

# PUBLIC MATTER

1 STATE BAR OF CALIFORNIA  
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**FILED**  
**OCT 24 2016**  
 STATE BAR COURT  
 CLERK'S OFFICE  
 LOS ANGELES

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STATE BAR COURT  
 HEARING DEPARTMENT - LOS ANGELES

In the Matter of: ) Case No. 16-O-11396  
 THOMAS JAMES BAYARD, ) NOTICE OF DISCIPLINARY CHARGES  
 No. 226247, )  
 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:**

- (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.**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Thomas James Bayard ("respondent") was admitted to the practice of law in the State  
4 of California on August 13, 2003, was a member at all times pertinent to these charges, and is  
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 16-O-11396  
8 Rules of Professional Conduct, rule 3-110(A)  
[Failure to Perform with Competence]

9 2. In or about 2006, Jesus Sanchez employed Respondent to perform legal services,  
10 namely represent him as a defendant in the litigation entitled *Maria E. Casillas, et al. v. Jesus*  
11 *Sanchez*, Los Angeles County Superior Court case no. BC34664. After a judgment was entered  
12 against Jesus Sanchez, on or about October 12, 2009 Jesus Sanchez gave respondent a cashier's  
13 check made payable to respondent's law firm in the amount of \$22,000 for the purposes of  
14 paying the judgment, and thereafter respondent intentionally, recklessly, or repeatedly failed to  
15 perform legal services with competence in that respondent failed to provide payment for  
16 satisfaction of the judgment to opposing counsel, in willful violation of Rules of Professional  
17 Conduct, rule 3-110(A).

18 COUNT TWO

19 Case No. 16-O-11396  
20 Rules of Professional Conduct, rule 4-100(A)  
[Failure to Deposit Client Funds in Trust Account]

21 3. On or about October 12, 2009, respondent received on behalf of respondent's client,  
22 Jesus Sanchez, a cashier's check made payable to respondent's law firm in the amount of  
23 \$22,000 for payment to an opposing party for a judgment against Jesus Sanchez. On or about  
24 October 13, 2009, respondent deposited the \$22,000 into respondent's business account at Wells  
25 Fargo Bank, account no. xxxx-2782. Respondent failed to deposit the \$22,000 in funds received  
26 for the benefit of the client in a bank account labeled "Trust Account," "Client's Funds Account,"  
27 or words of similar import, in wilful violation Rules of Professional Conduct, rule 4-100(A).

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**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 24, 2016

By:   
Alex Hackert  
Deputy Trial Counsel

**DECLARATION OF SERVICE**

**CASE NUMBER(s): 16-O-11396**

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))**  
- 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 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 0753 87 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)

Person Served	Business-Residential Address	Fax Number	Courtesy Copy via U.S. Certified Mail
		Electronic Address	
THOMAS JAMES BAYARD	20651 Golden Springs Dr #240 Diamond Bar, CA 91789		No. 9414 7266 9904 2010 0753 70 9500 W. Flamingo #250 Las Vegas, NV 89147
			No. 9414 7266 9904 2010 0753 63 10425 Horseback Ridge Las Vegas, NV 89144

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 24, 2016

SIGNED: \_\_\_\_\_

*Natalie Flores*  
NATALIE FLORES  
Declarant