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STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of:

JUDSON THOMAS FARLEY,
No. 83378

A Member of the State Bar,

CASE NO.: 13-O-14287 [13-0-14752 & 13-0-16876]

ANSWER TO NOTICE OF DISCIPLINARY CHARGES

Respondent, Judson Thomas Farley, answers the allegations set forth in the Notice of Disciplinary Charges as follows:

Jurisdiction

1. Respondent admits the allegations set forth in paragraph 1 of the Notice.

Answer to Count One

2. Answering the allegations set forth in Count One, respondent denies that his failure to comply with the court order was willful.

Answer to Count Two

3. Respondent denies the allegations set forth in Count Two.

Answer to Count Three

4. Respondent admits he failed to provide a substantive response to the State Bar's letters of September 10, 2013 and September 30, 2013, and affirmatively alleges

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that , although he believed the court's July 2, 2013, order was wrong, his intent was to simply pay the $4,000.00 to the Mlnarik Law Group and to respond to the State Bar by saying that he had complied with the order. At the time, respondent did not comprehend that the precipitous decline in the number of bankruptcy case filings and the public record of the disciplinary proceedings in case no 13-0-10698 would effectively end his law practice and make it impossible for him to comply with the court's order. He was focusing only on defending himself in case no. 13-0-10698, and was hoping that a positive outcome in that case would restore his reputation and enable him to generate money to pay the $4,000.00.

Answer to Count Four

5. Answering the allegations of Count Four, respondent admits that, on or about December 7, 2012, Wade and Bernarda Grant hired him to represent them in a Chapter 7 bankruptcy and denies the remaining allegations stated in that Count. Respondent affirmatively alleges that, in January 2013, his administrative assistant resigned because respondent was no longer able to pay her. Respondent continued to service his caseload doing his own clerical work, which he had successfully done in the past. The result was a delay in completing projects. Mr. Grant became impatient with the delay and contacted respondent. Respondent immediately prepared the Grants' case for filing. However, Mr. Grant had by that time become aware of the disciplinary proceedings pending against respondent and demanded his money back. Thereafter, Mr. Grant and respondent met and agreed that respondent would refund $900.00 of the $1,806.00 paid by the Grants because their case was ready for filing and was only not filed because the Grants no longer wanted respondent to represent them. Due to the factors enumerated in paragraph 4, above, respondent was unable to refund the $900.00.

Answer to Count Five

6. Answering the allegations of Count Five, respondent refers to and incorporates herein as if set forth in full his answer to Count Four.

Answer to Count Six

7. Answering the allegations of Count Six, respondent refers to and incorporates herein as if set forth in full his answer to Count Four.

Answer to Count Seven

8. Respondent denies the allegations set forth in Count Seven. Respondent is required by the Bankruptcy Court to file cases electronically. As part of the electronic filing, filing fees are charged directly to the attorney's credit or debit card. For this reason, although clients are told that the fee charged for the case includes the filing fee, for which the attorney is responsible, no distinction is made between the portion of the fee which represents attorney compensation and the portion which will reimburse the attorney for paying the filing fee. The fee is charged and paid in a lump sum.

Answer to Count Eight

9. Answering the allegations of Count Eight, respondent refers to and incorporates herein as if set forth in full his answer to Count Seven.

Answer to Count Nine

10. Respondent admits he failed to provide a substantive response to the State Bar's letters of September 11, 2013 and September 30, 2013, and affirmatively alleges that he intended to simply pay the $900.00 to the Grants and to respond to the State Bar by saying that he had refunded their money. At the time, respondent did not comprehend that the precipitous decline in the number of bankruptcy case filings and the public record of the disciplinary proceedings in case no 13-0-10698, which prompted the Grants' request for a refund, would effectively end his law practice and make it impossible for him to comply with the court's order. He was focusing only on defending himself in case no. 13-010698, and was hoping that a positive outcome in that case would restore his reputation and enable him to generate money to pay the $900.00.

