

PUBLIC MATTER

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FILED

OCT 10 2010

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:) Case No. 17-O-03049, 17-O-03822
WILLIAM E. TURNER,)
No. 51729,) NOTICE OF DISCIPLINARY CHARGES
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. William Earl Turner ("respondent") was admitted to the practice of law in the State of
4 California on January 5, 1972, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT 1

7 Case No. 17-O-03049
8 Business and Professions Code, section 6106
9 [Moral Turpitude – Non-Sufficient Funds in Client Trust Account]

10 2. On or about April 24, 2017, respondent willfully overdrawed and failed to maintain a
11 positive balance in respondent's client trust account at Wells Fargo Bank, account no. xxx-xxx-
12 8170, by authorizing a \$125 electronic debit when respondent knew or was grossly negligent in
13 not knowing that there would be insufficient funds in the client trust account to pay the
14 transaction, and thereby committed an act involving moral turpitude, dishonesty or corruption in
15 willful violation of Business and Professions Code, section 6106.

16 3. A violation of section 6106 may result from intentional conduct or grossly negligent
17 conduct. Respondent is charged with intentionally committing a violation of Business and
18 Professions Code section 6106. However, should the evidence at trial demonstrate that
19 respondent committed a violation of Business and Professions Code 6106 as a result of gross
20 negligence, respondent must still be found culpable of violating section 6106 because
21 overdrawed his client trust account through gross negligence is a lesser included offense of
22 intentionally overdrawed his client trust account.

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COUNT 2

Case No. 17-O-03049
Business and Professions Code, section 6068(j)
[Failure to Update Membership Address]

4. On or about July 21, 2017, respondent vacated respondent's office at the address maintained on the official membership records of the State Bar and thereafter failed to comply with the requirements of Business and Professions Code section 6002.1, by failing to notify the State Bar of the change in respondent's address within 30 days, in willful violation of Business and Professions Code, section 6068(j).

COUNT 3

Case No. 17-O-03822
Rules of Professional Conduct, Rule 4-100(A)
[Commingling - Payment of Personal Expenses from Client Trust Account]

5. On or about June 7, 2017, respondent issued or authorized an electronic withdrawal from funds in respondent's client trust account at Wells Fargo Bank, account no. xxx-xxx-8170, for the payment of personal expenses, in willful violation of the Rules of Professional Conduct, rule 4-100(A):

<u>DATE OF WITHDRAWAL</u>	<u>AMOUNT OF WITHDRAWAL</u>
June 7, 2017	\$167.25

COUNT 4

Case No. 17-O-03822
Business and Professions Code section 6106
[Moral Turpitude – Non-Sufficient Funds in Client Trust Account]

6. On or about June 7, 2017, respondent willfully overdrew and failed to maintain a positive balance in respondent's client trust account at Wells Fargo Bank, account no. xxx-xxx-8170, by authorizing a \$167.25 electronic debit when respondent knew or was grossly negligent in not knowing that there would be insufficient funds in the client trust account to pay the transaction, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): **17-O-03049, 17-O-03822**

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))**
 - I am readily familiar with the State Bar of California's practice for collection and processing of correspondence 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.: **9414-7266-9904-2111-0192-59** 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 Copies To:
William Earl Turner	P.O. Box 143 Monrovia, CA 91017 <i>(via Certified Mail – Return Receipt Requested)</i>	Electronic Address	William Earl Turner 760 East Mariposa Street, Apt. C Altadena, CA 91001 <i>(via U.S. First-Class Mail)</i>
			William Earl Turner 3801 East Pacific Coast Highway, Apt. 134 Long Beach, CA 90804 <i>(via U.S. First-Class Mail)</i>

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 10, 2018

SIGNED: 
 Kathi Palacios
 Declarant