

PUBLIC MATTER

FILED

SEP 17 2015

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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. 15-O-12312
14 JULIA PATRICIA GIBBS,)	
15 No. 102072,)	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.

The State Bar of California alleges:



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JURISDICTION

1. JULIA PATRICIA GIBBS ("respondent") was admitted to the practice of law in the State of California on December 1, 1981, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE

Case No. 15-O-12312
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

2. In or about June 2009, Daniel Walker employed respondent to perform legal services, namely to handle a bankruptcy, which respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by failing to prepare or file a bankruptcy petition on Walker's behalf.

COUNT TWO

Case No. 15-O-12312
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

3. In or about June 2009, respondent received advanced fees of \$3,000 from a client, Daniel Walker, to handle a bankruptcy. Respondent failed to prepare or file a bankruptcy petition, or perform any legal services for the client, and therefore earned none of the advanced fees paid. Respondent failed to refund promptly, upon respondent's termination of employment on or about December 19, 2014, any part of the \$3,000 fee to the client, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

COUNT THREE

Case No. 15-O-12312
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

4. Respondent failed to respond promptly to several telephone calls and at least three written reasonable status inquiries made by respondent's client, Daniel Walker, between February 24, 2011 and December 19, 2014, that respondent received in a matter in which

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

3 COUNT FOUR

4 Case No. 15-O-12312
5 Business and Professions Code, section 6068(i)
6 [Failure to Cooperate in State Bar Investigation]

7 5. Respondent failed to cooperate and participate in a disciplinary investigation
8 pending against respondent by failing to provide a substantive response to the State Bar's
9 letters of July 16, 2015 and July 31, 2015, which respondent received, that requested
10 respondent's response to the allegations of misconduct being investigated in case no. 15-O-
11 12312, in willful violation of Business and Professions Code, section 6068(i).

12 COUNT FIVE

13 Case No. 15-O-12312
14 Business and Professions Code, section 6068(k)
15 [Failure to Comply with Conditions of Probation]

16 6. Respondent failed to comply with conditions attached to respondent's disciplinary
17 probation in State Bar Case no. 09-O-16661, in willful violation of Business and Professions
18 Code, section 6068(k), by failing to comply with the provisions of the State Bar Act and Rules
19 of Professional Conduct.

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 THE
25 PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE
26 MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD
27 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

DATE: September 16, 2015

By:

Esther J. Rogers
ESTHER J. ROGERS
Senior 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-12312

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, 180 Howard Street, San Francisco, California 94105, 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 San Francisco, 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 2042 4853 52 at San Francisco, 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 via regular mail to:
Row 1: Julia P. Gibbs, Law Offices of Julia P. Gibbs, 2443 Fair Oaks Blvd. PMB 500 Sacramento, CA 95825, 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 San Francisco, California, on the date shown below.

DATED: September 17, 2015

SIGNED:

Dawn Williams
Dawn Williams
Declarant