

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL
2 JAYNE KIM, No. 174614
CHIEF TRIAL COUNSEL
3 JOSEPH R. CARLUCCI, No. 172309
DEPUTY CHIEF TRIAL COUNSEL
4 MELANIE J. LAWRENCE, No. 230102
ASSISTANT CHIEF TRIAL COUNSEL
5 RIZAMARI C. SITTON, No. 138319
SUPERVISING SENIOR TRIAL COUNSEL
6 KIMBERLY G. ANDERSON, No. 150359
SENIOR TRIAL COUNSEL
7 845 South Figueroa Street
Los Angeles, California 90017-2515
8 Telephone: (213) 765-1083

FILED
MAR 15 2016
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

10 STATE BAR COURT
11 HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case No. 15-O-13353
14 JAMES HSIAOSHENG LI,)
No. 176662,) NOTICE OF DISCIPLINARY CHARGES
15)
16 A Member of the State Bar)

17 **NOTICE - FAILURE TO RESPOND!**

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

- 20 (1) **YOUR DEFAULT WILL BE ENTERED;**
- 21 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
WILL NOT BE PERMITTED TO PRACTICE LAW;
- 22 (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;
- 23 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
24 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
25 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**
26 **ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**
27 **FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,**
28 **RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**



1 The State Bar of California alleges:

2 JURISDICTION

3 1. JAMES HSIAOSHENG LI ("Respondent") was admitted to the practice of law in the
4 State of California on June 12, 1995, 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-13353
8 Business and Professions Code, section 6068(c)
[Maintaining an Unjust Action]

9 2. Between on or about May 21, 2014 and on or about October 27, 2014, Respondent
10 failed to counsel or maintain such action, proceedings, or defenses only as appear to Respondent
11 legal or just by filing on behalf of himself and/or his sister Poshan Li three motions (on or about
12 May 21, 2014, July 16, 2014 and October 27, 2014) to set aside a superior court's July 24, 2012
13 order granting a motion for reconveyance of five deeds of trust and ordering the court clerk to
14 issue reconveyance of the deeds of trust in the case entitled *Cindy Kin Mi Tsui v. Michael Kin*
15 *Wing Chui*, Los Angeles Superior Court Case No. GC038906 which motions were frivolous,
16 without merit, prosecuted for improper purpose and for purpose of delay, in willful violation of
17 Business and Professions Code, section 6068(c).

18 COUNT TWO

19 Case No. 15-O-13353
20 Business and Professions Code, section 6068(g)
[Encouraging an Unjust Action]

21 3. Between on or about May 21, 2014 and on or about October 27, 2014, Respondent
22 encouraged the commencement and continuance of an unjust action wilfully from a corrupt
23 motive of passion or interest by filing on behalf of himself and/or his sister Poshan Li three
24 motions (on or about May 21, 2014, July 16, 2014 and October 27, 2014) to set aside a superior
25 court's July 24, 2012 order granting a motion for reconveyance of five deeds of trust and
26 ordering the court clerk to issue reconveyance of the deeds of trust in the case entitled *Cindy Kin*
27 *Mi Tsui v. Michael Kin Wing Chui*, Los Angeles Superior Court Case No. GC038906, with the
28

1 corrupt purpose of harassing and interfering with the property rights of David Zhang in real
2 property located at 9333 Guess Street, Rosemead, California in willful violation of Business and
3 Professions Code section 6068(g).

4 COUNT THREE

5 Case No. 15-O-13353
6 Business and Professions Code, section 6068(c)
7 [Maintaining an Unjust Action]

8 4. On or about December 12, 2014, Respondent failed to counsel or maintain such
9 action, proceedings, or defenses only as appear to Respondent legal or just by filing on behalf of
10 himself a cross-complaint for declaratory relief against David Zhang seeking to declare as void a
11 superior court's July 24, 2012 order granting a motion for reconveyance of five deeds of trust
12 and ordering the court clerk to issue reconveyance of the deeds of trust in the case entitled *Cindy*
13 *Kin Mi Tsui v. Michael Kin Wing Chui*, Los Angeles Superior Court Case No. GC038906 the
14 cross-complaint was frivolous, without merit, prosecuted for improper purpose and for purpose
15 of delay, in willful violation of Business and Professions Code, section 6068(c).

