

PUBLIC MATTER

FILED

DEC 04 2015

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

1 STATE BAR OF CALIFORNIA
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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case No. 15-O-12919
 14 CHUKWUDUM NDUBUISI EMENIKE,)
 15 No. 194873,) 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. CHUKWUDUM NDUBUISI EMENIKE ("respondent") was admitted to the practice of law in the State of California on May 14, 1998, 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-12919
Business and Professions Code, section 6106
[Moral Turpitude - Misappropriation]

2. On or about November 25, 2014, respondent received on behalf of respondent's client, Daniel Chavez, a settlement check from IAP Worldwide Services, Inc. made payable to Emenike Law Firm Client Trust Account in the sum of \$33,842.64. On or about November 26, 2014, respondent deposited the \$33,842.64 settlement check into respondent's client trust account at Bank of America, xxxx xxxx 1114¹ on behalf of the client. On or about December 2, 2014, respondent received on behalf of respondent's client, Daniel Chavez, a settlement check from National Union Fire Insurance Co. of Pittsburgh made payable to Emenike Law Firm Client Trust in the sum of \$199,657.36. On or about December 6, 2014, respondent deposited the \$199,657.36 settlement check into respondent's client trust account at Bank of America, xxxx xxxx 1114 on behalf of the client. Between on or about December 1, 2014, and February 5, 2015, respondent dishonestly or grossly negligently misappropriated for respondent's own purposes \$139,985.48 that respondent's client, was entitled to receive, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT TWO

Case No. 15-O-12919
Rules of Professional Conduct, rule 4-100(A)
[Failure to Maintain Client Funds in Trust Account]

3. On or about November 25, 2014, respondent received on behalf of respondent's client, Daniel Chavez, a settlement check from IAP Worldwide Services, Inc. made payable to Emenike Law Firm Client Trust Account in the sum of \$33,842.64. On or about November 26,

¹ The complete account number has been omitted for privacy purposes.

1 2014, respondent deposited the \$33,842.64 settlement check into respondent's client trust
2 account at Bank of America, xxxx xxxx 1114 on behalf of the client. On or about December 2,
3 2014, respondent received on behalf of respondent's client, Daniel Chavez, a settlement check
4 from National Union Fire Insurance Co. of Pittsburgh made payable to Emenike Law Firm
5 Client Trust in the sum of \$199,657.36. On or about December 6, 2014, respondent deposited
6 the \$199,657.36 settlement check into respondent's client trust account at Bank of America,
7 xxxx xxxx 1114 on behalf of the client. Of these two settlement checks, the client was entitled to
8 \$140,100.00, which respondent was required to maintain in his client trust account on behalf of
9 the client. Respondent failed to maintain a balance of \$140,100.00 on behalf of the client in
10 respondent's client trust account, in willful violation of Rules of Professional Conduct, rule 4-
11 100(A).

12 COUNT THREE

13 Case No. 15-O-12919
14 Business and Professions Code, section 6068(i)
15 [Failure to Cooperate in State Bar Investigation]

16 4. 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 June
18 24, 2015 and August 17, 2015, which respondent received, that requested respondent's response
19 to the allegations of misconduct being investigated in Case No. 15-O-12919, in willful violation
20 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**

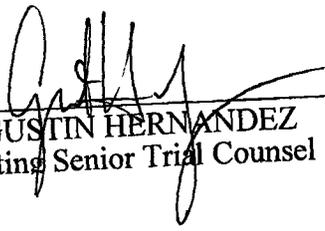
1 **AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND**
2 **PROFESSIONS CODE SECTION 6086.10.**

3 Respectfully submitted.

4 THE STATE BAR OF CALIFORNIA
5 OFFICE OF CHIEF TRIAL COUNSEL

6 DATED: December 4, 2015

7 By: _____

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9 AGUSTIN HERNANDEZ
10 Acting 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-12919

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.: 7196 9008 9111 1007 9650 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: Edward O. Lear, Century Law Group LLP, 5200 W Century Blvd #345, Los Angeles, CA 90045, 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: December 4, 2015

SIGNED:

Handwritten signature of Kim Wimbish and printed name KIM WIMBISH, Declarant.