

Public Matter

FILED

02/25/19

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES** *MK*

1 STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL
2 MELANIE J. LAWRENCE, No. 230102
INTERIM CHIEF TRIAL COUNSEL
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ASSISTANT CHIEF TRIAL COUNSEL
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DEPUTY TRIAL COUNSEL
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Los Angeles, California 90017-2515
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8
9 STATE BAR COURT

10 HEARING DEPARTMENT - LOS ANGELES

11 **SBC-19-O-30080**

12 In the Matter of:) Case No. 17-O-07035, 18-O-11799
13 TRISTRAM THOMAS BUCKLEY,)
No. 187754,) NOTICE OF DISCIPLINARY CHARGES
14)
15 A Member of the State Bar.)

16 **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**
THE STATE BAR COURT TRIAL:

- 19 (1) **YOUR DEFAULT WILL BE ENTERED;**
20 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
WILL NOT BE PERMITTED TO PRACTICE LAW;
21 (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;
22 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
23 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
24 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**
25 **ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**
26 **FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,**
27 **RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**
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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Tristram Thomas Buckley ("respondent") was admitted to the practice of law in the
4 State of California on March 20, 1997, was a member at all times pertinent to these charges, and
5 is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 17-O-07035
8 Former Rules of Professional Conduct, rule 4-100(A)
9 [Commingling Personal Funds in Client Trust Account]

10 2. Between on or about July 1, 2017, and continuing to through on or about January 31,
11 2018, respondent deposited or commingled funds belonging to respondent into respondent's
12 client trust account at Citibank, account no. xxxxx7344, as follows in willful violation of the
13 former Rules of Professional Conduct, rule 4-100(A)(effective January 1, 1993 to October 31,
14 2018):

<u>DATE OF DEPOSIT</u>	<u>\$ AMT OF DEPOSIT</u>	<u>FORM OF DEPOSIT</u>
15 1) 07/05/17	\$2,900	Wire Transfer from T. Kaminsk
16 2) 08/16/17	\$30	Cash Deposit
17 3) 09/05/17	\$20,000	Check from Pentagon Federal
18 4) 10/27/17	\$5,000	Check from M. Raphael
19 5) 10/27/17	\$500	Check to M. Centeno
20 6) 10/27/17	\$38	Check to Dr. D. Feldman
21 7) 10/27/17	\$10,000	Transfer from Business Checking Acct. xx9184
22 8) 11/03/17	\$4,500	Check to BT Systems LLC
23 9) 12/29/17	\$20.96	Check from Wells Fargo
24 10) 01/31/18	\$2,000	Transfer from Business Checking Acct. xx9184

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COUNT TWO

Case No. 17-O-07035
Former Rules of Professional Conduct, rule 4-100(A)
[Commingling – Payment of Personal Expenses from Client Trust Account]

3. Between on or about July 1, 2017 and continuing to through on or about January 31, 2018 respondent issued the following electronic withdrawals from funds in respondent's client trust account at Citibank, account no. xxxxx7344, for the payment of personal expenses, in willful violation of former Rules of Professional Conduct, rule 4-100(A) (effective January 1, 1993 to October 31, 2018):

	<u>DATE</u>	<u>\$ AMT/DEBIT</u>	<u>PAYOR/PAYEE</u>
1)	07/03/17	\$25	Chase Credit Card
2)	07/06/17	\$2,955	Cash Withdrawal
3)	07/10/17	\$42.74	Barclay Card
4)	07/10/17	\$136	Chase Credit Card
5)	07/11/17	\$560	Pentagon Federal
6)	07/12/17	\$1,760	Pentagon Federal
7)	07/13/17	\$146	American Express
8)	07/14/17	\$87.48	Citi Autopay
9)	07/24/17	\$61	Pentagon Federal
10)	07/24/17	\$258	Pentagon Federal
11)	07/25/17	\$500	Cash Withdrawal
12)	07/26/17	\$60.26	So Cal Edison Co.
13)	07/26/17	\$200	Citi Card
14)	08/01/17	\$675.89	CBUSOL Intl Wire Out
15)	08/01/17	\$27	Fee for Intl Funds Transfer
16)	08/02/17	\$14.36	Chase Credit Card
17)	08/02/17	\$49.99	So Cal Gas
18)	08/02/17	\$51.58	Citi Autopay

