

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
 2 OFFICE OF CHIEF TRIAL COUNSEL
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FILED

NOV 24 2015
 STATE BAR COURT
 CLERK'S OFFICE
 LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case No. 15-O-12694
 14 FRANCIS JOSEPH O'KANE, JR.,) NOTICE OF DISCIPLINARY CHARGES
 15 No. 137370,)
 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.

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The State Bar of California alleges:

JURISDICTION

1. Francis Joseph O'Kane, Jr. ("respondent") was admitted to the practice of law in the State of California on December 7, 1988, 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-12694
Rules of Professional Conduct, rule 4-100(A)
[Failure to Maintain Client Funds in Trust Account]

2. On or about December 10, 2014, respondent received on behalf of respondent's client, Pearl Henderson, a settlement check from Marriott Claims Services made payable to respondent and Ms. Henderson in the sum of \$35,000.00. On or about January 16, 2015, respondent deposited \$35,000.00 into respondent's client trust account at City National Bank, XXXXX1056, on behalf of the client. Of this sum, the client and medical provider were entitled to \$18,938.93. Respondent failed to maintain a balance of \$18,938.93, on behalf of the client and medical provider in respondent's client trust account, in willful violation of Rules of Professional Conduct, rule 4-100(A).

COUNT TWO

Case No. 15-O-12694
Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

3. On or about December 10, 2014, respondent received on behalf of respondent's client, Pearl Henderson, a settlement check from Marriott Claims Services made payable to respondent and Ms. Henderson in the sum of \$35,000.00. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds following the client's request for such accounting on or about February 11, 2015, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

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COUNT THREE

Case No. 15-O-12694
Rules of Professional Conduct, rule 4-100(B)(4)
[Failure to Pay Client Funds Promptly]

4. On or about December 10, 2014, respondent received on behalf of respondent's client, Pearl Henderson, a settlement check from Marriott Claims Services made payable to respondent and Ms. Henderson in the sum of \$35,000.00. On or about February 11, 2015, the client requested that respondent pay her medical provider pursuant to lien, which respondent failed to do until on or about July 17, 2015, when respondent issued a check to the client's medical provider. Respondent failed to pay promptly, as requested by respondent's client, any portion of the \$35,000.00 in respondent's possession in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).

COUNT FOUR

Case No. 15-O-12694
Business and Professions Code section 6068(m)
[Failure to Respond to Client Inquiries]

5. Respondent failed to respond promptly to several telephonic and two written reasonable status inquiries made by respondent's client, Pearl Henderson, between on or about February 11, 2015, and April 3, 2015, 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-12694
Business and Professions Code section 6106
[Moral Turpitude - Misappropriation]

6. On or about December 10, 2014, respondent received on behalf of respondent's client, Pearl Henderson, a settlement check from Marriott Claims Services made payable to respondent and Ms. Henderson in the sum of \$35,000.00. On or about January 16, 2015, respondent deposited \$35,000.00 into respondent's client trust account at City National Bank, XXXXX1056, on behalf of the client. Between on or about March 27, 2015 and June 22, 2015,

1 respondent dishonestly or grossly negligently misappropriated for respondent's own purposes
2 \$5,058.43 that respondent's client and the medical provider were entitled to receive, and thereby
3 committed an act or acts involving moral turpitude, dishonesty or corruption in willful violation
4 of Business and Professions Code section 6106.

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6 **NOTICE - INACTIVE ENROLLMENT!**

7 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
8 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**
9 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**
10 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**
11 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**
12 **INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**
13 **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**
14 **RECOMMENDED BY THE COURT.**

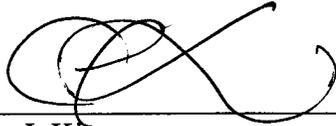
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16 **NOTICE - COST ASSESSMENT!**

17 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC**
18 **DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS**
19 **INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING**
20 **AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND**
21 **PROFESSIONS CODE SECTION 6086.10.**

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23 Respectfully submitted,

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25 THE STATE BAR OF CALIFORNIA
26 OFFICE OF CHIEF TRIAL COUNSEL

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28 DATED: November 24, 2015

By: 

Ann J. Kim
Deputy Trial Counsel

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DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 15-O-12694

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.: 7196 9008 9111 1007 8172, at Los Angeles, on the date shown below, addressed to:

**Francis Joseph O'Kane
3500 W Olive Ave., Ste. 300
Burbank, CA 91505**

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: November 24, 2015

Signed: 
Lupe Pacheco
Declarant