

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
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FILED

JUL 25 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-15637
13 THOMAS OSMONDE RUSSELL III,) NOTICE OF DISCIPLINARY CHARGES
14 No. 107800,)
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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The State Bar of California alleges:

JURISDICTION

1. Thomas Osmonde Russell III (“Respondent”) was admitted to the practice of law in the State of California on May 25, 1983, 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-15637
Business and Professions Code section 6103
[Failure to Obey a Court Order]

2. Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith to do or forbear by failing to comply with the February 2, 2015 order, in the matter titled *Julie Jones Russell vs. Thomas O. Russell III*, LASC case no. ED028266, that he appear “without further notice or subpoena” on August 3, 2015, in willful violation of Business and Professions Code section 6103.

COUNT TWO

Case No. 15-O-15637
Business and Professions Code section 6106
[Moral Turpitude – Misrepresentation to the State Bar]

3. On or about January 12, 2016 and on or about February 12, 2016, Respondent stated in writing to the State Bar of California that he had not received notice that he had been ordered to appear on August 3, 2015, in the matter titled *Julie Jones Russell vs. Thomas O. Russell III*, LASC case no. ED028266, when Respondent knew or was grossly negligent in not knowing the statements were false, and thereby committed acts involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

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COUNT THREE

Case No. 15-O-15637
Business and Professions Code section 6106
[Moral Turpitude – Misrepresentation to the Superior Court]

4. On or about February 5, 2015, Respondent stated, under penalty of perjury, in an Opposition to Issuance of Warrant for Failure to Appeal and Hearing and Declaration filed in the matter titled *Julie Jones Russell vs. Thomas O. Russell III*, LASC case no. ED028266, that:

I attended every hearing date in this matter since 2002 and ***am now no longer able to afford counsel.*** ...

As to the payments, I made the court ordered payments of \$500 but my Social Security has been lowered due to Medicare deductions and I have attached proof of income hereto. I have never missed a payment but ***have a difficult time paying \$250/mo.*** ... I own no property, live in a mobile home, borrow a car, and ***live on my Social Security Income of now approximately \$1,600 per month. I do make appearances and cover depositions when available and this adds another \$200-\$350/month.*** ...

In summation, this action is fueled in spite by unlimited access to family money for attorney’s fees and to somehow punish me and harm my relationship with my 5 children. ... (Emphasis added.)

When he made the statements above to the Superior Court, Respondent knew or was grossly negligent in not knowing the statements were 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-15637
Business and Professions Code section 6068(d)
[Seeking to Mislead a Judge]

5. On or about April 13, 2016, Respondent requested that the Court appoint the Office of the Public Defender to represent him in the contempt proceedings in matter titled *Julie Jones Russell vs. Thomas O. Russell III*, LASC case no. ED028266, because his income of \$1,600 a month from Social Security and maybe \$250 a month in contract appearance work was insufficient to hire counsel. When he made the emphasized statement above to the Superior Court, Respondent knew the statement was false, and thereby sought to mislead the judge or

1 judicial officer by an artifice or false statement of fact or law, in willful violation of Business and
2 Professions Code section 6068(d).

3 **NOTICE - INACTIVE ENROLLMENT!**

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

12 **NOTICE - COST ASSESSMENT!**

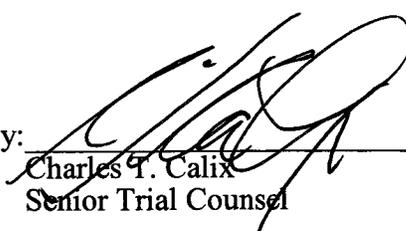
13 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC**
14 **DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS**
15 **INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING**
16 **AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND**
17 **PROFESSIONS CODE SECTION 6086.10.**

18 Respectfully submitted,

19 THE STATE BAR OF CALIFORNIA
20 OFFICE OF THE CHIEF TRIAL COUNSEL

21 DATED: July 25, 2016

22 By: _____

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24 Charles T. Calix
25 Senior Trial Counsel
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DECLARATION OF SERVICE

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

CASE NUMBER(s): 15-O-15637

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 0727 68 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. Row 1: THOMAS OSMONDE RUSSELL, III; Law Office of Thomas O. Russell PO Box 7378 Huntington Beach, CA 92615-7378; Electronic Address; Kevin P. Gerry 711 N Soledad St Santa Barbara, CA 93103

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: July 25, 2016

SIGNED: Genelle De Luca-Suarez
Genelle De Luca-Suarez
Declarant