PUBLIC MATTER

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FILED
SEP 13 2016
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of: MARTIN EDGAR KELLER, No. 104159, A Member of the State Bar	Case Nos. 16-O-12124 & 16-N-15576 NOTICE OF DISCIPLINARY 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.

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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-12124
Rules of Professional Conduct, rule 3-700(A)(1)
[Failure to Obtain Court Permission to withdraw]

2. In or about November or December 2005, William O'Neil employed Respondent to file a probate for his aunt, and on or about December 13, 2005, Respondent filed a Petition for Probate of Letters of Testamentary with Full Authority in the matter titled *Estate of Mary Jane Wilson* in San Bernardino Superior Court, Case No. SPRSS 06802 ("*Estate of Wilson*"). Between in or about November or December 2005, and in or about December 2014, Respondent was the attorney for the client. Beginning in or about December 2014, Respondent took no further action on behalf of the client, failed and/or refused to appear for hearings, failed and/or refused to respond to communications requesting that he release the file and provide an accounting of the funds received and disbursed, 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 TWO

Case No. 16-O-12124
Business and Professions Code section 6068(B)
[Failure to Maintain Respect for the Court]

3. In or about November or December 2005, William O'Neil employed Respondent to file a probate for his aunt, and on or about December 13, 2005, Respondent filed a Petition for Probate of Letters of Testamentary with Full Authority in the matter titled *Estate of Mary Jane*

Wilson in San Bernardino Superior Court, Case No. SPRSS 06802 ("*Estate of Wilson*"). Between in or about November or December 2005, and in or about December 2014, Respondent was the attorney for the client. Beginning in or about December 2014, Respondent took no further action on behalf of the client, failed and/or refused to appear for hearings, failed and/or refused to respond to communications requesting that he release the file and provide an accounting of the funds received and disbursed, and effectively withdrew from the employment. On or about May 2, 2016, the Superior Court issued a Citation ordering Respondent to appear for a hearing on or about July 11, 2016. Respondent received notice of the Citation, but 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).

COUNT THREE

Case No. 16-O-12124
Business and Professions Code section 6068(i)
[Failure to Cooperate in State Bar Investigation]

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 dated May 20, 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-12124, in willful violation of Business and Professions Code section 6068(i).

COUNT FOUR

Case No. 16-N-15576
California Rules of Court, rule 9.20
[Failure to Obey Rule 9.20]

5. Respondent failed to file a declaration of compliance with California Rules of Court, rule 9.20 in conformity with the requirements of rule 9.20(c) with the clerk of the State Bar Court by filing to file it on or before July 8, 2016, as required by Supreme Court order no. S23226, in willful violation of California Rules of Court, rule 9.20. (A true and correct copy of the rule 9.20 order is attached hereto as Exhibit 1 and is incorporated by reference.)

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.

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: September 13, 2016

By: _____
Charles T. Calix
Senior Trial Counsel

(State Bar Court Nos. 14-O-01211; 14-O-02396; 15-O-10277)

S232226

IN THE SUPREME COURT OF CALIFORNIA

SUPREME COURT
FILED

APR 29 2016

Frank A. McGuire Clerk

Deputy

En Banc

In re MARTIN EDGAR KELLER on Discipline

The court orders that Martin Edgar Keller, State Bar Number 104159, 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 four years subject to the following conditions:

1. Martin Edgar Keller is suspended from the practice of law for the first six months of probation;
2. Martin Edgar Keller must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 14, 2015; and
3. At the expiration of the period of probation, if Martin Edgar Keller has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Martin Edgar Keller must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order 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).)

Martin Edgar Keller 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. One-third of the costs must be paid with his membership fees for each of the years 2017, 2018, and 2019. If Martin Edgar Keller fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

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
APR 29 2016
____ day of _____ 20____
Clerk
By: _____
Deputy

CANTIL-SAKAUYE
Chief Justice

RECEIVED
MAY - 5 2016
CENTRAL ADMINISTRATION

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 16-O-12124 & 16-N-15576

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))**

- 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 0631 31 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 / Electronic Address	Courtesy Copy to:
MARTIN EDGAR KELLER	323 W Court St Ste 302 San Bernardino, CA 92401	Electronic Address xxxxx@verizon.net	323 W Court St Ste 302 San Bernardino, CA 92401 10558 Mountain View Ave., Unit M Redlands, CA 92354 10610 Mountain View Ave., Apt. M Redlands, CA 92373

☐ **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: September 13, 2016

SIGNED: Genelle De Luca-Suarez

Genelle De Luca-Suarez
Declarant