

PUBLIC MATTER

FILED

JAN 25 2016

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of:) Case No. 15-O-12905
13)
14 RICHARD ROGER HURLEY)
15 No. 183440,) NOTICE OF DISCIPLINARY CHARGES
16)
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:**

- (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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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Respondent Richard Roger Hurley was admitted to the practice of law in the State
4 of California on July 29, 1996, 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-12905
8 Rule of Professional Conduct 3-110(A)
9 [Failure to Perform with Competence]

10 2. In or about March 2015, Colby Goldschmied employed Respondent to perform
11 legal services, namely to represent him in a criminal matter in San Diego Superior Court,
12 *People v. Colby Goldschmied*, case no. CN341983, which Respondent intentionally,
13 recklessly, or repeatedly failed to perform with competence, in wilful violation of Rule of
14 Professional Conduct 3-110(A), by:

- 15 a. Failing to appear at an April 17, 2015 hearing; and
16 b. Failing to appear at a May 1, 2015 hearing after being ordered to appear at the
17 May 1, 2015 hearing.

18 COUNT TWO

19 Case No. 15-O-12905
20 Business and Professions Code section 6103
21 [Failure to Obey a Court Order]

22 3. Respondent disobeyed or violated an order of the court requiring Respondent to
23 do or forbear an act connected with, or in the course of Respondent's profession which
24 Respondent ought in good faith do or forbear, by failing to comply with the April 17, 2015
25 court order in San Diego County Superior Court case no. CN341983 entitled *People v.*
26 *Goldschmied*, which required him to appear on May 1, 2015, and where Respondent
27 thereafter failed to appear at the May 1, 2015 hearing, in wilful violation of Business and
28 Professions Code section 6103.

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NOTICE - INACTIVE ENROLLMENT!

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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.

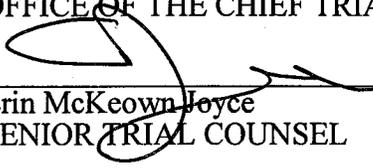
NOTICE - COST ASSESSMENT!

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 THE CHIEF TRIAL COUNSEL

DATED: January 25, 2016

By: 

Erin McKeown Joyce
SENIOR TRIAL COUNSEL

DECLARATION OF SERVICE

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

CASE NUMBER(s): 15-O-12905

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, CA 90017-2515, 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))
- 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.

[X] By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

[] 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)

[X] (for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,
Article No.: 71969008911110079827 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: Richard R. Hurley, Law Offices of Richard R. Hurley, 611 W Civic Center Dr Ste 206, Santa Ana, CA 92701, 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 25, 2016

SIGNED:

JULI FINNILA
Declarant