		<u>DATE</u>	<u>\$ AMT/DEBIT</u>	<u>PAYOR/PAYEE</u>
1				
2	19)	08/02/17	\$100	Pentagon Federal
3	20)	08/04/17	\$2,480	Cash Withdrawal
4	21)	08/04/17	\$100	Citi Card
5	22)	08/08/17	\$134	Chase Credit Card
6	23)	08/08/17	\$400	Capital One
7	24)	08/09/17	\$42.31	Barclay Card
8	25)	08/09/17	\$560	Pentagon Federal
9	26)	08/11/17	\$36	Capital One
10	27)	08/11/17	\$100	Capital One
11	28)	08/11/17	\$500	Capital One
12	29)	08/11/17	\$1,000	Capital One
13	30)	08/14/17	\$156	American Express
14	31)	08/14/17	\$1,760	Pentagon Federal
15	32)	08/15/17	\$82.98	Citi Autopay
16	33)	08/15/17	\$1,400	Capital One
17	34)	08/15/17	\$1,500	Capital One
18	35)	08/17/17	\$200	Citi Card
19	36)	08/18/17	\$1,160	Pentagon Federal
20	37)	08/23/17	\$60	Pentagon Federal
21	38)	08/23/17	\$260	Pentagon Federal
22	39)	08/25/17	\$1,000	Capital One
23	40)	08/25/17	\$1,000	Citi Card
24	41)	09/05/17	\$120	Cash Withdrawal
25	42)	09/05/17	\$2,400	Cash Withdrawal
26	43)	09/05/17	\$53.10	Citi Autopay
27	44)	09/11/17	\$41.89	Barclay Card

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		<u>DATE</u>	<u>\$ AMT/DEBIT</u>	<u>PAYOR/PAYEE</u>
1				
2	45)	09/11/17	\$135	Chase Credit Card
3	46)	09/11/17	\$560	Pentagon Federal
4	47)	09/11/17	\$7,647.57	American Express
5	48)	09/12/17	\$27	Capital One
6	49)	09/12/17	\$2,200	Citi Card
7	50)	09/12/17	\$2,446.17	Citi Card
8	51)	09/13/17	\$27.57	Pentagon Federal
9	52)	09/13/17	\$1,760	Pentagon Federal
10	53)	09/13/17	\$2,970.44	Pentagon Federal
11	54)	09/14/17	\$27.57	Pentagon Federal
12	55)	09/14/17	\$1,000	Pentagon Federal
13	56)	09/15/17	\$25	Chase Credit Card
14	57)	09/15/17	\$6,031.84	Chase Credit Card
15	58)	09/22/17	\$750	Cash Withdrawal
16	59)	09/22/17	\$81.75	So Cal Edison Co.
17	60)	09/22/17	\$239	Pentagon Federal
18	61)	09/26/17	\$500	Capital One
19	62)	10/03/17	\$69.11	Citi Autopay
20	63)	10/05/17	\$2,400	Cash Withdrawal
21	64)	10/10/17	\$41.47	Barclay Card
22	65)	10/11/17	\$36	Capital One
23	66)	10/11/17	\$560	Pentagon Federal
24	67)	10/12/17	\$1,760	Pentagon Federal
25	68)	10/13/17	\$35	American Express
26	69)	10/16/17	\$25	Chase Credit Card
27	70)	10/16/17	\$40.06	Citi Autopay

