

# PUBLIC MATTER

1 STATE BAR OF CALIFORNIA  
 OFFICE OF CHIEF TRIAL COUNSEL  
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 Los Angeles, California 90017-2515  
 7 Telephone: (213) 765-1083

**FILED**  
**OCT 14 2016**  
 STATE BAR COURT  
 CLERK'S OFFICE  
 LOS ANGELES

8  
 9 STATE BAR COURT

10 HEARING DEPARTMENT - LOS ANGELES

11  
 12 In the Matter of: ) Case No. 16-J-14820  
 13 DAVID TURAJSKI, )  
 No. 155885, ) NOTICE OF DISCIPLINARY CHARGES  
 14 )  
 15 A Member of the State Bar ) (Bus. & Prof. Code, § 6049.1; Rules Proc. Of  
 State Bar, rules 5.350 to 5.354)

16 **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**  
**AND THE DEFAULT IS SET ASIDE, AND;**  
 22 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**  
 23 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**  
 24 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**  
 25 **ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**  
 26 **FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,**  
 27 **RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**  
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The State Bar of California alleges:

JURISDICTION

1. DAVID TURAJSKI ("Respondent") was admitted to the practice of law in the State of California on December 16, 1991, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

PROFESSIONAL MISCONDUCT IN A FOREIGN JURISDICTION

2. On or about September 4, 2015, the United States Bankruptcy Court of the Central District of California ordered that respondent be disciplined upon findings that respondent had committed professional misconduct in that jurisdiction as set forth in the Order on Disciplinary Proceeding Against David Turajski filed September 4, 2015 and the Memorandum of Decision on Disciplinary Proceeding Against David Turajski filed September 4, 2015. Thereafter, the decision of the foreign jurisdiction became final.

3. Certified copies of the final order of disciplinary action of the foreign jurisdiction, which consists of the Order on Disciplinary Proceeding Against David Turajski filed September 4, 2015 and the Memorandum of Decision on Disciplinary Proceeding Against David Turajski filed September 4, 2015 are attached, as Exhibits 1 and 2, respectively, and incorporated by reference.

4. Pursuant to Local Civil Rule 83-3.1.2 of the United States District Court for the Central District of California, which is applicable to the United States Bankruptcy Court of the Central District of California, the California Rules of Professional Conduct and the California State Bar Act are applicable to each attorney who appears before the United States Bankruptcy Court of the Central District of California. A copy of the statutes, rules or court orders of the foreign jurisdiction, which are the same as would be found to have been violated by Respondent in California is attached hereto as Exhibit 3, and is incorporated by reference.

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1 5. Respondent's culpability as determined by the foreign jurisdiction indicates that the  
2 following California statutes or rules have been violated or warrant the filing of this Notice of  
3 Disciplinary Charges: Rule 3-110(A), of the Rules of Professional Conduct and Business and  
4 Professions Code, sections 6103, 6068(d) and 6106.

5 ISSUES FOR DISCIPLINARY PROCEEDINGS

6 6. The attached findings and final order are conclusive evidence that respondent is  
7 culpable of professional misconduct in this state subject only to the following issues:

8 A. The degree of discipline to impose;

9 B. Whether, as a matter of law, Respondent's culpability determined in the  
10 proceeding in the other jurisdiction would not warrant the imposition of discipline in the State of  
11 California under the laws or rules binding upon members of the State Bar at the time the member  
12 committed misconduct in such other jurisdiction; and

13 C. Whether the proceedings of the other jurisdiction lacked fundamental  
14 constitutional protection.

15 7. Respondent shall bear the burden of proof with regard to the issues set forth in  
16 subparagraphs B and C of the preceding paragraph.

17 NOTICE - INACTIVE ENROLLMENT!

18 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**  
19 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**  
20 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**  
21 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**  
22 **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.**

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**NOTICE - COST ASSESSMENT!**

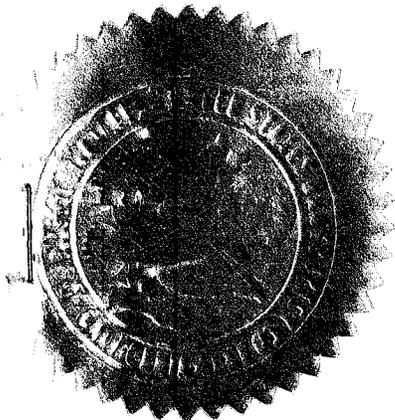
**IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.**

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF CHIEF TRIAL COUNSEL

DATED: October 14, 2016

By:   
\_\_\_\_\_  
Kimberly G. Anderson  
Senior Trial Counsel



**UNITED STATES BANKRUPTCY COURT**  
**Central District of California**

I hereby attest and certify that on August 22, 2016 the attached reproduction(s), containing 3 pages, is a full, true and correct copy of the complete document entitled: ORDER ON DISCIPLINARY PROCEEDING AGAINST DAVID TURAJSKI

Case #: 2:15-MP-105 Doc #: 14

which includes:  Exhibits  Attachments

on file in my office and in my legal custody at the marked location:

255 E. Temple Street, Suite 940  
Los Angeles, CA 90012

3420 Twelfth Street, Suite 125  
Riverside, CA 92501-3819

411 West 4th Street, Suite 2074  
Santa Ana, CA 92701-4593

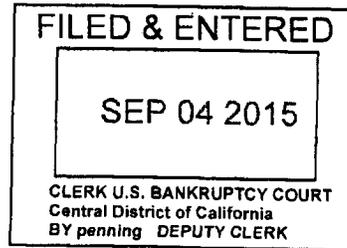
1415 State Street  
Santa Barbara, CA 93101-2511

21041 Burbank Boulevard  
Woodland Hills, CA 91367

**KATHLEEN J. CAMPBELL**  
Clerk of Court

By: *Vera Lirano*  
Deputy Clerk

**THIS CERTIFICATION IS VALID ONLY WITH THE  
UNITED STATES BANKRUPTCY COURT SEAL.**



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**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**LOS ANGELES DIVISION**

13 In re:

14  
15 THE DISCIPLINARY PROCEEDING OF  
16 DAVID TURAJSKI

Case No. 2:15-mp-00105

**ORDER ON DISCIPLINARY  
PROCEEDING AGAINST DAVID  
TURAJSKI**

17 Date: August 3, 2015  
18 Time: 10:00 a.m.  
19 Place: Courtroom 1445  
20 Roybal Federal Building  
21 255 E. Temple Street  
22 Los Angeles, CA 90012

23 Based on the Memorandum of Decision on Disciplinary Proceeding Against David  
24 Turajski, filed concurrently with this order pursuant to the Fourth Amended General Order 96-05  
(the "General Order"), it is hereby ORDERED:

25 1. David Turajski is suspended from practicing before the United States Bankruptcy  
26 Court for the Central District of California for a period of 2 years, including that Mr. Turajski is  
27 barred from utilizing the court's electronic CM/ECF filing privileges, commencing upon the  
28 effective date of this order.



