

1 The State Bar of California alleges:

2 JURISDICTION

3 1. JOSEPH DULLES ALLEN ("Respondent") was admitted to the practice of law in
4 the State of California on January 12, 1971, was a member at all times pertinent to these
5 charges, and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 15-O-10504
8 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

9 2. On or about October 11, 2013, Mark S. Cornwall employed Respondent to perform
10 legal services, namely to represent him in a personal injury claim arising from an injury that
11 occurred in a hotel in Las Vegas, Nevada, on or about August 12, 2012 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 the following;

- 14 A) failing to file a civil action on behalf of Cornwall prior to the August 12, 2014
15 expiration of the applicable statute of limitations;
- 16 B) failing to file an opposition to (1) a motion to stay or dismiss for inconvenient
17 forum and (2) a motion to strike portions of the complaint, filed by a defendant
18 on February 20, 2014;
- 19 C) failing to appear or send appearance counsel on his client's behalf to the March
20 24, 2014 hearing on the above-named two motions;
- 21 D) failing to file a first party insurance medical payment ("medpay") claim for
22 Cornwall and his wife prior to the expiration of the applicable statute of
23 limitations; and
- 24 E) failing to associate competent Nevada counsel to handle filing of a complaint in
25 Nevada State or Federal court.

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COUNT TWO

Case No. 15-O-10504
Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

3. On or about October 15, 2013, Respondent received from Respondent's client, Mark S. Cornwall, the sum of \$5,000 as advanced fees for legal services to be performed and \$1,000 as advanced costs. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds upon the termination of Respondent's employment on or about November 19, 2014, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT THREE

Case No. 15-O-10736
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

4. Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith to do or forbear by failing to comply with the court order, filed on or about November 3, 2014, to pay \$13,578.25 in monetary sanctions by on or about November 17, 2014 to defendant David Pasternak in a case entitled *Robert Holbrock v. David Pasternak, et al.*, bearing United States District Court, Central District of California case no. CV14-06795, in willful violation of Business and Professions Code, section 6103.

COUNT FOUR

Case No. 15-O-10736
Business and Professions Code, section 6068(o)(3)
[Failure to Report Judicial Sanctions]

5. Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against Respondent by failing to report to the State Bar the \$13,578.25 in sanctions the court imposed on Respondent on or about November 3, 2014 in favor of defendant David Pasternak in connection with a case entitled *Robert Holbrock v. David Pasternak, et al.*, bearing United States District Court, Central District of California case no. CV14-06795, in willful violation of Business and Professions Code section, 6068(o)(3).

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COUNT FIVE

Case No. 15-O-10736
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

6. Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith to do or forbear by failing to comply with the court order, filed on or about December 3, 2014, to pay \$10,746.36 in monetary sanctions by on or about December 29, 2014 to defendant Ira M. Friedman in a case entitled *Robert Holbrock v. David Pasternak, et al.*, bearing United States District Court, Central District of California case no. CV14-06795, in willful violation of Business and Professions Code, section 6103.

COUNT SIX

Case No. 15-O-10736
Business and Professions Code, section 6068(o)(3)
[Failure to Report Judicial Sanctions]

7. Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against Respondent by failing to report to the State Bar the \$10,746.36 in sanctions the court imposed on Respondent on or about December 3, 2014 in favor of defendant Ira M. Friedman in connection with a case entitled *Robert Holbrock v. David Pasternak, et al.*, bearing United States District Court, Central District of California case no. CV14-06795, in willful violation of Business and Professions Code section, 6068(o)(3).

COUNT SEVEN

Case No. 15-O-10736
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

8. Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith to do or forbear by failing to comply with the court order, filed on or about January 6, 2015, to pay \$10,647 in monetary sanctions to defendant David Pasternak in a case entitled *Robert Holbrock v. David Pasternak, et al.*, bearing United States District Court,

1 Central District of California case no. CV14-06795, in willful violation of Business and
2 Professions Code, section 6103.

3 COUNT EIGHT

4 Case No. 15-O-10736
5 Business and Professions Code, section 6068(o)(3)
6 [Failure to Report Judicial Sanctions]

7 9. Respondent failed to report to the agency charged with attorney discipline, in
8 writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial
9 sanctions against Respondent by failing to report to the State Bar the \$10,647 in sanctions the
10 court imposed on Respondent on or about January 6, 2015 in favor of defendant David
11 Pasternak in connection with a case entitled *Robert Holbrock v. David Pasternak, et al.*, bearing
12 United States District Court, Central District of California case no. CV14-06795, in willful
13 violation of Business and Professions Code section, 6068(o)(3).

14 COUNT NINE

15 Case No. 15-O-10736
16 Business and Professions Code, section 6103
17 [Failure to Obey a Court Order]

18 10. Respondent disobeyed or violated an order of the court requiring Respondent to do
19 or forbear an act connected with or in the course of Respondent's profession which Respondent
20 ought in good faith to do or forbear by failing to comply with the court order, filed on or about
21 January 6, 2015, to pay \$7,720 in monetary sanctions to Gary Starre, Esq. in a case entitled
22 *Robert Holbrock v. David Pasternak, et al.*, bearing United States District Court, Central
23 District of California case no. CV14-06795, in willful violation of Business and Professions
24 Code, section 6103.

