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STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 17-Q-06932
)	
PAUL RAYMOND TURLEY,)	RECOMMENDATION ON
)	RESIGNATION
A Member of the State Bar, No. 177777.)	
_____)	

On November 17, 2017, respondent Paul Raymond Turley filed a resignation with charges pending. On January 16, 2018, the Office of Chief Trial Counsel of the State Bar (OCTC) filed its report on the resignation and the parties' Stipulation as to Facts and Conclusions of Law, which had not yet been signed by Turley. Pursuant to court order, on February 5, 2018, OCTC filed a supplemental report. OCTC recommends that the resignation be accepted. Based on OCTC's recommendation and in light of the grounds set forth in California Rules of Court, rule 9.21(d),¹ as detailed below, we recommend that the Supreme Court accept the resignation.

I. BACKGROUND

Turley was admitted to practice law in California on September 29, 1995, and has not been eligible to practice law in California since July 17, 2017, when he was ordered suspended from practice for failure to take the Multistate Professional Responsibility Exam (MCLE), as required by the Supreme Court in his previous disciplinary matter. He has one prior record of discipline.

¹ All further references to rules are to this source unless otherwise noted.

On May 18, 2016, (effective June 17, 2016), the Supreme Court ordered Turley suspended for two years, execution stayed, and placed on probation for three years with conditions including a 90-day period of actual suspension. (*In re Paul Raymond Turley* (S233126), State Bar Court Case Nos. 15-O-11182, 15-O-12166, 15-O-12530, 15-O-12742 and 15-O-13653.) Turley stipulated to multiple counts of misconduct: (1) a willful violation of Business and Professions Code section 6106, for reporting under penalty of perjury that he was in compliance with his minimum continuing legal education requirements when he knew he was not; (2) a willful violation of Business and Professions Code section 6068, subdivision (a) and section 6106, for holding himself out as entitled to practice law and actually practicing law when he was not entitled to practice; (3) a willful violation of rule 4-100(A) of the Rules of Professional Conduct for payment of personal expenses from his client trust account, for overdrawing the account, and for commingling; (4) a willful violation of rule 3-110(A) of the Rules of Professional Conduct for failing to file a lawsuit within the statute of limitations; and (5) a willful violation of rule 4-100(A) of the Rules of Professional Conduct for payment of personal expenses from his client trust account and for overdrawing the account. In aggravation, Turley committed multiple acts of misconduct and harmed his client. In mitigation, Turley had no prior record of misconduct, cooperated with the State Bar, had family and personal difficulties, demonstrated spontaneous remorse and timely atonement, and presented good character evidence.

There is one pending disciplinary proceeding against Turley. (State Bar Court Case Nos. 17-O-00270 and 17-O-03663.) On February 5, 2018, the parties filed a Stipulation as to Facts and Conclusions of Law in which Turley stipulated that he violated: (1) rule 9.20 by failing to provide the written notification required to his client, opposing counsel, and the court; (2) Business and Professions Code section 6106, by filing a declaration of compliance with rule

9.20(c) that falsely stated that he had no clients; (3) Business and Professions Code section 6068, subdivision (m), by failing to respond to four client inquires and failing to inform his client that he was suspended; (4) rule 3-110(A) of the Rules of Professional Conduct by stipulating to restitution without his client's consent; and (5) Business and Professions Code section 6068, subdivision (k), for failing to attend Ethics and Client Trust Accounting School as required by the Supreme Court in his prior disciplinary matter.

II. CONSIDERATION OF THE GROUNDS SET FORTH IN RULE 9.21(d)

We have considered Turley's resignation under the grounds set forth in rule 9.21(d). We summarize below the relevant information for each ground:

1. Whether the preservation of testimony is complete.

OCTC reports that the perpetuation of the evidence is not necessary in the pending matters.

2. Whether after transfer to inactive status, Turley has practiced law or has advertised or held herself out as entitled to practice law.

OCTC reports that there is no evidence that Turley has practiced law in California or held himself out as entitled to practice law in California since he tendered his resignation.

3. Whether Turley performed the acts specified in rule 9.20(a)-(b).

OCTC reports that there is no evidence that Turley failed to perform the acts required by rule 9.20(a)-(b), Turley has attested he has no clients, no client papers or other property to return, no unearned fees, and no pending client matters.

4. Whether Turley provided proof of compliance with rule 9.20(c).

Turley filed a rule 9.20(c) compliance declaration on November 28, 2017.

5. Whether the Supreme Court has filed a disbarment order.

The Supreme Court has not filed a disbarment order.

6. Whether the State Bar Court has filed a decision recommending disbarment.

The State Bar Court has not filed a decision recommending disbarment.

7. Whether Turley previously resigned or has been disbarred and reinstated to the practice of law.

Turley has not previously resigned or been disbarred in California.

8. Whether Turley entered a stipulation with OCTC as to facts and conclusions of law regarding pending disciplinary matters.

Turley and OCTC entered into a stipulation as to facts and conclusions of law regarding the pending disciplinary matter.

9. Whether accepting Turley's resignation will reasonably be inconsistent with the need to protect the public, the courts, or the legal profession.

We recommend accepting Turley's resignation for the reasons OCTC presented in its filings in this matter. Turley: (1) submitted a rule 9.20 compliance declaration; (2) submitted a stipulation to facts and conclusions of law; (3) has not practiced in California since July 17, 2017; (4) cooperated early in this proceeding with OCTC thereby saving time and resources; (5) has no Client Security Fund claims, or other claims pending against him; and (6) has one prior disciplinary matter that is a public record so that members of the public will have notice of his past discipline. Turley's prior discipline was a 90-day actual suspension and he had extensive mitigation for remorse and timely atonement, no prior discipline, family/personal difficulties, good character, and cooperation. Under these circumstances, we do not believe that public confidence in the discipline system will be undermined by accepting the resignation, and we believe that acceptance would be consistent with the need to protect the public, the courts, and the legal profession.

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III. RECOMMENDATION

We recommend that the Supreme Court accept the resignation of Paul Raymond Turley, State Bar number 177777. We further recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6068.10, and that such costs be enforceable both as provided in section 6140.7 and as a money judgment.

PURCELL

Presiding Judge

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on March 15, 2018, I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED MARCH 15, 2018

in a sealed envelope for collection and mailing on that date as follows:

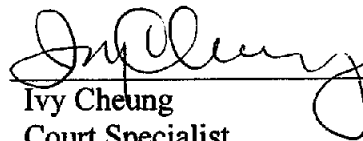
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

PAUL R. TURLEY
LAW OFC PAUL RAYMOND TURLEY
370 GRAND AVE STE 3
OAKLAND, CA 94610 - 4874

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Duncan C. Carling, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 15, 2018.



Ivy Cheung
Court Specialist
State Bar Court