

PUBLIC MATTER

FILED

SEP 26 2016

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

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STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of:) Case Nos. 16-N-15019; 16-O-15084
JOSEPH HENRY MARMAN,)
No. 129517,) **AMENDED NOTICE OF DISCIPLINARY**
A Member of the State Bar) **CHARGES**

NOTICE - FAILURE TO RESPOND!

**IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
THE STATE BAR COURT TRIAL:**

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (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;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
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.**



1 The State Bar of California alleges:

2 JURISDICTION

3 1. JOSEPH HENRY MARMAN ("respondent") was admitted to the practice of law in
4 the State of California on September 15, 1987, 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. 16-N-15019
8 California Rules of Court, rule 9.20
[Failure to Obey Rule 9.20]

9 2. Respondent failed to file a declaration of compliance with California Rules of Court,
10 rule 9.20, in conformity with the requirements of rule 9.20(c) with the clerk of the State Bar
11 Court by May 4, 2016, as required by Supreme Court order no. S229881, in willful violation of
12 California Rules of Court, rule 9.20. (A true and correct copy of the rule 9.20 order is attached
13 hereto as Exhibit 1 and is incorporated by reference.)

14 COUNT TWO

15 Case No. 16-O-15084
16 Business and Professions Code, section 6068(k)
[Failure to Comply with Conditions of Probation]

17 3. Respondent failed to comply with conditions attached to Respondent's disciplinary
18 probation in State Bar Case no. 10-C-08329 as follows, in willful violation of Business and
19 Professions Code, section 6068(k):

- 20 A. Failing to submit a quarterly report by its due date of July 10, 2016;
21 B. Failing to contact the Office of Probation to schedule a meeting within 30 days from
22 the effective date of the discipline;
23 C. Failing to submit a medical waiver by its due date of April 24, 2016;
24 D. Failing to submit lab reports by their due dates of April 10, May 10, June 10 and July
25 10, 2016; and
26 E. Failing to submit proof of attendance at an Abstinence Program Meeting by its due
27 date of July 10, 2016.
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2 **NOTICE - INACTIVE ENROLLMENT!**

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

11 **NOTICE - COST ASSESSMENT!**

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

17 Respectfully submitted,

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

20 DATED: September 26, 2016

21 By: 

22 SUSAN I. KAGAN
23 Senior Trial Counsel
24
25
26
27
28

S229881

FEB 24 2016

IN THE SUPREME COURT OF CALIFORNIA

Frank A. McGuire Clerk

En Banc

Deputy

In re JOSEPH HENRY MARMAN on Discipline.

The petition for review is denied.

The court orders that Joseph Henry Marman, State Bar Number 129517, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. Joseph Henry Marman is suspended from the practice of law for a minimum of the first two years of probation, and he will remain suspended until he provides proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. Joseph Henry Marman must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on August 31, 2015.
3. At the expiration of the period of probation, if Joseph Henry Marman has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Joseph Henry Marman must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Joseph Henry Marman must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

I, Frank A. McGuire, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

CANTIL-SAKAUYE

Chief Justice

EXHIBIT

1

24 day of February 2016
Clerk

1 **DECLARATION OF SERVICE BY CERTIFIED AND REGULAR MAIL**

2 **RE: MARMAN**
3 **CASE NOS.: 16-N-15019; 16-O-15084**

4 I, the undersigned, over the age of eighteen (18) years, whose business address and place of
5 employment is the State Bar of California, 180 Howard Street, San Francisco, California
6 94105, declare that I am not a party to the within action; that I am readily familiar with the
7 State Bar of California's practice for collection and processing of correspondence for mailing
8 with the United States Postal Service; that in the ordinary course of the State Bar of
9 California's practice, correspondence collected and processed by the State Bar of California
10 would be deposited with the United States Postal Service that same day; that I am aware that
11 on motion of party served, service is presumed invalid if postal cancellation date or postage
12 meter date on the envelope or package is more than one day after date of deposit for mailing
13 contained in the affidavit; and that in accordance with the practice of the State Bar of
14 California for collection and processing of mail, I deposited or placed for collection and
15 mailing in the City and County of San Francisco, on the date shown below, a true copy of the
16 within

17 **AMENDED NOTICE OF DISCIPLINARY CHARGES**

18 in a sealed envelope placed for collection and mailing as ***certified mail, return receipt***
19 **requested**, and in an additional sealed envelope as ***regular mail***, at San Francisco, on the date
20 shown below, addressed to:

21 **Article No. 9414 7266 9904 2069 9446 65**

22 **JOSEPH HENRY MARMAN**
23 **8421 Auburn Blvd #145**
24 **Citrus Heights, CA 95610-0394**


25 in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

26 **N/A**

27 I declare under penalty of perjury under the laws of the State of California that the
28 foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

29 DATED: September 26, 2016

30 Signed:

31 
32 Dawn Williams
33 Declarant