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**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that a copy of the ORDER attached hereto was served either by Notice of Electronic Filing ("NEF") or by overnight mail, as indicated below, to the following parties on September 4, 2015.

**Federal Express (overnight mail)**

David Turajski  
Attorney at Law  
4541 Cambury Drive  
La Palma, CA 90623

**NEF (electronic service)**

United States Trustee (LA) – [ustpreion16.la.ecf@usdoj.gov](mailto:ustpreion16.la.ecf@usdoj.gov)

Ron Maroko – [ron.maroko@usdoj.gov](mailto:ron.maroko@usdoj.gov)

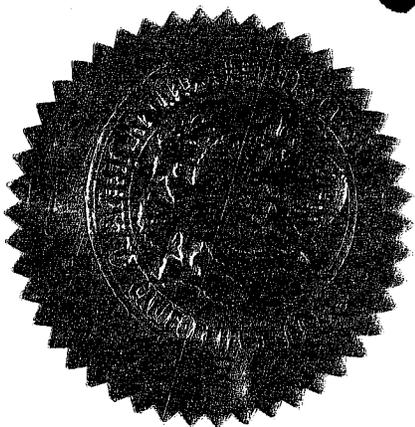
Hatty Yip – [hatty.yip@usdoj.gov](mailto:hatty.yip@usdoj.gov)

Kathleen Campbell, Clerk of Court

US BANKRUPTCY COURT

By: 

Deputy Clerk



**UNITED STATES BANKRUPTCY COURT**  
**Central District of California**

I hereby attest and certify that on August 22, 2016 the attached reproduction(s),  
containing 12 pages, is a full, true and correct copy of the complete document  
entitled: MEMORANDUM OF DECISION ON DISCIPLINARY  
PROCEEDING AGAINST DAVID TURAJSKI

Case #: 2:15-MP-105 Doc #: 13

which includes:  Exhibits  Attachments

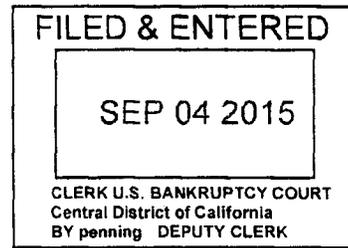
on file in my office and in my legal custody at the marked location:

- 255 E. Temple Street, Suite 940  
Los Angeles, CA 90012
- 3420 Twelfth Street, Suite 125  
Riverside, CA 92501-3819
- 411 West 4th Street, Suite 2074  
Santa Ana, CA 92701-4593
- 1415 State Street  
Santa Barbara, CA 93101-2511
- 21041 Burbank Boulevard  
Woodland Hills, CA 91367

**KATHLEEN J. CAMPBELL**  
Clerk of Court

By: Vera Surran  
Deputy Clerk

**THIS CERTIFICATION IS VALID ONLY WITH THE**  
**UNITED STATES BANKRUPTCY COURT SEAL.**



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**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**LOS ANGELES DIVISION**

In re:

Case No. 2:15-mp-00105

THE DISCIPLINARY PROCEEDING OF  
DAVID TURAJSKI

**MEMORANDUM OF DECISION ON  
DISCIPLINARY PROCEEDING  
AGAINST DAVID TURAJSKI**

Date: August 3, 2015

Time: 10:00 a.m.

Place: Courtroom 1445

Roybal Federal Building

255 E. Temple Street

Los Angeles, CA 90012

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**INTRODUCTION**

On August 3, 2015, a hearing (the "Disciplinary Hearing") was held pursuant to the court's Fourth Amended General Order 96-05 (the "General Order") before Judges Peter H. Carroll, Scott H. Yun, and Presiding Judge Thomas B. Donovan (the "Panel"). The issue before the Panel is whether David Turajski ("Turajski") should be disciplined by having his electronic filing privileges terminated and his admission to practice before this court suspended for a

1 minimum of 2 years. The U.S. Trustee appeared at the hearing through Hatty Yip, Esq., and  
2 Turajski appeared on his own behalf.

3 At the commencement of the Disciplinary Hearing, Turajski informed the Panel that he  
4 and the U.S. Trustee had resolved the disciplinary proceeding by agreeing to the following  
5 punishment: his suspension from the practice of law before this court for 1 year and his  
6 agreement to obtain client signatures on all documents to be filed with the court instead of using  
7 court's form Electronic Filing Declaration ("EFD") in the future. Ms. Yip on behalf of the U.S.  
8 Trustee, however, correctly pointed out that the attorney disciplinary proceeding is the court's  
9 own proceeding, not the U.S. Trustee's, and that the agreement in principle she reached with  
10 Turajski is merely the U.S. Trustee's recommendation to the Panel.

11 Other than reciting the terms of the purported settlement he reached with the U.S.  
12 Trustee, Turajski, although given an opportunity to do so, did not present any argument or call  
13 witnesses at the Disciplinary Hearing. Instead, when questioned by the Panel about whether he  
14 was still asserting the defenses that he raised in the Attorney's Reply With Memorandum of  
15 Points and Authorities and Attached Declarations and Appendices (the "Written Reply") (Docket  
16 #11), Turajski disavowed the defenses, acknowledged the errors of his way and admitted the  
17 allegations made against him in the Statement of Cause.

18 At the conclusion of the Disciplinary Hearing, the Panel took the matter under  
19 submission. For the reasons articulated below, the Panel rejects Turajski's and the U.S. Trustee's  
20 proposed resolution of this disciplinary proceeding and accepts Chief Judge Bluebond's  
21 recommendation to terminate Turajski's electronic filing privileges and suspend him from the  
22 practice of law before this court for a minimum of 2 years.

