

# PUBLIC MATTER

1 STATE BAR OF CALIFORNIA  
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FILED

DEC 05 2016

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of: ) Case No. 15-O-15400  
13 CHARLES LOUIS LINDNER, ) NOTICE OF DISCIPLINARY CHARGES  
14 No. 61908, )  
15 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.**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. CHARLES LOUIS LINDNER ("Respondent") was admitted to the practice of law in  
4 the State of California on December 16, 1974, was a member at all times pertinent to these  
5 charges, and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 15-O-15400  
8 Rules of Professional Conduct, rule 4-100(A)  
9 [Failure to Maintain Client Funds in Trust Account]

10 2. Between on or about July 31, 2009 and on or about March 18, 2010, Respondent  
11 received on behalf of a client ("Client") the sum of \$18,000, which funds were advanced by the  
12 Los Angeles County Superior Court for costs to be incurred on behalf of Client in a criminal case  
13 no. SA068002, and which funds Respondent agreed to hold as a fiduciary for safekeeping and  
14 for costs incurred on behalf of Client in the criminal case. Between on or about July 31, 2009  
15 and on or about March 18, 2010, Respondent deposited the \$18,000 into Respondent's client  
16 trust account at Bank of America, account no. xxxx2756<sup>1</sup> on behalf of Client. Respondent was  
17 required to maintain \$18,000 in the client trust account between November 5, 2009 and June 3,  
18 2010. Of this sum, \$18,000 was only to be expended for costs incurred on behalf of Client.  
19 Respondent failed to maintain a balance of at least \$18,000 on behalf of Client in Respondent's  
20 client trust account, in willful violation of Rules of Professional Conduct, rule 4-100(A).

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<sup>1</sup> Only the last four digits of the account number are listed to protect the account.

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COUNT TWO

Case No. 15-O-15400  
Business and Professions Code, section 6106  
[Moral Turpitude - Misappropriation]

3. Between on or about July 31, 2009 and on or about March 18, 2010, Respondent received on behalf of a client ("Client") the sum of \$18,000, which funds were advanced by the Los Angeles County Superior Court for costs to be incurred on behalf of Client in a criminal case no. SA068002, which Respondent agreed to hold as a fiduciary for safekeeping and for costs incurred on behalf of Client in the criminal case. Between on or about July 31, 2009 and on or about March 18, 2010, Respondent deposited the \$18,000 into Respondent's client trust account at Bank of America, account no. xxxx2756<sup>2</sup> on behalf of Client. Of this sum, \$18,000 was only to be expended for costs incurred on behalf of Client. Respondent failed to maintain a balance of at least \$18,000 on behalf of Client in Respondent's client trust account because, between on or about November 5, 2009 and on or about June 3, 2010, a non-attorney employee ("employee") of Respondent's forged 21 checks totaling approximately \$4,945 which the employee made payable to himself, and which were not for costs incurred on Client's behalf. Between on or about November 5, 2009 and on or about June 3, 2010, Respondent was grossly negligent in permitting his employee to misappropriate for the employee's own purposes approximately \$4,945, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT THREE

Case No. 15-O-15400  
Business and Professions Code, section 6106  
[Moral Turpitude - Concealment and Breach of Fiduciary Duty]

4. Between on or about July 31, 2009 and on or about March 18, 2010, Respondent received on behalf of a client ("Client") the sum of \$18,000, which funds were advanced by the Los Angeles County Superior Court for costs to be incurred on behalf of Client in a criminal case no. SA068002, which Respondent agreed to hold as a fiduciary for safekeeping and which was to

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<sup>2</sup> Only the last four digits of the account number are listed to protect the account.

1 be used for costs incurred on behalf of Client in the criminal case. Between on or about July 31,  
2 2009 and on or about March 18, 2010, Respondent deposited the \$18,000 into Respondent's  
3 client trust account at Bank of America, account no. xxxx2756<sup>3</sup> on behalf of Client. Of this  
4 sum, \$18,000 was only to be expended for costs incurred on behalf of Client. Respondent failed  
5 to maintain a balance of at least approximately \$18,000 on behalf of Client in Respondent's  
6 client trust account because, between on or about November 5, 2009 and on or about June 3,  
7 2010, a non-attorney employee ("employee") of Respondent's forged 21 checks totaling  
8 approximately \$4,945 which the employee made payable to himself, cashed and  
9 misappropriated, and which were not for costs incurred on Client's behalf. In or about May  
10 2011, Respondent learned of his employee's misappropriation of \$4,945 from his client trust  
11 account. Respondent owed fiduciary duties to both his Client and the Los Angeles County  
12 Superior Court to safeguard the funds and to advise them of his employee's misappropriation of  
13 the funds. Respondent knowingly concealed the employee's misappropriation of the funds from  
14 the Client and the Los Angeles County Superior Court between in or about May 2011, when he  
15 discovered the misappropriation, and on or about August 3, 2015. By breaching his fiduciary  
16 duties to the Client and the Los Angeles Superior Court to safeguard the \$18,000, by breaching  
17 his fiduciary duties to the Client and the Los Angeles Superior Court to advise them of the  
18 \$4,945 misappropriation at any time between May 2011 and August 3, 2015, and by concealing  
19 his employee's \$4,945 misappropriation from the Client and the Los Angeles Superior Court  
20 between May 2011 and August 3, 2015, Respondent thereby committed an act involving moral  
21 turpitude, dishonesty or corruption in willful violation of Business and Professions Code section  
22 6106.

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**

<sup>3</sup> Only the last four digits of the account number are listed to protect the account.

1 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE  
2 RECOMMENDED BY THE COURT.

3 **NOTICE - COST ASSESSMENT!**

4 IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC  
5 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS  
6 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING  
7 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND  
8 PROFESSIONS CODE SECTION 6086.10.

9 Respectfully submitted,

10 THE STATE BAR OF CALIFORNIA  
11 OFFICE OF CHIEF TRIAL COUNSEL

12 DATED: December 5, 2016

13 By: 

14 Kimberly G. Anderson  
15 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-15400

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.: 9414 7266 9904 2010 0799 27 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:.

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 5, 2016

SIGNED:

Handwritten signature of Kim Wimbish and printed name KIM WIMBISH Declarant