



PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
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FILED

NOV 20 2015

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

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 14 In the Matter of:) Case Nos. 15-O-10754, 15-O-11980,
 15 JAMES PATRICK STONEMAN II,) 15-O-12218, 15-O-12363, 15-O-12799,
 No. 94523,) 15-O-13004
 16) NOTICE OF DISCIPLINARY CHARGES
 17 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:

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- 22 (1) YOUR DEFAULT WILL BE ENTERED;
- 23 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
- 24 WILL NOT BE PERMITTED TO PRACTICE LAW;
- 25 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
- 26 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
- 27 AND THE DEFAULT IS SET ASIDE, AND;
- 28 (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.

1 The State Bar of California alleges:

2 JURISDICTION

3 1. James Patrick Stoneman II ("respondent") was admitted to the practice of law in the
4 State of California on December 16, 1980, 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. 15-O-10754
8 Rules of Professional Conduct, rule 3-110(A)
9 [Failure to Perform with Competence]

10 2. On or about July 12, 2014, Erika Shin-Kashryama employed Respondent to perform
11 legal services, namely to represent her in a wrongful termination action against CHA Health
12 Systems, Inc., which Respondent intentionally, recklessly, or repeatedly failed to perform with
13 competence, by failing to bring a wrongful termination action against CHA Health Systems, Inc.,
14 or otherwise perform any legal services on behalf of the client in furtherance of the purpose for
15 which he was hired, in willful violation of Rules of Professional Conduct, rule 3-110(A).

16 COUNT TWO

17 Case No. 15-O-10754
18 Business and Professions Code, section 6068(m)
19 [Failure to Respond to Client Inquiries]

20 3. Respondent failed to respond promptly to one telephonic and two written reasonable
21 status inquiries made by Respondent's client, Erika Shin-Kashryama, between on or about
22 December 30, 2014 and on or about January 28, 2015, that Respondent received in a matter in
23 which Respondent had agreed to provide legal services, in willful violation of Business and
24 Professions Code, section 6068(m).

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COUNT THREE

Case No. 15-O-10754
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

4. 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 letters of June 15, 2015 and July 10, 2015, which Respondent received, that requested Respondent’s response to the allegations of misconduct being investigated in case no. 15-O-10754, in willful violation of Business and Professions Code, section 6068(i).

COUNT FOUR

Case No. 15-O-11980
Business and Professions Code, section 6106
[Moral Turpitude – Misrepresentation of MCLE Compliance]

5. On or about June 30, 2014, Respondent falsely reported under the penalty of perjury to the State Bar that Respondent had fully complied with Respondent’s minimum continuing legal education (“MCLE”) requirements for the period of February 1, 2011 to January 31, 2014, when Respondent knew, or was grossly negligent in not knowing, that Respondent had failed to complete the MCLE requirements for that period, and thereby committed an act involving moral turpitude, dishonesty, or corruption in willful violation of Business and Professions Code, section 6106.

COUNT FIVE

Case No. 15-O-11980
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

6. 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 letters of June 15, 2015 and July 7, 2015, which Respondent received, that requested Respondent’s response to the allegations of misconduct being investigated in case no. 15-O-11980, in willful violation of Business and Professions Code, section 6068(i).

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COUNT SIX

Case No. 15-O-12218
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

7. On or about May 20, 2014, Darla Drendel employed Respondent to perform legal services, namely to represent her in negotiating all claims relating to fraudulent authentications of two baseballs against AAU-Drew Max, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, by failing to perform any legal services on behalf of the client in furtherance of the purpose for which he was hired, in willful violation of Rules of Professional Conduct, rule 3-110(A).

COUNT SEVEN

Case No. 15-O-12218
Rules of Professional Conduct, rule 3-700(D)(1)
[Failure to Release File]

8. Respondent failed to release promptly, after termination of Respondent's employment on or about November 16, 2014, to Respondent's client, Darla Drendel, all of the client's papers and property following the client's request for the client's file on November 16, 2014, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

COUNT EIGHT

Case No. 15-O-12218
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

9. On or about May 20, 2014, Respondent received advanced fees of \$2,500 from a client, Darla Drendel, to represent her in negotiating all claims relating to fraudulent authentications of two baseballs against AAU-Drew Max. Respondent failed to perform any legal services for the client in furtherance of the purpose for which he was hired, and therefore has not earned the advanced fees paid. Respondent failed to refund promptly, upon Respondent's termination of employment on or about November 16, 2014 any part of the \$2,500 fee to the client, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

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COUNT NINE

Case No. 15-O-12218
Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

10. On or about May 20, 2014, Respondent received from Respondent's client, Darla Drendel, the sum of \$2,500 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds following upon the termination of Respondent's employment on or about November 16, 2014, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT TEN

Case No. 15-O-12218
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

11. Respondent failed to respond promptly to multiple telephonic reasonable status inquiries made by Respondent's client, Darla Drendel, between in or about October 2014 to in or about November 16, 2014, that Respondent received in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

COUNT ELEVEN

Case No. 15-O-12218
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

12. 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 letters of August 12, 2015 and August 27, 2015, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 15-O-12218, in willful violation of Business and Professions Code, section 6068(i).