16 COUNT FOUR

17 Case No. 15-O-13353
18 Business and Professions Code, section 6068(g)
19 [Encouraging an Unjust Action]

20 5. On or about December 12, 2014, Respondent encouraged the commencement and
21 continuance of an unjust action wilfully from a corrupt motive of passion or interest by filing on
22 behalf of himself a cross-complaint for declaratory relief against David Zhang seeking to declare
23 as void the court's July 24, 2012 order granting a motion for reconveyance of five deeds of trust
24 and ordering the court clerk to issue reconveyance of the deeds of trust in the case entitled *Cindy*
25 *Kin Mi Tsui v. Michael Kin Wing Chui*, Los Angeles Superior Court Case No. GC038906, with
26 the corrupt purpose of harassing and interfering with the property rights of David Zhang in real
27 property located at 9333 Guess Street, Rosemead, California in willful violation of Business and
28 Professions Code section 6068(g).

///

1 and ordering the court clerk to issue reconveyance of the deeds of trust in the case
2 entitled *Cindy Kin Mi Tsui v. Michael Kin Wing Chui*, Los Angeles Superior Court
3 Case No. GC038906 which motion was frivolous, without merit, and prosecuted for
4 improper purpose and for purpose of delay and for interference with Zhang's
5 ownership of the Property;

6 (E) On or about October 30, 2014, Respondent recorded a lis pendens against the
7 Property pertaining to *Cindy Kin Mi Tsui v. Michael Kim Wing Chui et al.* Los
8 Angeles Superior Court Case No. GC038906, even though Respondent had no
9 interest in the Property, no right to commence foreclosure proceedings, and no right
10 to sell the Property;

11 (F) On or about November 4, 2014, Respondent recorded the following five Notices of
12 Default on the Property and thereafter commenced a foreclosure proceeding on the
13 Property without the legal right to do so because he had no interest in the Property, no
14 right to commence foreclosure proceedings, and no right to sell the Property:

- 15 • Notice of Default recorded on November 4, 2014 as instrument no. 2014-
16 1166676;
- 17 • Notice of Default recorded on November 4, 2014 as instrument no. 2014-
18 1166777;
- 19 • Notice of Default recorded on November 4, 2014 as instrument no. 2014-
20 1166716;
- 21 • Notice of Default recorded on November 4, 2014 as instrument no. 2014-
22 1166655; and
- 23 • Notice of Default recorded on November 4, 2014 as instrument no. 2014-
24 1166756.

25 (G) On or about December 12, 2014, Respondent failed to counsel or maintain such
26 action, proceedings, or defenses only as appear to Respondent legal or just by filing
27 on behalf of himself a cross-complaint for declaratory relief against David Zhang
28

1 seeking to declare as void the court's July 24, 2012 order granting a motion for
2 reconveyance of five deeds of trust and ordering the court clerk to issue reconveyance
3 of the deeds of trust in the case entitled *Cindy Kin Mi Tsui v. Michael Kin Wing Chui*,
4 Los Angeles Superior Court Case No. GC038906 that was frivolous, without merit,
5 prosecuted for improper purpose and for purpose of delay;

6 (H) On or about February 18, 2015, Respondent recorded a notice of trustee's sale under
7 a deeds of trust and Respondent set the trustee's sale for the Property for March 24,
8 2015 even though Respondent had no legal right to engage in these acts because he
9 had no interest in the Property, no right to commence foreclosure proceedings, and no
10 right to sell the Property; and

11 (I) On or about March 4, 2015 and again on or about March 6, 2015, Respondent filed a
12 first amended cross-complaint against Zhang in the case entitled *Cindy Kin Mi Tsui v.*
13 *Michael Kin Wing Chui*, Los Angeles Superior Court Case No. GC038906 alleging
14 11 separate causes of action, all of which were premised upon his continuing
15 assertion that the July 24, 2012 order was void, which lacked merit and which the
16 court had already rejected and denied.

17 By intentionally engaging in collectively and individually in each of these deceptive and
18 oppressive acts with the purpose of interfering with Zhang's ownership of the Property,
19 Respondent thereby committed an act involving moral turpitude, dishonesty or corruption in
20 willful violation of Business and Professions Code, section 6106.