25 COUNT TEN

26 Case No. 15-O-10736
27 Business and Professions Code, section 6068(o)(3)
28 [Failure to Report Judicial Sanctions]

11. Respondent failed to report to the agency charged with attorney discipline, in
writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial
sanctions against Respondent by failing to report to the State Bar the \$7,720 in sanctions the

1 court imposed on Respondent on or about January 6, 2015 in favor of Gary Starre, Esq. in
2 connection with a case entitled *Robert Holbrock v. David Pasternak, et al.*, bearing United
3 States District Court, Central District of California case no. CV14-06795, in willful violation of
4 Business and Professions Code section, 6068(o)(3).

5 COUNT ELEVEN

6 Case No. 15-O-10736
7 Business and Professions Code, section 6103
8 [Failure to Obey a Court Order]

9 12. Respondent disobeyed or violated an order of the court requiring Respondent to do
10 or forbear an act connected with or in the course of Respondent's profession which Respondent
11 ought in good faith to do or forbear by failing to comply with the court order, filed on or about
12 January 8, 2015, to pay \$4,140 in monetary sanctions within 30 days of the order to Ira M.
13 Friedman, Esq. in a case entitled *In re the Marriage of: Katherine Hopkins and Thomas*
14 *Hopkins*, bearing Los Angeles Superior Court case no. BD419266, in willful violation of
15 Business and Professions Code, section 6103.

16 COUNT TWELVE

17 Case No. 15-O-10736
18 Business and Professions Code, section 6068(o)(3)
19 [Failure to Report Judicial Sanctions]

20 13. Respondent failed to report to the agency charged with attorney discipline, in
21 writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial
22 sanctions against Respondent by failing to report to the State Bar the \$4,140 in sanctions the
23 court imposed on Respondent on or about January 8, 2015 in favor of Ira M. Friedman, Esq. in
24 connection with a case entitled *In re the Marriage of: Katherine Hopkins and Thomas Hopkins*,
25 bearing Los Angeles Superior Court case no. BD419266, in willful violation of Business and
26 Professions Code section, 6068(o)(3).

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COUNT THIRTEEN

Case No. 15-O-10736
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

14. Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith to do or forbear by failing to comply with the court order, filed on or about February 2, 2015, to pay \$1,000 in monetary sanctions by on or about February 16, 2015 to the Clerk of the Court in a case entitled *Robert Holbrock v. David Pasternak, et al.*, bearing United States District Court, Central District of California case no. CV14-06795, in willful violation of Business and Professions Code, section 6103.

COUNT FOURTEEN

Case No. 15-O-10736
Business and Professions Code, section 6068(o)(3)
[Failure to Report Judicial Sanctions]

15. Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against Respondent by failing to report to the State Bar the \$1,000 in sanctions the court imposed on Respondent on or about February 2, 2015 in favor of the Clerk of the Court in connection with a case entitled *Robert Holbrock v. David Pasternak, et al.*, bearing United States District Court, Central District of California case no. CV14-06795, in willful violation of Business and Professions Code section, 6068(o)(3).

COUNT FIFTEEN

Case No. 15-O-10736
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

16. Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith to do or forbear by failing to comply with the court order, filed on or about November 3, 2014, to pay \$500 in monetary sanctions by on or about November 17, 2014 to the Clerk of the Court in a case entitled *Robert Holbrock v. David Pasternak, et al.*, bearing United

1 States District Court, Central District of California case no. CV14-06795, in willful violation of
2 Business and Professions Code, section 6103.

3 COUNT SIXTEEN

4 Case No. 15-O-10736
5 Business and Professions Code, section 6103
6 [Failure to Obey a Court Order]

7 17. Respondent disobeyed or violated an order of the court requiring Respondent to do
8 or forbear an act connected with or in the course of Respondent's profession which Respondent
9 ought in good faith to do or forbear by failing to comply with the court order, filed on or about
10 December 3, 2014, to pay \$500 in monetary sanctions by on or about December 29, 2014 to the
11 Clerk of the Court in a case entitled *Robert Holbrock v. David Pasternak, et al.*, bearing United
12 States District Court, Central District of California case no. CV14-06795, in willful violation of
13 Business and Professions Code, section 6103.

14 NOTICE - INACTIVE ENROLLMENT!

15 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
16 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
17 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
18 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
19 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
20 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
21 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
22 RECOMMENDED BY THE COURT.**

23 NOTICE - COST ASSESSMENT!

24 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
25 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
26 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
27 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
28 PROFESSIONS CODE SECTION 6086.10.**

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: November 20, 2015

By: 

ASHOD MOORADIAN
Senior Trial Counsel

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 15-O-10504; 15-O-10736

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))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

- (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.: 7196 9008 9111 1007 8714 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)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy to. Row 1: Joseph Dulles Allen, PO Box 91260 Santa Barbara, CA 93190, 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).

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: November 20, 2015

SIGNED:

Handwritten signature of Charles B. Bagai over a horizontal line.

Charles B. Bagai
Declarant