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COUNT TWELVE

Case No. 15-O-12363
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

13. On or about August 19, 2014, Erasto Badillo employed Respondent to perform legal services, namely to represent him for disability discrimination, age discrimination, and related claims against Cacique, Inc., which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, by failing to perform any legal services on behalf of the client in furtherance of the purpose for which he was hired and by effectively abandoning the client by in or about March 2015, in willful violation of Rules of Professional Conduct, rule 3-110(A).

COUNT THIRTEEN

Case No. 15-O-12363
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

14. On or about August 19, 2014, Respondent received advanced fees of \$5,000 from a client, Erasto Badillo, to represent him for disability discrimination, age discrimination, and related claims against Cacique, Inc. Respondent failed to perform any legal services for the client in furtherance of the purpose for which he was hired, and therefore has not earned the advanced fees paid. Respondent failed to refund promptly, upon Respondent's constructive termination of employment in or about March 2015 any part of the \$5,000 fee to the client, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

COUNT FOURTEEN

Case No. 15-O-12363
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

15. Respondent failed to respond promptly to approximately 15 telephonic and three written reasonable status inquiries made by Respondent's client, Erasto Badillo, between September 26, 2014 and January 22, 2015, that Respondent received in a matter in which

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1 Respondent had agreed to provide legal services, in willful violation of Business and Professions
2 Code, section 6068(m).

3 COUNT FIFTEEN

4 Case No. 15-O-12363
5 Business and Professions Code, section 6068(i)
6 [Failure to Cooperate in State Bar Investigation]

7 16. Respondent failed to cooperate and participate in a disciplinary investigation pending
8 against Respondent by failing to provide a substantive response to the State Bar's letters of
9 August 12, 2015 and August 27, 2015, which Respondent received, that requested Respondent's
10 response to the allegations of misconduct being investigated in case no. 15-O-12363, in willful
11 violation of Business and Professions Code, section 6068(i).

12 COUNT SIXTEEN

13 Case No. 15-O-12799
14 Rules of Professional Conduct, rule 3-110(A)
15 [Failure to Perform with Competence]

16 17. On or about July 17, 2014, Musa Ntshingila employed Respondent to perform legal
17 services, namely to negotiate with the Equal Employment Opportunity Commission and, if
18 necessary, represent the client at any evidentiary hearing resulting from the client's Equal
19 Employment Opportunity Commission claim, which Respondent intentionally, recklessly, or
20 repeatedly failed to perform with competence, by failing to perform any legal services on behalf
21 of the client in furtherance of the purpose for which he was hired and by effectively abandoning
22 the client by in or about February 2015, in willful violation of Rules of Professional Conduct,
23 rule 3-110(A).

24 COUNT SEVENTEEN

25 Case No. 15-O-12799
26 Rules of Professional Conduct, rule 3-700(D)(2)
27 [Failure to Refund Unearned Fees]

28 18. On or about July 17, 2014, Respondent received advanced fees of \$3,000 from a
client, Musa Ntshingila to negotiate with the Equal Employment Opportunity Commission and,

1 if necessary, represent the client at any evidentiary hearing resulting from the client's Equal
2 Employment Opportunity Commission claim. Respondent failed to perform any legal services
3 for the client in furtherance of the purpose for which he was hired, and therefore has not earned
4 the advanced fees paid. Respondent failed to refund promptly, upon Respondent's constructive
5 termination of employment in or about February 2015 any part of the \$3,000 fee to the client, in
6 willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

7 COUNT EIGHTEEN

8 Case No. 15-O-12799
9 Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

10 19. Respondent failed to respond promptly to multiple telephonic reasonable status
11 inquiries made by Respondent's client, Musa Ntshingila, between in or about August 2014 and
12 February 2014 that Respondent received in a matter in which Respondent had agreed to provide
13 legal services, in willful violation of Business and Professions Code, section 6068(m).

14 COUNT NINETEEN

15 Case No. 15-O-12799
16 Business and Professions Code, section 6068(i)
17 [Failure to Cooperate in State Bar Investigation]

18 20. Respondent failed to cooperate and participate in a disciplinary investigation pending
19 against Respondent by failing to provide a substantive response to the State Bar's letters of
20 August 12, 2015 and August 27, 2015, which Respondent received, that requested Respondent's
21 response to the allegations of misconduct being investigated in case no. 15-O-12799, in willful
22 violation of Business and Professions Code, section 6068(i).