21 COUNT SIX

22 Case No. 15-O-13353
23 Business and Professions Code, section 6068(d)
24 [Seeking to Employ Means Inconsistent with the Truth]

25 7. On or about October 30, 2014, Respondent recorded with the Office of the Los
26 Angeles County Recorder as instrument no. 2014-1150401 a "Notice of Pendency of Action for
27 to [sic] Set Aside" pertaining to the case entitled *Cindy Kin Mi Tsui v. Michael Kin Wing Chui*,
28 Los Angeles Superior Court Case No. GC038906 ("Lis Pendens") whereby Respondent made

1 the misleading statement that the Lis Pendens was being filed by attorney "James Hsiaosheng"
2 bearing State Bar Number 176662 on behalf of a client "James Li," when in fact Respondent was
3 recording the Notice of Pendency of Action on his own behalf. Respondent identified himself as
4 attorney "James Hsiaosheng" and represented his client as "James Li" with the intention and
5 purpose of employing means inconsistent with the truth to misrepresent that Respondent was
6 represented by an attorney in the case so as to be able to circumvent the requirements of Code of
7 Civil Procedure section 405.21 which required a pro per party to obtain a court order before
8 recording a lis pendens. Respondent knew the statement was false, and thereby employed means
9 that were inconsistent with the truth, in willful violation of Business and Professions Code,
10 section 6068(d).

11 COUNT SEVEN

12 Case No. 15-O-13353
13 Business and Professions Code, section 6103
14 [Failure to Obey a Court Order]

15 8. Respondent disobeyed or violated an order of the superior court requiring Respondent
16 to do or forbear an act connected with or in the course of Respondent's profession which
17 Respondent ought in good faith to do or forbear by failing to comply with the December 30,
18 2014 order imposing \$3,375 monetary sanctions against him in the case entitled *Cindy Kin Mi*
19 *Tsui v. Michael Kin Wing Chui*, Los Angeles Superior Court Case No. GC038906 in willful
20 violation of Business and Professions Code, section 6103.

21 COUNT EIGHT

22 Case No. 15-O-13353
23 Business and Professions Code, section 6103
24 [Failure to Obey a Court Order]

25 9. Respondent disobeyed or violated an order of the superior court requiring Respondent
26 to do or forbear an act connected with or in the course of Respondent's profession which
27 Respondent ought in good faith to do or forbear by failing to comply with the January 9, 2015
28 order imposing \$4,060 monetary sanctions against him in the case entitled *Cindy Kin Mi Tsui v.*

1 *Michael Kin Wing Chui*, Los Angeles Superior Court Case No. GC038906 in willful violation of
2 Business and Professions Code, section 6103.

3 COUNT NINE

4 Case No. 15-O-13353
5 Business and Professions Code, section 6103
6 [Failure to Obey a Court Order]

7 10. Respondent disobeyed or violated an order of the superior court requiring Respondent
8 to do or forbear an act connected with or in the course of Respondent's profession which
9 Respondent ought in good faith to do or forbear by failing to comply with the March 20, 2015
10 order imposing \$4,930 monetary sanctions against him in the case entitled *Cindy Kin Mi Tsui v.*
11 *Michael Kin Wing Chui*, Los Angeles Superior Court Case No. GC038906 in willful violation of
12 Business and Professions Code, section 6103.

13 COUNT TEN

14 Case No. 15-O-13353
15 Business and Professions Code, section 6103
16 [Failure to Obey a Court Order]

17 11. Respondent disobeyed or violated an order of the superior court requiring Respondent
18 to do or forbear an act connected with or in the course of Respondent's profession which
19 Respondent ought in good faith to do or forbear by failing to comply with the May 15, 2015
20 order imposing \$6,180 monetary sanctions against him in the case entitled *Cindy Kin Mi Tsui v.*
21 *Michael Kin Wing Chui*, Los Angeles Superior Court Case No. GC038906 in willful violation of
22 Business and Professions Code, section 6103.

23 **NOTICE - INACTIVE ENROLLMENT!**

24 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
25 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**
26 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**
27 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**
28 **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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

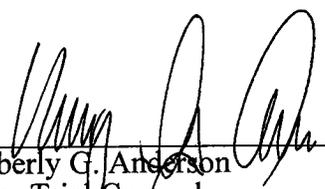
NOTICE - COST ASSESSMENT!

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: March 15, 2016

By: 

Kimberly G. Anderson
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-13353

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))

- 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 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)

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,

Article No.: 9414 7266 9904 2010 0742 36 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:
JAMES HSIAOSHENG LI	Law Ofc James Li PO Box 5399 Buena Park, CA 90622	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: March 15, 2016

SIGNED:

Kim Wimbish
KIM WIMBISH
Declarant