### 23 PROCEDURAL HISTORY

#### 24 A. Artiaga Case.

25 Chief Judge Sheri Bluebond initiated this attorney disciplinary proceeding against  
26 Turajski by filing a Statement of Cause (Docket #1). She recommended that Turajski's electronic  
27 filing privileges be terminated and that he be suspended from the practice of law before this court  
28 for a minimum of 2 years for his alterations or reuse of the EFDs in multiple cases, his forgery of

1 his client's signature page on a certificate, and his failure to perform under a prior court  
2 approved stipulation with the U.S. Trustee intended to prevent the reoccurrence these same  
3 problems.

4 On April 2, 2015, Chief Judge Bluebond held hearings on two motions filed by the U.S.  
5 Trustee in the chapter 7 bankruptcy case of In re Larry Artiaga, Case No. 2:15-bk-10884-BB  
6 ("Artiaga Case"). In the first motion (Docket #1, Part 2, pp. 1-20), the U.S. Trustee sought to  
7 disgorge \$900 in fees that Turajski had received from Artiaga based on his alteration or reuse of  
8 an EFD and his forgery of his client's signature on a certificate (the "Motion to Disgorge"). In  
9 the second motion (Docket #1, Part 2, pp. 21-54), the U.S. Trustee moved the court to strike a  
10 document filed in the Artiaga Case that Turajski filed without a valid EFD (the "Motion to  
11 Strike"). Turajski filed a response to the Motion to Strike but not did file a response to the  
12 Motion to Disgorge.

13 In granting the Motion to Disgorge and the Motion to Strike, Chief Judge Bluebond made  
14 the following factual findings against Turajski:

15 1. On August 15, 2013, the U.S. Trustee filed a Motion to Strike Schedules,  
16 Amendments, and/or Statements in In re Robert P. Black and Maricia Da Silva, Case No.  
17 6:13-bk-13328-SC (the "Black Case"), after identifying 5 cases where Turajski altered,  
18 recycled or forged EFDs filed with the court.

19 2. On September 25, 2013, Turajski entered into a Stipulation Resolving  
20 Potential Motion to Disgorge Attorney Compensation (the "Riverside Stipulation") with  
21 the U.S. Trustee in order to settle the allegations made against him in the Black Case.

22 3. The Riverside Stipulation stated that Turajski was to disgorge \$1,400 and  
23 that within 180 days of the entry of an order approving the Riverside Stipulation, Turajski  
24 would submit a declaration stating that he and his staff would complete continuing legal  
25 education training and that Turajski would certify that any staff under his direction would  
26 complete two hours of ethics training related to bankruptcy practice and has read and  
27 reviewed the Court Manual.  
28

1           4.     On September 27, 2013, the court, Judge Scott C. Clarkson presiding,  
2 entered an Order Approving Stipulation Resolving Potential Motion to Disgorge Attorney  
3 Stipulation (the "Riverside Order") in the Black Case.

4           5.     Turajski, however, failed to comply with the Riverside Order and the  
5 terms of the Riverside Stipulation by failing to file a declaration within 180 days of entry  
6 of the Riverside Order stating that he and his staff completed continuing legal education  
7 training and that his staff completed two hours of ethics training related to bankruptcy  
8 practice and read and reviewed the Court Manual.<sup>1</sup>

9           6.     On January 21, 2015 Debtor Larry Artiaga ("Artiaga"), by and through  
10 Turajski, filed a voluntary petition commencing the Artiaga Case, utilizing a "/s/" and an  
11 EFD.

12           7.     On January 21, 2015, Artiaga, by and through Turajski, filed an EFD  
13 dated January 21, 2015 for the "Incomplete Chapter 7 Bankruptcy", in the Artiaga Case  
14 (the "January 21, 2015 EFD").

15           8.     On January 27, 2015, Artiaga, by and through Turajski, filed an EFD  
16 dated January 27, 2015 for the "complete Chapter 7 Bankruptcy", in the Artiaga Case  
17 (the "January 27, 2015 EFD").

18           9.     The January 27, 2015 EFD related to the bankruptcy schedules filed with  
19 the court on January 27, 2015, in the Artiaga Case.

20           10.    The U.S. Trustee requested that Turajski produce the original executed  
21 "wet" signature for the January 21, 2015 EFD and January 27, 2015 EFD for the U.S.  
22 Trustee's review.

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25 <sup>1</sup> Turajski only belatedly attempts to comply with the Riverside Order and the Riverside  
26 Stipulation in July of 2015, close to two years after the entry of the Riverside Order. Attached to  
27 the Written Reply he filed in response to the Statement of Cause on July 27, 2015 are his  
28 declaration and declarations of his paralegals that attempt to show their compliance with the  
Riverside Stipulation. The declarations, however, come too late and they do not fully comply  
with the Riverside Stipulation. For example, other than the self-serving statements in the  
declaration, there's no evidence to support the contention that Turajski's paralegals took 2 hours  
of MCLE ethics courses.

1           11. On February 11, 2015, Turajski produced the original executed January  
2 27, 2015 EFD with Artiaga's "wet" signature but failed to produce the original executed  
3 January 21, 2015 EFD.

4           12. Turajski never produced the original executed January 21, 2015 EFD with  
5 Artiaga's "wet" signature to the U.S. Trustee.

6           13. It was alleged in the Motion to Strike and Motion to Disgorge and was  
7 undisputed that Artiaga's signature on the January 21, 2015 EFD and January 27, 2015  
8 EFD were identical; therefore, Chief Judge Bluebond found that Artiaga's signature on  
9 the January 21, 2015 EFD and the January 27, 2015 EFD were identical.

10           14. It was alleged in the Motion to Strike and Motion to Disgorge and was  
11 undisputed that the date on the January 27, 2015 EFD was manually altered; therefore,  
12 Chief Judge Bluebond found that the date on the January 27, 2015 EFD was manually  
13 altered.

14           15. On March 5, 2015, Artiaga, by and through Counsel, filed a Debtor's  
15 Certification of Completion of Postpetition Instructional Course Concerning Personal  
16 Financial Management ("Certificate"), in the Artiaga Case.

