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STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

12 In the Matter of:) Case No. 15-O-13573
13 JUSTIN THOMAS ALLEN,)
14 No. 238195,) NOTICE OF DISCIPLINARY CHARGES
15)
16 A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

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

- 20 (1) YOUR DEFAULT WILL BE ENTERED;
21 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
22 WILL NOT BE PERMITTED TO PRACTICE LAW;
23 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
24 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
25 AND THE DEFAULT IS SET ASIDE, AND;
26 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
27 SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
28 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.

1 The State Bar of California alleges:

2 JURISDICTION

3 1. JUSTIN THOMAS ALLEN ("respondent") was admitted to the practice of law in the
4 State of California on December 1, 2005, was a member at all times pertinent to these charges,
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 15-O-13573
8 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

9 2. On or about December 17, 2014, Julie Vang employed respondent to perform legal
10 services, namely to file a personal injury complaint on her behalf, which respondent
11 intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of
12 Rules of Professional Conduct, rule 3-110(A), by failing to file a personal injury complaint on
13 Vang's behalf, or performing any legal service related to the personal injury complaint.

14 COUNT TWO

15 Case No. 15-O-13573
16 Business and Professions Code, section 6068(m)
[Failure to Inform Client of Significant Development]

17 3. Respondent failed to keep respondent's client, Julie Vang, reasonably informed of
18 significant developments in a matter in which respondent had agreed to provide legal services, in
19 willful violation of Business and Professions Code, section 6068(m), by failing to inform the
20 client of the following:

21 A. That respondent was going to be actually suspended from the practice of law
22 for 60-days during the course of his representation of Vang; and

23 B. That respondent would not file a complaint on Vang's behalf.

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COUNT THREE

Case No. 15-O-13573
Business and Professions Code, section 6106
[Moral Turpitude]

4. On or about February 23, 2015, respondent stated in writing to Julie Vang that attorney Nancy Shailor would take over Vang's case from respondent when respondent knew or was grossly negligent in not knowing the statement was false, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT FOUR

Case No. 15-O-13573
Rules of Professional Conduct, rule 4-100(A)
[Failure to Deposit Client Funds in Trust Account]

5. On or about January 16, 2015, respondent received from respondent's client, Julie Vang, \$2,000 in cash for advanced estimated costs to file a personal injury lawsuit on behalf of Vang. Respondent failed to deposit \$2,000 in funds received for the benefit of the client in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, in wilful violation Rules of Professional Conduct, rule 4-100(A).

COUNT FIVE

Case No. 15-O-13573
Business and Professions Code, section 6106
[Moral Turpitude - Misappropriation]

6. On or about January 16, 2015, respondent received from respondent's client, Julie Vang, \$2000 in cash for advanced costs associated with filing a personal injury lawsuit on behalf of Vang. Thereafter, respondent did not incur any costs because respondent did not file a personal injury lawsuit on Vang's behalf. Respondent did not deposit the \$2,000 in advanced costs into respondent's Client Trust Account, and therefore dishonestly or grossly negligently misappropriated the \$2,000 in advanced costs for respondent's own purposes, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

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COUNT SIX

Case No. 15-O-13573
Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

7. Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to respondent's client, Julie Vang, by constructively terminating respondent's employment on or about February 23, 2015, by failing to take any action on the client's behalf after on or about February 23, 2015 when respondent falsely texted Vang that Nancy Shailor would be taking over Vang's case, 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).

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: May 4, 2016

By: 
HEATHER E. ABELSON
Deputy Trial Counsel

DECLARATION OF SERVICE

by

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

CASE NUMBER: 15-O-13573

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, 180 Howard Street, San Francisco, California 94105, 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 San Francisco, 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 2042 4867 86 at San Francisco, 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:.

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 San Francisco, California, on the date shown below.

DATED: May 4, 2016

SIGNED:

Handwritten signature of Paula H. D'Oyen and printed name Paula H. D'Oyen Declarant