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FILED

JAN 06 2016

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

PUBLIC MATTER

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of: EDWARD WILLIAM PACHECO, No. 91903, A Member of the State Bar	Case Nos. 15-O-12690 15-O-13748 NOTICE OF DISCIPLINARY CHARGES

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. Edward William Pacheco ("respondent") was admitted to the practice of law in the State of California on May 30, 1980, 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-12690
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

2. In or about May 2014, Laura Nunez employed respondent to perform legal services, namely legal representation in a Chapter 7 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 the following:

A) filing a bankruptcy petition on behalf of the client under Chapter 7 instead of Chapter 13 on or about August 11, 2014, when the client had an equity interest in her residential property;

B) filing an incomplete in pro per Chapter bankruptcy petition on behalf of the client on or about August 11, 2014;

C) not appearing at a meeting of creditors on behalf of the client on or about September 18, 2014, as agreed with the client;

D) filing an incomplete in pro per amended bankruptcy petition on behalf of the client or about September 26, 2014;

E) not requesting additional time pursuant to 11 U.S.C. §521(i)(3) on behalf of the client to provide the information and/or documents to complete the bankruptcy petition; and

F) allowing the bankruptcy petition to be dismissed due to an incomplete bankruptcy petition on September 26, 2014.

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COUNT TWO

Case No. 15-O-12690
Business and Professions Code, section 6068(d)
[Seeking to Mislead a Judge]

3. On or about August 11, 2014, respondent prepared and filed an in pro per Chapter 7 bankruptcy petition on behalf of his client, Laura Nunez, in the United States Bankruptcy Court, Central District of California, case no. 6:14-bk-20185-SY, in which respondent failed to include Official Form B203 (Disclosure of Compensation of Attorney for Debtor) and failed to disclose and concealed that he had received compensation of $1,700 from the client to prepare the petition, as required by the rules of the bankruptcy court, when respondent knew that he had received compensation from the client to prepare the bankruptcy petition and when respondent knew that he failed to disclose this material fact to the bankruptcy court, and thereby sought to mislead the judge or judicial officer by an artifice or false statement of fact, in willful violation of Business and Professions Code section 6068(d).

COUNT THREE

Case No. 15-O-12690
Business and Professions Code, section 6106
[Moral Turpitude – Misrepresentation/Concealment]

4. On or about August 11, 2014, respondent prepared and filed an in pro per Chapter 7 bankruptcy petition on behalf of his client, Laura Nunez, in the United States Bankruptcy Court, Central District of California, case no. 6:14-bk-20185-SY, in which respondent failed to include Form B203 (Disclosure of Compensation of Attorney for Debtor) and failed to disclose and concealed that he had received compensation of $1,700 from the client to prepare the petition, as required by the rules of the bankruptcy court, when respondent knew or was grossly negligent in not knowing that that he had received compensation from the client to prepare the bankruptcy petition and when respondent knew that he failed to disclose this material fact to the bankruptcy court, and thereby represented and attempted to mislead the court that the client had not paid any compensation to an attorney to prepare the bankruptcy petition, when respondent knew or was grossly negligent in not knowing the statement was false, and thereby committed an act

involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

COUNT FOUR

Case No. 15-O-12690
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

5. Respondent failed to respond promptly to six telephonic reasonable status inquiries made on behalf of respondent's client, Laura Nunez, by the client's authorized agent, Maria Teresa Vasquez, on October 23, 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 FIVE

Case No. 15-O-12690
Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

6. Between on or about May 20, 2014 and June 14, 2014, respondent received from respondent's client, Laura Nunez, the sum of $1,700 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds upon the client's written request for a full refund of the $1,700 in advanced fees and termination of respondent's employment on or about October 24, 2014, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT SIX

Case No. 15-O-12690
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

7. Between on or about May 20, 2014 and June 14, 2014, respondent received advanced fees of $1,700 from a client, Laura Nunez, to obtain a discharge of the client's debt via a Chapter 7 bankruptcy petition. Respondent did not earn the $1,700 advanced fee, as respondent filed an incomplete bankruptcy petition on behalf of the client and consequently, the court dismissed the

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bankruptcy petition due to the incompleteness of the petition without a discharge of the client's debt. Respondent failed to refund promptly, upon respondent's termination of employment on or about October 24, 2014 any part of the $1,700 fee, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

COUNT SEVEN

Case No. 15-O-13748
Business and Professions Code, section 6068(a)
[Failure to Comply With Laws – Unauthorized Practice of Law]

8. On or about July 31, 2015, respondent held himself out as entitled to practice law and actually practiced law when respondent was not an active member of the State Bar of California by appearing in court on behalf of and representing Ruben Navarro at a hearing on an order to show cause re: default in the matter entitled, *Los Angeles County v. Ruben Navarro, et al.*, Los Angeles County Superior Court case no. BC550482, in violation of Business and Professions Code sections 6125 and 6126, and thereby willfully violated Business and Professions Code section 6068(a).

COUNT EIGHT

Case No. 15-O-13748
Business and Professions Code, section 6068(d)
[Seeking to Mislead a Judge]

9. On or about July 31, 2015, respondent appeared in court on behalf of and representing Ruben Navarro at a hearing on an order to show cause re: default in the matter entitled, *Los Angeles County v. Ruben Navarro, et al.*, Los Angeles County Superior Court case no. BC550482, when respondent was not entitled to practice law for non-payment of State Bar membership fees, and thereby falsely held himself out as entitled to practice law to the judge when respondent knew, or was grossly negligent in not knowing, that respondent was not an active member of the State Bar of California, and thereby sought to mislead the judge or judicial officer by an artifice or false statement of fact, in willful violation of Business and Professions Code section 6068(d).

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COUNT NINE

Case No. 15-O-13748
Business and Professions Code, section 6106
[Moral Turpitude]

10. On or about July 31, 2015, respondent falsely held himself out to the court and to Ruben Navarro that he was entitled to practice law and actually practiced law when respondent knew, or was grossly negligent in not knowing, that respondent was not an active member of the State Bar of California by appearing in court on behalf of and representing Ruben Navarro at a hearing on an order to show cause re: default in the matter entitled, *Los Angeles County v. Ruben Navarro, et al.*, Los Angeles County Superior Court case no. BC550482, and thereby committed an act involving moral turpitude, dishonesty or corruption, in willful violation of Business and Professions Code section 6106.

COUNT TEN

Case No. 15-O-13748
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

11. 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 September 9, 2015 and October 23, 2015, which respondent received, that requested respondent's response to the allegations of misconduct being investigated in case no. 15-O-13748, 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.

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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: January 6, 2016

By: _____
Diane J. Meyers
Deputy Trial Counsel

DECLARATION OF SERVICE

CASE NUMBER(s): **15-O-12690; 15-O-13748**

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))**

- 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.

☐ **By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))**

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ('UPS').

☐ **By Fax Transmission: (CCP §§ 1013(e) and 1013(f))**

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

☐ **By Electronic Service: (CCP § 1010.6)**

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ *(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 0692 18 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)*

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
EDWARD WILLIAM PACHECO	PACHECO & ASSOCIATES 5410 E. BEVERLY BLVD., #100 LOS ANGELES, CA 90022	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'). 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, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

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: January 6, 2016

SIGNED: Sandra Jones
SANDRA JONES
Declarant