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Answer to Count Ten

11. Answering the allegations of Count Ten, respondent admits that, on or about September 5 and 6 2013, Bouke Hollinga hired respondent to represent him to reopen a bankruptcy case to remove a lien on Mr. Hollinga's home. At the time, respondent was immersed in preparing to defend himself in State Bar Court case no. 13-0-10698 and also in a Superior Court family law proceeding wherein his ex-wife was seeking to have him held in contempt and sentenced to jail for failure to pay spousal support. The Superior Court case was set for trial on September 18. 2013, and was continued to October 21, 2013, and the State Bar case was set for trial on November 25-27, 2013. Due to these cases and the normal press of business, respondent was unable to immediately address Mr. Hollinga's case. It appears that Mr. Holinga, through his son-in-law, Howard Becker, who is an attorney, became aware of State Bar case no. 13-0-10698 and filed his own State Bar complaint sometime prior to December 4, 2013. Howard Becker sent respondent a demand for a refund on December 13, 2013. Respondent was willing and able to provide the service for which he had been retained but Mr. Hollinga no longer wanted him to do so.

Answer to Count Eleven

12. Respondent admits he failed to refund the $1,000.00 retainer paid by Mr. Hollinga. He intended to do so but, due to the factors enumerated in paragraph 4, above, he was unable to.

Answer to Count Twelve

13. Answering the allegations of Count Twelve, respondent refers to and incorporates herein as if set forth in full his answer to Count Seven.

Answer to Count Thirteen

14. 9. Answering the allegations of Count Thirteen, respondent refers to and incorporates herein as if set forth in full his answer to Count Seven.

Answer to Count Fourteen

15. Respondent admits he failed to provide a substantive response to the State

Bar's letters of December 4, 2013 and January 3, 2014, and affirmatively alleges that he intended to simply pay the $1,306.00 to Mr. Hollinga and to respond to the State Bar by saying that he had refunded the money. At the time, respondent did not comprehend that the precipitous decline in the number of bankruptcy case filings and the public record of the disciplinary proceedings in case no 13-0-10698, which may have prompted the request for a refund, would effectively end his law practice and make it impossible for him to give Mr.Hollinga's money back. In addition, at the end of January 2014. respondent's office computer crashed and he was forced to reconstruct the files for numerous cases which further hindered his ability to generate income.

Answer to Count Fifteen

16. Respondent lacks information and belief sufficient to answer the allegations of Count Fifteen. There may have been telephone calls from the Hollinga family to which respondent did not respond from September through November, 2013, because respondent was preoccupied with defending himself in State Bar case no. 13-0-10698 and the family court proceeding. The only record in the file of a communication to which respondent did not respond is an email from Howard Becker dated December 10, 2013, which stated that the matter had already been referred to the State Bar. Because the matter was already before the State Bar, respondent chose not to respond to that communication.

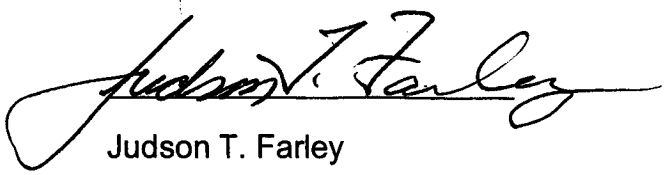
VERIFICATION

I, Judson T. Farley, declare:

I am the respondent in the above-entitled action. I have read the foregoing answer and know the contents thereof. The same is true of my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated 11/18/14



Judson T. Farley

CERTIFICATE OF SERVICE BY MAIL

Case Name: Judson Thomas Farley **Case No. 13-O-14287**

I declare that I am, and at all times mentioned was, a citizen of the United States and a resident of the State of California. I am employed in the County of Santa Cruz, California. My business address is 830 Bay Avenue, Suite B, Capitola, California 95010.

I am over the age of 18 years and am not a party to the within entitled cause. I am familiar with the processing of correspondence for mailing with the United States Postal Service. Correspondence is placed in the mail collection system at my employer's office and is deposited with the United States Postal Service. Correspondence placed in the mail collection system at my employer's office is deposited with the United States Postal Service that same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

On **November 18, 2014** a true and accurate photocopy of the following described documents,

ANSWER TO NOTICE
OF DISCIPLINARY CHARGES

was placed for service, in this office's internal mail collection system, in a sealed envelope to be delivered by mail with the United States Postal Service with postage prepaid and addressed as follows:

Catherine Taylor
Deputy Trial Counsel
180 Howard Street
San Francisco, CA 94105-1639

In addition to the foregoing, if any of the following are checked, service at the addresses and/or fax numbers noted above was also completed by :

___	Facsimile Transmission	___	Federal Express	___	Certified Mail
___	Personal Hand Delivery	___	Express Mailing	___	Telephone

I declare under penalty of perjury under the laws of the United States of America and of the State of California that the foregoing is true and correct and that this declaration was executed on November 18, **2014** at Capitola, California.

Rebecca Bryan

Rebecca Bryan