

**PUBLIC MATTER
FILED**

AUG 11 2015

1 STATE BAR OF CALIFORNIA
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**STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO**

STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

13 In the Matter of:) Case No. 14-O-06290 [15-O-10363]
14 TIMOTHY BROOKS BALCOM,)
15 No. 190496,) NOTICE OF DISCIPLINARY CHARGES
16 A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

**IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
THE STATE BAR COURT TRIAL:**

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (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;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
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. Timothy Brooks Balcom ("respondent") was admitted to the practice of law in the
4 State of California on November 24, 1997, 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-06290
8 Rules of Professional Conduct, rule 3-110(A)
9 [Failure to Perform with Competence]

10 2. On or about October 1, 2014, Justin and Stacy Long employed respondent to perform
11 legal services, namely to represent Justin Long in a DMV hearing, 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 never contacting DMV and never requesting a
14 hearing.

15 COUNT TWO

16 Case No. 14-O-06290
17 Rules of Professional Conduct, rule 3-700(A)(2)
18 [Improper Withdrawal from Employment]

19 3. Respondent failed, upon termination of employment, to take reasonable steps to avoid
20 reasonably foreseeable prejudice to respondent's client, Justin Long, by constructively
21 terminating respondent's employment on October 27, 2014, by failing to take any action on the
22 client's behalf after October 1, 2014, and thereafter failing to inform the client that respondent
23 was withdrawing from employment, in willful violation of Rules of Professional Conduct, rule
24 3-700(A)(2).

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COUNT SIX

Case No. 15-O-10363
Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

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4 7. Respondent failed, upon termination of employment, to take reasonable steps to avoid
5 reasonably foreseeable prejudice to respondent's clients, Evelyn and Ted Apostolou, by
6 constructively terminating respondent's employment on December 22, 2014, by failing to take
7 any action on the client's behalf after October 10, 2014, and thereafter failing to inform the client
8 that respondent was withdrawing from employment, in willful violation of Rules of Professional
9 Conduct, rule 3-700(A)(2).

COUNT SEVEN

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12 Case No. 15-O-10363
13 Rules of Professional Conduct, rule 3-700(D)(2)
14 [Failure to Refund Unearned Fees]

15 8. On or about September 7, 2014, respondent received advanced fees of \$2,500 from
16 clients, Evelyn and Ted Apostolou, to represent the clients in a criminal investigation.
17 Respondent failed to review documents requested by law enforcement and failed to advise or
18 otherwise assist the clients in the criminal investigation, or perform any legal services for the
19 client, and therefore earned none of the advanced fees paid. Respondent failed to refund
20 promptly, upon respondent's termination of employment on or about December 26, 2014 any
21 part of the \$2,500 fee to the client, in willful violation of Rules of Professional Conduct, rule 3-

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COUNT EIGHT

Case No. 15-O-10363
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

9. 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 letter of February 3, 2015, which respondent received, that requested respondent's response to the allegations of misconduct being investigated in case no. 15-O-10363, 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.

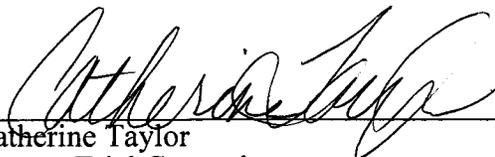
NOTICE - COST ASSESSMENT!

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: August 11, 2015

By: 

Catherine Taylor
Deputy Trial Counsel

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DECLARATION OF SERVICE
BY CERTIFIED AND REGULAR MAIL

CASE NOS.: 14-O-06290; 15-O-10363

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 9769 42
Timothy B. Balcom
Balcom & Associates
229 Vernon St.
Roseville, CA 95678

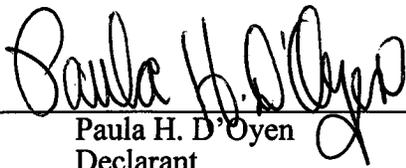
in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

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: August 11, 2015

Signed: _____


Paula H. D'Oyen
Declarant