

**PUBLIC MATTER**

**FILED**

**MAY 03 2017**

1 STATE BAR OF CALIFORNIA  
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STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

12 In the Matter of: ) Case No. 15-O-15924  
13 BRYAN L. ROBINSON, )  
14 No. 188493, ) NOTICE OF DISCIPLINARY CHARGES  
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**  
**THE STATE BAR COURT TRIAL:**

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

26 The State Bar of California alleges:



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JURISDICTION

1. Bryan L. Robinson ("respondent") was admitted to the practice of law in the State of California on June 5, 1997, 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-15924  
Rules of Professional Conduct, rule 4-100(A)  
[Failure to Maintain Client Funds in Trust Account]

2. On or about September 24, 2014, respondent received on behalf of respondent's client, Stanley Nathaniel, a settlement check from Foremost Insurance Company made payable to respondent and client in the sum of \$50,000. On or about September 24, 2014, respondent deposited the \$50,000 into respondent's client trust account at Bank of the West, account number xxx-xx4975<sup>1</sup> on behalf of the client. Of this sum, the client was entitled to \$50,000. Respondent failed to maintain a balance of \$50,000 on behalf of the client in respondent's client trust account, in willful violation of Rules of Professional Conduct, rule 4-100(A).

COUNT TWO

Case No. 15-O-15924  
Business and Professions Code, section 6106  
[Moral Turpitude - Misappropriation]

3. On or about September 24, 2014, respondent received on behalf of respondent's client, Stanley Nathaniel, a settlement check from Foremost Insurance Company made payable to respondent and client in the sum of \$50,000. On or about September 24, 2014 respondent deposited the \$50,000 into respondent's client trust account at Bank of the West, account number xxx-xx4975 on behalf of the client. Between on or about October 7, 2014 and January 12, 2016, respondent dishonestly or grossly negligently misappropriated for respondent's own purposes \$22,500 that respondent's client, was entitled to receive, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

<sup>1</sup> The complete account number is redacted for privacy purposes.

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COUNT THREE

Case No. 15-O-15924  
Rules of Professional Conduct, rule 4-100(B)(4)  
[Failure to Pay Client Funds Promptly]

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4. On or about September 24, 2014, respondent received on behalf of respondent's client, Stanley Nathaniel, a settlement check from Foremost Insurance Company made payable to respondent and client in the sum of \$50,000. Of this sum, the client was entitled to \$50,000. On or about November 21, 2015, the client sent respondent a letter in which he terminated respondent's employment requested that respondent pay him all funds he is entitled to receive. To date, respondent has failed to pay promptly, as requested by respondent's client, any portion of the \$50,000 in respondent's possession in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).

COUNT FOUR

Case No. 15-O-15924  
Rules of Professional Conduct, rule 4-100(B)(3)  
[Failure to Render Accounts of Client Funds]

5. On or about September 24, 2014, respondent received on behalf of respondent's client, Stanley Nathaniel, a settlement check from Foremost Insurance Company made payable to respondent and client in the sum of \$50,000. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds upon the termination of Respondent's employment on or about November 21, 2015 in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT FIVE

Case No. 15-O-15924  
Rules of Professional Conduct, rule 3-110(A)  
[Failure to Perform with Competence]

6. On or about June 23, 2014, Stanley Nathaniel, employed respondent to perform legal services, namely to represent his client in a personal injury matter arising out of a motorcycle accident that occurred on July 20, 2013, which respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional

1 Conduct, rule 3-110(A), by failing to negotiate or pay his client's outstanding medical liens.

2 COUNT SIX

3 Case No. 15-O-15924  
4 Business and Professions Code, section 6068(i)  
5 [Failure to Cooperate in State Bar Investigation]

6 7. Respondent failed to cooperate and participate in a disciplinary investigation  
7 pending against respondent by failing to provide a substantive response to the State Bar's letters  
8 of January 20, 2016 and February 4, 2016, which respondent received, that requested  
9 respondent's written response to the allegations of misconduct being investigated in case no. 15-  
10 O-14924, in willful violation of Business and Professions Code, section 6068(i).

11 NOTICE - INACTIVE ENROLLMENT!

12 YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT  
13 FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION  
14 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF  
15 HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU  
16 MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF  
17 THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN  
18 ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.

19 NOTICE - COST ASSESSMENT!

20 IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE,  
21 YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE  
22 STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS  
23 MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION  
24 6086.10.

25 Respectfully submitted,

26 THE STATE BAR OF CALIFORNIA  
27 OFFICE OF CHIEF TRIAL COUNSEL

28 DATED: May 3, 2017

By: 

Erica L. M. Dennings  
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-15924

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 2069 9464 61 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 via email to. Row 1: Bryan L. Robinson, Law Ofc Bryan Robinson, 945 Taraval St., PMB 403, San Francisco, CA 94116, Electronic Address, lawoffbrobinson@aim.com

- 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 3, 2017

SIGNED: Victoria Gotera Declarant