17           16. It was alleged in the Motion to Strike and Motion to Disgorge and  
18 undisputed that Artiaga's signature on the Certificate was completely different from his  
19 signatures on the January 21, 2015 EFD and the January 27, 2015 EFD; therefore, Chief  
20 Judge Bluebond found that Artiaga's signature on the Certificate was different from his  
21 signatures on the January 21, 2015 EFD and the January 27, 2015 EFD.

22           17. It was alleged in the Motion to Strike and Motion to Disgorge and was  
23 undisputed that Artiaga's signature on the Certificate was forged by Turajski and/or his  
24 staff; therefore, Chief Judge Bluebond found that Artiaga's signature on the Certificate  
25 was forged by Turajski and/or his staff.

26           18. Turajski admitted at the hearing on the Motion to Strike and Motion to  
27 Disgorge that his paralegal altered and/or re-used the January 27, 2015 EFD.  
28

1           19. Turajski stated that he prepared the voluntary petition and bankruptcy  
2 schedules in the Artiaga Case but his paralegal went over the bankruptcy schedules with  
3 Artiaga.

4           20. In the Opposition to Motion to Strike, Turajski argued that he did nothing  
5 wrong and showed no remorse for his actions.

6           Based on these factual findings, Chief Judge Bluebond concluded that Turajski violated  
7 the Court's electronic filing procedures as detailed in Section 3.4(b) of the Court Manual and that  
8 Turajski failed to properly supervise his staff to ensure that they complied with the Court Manual  
9 and the electronic filing rules. On April 14, 2015, Chief Judge Bluebond entered findings of fact  
10 and conclusions of law (Docket #1, Part 5, pp. 58-63) and an order (Docket #1, Part 5, pp. 55-57)  
11 granting the Motion to Strike and Motion to Disgorge in the Artiaga Case, which required  
12 Turajski to disgorge \$900 to Artiaga and to file a declaration with the court with the proof of  
13 payment within 30 days of the entry of the order.

14           B. Referral to the Panel.

15           Because of Turajski's failure to comply with the Riverside Order and the terms of the  
16 Riverside Stipulation, and his unrepentant, continuing and repeated violations of the Court's  
17 electronic filing procedures as evidenced by his conduct in the Artiaga Case, Chief Judge  
18 Bluebond initiated this attorney disciplinary proceeding against Turajski under the General Order  
19 by filing the Statement of Cause with the Clerk of the Court in order for the Panel to consider  
20 whether court wide discipline of Turajski is warranted.

21           In accordance with the procedure set forth in the General Order, the Clerk of the Court  
22 designated a panel of 3 bankruptcy judges from this district to hear this disciplinary proceeding.  
23 The Notice of Assignment of Hearing Panel (Docket #5) was served on Turajski on May 11,  
24 2015. Pursuant to the General Order, Turajski had until the expiration of a period of 14 days  
25 after service of the foregoing notice to move to recuse one or more of the judges assigned to the  
26 Panel. No motion to recuse was filed.

27           On June 10, 2015, the court served the Amended Notice of Disciplinary Hearing (Docket  
28 #9) on Turajski, and he was given notice of the attorney disciplinary hearing to be held before

1 the Panel on August 3, 2015 and also notifying Turajski that any statements or declarations must  
2 be filed and served at least 7 days before the disciplinary hearing. The amended notice also  
3 provided that the U.S. Trustee may appear but that the U.S. Trustee must serve a Notice of Intent  
4 to Appear at least 14 days before the hearing.

5 In accordance with the Amended Notice of Disciplinary Hearing, on June 23, 2015, the  
6 U.S. Trustee filed his Notice of Intent to Appear (Docket #10), and Turajski filed his Written  
7 Reply on July 27, 2015 (Docket #11). The U.S. Trustee also filed and served the Notice of  
8 Lodgment of Transcript of April 2, 2015 Court Hearing on July 28, 2015 (Docket #12).

9 **TURAJSKI'S WRITTEN REPLY**

10 As described above, Turajski acknowledged at the beginning of the Disciplinary Hearing  
11 that he had no defenses to the allegations contained in the Statement of Cause and disavowed the  
12 defenses that he raised in the Written Reply. Up until that point, however, Turajski had shown no  
13 remorse and remained unrepentant about his numerous violations of the court's electronic filing  
14 procedures as set forth in the Court Manual governing the use of EFD. For example, in response  
15 (Docket #1, Part 2, pp. 75-100) to the Motion to Strike in the Artiaga Case, Turajski claimed that  
16 recycling or altering EFDs was the equivalent of "amending" pleadings and that "[T]his is how  
17 the e-file declarations is supposed to work." Turajski made similar arguments in response to the  
18 Statement of Cause in his Written Reply.

19 Despite Turajski's belated contriteness and withdrawal of his defenses at the beginning of  
20 the Disciplinary Hearing, the Panel is not convinced that Turajski is truly remorseful or that he  
21 understands the gravity of the numerous violations of court's electronic filing procedures and  
22 ethical violations that he committed.<sup>2</sup> In order to ensure that Turajski fully understands the  
23 Panel's decision, each one of Turajski's arguments in the Written Reply, although they were  
24 withdrawn at the Disciplinary Hearing, is addressed below.

25  
26 <sup>2</sup> The Panel believes that Turajski and his staff potentially committed numerous bankruptcy  
27 crimes by forging his clients' signatures or reusing their signatures without the clients' explicit  
28 false declaration in or relating to a case under title 11); 18 U.S.C. § 1001 (making a false  
statement to mislead the court); and 18 U.S.C. §1623(a) (false declaration before a court).

1       A. Recycling EDF is Not the Equivalent of an Amendment.

2           First, Turajski argues that recycling, altering or reusing an EDF is equivalent to an  
3 amendment under Rule 1009(a) of the Federal Rules of Bankruptcy Procedure. Turajski's  
4 argument is without merit. Although Rule 1009(a) does authorize a debtor to liberally amend a  
5 petition, schedules or statement during a case, it does not authorize a debtor or a debtor's counsel  
6 to forge or reuse signature pages. Each amended petition, schedule or statement must be signed  
7 under penalty of perjury. Reuse or forgery of signature pages is not allowed by Rule 1009(a).

