

PUBLIC MATTER

FILED

AUG 31 2016

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case No. 16-O-11023
 14)
 15 MARTIN EDGAR KELLER,) NOTICE OF DISCIPLINARY CHARGES
 16 No. 104159,)
 17 A Member of the State Bar)

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:

- 20 (1) YOUR DEFAULT WILL BE ENTERED;
- 21 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;
- 22 (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;
- 23 (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.



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The State Bar of California alleges:

JURISDICTION

1. Martin Edgar Keller (“Respondent”) was admitted to the practice of law in the State of California on November 22, 1982, 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. 16-O-11023
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

2. In or about October or November 2014, Gary Geheb employed Respondent to perform legal services, namely to seek letters of administration and to quiet title to two pieces of real property, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by failing to: oppose a Motion to Expunge Lis Pendens filed and served on or about November 4, 2015, and refiled and reserved on or about December 23, 2015; appear for hearings on the Motion to Expunge held on or about December 17, 2015 and February 11, 2016; appear for a hearing on the matter on or about January 13, 2016 and or about April 14, 2016; and take any action to obtain the letters of administration or quiet title to the property.

COUNT TWO

Case No. 16-O-11023
Business and Professions Code section 6068(B)
[Failure to Maintain Respect for the Court]

3. In or about October or November 2014, Gary Geheb employed Respondent to perform legal services, namely to seek letters of administration and to quiet title to two pieces of real property in the matter tiled *In re the Estate of Alda Eda Davis aka Alda Geheb*, SBSC Case No. PROPS 2500256. On or about October 1, 2015, Respondent appeared for a hearing, which was continued to November 24, 2015. On November 24, 2015, Respondent failed to appear for the hearing, and thereby failed to maintain the respect due to the courts of justice and judicial officers in willful violation of Business and Professions Code section 6068(b).

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COUNT THREE

Case No. 16-O-11023
Rules of Professional Conduct, rule 3-700(A)(1)
[Failure to Obtain Court Permission to withdraw]

4. In or about October or November 2014, Gary Geheb employed Respondent to perform legal services, and thereafter, Respondent appeared as counsel of record for the client in the matter tiled *In re the Estate of Alda Eda Davis aka Alda Geheb*, SBSC Case No. PROPS 2500256. After their in-person meeting on or about February 12 or 13, 2016, Respondent took no further action on behalf of the client, failed and/or refused to accept and/or return the client's telephone messages that he received requesting a status report, and effectively withdrew from the employment. At that time, Respondent did not obtain the permission of the Court to withdraw from the client's representation in the case before that Court when the rules of the Court required that he do so. Respondent withdrew from employment in a proceeding before a tribunal without its permission, in willful violation of the Rules of Professional Conduct, rule 3-700(A)(1).

COUNT FOUR

Case No. 16-O-11023
Business and Professions Code section 6068(i)
[Failure to Cooperate in State Bar Investigation]

5. Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent by failing to provide a substantive response to the State Bar's letters dated April 6, 2016, May 19, 2016, and June 23, 2016, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in Case No. 16-O-11023, in willful violation of Business and Professions Code section 6068(i).

NOTICE - INACTIVE ENROLLMENT!

YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO 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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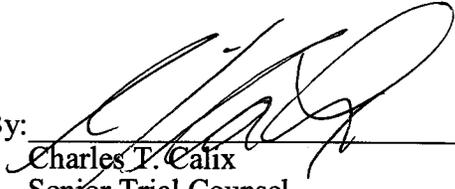
NOTICE - COST ASSESSMENT!

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: August 31, 2016

By: 

Charles T. Calix
Senior Trial Counsel

DECLARATION OF SERVICE

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

CASE NUMBER(s): 16-O-11023

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 0630 25 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 via U.S. First-Class Mail, Certified Mail & Electronic Service; Business-Residential Address; Fax Number; and Courtesy Copy to Martin Edgar Keller. Includes contact info for Martin Edgar Keller and San Bernardino 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").

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: August 31, 2016

SIGNED: Genelle De Luca-Suarez
Declarant