

1 STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL
2 JAYNE KIM, No. 174614
CHIEF TRIAL COUNSEL
3 JOSEPH R. CARLUCCI, No. 172309
DEPUTY CHIEF TRIAL COUNSEL
4 MIA R. ELLIS, No. 228235
ACTING ASSISTANT CHIEF TRIAL COUNSEL
5 BROOKE A. SCHAFER, No. 194824
SUPERVISING SENIOR TRIAL COUNSEL
6 ANN J. KIM, No. 259222
DEPUTY TRIAL COUNSEL
7 845 South Figueroa Street
Los Angeles, California 90017-2515
8 Telephone: (213) 765-1230

FILED

OCT 22 2015

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

PUBLIC MATTER

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case No. 15-O-10613
14 DONALD WILLIAM MCVAY,)
No. 103882,) 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
AND THE DEFAULT IS SET ASIDE, AND;
- 23 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
24 **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.,**
27 **RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

26 ///

27 ///

28 ///



1 The State Bar of California alleges:

2 JURISDICTION

3 1. Donald William McVay ("respondent") was admitted to the practice of law in the
4 State of California on July 21, 1982, 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. 15-O-10613
8 Rules of Professional Conduct, rule 2-100(A)
9 [Communication with a Represented Party]

10 2. On or about March 10, 2015 and March 11, 2015:

11 A) Respondent represented SD Jet Ski (parent company to Reef Dreams) with
12 respect to a property dispute;

13 B) Respondent knew that Golden Property Management was a party to, and was
14 represented by another lawyer, in the same matter in which respondent represented SD Jet Ski;
15 and

16 C) Respondent communicated with Golden Property Management about the subject
17 of that representation without the consent of Golden Property Management's lawyer, in willful
18 violation of Rules of Professional Conduct, rule 2-100(A).

19 COUNT TWO

20 Case No. 15-O-10613
21 Business and Professions Code section 6068(a)
22 [Failure to Comply With Laws – Unauthorized Practice of Law]

23 3. On or about February 2, 2015, respondent held himself out as entitled to practice law
24 and actually practiced law when respondent was not an active member of the State Bar by
25 drafting and mailing a demand to dismiss a 60-day notice to vacate on behalf of respondent's
26 client, in violation of Business and Professions Code, sections 6125 and 6126, and thereby
27 willfully violated Business and Professions Code, section 6068(a).

28 ///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL



DATED: October 22, 2015

By: _____
Ann J. Kim
Deputy Trial Counsel

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 15-O-10613

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, 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 Los Angeles, 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, Article No.: 9414 7266 9904 2010 0679 24, at Los Angeles, on the date shown below, addressed to:

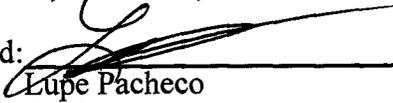
**DONALD WILLIAM McVAY
P.O. BOX 103
RANCHO SANTA FE, CA 92067**

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 Los Angeles, California, on the date shown below.

DATED: October 22, 2015

Signed: 

Lupe Pacheco
Declarant