

4 Case No. 14-O-06274
5 Business and Professions Code section 6068(m)
6 [Failure to Respond to Client Inquiries]

7 10. Respondent failed to respond promptly to approximately 15 telephonic reasonable
8 status inquiries made by his client, Lisa Cameron, between in or about August 2013 and in or
9 about August 2014, that Respondent received in a matter in which Respondent had agreed to
10 provide legal services, in willful violation of Business and Professions Code section 6068(m).

11 COUNT TEN

12 Case No. 14-O-06274
13 Business and Professions Code section 6106
14 [Moral Turpitude - Misrepresentation]

15 11. On or about October 19, 2014, Respondent stated to his client Lisa Cameron and her
16 friend Catherine Worix that Respondent had not received any settlement proceeds on behalf of
17 his client, when Respondent knew or was grossly negligent in not knowing the statement was
18 false, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful
19 violation of Business and Professions Code section 6106.

20 NOTICE - INACTIVE ENROLLMENT!

21 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
22 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
23 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
24 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
25 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
26 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
27 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
28 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**

DECLARATION OF SERVICE

by
U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): **14-O-06274**

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))**
- 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 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 41 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 Certified Mail & U.S. First Class Mail	Business-Residential Address	Fax Number	Courtesy Copy to:
Bernard Richard Deetman	Deetman & Associates 3525 Del Mar Heights Rd No 420 San Diego, CA 92130-2122	(858) 792-6535	David Cameron Carr via email to: dccarr@ethics-lawyer.com
		Electronic Address CONFIDENTIAL xxxxx@xxxxx.com	

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: August 26, 2015

SIGNED:

Genelle De Luca-Suarez
Genelle De Luca-Suarez
Declarant