8           The correct authority governing the use and filing of EFD is Section 3.4 of the Court's  
9 Manual. Specifically, Section 3.4(b)(1) of the Court Manual states, "[T]he debtor or other  
10 represented party shall sign a true and correct hard copy of the document before the electronic  
11 version of the same has been filed." Section 3.4(b)(2) of the Court Manual requires that all  
12 electronically filed documents containing "/s/" for signatures must be accompanied by a scanned  
13 copy of the EFD and that, under Section 3.4(b)(3), counsel for the debtor or other represented  
14 party shall maintain the executed original EDF for a period of 5 years after the closing of the  
15 case or adversary proceeding. Turajski, therefore, was required to have his client execute an EDF  
16 each time a signature was required by a client and that he keep the original EDF with his client's  
17 signature for a period of 5 years.

18           Here, Turajski admitted before Chief Judge Bluebond that his paralegal altered or reused  
19 the January 27, 2015 EFD in the Artiaga Case and that, as a result, there is no original "wet"  
20 signature page for that EFD. It appears that, based on the Riverside Stipulation filed in the Black  
21 Case, Turajski and his staff have engaged in this conduct for many years in numerous cases.  
22 Turajski clearly violated Section 3.4 of the Court Manual.

23       B. Turajski Was Not Authorized to Sign the EFDs on Behalf of His Clients.

24           Turajski next argues that his debtor clients gave him the power of attorney to execute the  
25 EFDs on their behalf. Turajski, however, did not provide copies of any actual signed power of  
26 attorney from his debtor clients. Instead, Turajski attached declarations of Sandra Alvarado and  
27 Larry Artiaga to support his argument that he was authorized to execute the EFDs on their  
28 behalf. Nothing can be further from the truth.

1 Mr. Artiaga's declaration attached to the Written Reply (Docket #11, p. 21) actually  
2 states that he authorized Turajski or his paralegals to sign post-petition documents for him "and  
3 so long as the document *did not require a signature under penalty of perjury.*" EFD requires a  
4 debtor to execute it under penalty of jury and thus, even if this *ex post* declaration dated July 1,  
5 2015 could suffice as a de facto power of attorney, it actually prohibits Turajski and his  
6 paralegals from executing or recycling the EFD on behalf of Mr. Artiaga.

7 Ms. Alvarado's declaration (Docket #11, p. 18) is also unhelpful to Turajski. In her  
8 declaration, Ms. Alvarado does not authorize Turajski or his paralegals to sign documents on her  
9 behalf at all. In fact, the opposite is claimed. Ms. Alvarado states that she personally signed each  
10 and every page that required her signature, including the original EFD filed with the voluntary  
11 petition. There's no mention of a power of attorney or authorization to allow Turajski or his staff  
12 to execute subsequent EFDs on her behalf.

13 C. Turajski's Claimed Disability.

14 Finally, Turajski argued that he should not be disciplined because he was disabled during  
15 the time the EFD in the Artiaga Case was recycled and when the Certificate was recycled. The  
16 only proof Turajski offers for his claimed disability is a letter dated July 12, 2015 from a  
17 podiatrist (Docket #11, p.16) that purports to state that Turajski had a part of his toenail removed  
18 to treat an in-grown toenail on his right foot. The letter is not authenticated by a declaration from  
19 the podiatrist and, therefore, is not admissible evidence. The letter also appears very dubious.  
20 There's no letterhead from the podiatrist on the letter, and it appears the letter was printed on a  
21 blank sheet of paper. There are two places in the letter that also appear as if someone whited out  
22 or wrote over what was actually written.

23 Even if the letter was properly authenticated and there was foundation for its admission,  
24 the content does not support Turajski's claim that he was disabled for 90 days. The claim is not  
25 credible. The letter indicates that Turajski had a very minor procedure using local anesthetic for  
26 which he was prescribed antibiotics but not pain killers. It's hard to imagine how such a minor  
27 procedure could have incapacitated Turajski for 90 days. In any event, although Mr. Turajski  
28

1 claims that disciplining him would violate "California's anti-discrimination laws", he does not  
2 cite to any statute or case law to support his claim of disability.

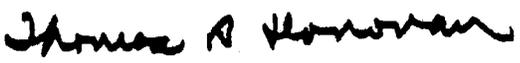
3 **DECISION**

4 The Panel adopts the detailed factual findings made by Chief Judge Bluebond in the  
5 Artiaga Case, which are undisputed by Turajski. The findings of fact are repeated above and can  
6 also be found in the attachments to the Statement of Case (Docket #1, Part 5, pp. 58-63). There's  
7 abundant evidence to support adopting Chief Judge Bluebond's recommendation to terminate  
8 Turajski's electronic filing privileges and suspend him from the practice of law before the court  
9 for a period of 2 years. Turajski has altered, recycled or reused EFDs in at least 6 different cases  
10 over the span of many years in violation of the court's electronic filing procedures as set forth in  
11 3.4 of the Court Manual, Turajski or his staff appears to have forged the Certificate in the  
12 Artiaga Case, and Turajski failed to perform under the Riverside Order and the Riverside  
13 Stipulation. In deciding to suspend Turajski for 2 years instead of 1 year as recommend by the  
14 U.S. Trustee and Turajski, the Panel took into consideration Turajski's own statement that only  
15 30 percent of his legal practice is bankruptcy law. Turajski will not be completely deprived of his  
16 profession or ability to work since a great majority of his legal practice is outside of the  
17 bankruptcy court.

18 Based on the Statement of Case, the findings contained in the Memorandum Decision,  
19 the U.S. Trustee's Notice of Lodgment of Transcript, and Turajski's withdrawal of his defenses  
20 at the Disciplinary Hearing, the Panel concludes that David Turajski be suspended for 2 years  
21 from practicing before the United States Bankruptcy Court for the Central District of California,  
22 including the termination of his electronic filing privileges. Upon the expiration of such  
23 suspension, Turajski may apply for reinstatement to practice before the court as set forth in the  
24 General Order.

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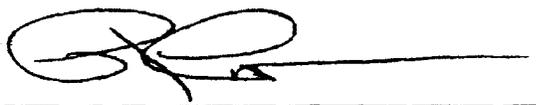
Dated: 9/4/2015



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Thomas B. Donovan  
United States Bankruptcy Judge

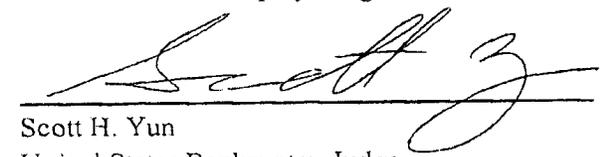
Dated: 9/4/2015



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Peter H. Carroll  
United States Bankruptcy Judge

Dated: 9/4/2015



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Scott H. Yun  
United States Bankruptcy Judge

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**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that a copy of the MEMORANDUM attached hereto was served either by Notice of Electronic Filing ("NEF") or by overnight mail, as indicated below, to the following parties on September 4, 2015.

