

**FILED**

**MAY -9 2017**

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

**PUBLIC MATTER**

1 STATE BAR OF CALIFORNIA  
2 OFFICE OF CHIEF TRIAL COUNSEL  
3 GREGORY DRESSER, No. 136532  
4 INTERIM CHIEF TRIAL COUNSEL  
5 RENE L. LUCARIC, No. 180005  
6 ASSISTANT CHIEF TRIAL COUNSEL  
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9 MICHAELA CARPIO, No. 304677  
10 DEPUTY TRIAL COUNSEL  
11 845 South Figueroa Street  
12 Los Angeles, California 90017-2515  
13 Telephone: (213) 765-1338

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

11 In the Matter of: ) Case No. 16-O-15008  
12 JEFFREY BRYAN SMITH, )  
13 No. 150095, ) NOTICE OF DISCIPLINARY CHARGES  
14 A Member of the State Bar. )

**NOTICE - FAILURE TO RESPOND!**

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

- 18 (1) **YOUR DEFAULT WILL BE ENTERED;**
- 19 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**  
20 **WILL NOT BE PERMITTED TO PRACTICE LAW;**
- 21 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**  
22 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**  
23 **AND THE DEFAULT IS SET ASIDE, AND;**
- 24 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**  
25 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**  
26 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**  
27 **ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**  
28 **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. Jeffrey Bryan Smith (“respondent”) was admitted to the practice of law in the State of  
4 California on December 4, 1990, 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-15008  
8 Rules of Professional Conduct, rule 3-110(A)  
[Failure to Perform with Competence]

9 2. On May 10, 2010, Marco and Juanita Tenorio (the “Tenorios”) employed respondent  
10 to perform legal services, namely to represent the Tenorios in a Chapter 7 bankruptcy proceeding  
11 in the United States Bankruptcy Court, Central District of California, case no. 6:10-bk-25394-  
12 MW, which respondent intentionally, recklessly, or repeatedly failed to perform with  
13 competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by failing to  
14 file a petition to reopen the bankruptcy case, failing to resolve the outstanding lien, and failing to  
15 perform any legal services for the Tenorios in resolving the outstanding lien.

16 COUNT TWO

17 Case No. 16-O-15008  
18 Rules of Professional Conduct, rule 3-700(D)(1)  
[Failure to Release File]

19 3. Respondent failed to release promptly, after termination of respondent’s employment  
20 on or about June 24, 2016, to respondent’s clients, Marco and Juanita Tenorio, all of the clients’  
21 papers and property following the clients’ request for the clients’ file on or about June 24, 2016,  
22 in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

23 COUNT THREE

24 Case No. 16-O-15008  
25 Rules of Professional Conduct, rule 3-700(D)(2)  
[Failure to Refund Unearned Fees]

26 4. On or about September 11, 2013, respondent received advanced fees of \$1,500 from  
27 clients, Marco and Juanita Tenorio (the “Tenorios”), to represent the Tenorios in resolving an  
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1 outstanding lien from their Chapter 7 bankruptcy proceedings in the United States Bankruptcy  
2 Court, Central District of California, case no. 6:10-bk-25394-MW. Respondent failed to file a  
3 petition to reopen the bankruptcy case, failed to resolve the outstanding lien, and failed to  
4 perform any legal services for the Tenorios, and therefore earned none of the advanced fees paid.  
5 Respondent failed to refund promptly, upon respondent's termination of employment on or about  
6 June 24, 2016, any part of the \$1,500 fee to the clients, in willful violation of Rules of  
7 Professional Conduct, rule 3-700(D)(2).

8 COUNT FOUR

9 Case No. 16-O-15008  
10 Business and Professions Code, section 6068(m)  
[Failure to Respond to Client Inquiries]

11 5. Respondent failed to respond promptly to weekly telephone calls requesting  
12 reasonable status inquiries made by respondent's clients, Marco and Juanita Tenorio (the  
13 "Tenorios"), between September 2013, to February 2016, and failed to respond to three  
14 additional telephone calls made by the Tenorios on June 22, 23, and 24, 2016, that respondent  
15 received in a matter in which respondent had agreed to provide legal services, in willful violation  
16 of Business and Professions Code, section 6068(m).

17 COUNT FIVE

18 Case No. 16-O-15008  
19 Business and Professions Code, section 6068(i)  
[Failure to Cooperate in State Bar Investigation]

20 6. Respondent failed to cooperate and participate in a disciplinary investigation pending  
21 against respondent by failing to provide a substantive response to the State Bar's letters of  
22 August 3, 2016, and August 26, 2016, which respondent received, that requested respondent's  
23 written response to the allegations of misconduct being investigated in case no. 16-O-15008, in  
24 willful violation of Business and Professions Code, section 6068(i).

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**NOTICE - INACTIVE ENROLLMENT!**

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**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: May 9, 2017

By:   
Michaela Carpio  
Deputy 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-15008

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))



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 0797 67 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 to:
Jeffrey Bryan Smith	Curd Galindo & Smith LLP 301 E Ocean Blvd Ste 1700 Long Beach, CA 90802	Electronic Address	Curd Galindo & Smith LLP 301 E Ocean Blvd Ste 1700 Long Beach, CA 90802



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: May 9, 2017

SIGNED:

Genelle De Luca-Suarez  
Genelle De Luca-Suarez  
Declarant