

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
 OFFICE OF CHIEF TRIAL COUNSEL
 GREGORY P. DRESSER, No. 136532
 2 INTERIM CHIEF TRIAL COUNSEL
 MELANIE LAWRENCE, No. 230102
 3 ACTING DEPUTY CHIEF TRIAL COUNSEL
 JOHN T. KELLEY, No. 193646
 4 ASSISTANT CHIEF TRIAL COUNSEL
 BROOKE A. SCHAFER, No. 194824
 5 SUPERVISING SENIOR TRIAL COUNSEL
 SHERELL N. McFARLANE, No. 217357
 6 SENIOR TRIAL COUNSEL
 845 South Figueroa Street
 7 Los Angeles, California 90017-2515
 Telephone: (213) 765-1288

FILED
SEP 27 2016
 STATE BAR COURT
 CLERK'S OFFICE
 LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of:) Case No. 16-O-11516, 16-O-12419
 13 WILLIAM WINFIELD BROWN,)
 14 No. 159288,) NOTICE OF DISCIPLINARY CHARGES
 15)
 16 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**
 19 **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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1 The State Bar of California alleges:

2 JURISDICTION

3 1. William Winfield Brown (“respondent”) was admitted to the practice of law in the
4 State of California on June 15, 1992, 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-11516
8 Rules of Professional Conduct, rule 4-100(B)(3)
9 [Failure to Render Accounts of Client Funds]

10 2. Between on or December 18, 2014 and on or about January 13, 2015, respondent
11 received on behalf of respondent’s client, Scott Stanford, the sum of \$12,500 as advanced fees
12 for legal services to be performed. Respondent thereafter failed to render an appropriate
13 accounting to the client regarding those funds following the client’s request for such accounting
14 or refund upon the termination of respondent’s employment on or about October 20, 2015, in
15 willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

16 COUNT TWO

17 Case No. Case No. 16-O-11516
18 Rules of Professional Conduct, rule 3-700(D)(1)
19 [Failure to Release File]

20 3. Respondent failed to release promptly, after termination of respondent’s employment
21 on or about October 20, 2015, to respondent’s client, Scott Stanford, all of the client’s papers and
22 property following the client’s request for the client’s file between in or about October 2015 and
23 in or about January 2016, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

24 COUNT THREE

25 Case No. 16-O-11516
26 Business and Professions Code section 6068(i)
27 [Failure to Cooperate in State Bar Investigation]

28 4. 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 of March
29, 2016 and May 3, 2016, and emails of April 27, 2016 and June 24, 2016, which respondent

1 received, that requested respondent's response to the allegations of misconduct being
2 investigated in case number 16-O-11516, in willful violation of Business and Professions Code
3 section 6068(i).

4 COUNT FOUR

5 Case No. 16-O-12419
6 Rules of Professional Conduct, rule 4-100(B)(3)
7 [Failure to Render Accounts of Client Funds]

8 5. Between on or December 10, 2014 and on or about March 12, 2015, respondent
9 received on behalf of respondent's client, Steven Pearce, the sum of \$16,500 as advanced fees
10 for legal services to be performed. Respondent thereafter failed to render an appropriate
11 accounting to the client regarding those funds following the client's request for such accounting
12 or refund upon the termination of respondent's employment on or about October 23, 2015, in
13 willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

14 COUNT FIVE

15 Case No. 16-O-12419
16 Rules of Professional Conduct, rule 3-700(D)(1)
17 [Failure to Release File]

18 6. Respondent failed to release promptly, after termination of respondent's employment
19 on or about October 23, 2015, to respondent's client, Steven Pearce, all of the client's papers and
20 property following the client's request for the client's file in or about October 2015 and in or
21 about November 2015, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

22 COUNT SIX

23 Case No. 16-O-12419
24 Business and Professions Code section 6068(m)
25 [Failure to Inform Client of Significant Development]

26 7. Respondent failed to keep respondent's client, Steven Pearce, reasonably informed of
27 significant developments in the client's matter in which respondent had agreed to provide legal
28 services, by failing to inform the client that respondent's fee agreement was voidable at the
client's option because respondent's fee agreement was not in writing as required by Business

1 and Professions Code section 6148, in willful violation of Business and Professions Code,
2 section 6068(m).

3 COUNT SEVEN

4 Case No. 16-O-12419
5 Business and Professions Code section 6068(i)
6 [Failure to Cooperate in State Bar Investigation]

7 8. Respondent failed to cooperate and participate in a disciplinary investigation pending
8 against respondent by failing to provide a substantive response to the State Bar's letter of March
9 21, 2016 and emails of May 9, 2016, May 19, 2016, June 7, 2016 and June 24, 2016, which
10 respondent received, that requested respondent's response to the allegations of misconduct being
11 investigated in case number 16-O-12419, in willful violation of Business and Professions Code
12 section 6068(i).

13 NOTICE - INACTIVE ENROLLMENT!

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

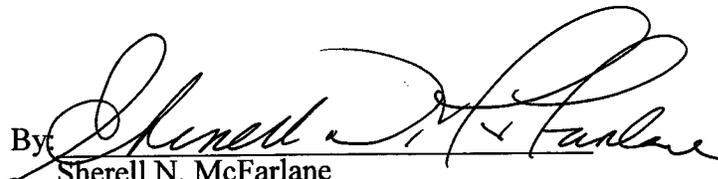
22 NOTICE - COST ASSESSMENT!

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

28 Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATED: September 27, 2016

By 
Sherell N. McFarlane
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-11516, 16-O-12419**

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 90017-2515, 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))**
- 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 0763 22 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 via Certified Mail	Business-Residential Address	Fax Number	Person Served via Regular 1 st Class Mail
William Winfield Brown	BROWN & ASSOCIATES, APC Emerald Plaza 402 W. Broadway, Ste. 400 San Diego, CA 92101	Electronic Address	William Winfield Brown BROWN & ASSOCIATES, APC Emerald Plaza 402 W. Broadway, Ste. 400 San Diego, CA 92101

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: September 27, 2016

SIGNED: Sandra Reynolds
Sandra Reynolds
Declarant