23 COUNT TWENTY

24 Case No. 15-O-13004
25 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

26 21. On or about August 5, 2014, Lisa Staley employed Respondent to perform legal
27 services, namely to obtain an agreement for pre-litigation mediation, and if that failed, to pursue
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1 litigation and/or arbitration against Vavoulis, Weiner & McNulty, LLC, which Respondent
2 intentionally, recklessly, or repeatedly failed to perform with competence, by failing to perform
3 any legal services on behalf of the client in furtherance of the purpose for which he was hired, in
4 willful violation of Rules of Professional Conduct, rule 3-110(A).

5 COUNT TWENTY-ONE

6 Case No. 15-O-13004
7 Rules of Professional Conduct, rule 3-700(D)(1)
8 [Failure to Release File]

9 22. Respondent failed to release promptly, after termination of Respondent's employment
10 on or about October 20, 2014, to Respondent's client, Lisa Staley, all of the client's papers and
11 property following the client's request for the client's file on November 13, 2014, November 25,
12 2014, January 12, 2015, February 13, 2014, and March 6, 2015, in willful violation of Rules of
13 Professional Conduct, rule 3-700(D)(1).

14 COUNT TWENTY-TWO

15 Case No. 15-O-13004
16 Rules of Professional Conduct, rule 3-700(D)(2)
17 [Failure to Refund Unearned Fees]

18 23. On or about August 5, 2014, Respondent received advanced fees of \$3,500 from a
19 client, Lisa Staley, to obtain an agreement for pre-litigation mediation, and if that fails, pursue
20 litigation and/or arbitration against Vavoulis, Weiner & McNulty, LLC. Respondent failed to
21 perform any legal services for the client in furtherance of the purpose for which he was hired,
22 and therefore has not earned the advanced fees paid. Respondent failed to refund promptly, upon
23 Respondent's termination of employment on or about October 20, 2014 any part of the \$3,500
24 fee to the client, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

25 COUNT TWENTY-THREE

26 Case No. 15-O-13004
27 Rules of Professional Conduct, rule 4-100(B)(3)
28 [Failure to Render Accounts of Client Funds]

29 24. On or about August 5, 2014, Respondent received from Respondent's client, Lisa
30 Staley, the sum of \$3,500 as advanced fees for legal services to be performed. Respondent

1 thereafter failed to render an appropriate accounting to the client regarding those funds following
2 upon the termination of Respondent's employment on or about October 20, 2015, in willful
3 violation of the Rules of Professional Conduct, rule 4-100(B)(3).

4 COUNT TWENTY-FOUR

5 Case No. 15-O-13004
6 Business and Professions Code, section 6068(m)
7 [Failure to Respond to Client Inquiries]

8 25. Respondent failed to respond promptly to telephonic and written reasonable status
9 inquiries made by Respondent's client, Lisa Staley, between on or about October , 2015 and
10 October 20, 2015, that Respondent received in a matter in which Respondent had agreed to
11 provide legal services, in willful violation of Business and Professions Code, section 6068(m).

12 COUNT TWENTY-FIVE

13 Case No. 15-O-13004
14 Business and Professions Code, section 6068(i)
15 [Failure to Cooperate in State Bar Investigation]

16 26. Respondent failed to cooperate and participate in a disciplinary investigation pending
17 against Respondent by failing to provide a substantive response to the State Bar's letters of
18 August 12, 2015 and August 27, 2015, which Respondent received, that requested Respondent's
19 response to the allegations of misconduct being investigated in case no. 15-O-13004, in willful
20 violation of Business and Professions Code, section 6068(i).

21 NOTICE - INACTIVE ENROLLMENT!

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

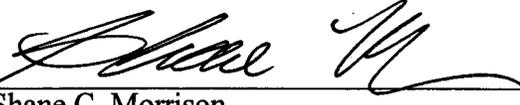
DATED: November 20, 2015

By:


Lara Bairamian
Senior Trial Counsel

DATED: November 20, 2015

By:


Shane C. Morrison
Deputy Trial Counsel

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DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 15-O-10754, 15-O-11980, 15-O-12218, 15-O-12363, 15-O-12799, 15-O-13004

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.: 9414 7266 9904 2010 0676 96 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: JAMES PATRICK STONEMAN II, 100 W Foothill Blvd Claremont, CA 91711, 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 C. Bagai over a horizontal line, with the name 'Charles C. Bagai Declarant' printed below.