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	<u>DATE</u>	<u>\$ AMT/DEBIT</u>	<u>PAYOR/PAYEE</u>
1			
2	71) 10/20/17	\$110	Bank of America
3	72) 10/24/17	\$15	Pentagon Federal
4	73) 10/24/17	\$15	Pentagon Federal
5	74) 10/24/17	\$238	Pentagon Federal
6	75) 10/24/17	\$475.16	Pentagon Federal
7	76) 10/30/17	\$100	American Express
8	77) 10/31/17	\$238	Pentagon Federal
9	78) 10/31/17	\$475.16	Pentagon Federal
10	79) 11/02/17	\$25	Citi Autopay
11	80) 11/03/17	\$2,540	Cash Withdrawal
12	81) 11/09/17	\$41.06	Barclay Card
13	82) 11/09/17	\$560	Pentagon Federal
14	83) 11/13/17	\$50	Cash Withdrawal
15	84) 11/13/17	\$35	American Express
16	85) 11/13/17	\$42	Capital One
17	86) 11/14/17	\$55	Payment for AMZ Storecard
18	87) 11/14/17	\$1,760	Pentagon Federal
19	88) 11/15/17	\$2.25	Chase Credit Card
20	89) 11/16/17	\$475.16	Pentagon Federal
21	90) 11/22/17	\$5	Pentagon Federal
22	91) 11/22/17	\$238	Pentagon Federal
23	92) 11/24/17	\$51	Pentagon Federal
24	93) 12/04/17	\$12.12	Citi Autopay
25	94) 12/11/17	\$40.65	Barclay Card
26	95) 12/11/17	\$560	Pentagon Federal
27	96) 12/12/17	\$45	Capitol One
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		<u>DATE</u>	<u>\$ AMT/DEBIT</u>	<u>PAYOR/PAYEE</u>
1				
2	97)	12/13/17	\$35	American Express
3	98)	12/13/17	\$1,760	Pentagon Federal
4	99)	12/14/17	\$17	Citi Autopay
5	100)	12/15/17	\$25	Chase Credit Card
6	101)	12/18/17	\$110	Bank of America
7	102)	12/18/17	\$475.16	Pentagon Federal
8	103)	12/20/17	\$300	Capital One
9	104)	12/20/17	\$1,900	Pentagon Federal
10	105)	12/22/17	\$236	Pentagon Federal
11	106)	12/26/17	\$61	Pentagon Federal
12	107)	12/28/17	\$108	Bank of America
13	108)	01/02/18	\$25	Citi Autopay
14	109)	01/09/18	\$40.24	Barclay Card
15	110)	01/10/18	\$560	Pentagon Federal
16	111)	01/11/18	\$47	Capital One
17	112)	01/12/18	\$1,760	Pentagon Federal
18	113)	01/16/18	\$25	Chase Credit Card
19	114)	01/16/18	\$35	Citi Autopay
20	115)	01/16/18	\$35	American Express
21	116)	01/16/18	\$114.77	Payment for AMZ Storecard
22	117)	01/17/18	\$475.16	Pentagon Federal
23	118)	01/24/18	\$81	Pentagon Federal
24	119)	01/29/18	\$108	Bank of America
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COUNT THREE

Case No. 17-O-07035
Business and Professions Code, section 6106
[Moral Turpitude – Issuance of NSF Checks]

4. Between on or about October 12, 2017 and October 24, 2017, respondent repeatedly issued the following electronic withdrawals drawn upon respondent’s client trust account at Citibank, account no. xxxxx7344, when respondent knew or was grossly negligent in not knowing that there were insufficient funds in the CTA to pay them, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106:

	<u>DATE</u>	<u>\$ AMT/DEBIT</u>	<u>PAYOR/PAYEE</u>	<u>RETURNED/PAID</u>
1)	10/12/17	\$1,760	Pentagon Federal	Returned 10/13/17
2)	10/24/17	\$238	Pentagon Federal	Returned 10/25/17
3)	10/24/17	\$475.16	Pentagon Federal	Returned 10/25/17

5. A violation of section 6106 may result from intentional conduct or grossly negligent conduct. Respondent is charged with committing intentional acts of moral turpitude. However, should the evidence at trial demonstrate that respondent committed moral turpitude as a result of gross negligence, respondent must still be found culpable of violating section 6106 because acts of moral turpitude through gross negligence is a lesser included offense of intentional acts of moral turpitude.

