

OCT 29 2015

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SAN FRANCISCO

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STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

13 In the Matter of:) Case No. 15-O-13130
14 TIMOTHY BROOKS BALCOM,)
15 No. 190496,) NOTICE OF DISCIPLINARY CHARGES
16 A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

19 IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
20 WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
21 THE STATE BAR COURT TRIAL:

- 22 (1) YOUR DEFAULT WILL BE ENTERED;
- 23 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
24 WILL NOT BE PERMITTED TO PRACTICE LAW;
- 25 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
26 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
27 AND THE DEFAULT IS SET ASIDE, AND;
- 28 (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. Timothy Brooks Balcom ("respondent") was admitted to the practice of law in the State of California on November 24, 1997, 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-13130
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

2. On or about October 2014, Lara Shotts employed respondent to perform legal services, namely defend her in a criminal case in Placer County Superior Court, case no. 62-133569, 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 appear at a hearing on or about February 23, 2015, which resulted in a bench warrant being issued for the client's arrest.

COUNT TWO

Case No. 15-O-13130
Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

3. Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to respondent's client, Lara Shotts, by constructively terminating respondent's employment March 5, 2015, by failing to take any action on the client's behalf after failing to appear at a hearing in the client's criminal matter on February 23, 2015, and thereafter failing to inform the client that respondent was withdrawing from employment, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

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COUNT THREE

Case No. 15-O-13130
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

4. On or about October 2014, Respondent received advanced fees of \$5,000 from a client, Lara Shotts, to defend her in a criminal matter. Respondent failed to appear at a hearing in the criminal matter on February 23, 2015, 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 March 5, 2015, any part of the \$5,000 fee to the client, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

COUNT FOUR

Case No. 15-O-13130
Business and Professions Code, section 6068(m)
[Failure to Inform Client of Significant Development]

5. Respondent failed to keep Respondent's client, Lara Shotts, reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m), by failing to inform the client of the following:

- a. That respondent was suspended from the practice of law effective January 5, 2015, for failing to pass the MPRE; and
- b. That respondent would not be eligible to appear on the client's behalf at a hearing on February 23, 2015, and, in fact, did not appear, which resulted in a bench warrant being issued for the client's arrest.

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COUNT FIVE

Case No. 15-O-13130
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

6. 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 letter of July 6, 2015, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 15-O-13130, 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.

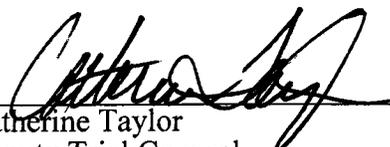
NOTICE - COST ASSESSMENT!

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: October 29, 2015

By: 

Catherine Taylor
Deputy Trial Counsel

DECLARATION OF SERVICE
BY CERTIFIED AND REGULAR MAIL

CASE NO.: 15-O-13130

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, 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 San Francisco, 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*, and in an additional sealed envelope as *regular mail*, at San Francisco, on the date shown below, addressed to:

Article No.: 9414 7266 9904 2011 9761 19

Timothy B. Balcom
BALCOM & ASSOCIATES
229 Vernon Street
Roseville, CA 95678

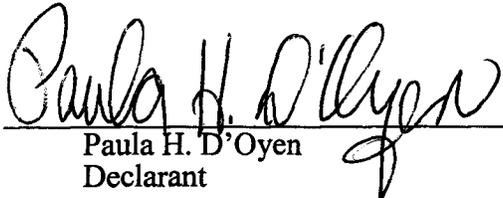
in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

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 San Francisco, California, on the date shown below.

DATED: October 29, 2015

Signed:


Paula H. D'Oyen
Declarant