

PUBLIC MATTER

FILED

JAN 26 2016

**STA.
CLERK'S OFFICE
LOS ANGELES**

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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case No. 15-O-13756
14 JOHN HENRY EDWARDS III,)
15 No. 52343,) NOTICE OF DISCIPLINARY CHARGES
16 A Member of the State Bar)

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**
20 **THE STATE BAR COURT TRIAL:**

- 21 (1) **YOUR DEFAULT WILL BE ENTERED;**
22 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
23 **WILL NOT BE PERMITTED TO PRACTICE LAW;**
24 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**
25 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**
26 **AND THE DEFAULT IS SET ASIDE, AND;**
27 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
28 **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. John Henry Edwards III ("respondent") was admitted to the practice of law in the
4 State of California on June 2, 1972, 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-13756
8 Business and Professions Code, section 6106
9 [Moral Turpitude – Issuance of NSF Checks]

10 2. In or about April 2015, respondent issued the following checks drawn upon
11 respondent's client trust account at Union Bank, account no. xxxxx92584¹ ("respondent's client
12 trust account") when respondent knew or was grossly negligent in not knowing that there were
13 insufficient funds in respondent's client trust account to pay them, and thereby committed an act
14 involving moral turpitude, dishonesty or corruption in willful violation of Business and
15 Professions Code, section 6106:

16	17	18	19	20	21
<u>Check #.</u>	<u>Presented for Payment</u>	<u>Check Amt.</u>	<u>Balance on Date Presented</u>	<u>Returned/Paid</u>	
1036	04/22/15	\$25	-\$17.16	Paid	
1026	04/24/15	\$50	-\$47.16	Paid	

18 COUNT TWO

19 Case No. 15-O-13756
20 Rules of Professional Conduct, rule 4-100(A)
21 [Commingling Personal Funds in Client Trust Account]

22 3. From on or about April 8, 2015, to on or about May 11, 2015, respondent
23 deposited or commingled funds belonging to respondent into respondent's client trust account at
24 Union Bank, account no. xxxxx92584² ("respondent's client trust account"), as follows in willful

24 ///
25 ///
26 ///

27 _____
28 ¹ The full account number is omitted for privacy reasons.
² The full account number is omitted for privacy reasons.

1 violation Rules of Professional Conduct, rule 4-100(A):

2	<u>Date of Deposit</u>	<u>Amount Deposited</u>	<u>Form of Deposit</u>
3	04/08/15	\$500	Cashier's Check
4	04/23/15	\$20	Cash
5	05/11/15	\$1,000	Money Order

6 COUNT THREE

7 Case No. 15-O-13756
8 Rules of Professional Conduct, rule 4-100(A)
9 [Commingling – Payment of Personal Expenses from Client Trust Account]

10 4. Between on or about March 2, 2015, and on or about May 11, 2015,
11 respondent issued the following checks from funds in respondent's client trust account at Union
12 Bank, account no. xxxxx92584³ ("respondent's client trust account"), for the payment of
13 personal expenses, in willful violation of Rules of Professional Conduct, rule 4-100(A):

13	<u>Check #</u>	<u>Amt. of Check</u>	<u>Form of Payment</u>	<u>Payee</u>
14	03/02/15	\$2,674.16	Electronic Debit	LADWP
15	03/12/15	\$270	Check #1032	Church of Greater Works
16	03/12/15	\$80	Check #1034	Church of Greater Works
17	04/22/15	\$25	Check #1036	Resurrection Life Center
18	04/24/15	\$50	Check #1026	Franchise Tax Board
19	05/11/15	\$250	Check # 1035	Church of Greater Work

20 COUNT FOUR

21 Case No. 15-O-13756
22 Business and Professions Code, section 6106
23 [Moral Turpitude-Concealing Funds From Franchise Tax Board]

24 5. Between in or about March 2015 and in or about May 2015, respondent deposited
25 personal funds into respondent's client trust account at Union Bank, account no. xxxxx92584⁴
26 ("respondent's client trust account") for the purpose of concealing the personal funds from the
27

28 ³ The full account number is omitted for privacy reasons.

⁴ The full account number is omitted for privacy reasons.

1 Franchise Tax Board, and thereby committed an act involving moral turpitude, dishonesty or
2 corruption in willful violation of Business and Professions Code, section 6106.

3
4 **NOTICE - INACTIVE ENROLLMENT!**

5 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
6 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**
7 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**
8 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**
9 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**
10 **INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**
11 **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**
12 **RECOMMENDED BY THE COURT.**

13
14 **NOTICE - COST ASSESSMENT!**

15 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC**
16 **DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS**
17 **INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING**
18 **AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND**
19 **PROFESSIONS CODE SECTION 6086.10.**

20 Respectfully submitted,

21 THE STATE BAR OF CALIFORNIA
22 OFFICE OF CHIEF TRIAL COUNSEL

23 

24 DATED: January 26, 2016

25 By: _____
26 Eli D. Morgenstern
27 Senior Trial Counsel
28

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): **15-O-13756**

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 90017-2515, 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.
- By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))**
- 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 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.: 7196 9008 9111 1007 9414 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
John Henry Edwards III	Attorney at Law 510 W. 121 st St. Los Angeles, CA 90044	Electronic Address jheiiiesq@sbcglobal.net

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 26, 2016

SIGNED: Sandra Reynolds
Sandra Reynolds
Declarant