**Federal Express (overnight mail)**

David Turajski  
Attorney at Law  
4541 Cambury Drive  
La Palma, CA 90623

**NEF (electronic service)**

United States Trustee (LA) - [ustpreion16.la.ecf@usdoj.gov](mailto:ustpreion16.la.ecf@usdoj.gov)

Ron Maroko - [ron.maroko@usdoj.gov](mailto:ron.maroko@usdoj.gov)

Hatty Yip - [hatty.yip@usdoj.gov](mailto:hatty.yip@usdoj.gov)

Kathleen Campbell, Clerk of Court

US BANKRUPTCY COURT

By: *Venusia F. Smith*  
Deputy Clerk

## RULES OF PROFESSIONAL CONDUCT

(7) the member's belief, if applicable, that good faith efforts to persuade a client not to act on a threat have failed.

[10] *Avoiding a chilling effect on the lawyer-client relationship.* The foregoing flexible approach to the member's informing a client of his or her ability or decision to reveal confidential information recognizes the concern that informing a client about limits on confidentiality may have a chilling effect on client communication. (See Discussion paragraph [1].) To avoid that chilling effect, one member may choose to inform the client of the member's ability to reveal information as early as the outset of the representation, while another member may choose to inform a client only at a point when that client has imparted information that may fall under paragraph (B), or even choose not to inform a client until such time as the member attempts to counsel the client as contemplated in Discussion paragraph [7]. In each situation, the member will have discharged properly the requirement under subparagraph (C)(2), and will not be subject to discipline.

[11] *Informing client that disclosure has been made; termination of the lawyer-client relationship.* When a member has revealed confidential information under paragraph (B), in all but extraordinary cases the relationship between member and client will have deteriorated so as to make the member's representation of the client impossible. Therefore, the member is required to seek to withdraw from the representation (see rule 3-700(B)), unless the member is able to obtain the client's informed consent to the member's continued representation. The member must inform the client of the fact of the member's disclosure unless the member has a compelling interest in not informing the client, such as to protect the member, the member's family or a third person from the risk of death or substantial bodily harm.

[12] *Other consequences of the member's disclosure.* Depending upon the circumstances of a member's disclosure of confidential information, there may be other important issues that a member must address. For example, if a member will be called as a witness in the client's matter, then rule 5-210 should be considered. Similarly, the member should consider his or her duties of loyalty and competency (rule 3-110).

[13] *Other exceptions to confidentiality under California law.* Rule 3-100 is not intended to augment, diminish, or preclude reliance upon, any other exceptions to the duty to preserve the

confidentiality of client information recognized under California law. (Added by order of the Supreme Court, operative July 1, 2004.)

### Rule 3-110 Failing to Act Competently

(A) A member shall not intentionally, recklessly, or repeatedly fail to perform legal services with competence.

(B) For purposes of this rule, "competence" in any legal service shall mean to apply the 1) diligence, 2) learning and skill, and 3) mental, emotional, and physical ability reasonably necessary for the performance of such service.

(C) If a member does not have sufficient learning and skill when the legal service is undertaken, the member may nonetheless perform such services competently by 1) associating with or, where appropriate, professionally consulting another lawyer reasonably believed to be competent, or 2) by acquiring sufficient learning and skill before performance is required.

#### Discussion:

The duties set forth in rule 3-110 include the duty to supervise the work of subordinate attorney and non-attorney employees or agents. (See, e.g., *Waysman v. State Bar* (1986) 41 Cal.3d 452; *Trousil v. State Bar* (1985) 38 Cal.3d 337, 342 [211 Cal.Rptr. 525]; *Palomo v. State Bar* (1984) 36 Cal.3d 785 [205 Cal.Rptr. 834]; *Crane v. State Bar* (1981) 30 Cal.3d 117, 122; *Black v. State Bar* (1972) 7 Cal.3d 676, 692 [103 Cal.Rptr. 288; 499 P.2d 968]; *Vaughn v. State Bar* (1972) 6 Cal.3d 847, 857-858 [100 Cal.Rptr. 713; 494 P.2d 1257]; *Moore v. State Bar* (1964) 62 Cal.2d 74, 81 [41 Cal.Rptr. 161; 396 P.2d 577].)

In an emergency a lawyer may give advice or assistance in a matter in which the lawyer does not have the skill ordinarily required where referral to or consultation with another lawyer would be impractical. Even in an emergency, however, assistance should be limited to that reasonably necessary in the circumstances. (Amended by order of Supreme Court, operative September 14, 1992.)

### Rule 3-120 Sexual Relations With Client

(A) For purposes of this rule, "sexual relations" means sexual intercourse or the touching of an

## THE STATE BAR ACT

- (c) Specialization of the attorney's practice in another state.
- (d) The attorney's intended scope of practice in California.
- (e) The admission requirements in the state or states in which the attorney has been licensed to practice.
- (f) Reciprocity with and comity with other states.
- (g) Moral character requirements.
- (h) Disciplinary implications.
- (i) Consumer protection.

### § 6063 Fees

Applicants for admission to practice shall pay such reasonable fees, fixed by the board, as may be necessary to defray the expense of administering the provisions of this chapter, relating to admission to practice. These fees shall be collected by the examining committee and paid into the treasury of the State Bar. (Origin: State Bar Act, § 24.4.)

### § 6064 Admission

(a) Upon certification by the examining committee that the applicant has fulfilled the requirements for admission to practice law, the Supreme Court may admit the applicant as an attorney at law in all the courts of this state and may direct an order to be entered upon its records to that effect. A certificate of admission thereupon shall be given to the applicant by the clerk of the court.

(b) Upon certification by the examining committee that an applicant who is not lawfully present in the United States has fulfilled the requirements for admission to practice law, the Supreme Court may admit that applicant as an attorney at law in all the courts of this state and may direct an order to be entered upon its records to that effect. A certificate of admission thereupon shall be given to the applicant by the clerk of the court. (Origin: State Bar Act, § 24.5. Amended by Stats. 2013, ch. 573.)