COUNT FOUR

Case No. 18-O-11799
Former Rules of Professional Conduct, rule 4-100(A)
[Commingling – Payment of Personal Expenses from Client Trust Account]

6. Between on or about February 1, 2018 and continuing to through on or about February 20, 2018 respondent issued the following electronic withdrawals from funds in respondent’s client trust account at Citibank account no. xxxxx7344, for the payment of personal expenses, in willful violation of former Rules of Professional Conduct, rule 4-100(A) (effective January 1, 1993 to October 31, 2018):

		<u>DATE</u>	<u>\$ AMT/DEBIT</u>	<u>PAYOR/PAYEE</u>
1				
2	1)	02/02/18	\$41.91	Citi Autopay
3	2)	02/05/18	\$2,400	Cash Withdrawal
4	3)	02/05/18	\$25	Capital One
5	4)	02/08/18	\$800	Citi Card
6	5)	02/09/18	\$39.84	Barclay Card
7	6)	02/09/18	\$300	Pentagon Federal
8	7)	02/09/18	\$560	Pentagon Federal
9	8)	02/12/18	\$44	Capital One
10	9)	02/13/18	\$35	American Express
11	10)	02/13/18	\$1,760	Pentagon Federal
12	11)	02/14/18	\$70.74	Citi Autopay
13	12)	02/15/18	\$25	Chase Credit Card
14	13)	02/15/18	\$54.79	So Cal Edison Co.
15	14)	02/16/18	\$475.16	Pentagon Federal

COUNT FIVE

Case No. 18-O-11799
 Business and Professions Code, section 6106
 [Moral Turpitude – Issuance of NSF Checks]

7. On or about February 16, 2018, respondent issued the following electronic withdrawal drawn upon respondent's client trust account at Citibank, account no. xxxxx7344, when respondent knew or was grossly negligent in not knowing that there were insufficient funds in the CTA to pay it, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106:

		<u>DATE</u>	<u>\$ AMT/DEBIT</u>	<u>PAYOR/PAYEE</u>	<u>RETURNED/PAID</u>
24					
25	1)	02/16/18	\$475.16	Pentagon Federal	Returned 02/20/18
26					
27					
28					

1 8. A violation of section 6106 may result from intentional conduct or grossly negligent
2 conduct. Respondent is charged with committing intentional acts of moral turpitude. However,
3 should the evidence at trial demonstrate that respondent committed moral turpitude as a result of
4 gross negligence, respondent must still be found culpable of violating section 6106 because acts
5 of moral turpitude through gross negligence is a lesser included offense of intentional acts of
6 moral turpitude.

7 **NOTICE - INACTIVE ENROLLMENT!**

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

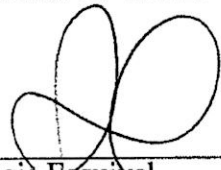
16 **NOTICE - COST ASSESSMENT!**

17 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
18 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
19 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
20 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
21 PROFESSIONS CODE SECTION 6086.10.**

22 Respectfully submitted,

23 THE STATE BAR OF CALIFORNIA
24 OFFICE OF CHIEF TRIAL COUNSEL

25 DATED: 2/25/19

26 By: 
27 Angie Esquivel
28 Deputy Trial Counsel

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 17-O-07035, 18-O-11799

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))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

- (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 0122 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)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, COURTESY COPY VIA REGULAR 1ST CLASS MAIL. Row 1: Tristram Thomas Buckley, 426 S. Rexford Dr. Apt. 12, Beverly Hills, CA 90212-4788, Electronic Address.

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: February 25, 2019

SIGNED: [Signature]
Lusine Hambarzumyan
Declarant