

PUBLIC MATTER

FILED

JUL 02 2013

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

1 STATE BAR OF CALIFORNIA
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STATE BAR COURT
HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of:) Case No. 12-O-17048
13 RICHARD D. HUFFMAN II,)
No. 157740,) NOTICE OF DISCIPLINARY CHARGES
14)
15 A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

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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.**

26 The State Bar of California alleges:
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1 15. By failing to timely file the notice of appeal and preserve Burleson's appeal
2 rights in the criminal matter, Respondent intentionally, recklessly, or repeatedly failed to
3 perform legal services with competence.

4 ///

5 COUNT THREE

6 Case No. 12-O-17048
7 Rules of Professional Conduct, rule 3-700(D)(1)
8 [Failure to Release File]

9 16. Respondent willfully violated Rules of Professional Conduct, rule 3-700(D)(1), by
10 failing to release promptly, upon termination of employment, to the client, at the request of
11 the client, all the client papers and property, as follows:

12 17. The allegations of Counts One and Two are incorporated by reference.

13 18. From in or about May 2012 to the present, Burleson has sent Respondent
14 numerous emails in which he has requested his client file. Respondent received the emails,
15 but has not made Burleson's file available to him.

16 19. To date, Respondent has not provided Burleson with any portion of his file.

17 20. By failing to provide Burleson with his file or otherwise make the file available to
18 him, Respondent failed to release promptly, upon termination of employment, to the client,
19 at the request of the client, all the client papers and property.

20 NOTICE - INACTIVE ENROLLMENT!

21 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
22 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
23 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
24 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
25 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
26 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
27 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
28 RECOMMENDED BY THE COURT.**

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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 THE CHIEF TRIAL COUNSEL

DATED: 7/2/13

By: 
Lee Ann Kern
Deputy Trial Counsel

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): **12-O-17048**

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, 1149 South Hill Street, Los Angeles, California 90015, 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 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.: 7196 9008 9111 0442 6583 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:
DAVID C. CARR	LAW OFFICE OF DAVID C. CARR 530 B ST., STE. 1410 SAN DIEGO, CA 92101	Electronic Address	

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

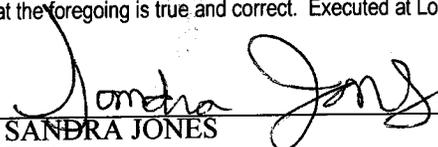
I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ('UPS'). In the ordinary course of the State Bar of California's practice, correspondence 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: July 2, 2013

SIGNED: _____


SANDRA JONES
Declarant