#### § 6064.1 Advocacy of Overthrow of Government

No person who advocates the overthrow of the Government of the United States or of this State by force, violence, or other unconstitutional means, shall be

certified to the Supreme Court for admission and a license to practice law. (Added by Stats. 1951, ch. 179.)

### § 6065 Inspection of Papers and Grading

(a) (1) Any unsuccessful applicant for admission to practice, after he or she has taken any examination and within four months after the results thereof have been declared, has the right to inspect his or her examination papers at the office of the examining committee located nearest to the place at which the applicant took the examination.

(2) The applicant also has the right to inspect the grading of the papers whether the record thereof is marked upon the examination or otherwise.

(b) This section shall become operative on January 1, 2009. (Added by Stats. 2002, ch. 415, effective September 9, 2002. Amended Stats. 2003, ch. 334.)

### § 6066 Review of Refusal of Certification

Any person refused certification to the Supreme Court for admission to practice may have the action of the board, or of any committee authorized by the board to make a determination on its behalf, pursuant to the provisions of this chapter, reviewed by the Supreme Court, in accordance with the procedure prescribed by the court. (Origin: State Bar Act, § 38.)

### § 6067 Oath

Every person on his admission shall take an oath to support the Constitution of the United States and the Constitution of the State of California, and faithfully to discharge the duties of any attorney at law to the best of his knowledge and ability. A certificate of the oath shall be indorsed upon his license. (Origin: Code Civ. Proc., § 278.)

### § 6068 Duties of Attorney

It is the duty of an attorney to do all of the following:

(a) To support the Constitution and laws of the United States and of this state.

(b) To maintain the respect due to the courts of justice and judicial officers.

## THE STATE BAR ACT

- (c) To counsel or maintain those actions, proceedings, or defenses only as appear to him or her legal or just, except the defense of a person charged with a public offense.
- (d) To employ, for the purpose of maintaining the causes confided to him or her those means only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law.
- (e) (1) To maintain inviolate the confidence, and at every peril to himself or herself to preserve the secrets, of his or her client.
- (2) Notwithstanding paragraph (1), an attorney may, but is not required to, reveal confidential information relating to the representation of a client to the extent that the attorney reasonably believes the disclosure is necessary to prevent a criminal act that the attorney reasonably believes is likely to result in death of, or substantial bodily harm to, an individual.
- (f) To advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he or she is charged.
- (g) Not to encourage either the commencement or the continuance of an action or proceeding from any corrupt motive of passion or interest.
- (h) Never to reject, for any consideration personal to himself or herself, the cause of the defenseless or the oppressed.
- (i) To cooperate and participate in any disciplinary investigation or other regulatory or disciplinary proceeding pending against himself or herself. However, this subdivision shall not be construed to deprive an attorney of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory privileges. This subdivision shall not be construed to require an attorney to cooperate with a request that requires him or her to waive any constitutional or statutory privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the attorney's practice. Any exercise by an attorney of any constitutional or statutory privilege shall not be used against the attorney in a regulatory or disciplinary proceeding against him or her.
- (j) To comply with the requirements of Section 6002.1.
- (k) To comply with all conditions attached to any disciplinary probation, including a probation imposed with the concurrence of the attorney.
- (l) To keep all agreements made in lieu of disciplinary prosecution with the agency charged with attorney discipline.
- (m) To respond promptly to reasonable status inquiries of clients and to keep clients reasonably informed of significant developments in matters with regard to which the attorney has agreed to provide legal services.
- (n) To provide copies to the client of certain documents under time limits and as prescribed in a rule of professional conduct which the board shall adopt.
- (o) To report to the agency charged with attorney discipline, in writing, within 30 days of the time the attorney has knowledge of any of the following:
- (1) The filing of three or more lawsuits in a 12-month period against the attorney for malpractice or other wrongful conduct committed in a professional capacity.
  - (2) The entry of judgment against the attorney in a civil action for fraud, misrepresentation, breach of fiduciary duty, or gross negligence committed in a professional capacity.
  - (3) The imposition of judicial sanctions against the attorney, except for sanctions for failure to make discovery or monetary sanctions of less than one thousand dollars (\$1,000).
  - (4) The bringing of an indictment or information charging a felony against the attorney.
  - (5) The conviction of the attorney, including any verdict of guilty, or plea of guilty or no contest, of a felony, or a misdemeanor committed in the course of the practice of law, or in a manner in which a client of the attorney was the victim, or a necessary element of which, as determined by the statutory or common law definition of the misdemeanor, involves improper conduct of an attorney, including dishonesty or other moral turpitude, or an attempt or a conspiracy or solicitation of another to commit a felony or a misdemeanor of that type.
  - (6) The imposition of discipline against the attorney by a professional or occupational disciplinary agency or licensing board, whether in California or elsewhere.

## THE STATE BAR ACT

probation set forth in paragraph (1) or (3) of subdivision (b) of Section 17 of the Penal Code.

(c) After the judgment of conviction of an offense specified in subdivision (a) has become final or, irrespective of any subsequent order under Section 1203.4 of the Penal Code or similar statutory provision, an order granting probation has been made suspending the imposition of sentence, the Supreme Court shall summarily disbar the attorney if the offense is a felony under the laws of California, the United States, or any state or territory thereof, and an element of the offense is the specific intent to deceive, defraud, steal, or make or suborn a false statement, or involved moral turpitude.

(d) For purposes of this section, a conviction under the laws of another state or territory of the United States shall be deemed a felony if:

(1) The judgment or conviction was entered as a felony irrespective of any subsequent order suspending sentence or granting probation and irrespective of whether the crime may be considered a misdemeanor as a result of postconviction proceedings.

(2) The elements of the offense for which the member was convicted would constitute a felony under the laws of the State of California at the time the offense was committed.

(e) Except as provided in subdivision (c), if after adequate notice and opportunity to be heard (which hearing shall not be had until the judgment of conviction has become final or, irrespective of any subsequent order under Section 1203.4 of the Penal Code, an order granting probation has been made suspending the imposition of sentence), the court finds that the crime of which the attorney was convicted, or the circumstances of its commission, involved moral turpitude, it shall enter an order disbarring the attorney or suspending him or her from practice for a limited time, according to the gravity of the crime and the circumstances of the case; otherwise it shall dismiss the proceedings. In determining the extent of the discipline to be imposed in a proceeding pursuant to this article, any prior discipline imposed upon the attorney may be considered.

(f) The court may refer the proceedings or any part thereof or issue therein, including the nature or extent of discipline, to the State Bar for hearing, report, and recommendation.

(g) The record of the proceedings resulting in the conviction, including a transcript of the testimony therein, may be received in evidence.

(h) The Supreme Court shall prescribe rules for the practice and procedure in proceedings conducted pursuant to this section and Section 6101.

(i) The other provisions of this article providing a procedure for the disbarment or suspension of an attorney do not apply to proceedings pursuant to this section and Section 6101, unless expressly made applicable. (Origin: Code Civ. Proc., § 299. Amended by Stats. 1941, ch. 1183; Stats. 1955, ch. 1190; Stats. 1981, ch. 714; Stats. 1985, ch. 453; Stats. 1996, ch. 1104.)

### **§ 6103 Sanctions for Violation of Oath or Attorney's Duties**

A willful disobedience or violation of an order of the court requiring him to do or forbear an act connected with or in the course of his profession, which he ought in good faith to do or forbear, and any violation of the oath taken by him, or of his duties as such attorney, constitute causes for disbarment or suspension. (Origin: Code Civ. Proc., § 287(2).)

### **§ 6103.5 Communicate Written Offer of Settlement to Client**

(a) A member of the State Bar shall promptly communicate to the member's client all amounts, terms, and conditions of any written offer of settlement made by or on behalf of an opposing party. As used in this section, "client" includes any person employing the member of the State Bar who possesses the authority to accept an offer of settlement, or in a class action, who is a representative of the class.

(b) Any written offer of settlement or any required communication of a settlement offer, as described in subdivision (a), shall be discoverable by either party in any action in which the existence or communication of the offer of settlement is an issue before the trier of fact. (Added by Stats. 1986, ch. 1238. Amended by Stats. 1987, ch. 213.)

### **§ 6103.6 Violation of Probate Code Section 15687 or Part 3.5 of Division 11 of Probate Code—Grounds for Discipline**

Violation of Section 15687 of the Probate Code, or of Part 3.5 (commencing with Section 21350) or Part 3.7

## THE STATE BAR ACT

(commencing with Section 21360) of Division 11 of the Probate Code, shall be grounds for discipline, if the attorney knew or should have known of the facts leading to the violation. This section shall only apply to violations that occur on or after January 1, 1994. (Added by Stats. 1993, ch. 293. Amended by Stats. 1995, ch. 730; Stats. 2010, ch. 620.)

### **§ 6103.7 Report of Suspected Immigration Status Cause for Discipline**

It is cause for suspension, disbarment, or other discipline for any member of the State Bar to report suspected immigration status or threaten to report suspected immigration status of a witness or party to a civil or administrative action or his or her family member to a federal, state, or local agency because the witness or party exercises or has exercised a right related to his or her employment, broadly interpreted. As used in this section, "family member" means a spouse, parent, sibling, child, uncle, aunt, niece, nephew, cousin, grandparent, or grandchild related by blood, adoption, marriage, or domestic partnership. (Added by Stats. 2013, ch. 577.)

### **§ 6104 Appearing for Party without Authority**

Corruptly or willfully and without authority appearing as attorney for a party to an action or proceeding constitutes a cause for disbarment or suspension. (Origin: Code Civ. Proc., § 287(3).)

### **§ 6105 Permitting Misuse of Name**

Lending his name to be used as attorney by another person who is not an attorney constitutes a cause for disbarment or suspension. (Origin: Code Civ. Proc., § 287(4).)

### **§ 6106 Moral Turpitude, Dishonesty or Corruption Irrespective of Criminal Conviction**

The commission of any act involving moral turpitude, dishonesty or corruption, whether the act is committed in the course of his relations as an attorney or otherwise, and whether the act is a felony or misdemeanor or not, constitutes a cause for disbarment or suspension.

If the act constitutes a felony or misdemeanor, conviction thereof in a criminal proceeding is not a

condition precedent to disbarment or suspension from practice therefor. (Origin: Code Civ. Proc., § 287(5).)

### **§ 6106.1 Advocacy of Overthrow of Government**

Advocating the overthrow of the Government of the United States or of this State by force, violence, or other unconstitutional means, constitutes a cause for disbarment or suspension. (Added by Stats. 1951, ch. 179.)

### **§ 6106.2 Violation of Civil Code Section 55.3; Violation of Specified Provisions of Civil Code Section 55.31 or 55.32**

(a) It shall constitute cause for the imposition of discipline of an attorney within the meaning of this chapter for an attorney to engage in any conduct in violation of Section 55.3 of the Civil Code.

(b) Commencing January 1, 2013, it shall constitute cause for the imposition of discipline of an attorney within the meaning of this chapter for an attorney to engage in any conduct in violation of subdivision (b) or (c) of Section 55.31, or paragraph (3) of subdivision (a) or subdivision (b) of Section 55.32 of the Civil Code, or paragraph (2) of subdivision (a) of Section 55.32 of the Civil Code as provided in subdivision (c) of that section.

(c) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date. (Added by Stats. 2011, ch. 419. Amended by Stats. 2012, ch. 383, operative September 19, 2012.)

### **§ 6106.2 Violation of Civil Code Section 55.3; Violation of Specified Provisions of Civil Code Section 55.31 or 55.32**

(a) It shall constitute cause for the imposition of discipline of an attorney within the meaning of this chapter for an attorney to engage in any conduct in violation of Section 55.3, subdivision (b) or (c) of Section 55.31, or paragraph (2) of subdivision (a) or subdivision (b) of Section 55.32 of the Civil Code.

(b) This section shall become operative on January 1, 2016. (Added by Stats. 2012, ch. 383, effective September 19, 2012, operative January 1, 2016.)

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 16-J-14820

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)) - 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.: 9414 7266 9904 2010 0799 96 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: EDWARD O. LEAR, Century Law Group LLP, 5200 W Century Blvd #345, Los Angeles, CA 90045, Electronic Address.

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). 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: October 14, 2016

SIGNED: Kim Wimbish, KIM WIMBISH Declarant