

PUBLIC MATTER

FILED

1 STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
2 JAYNE KIM, No. 174614
CHIEF TRIAL COUNSEL
3 JOSEPH R. CARLUCCI, No. 172309
DEPUTY CHIEF TRIAL COUNSEL
4 MELANIE J. LAWRENCE, No. 230102
ASSISTANT CHIEF TRIAL COUNSEL
5 CHARLES T. CALIX, No. 146853
DEPUTY TRIAL COUNSEL
6 845 South Figueroa Street
Los Angeles, California 90017-2515
7 Telephone: (213) 765-1255

JUL 30 2014
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

8
9 STATE BAR COURT

10 HEARING DEPARTMENT - LOS ANGELES

11
12 In the Matter of:) Case No. 14-O-01211
13 MARTIN EDGAR KELLER,)
No. 104159,) 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
22 **AND THE DEFAULT IS SET ASIDE, AND;**
23 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
24 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
25 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**
26 **ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**
27 **FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,**
28 **RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Martin Edgar Keller (“Respondent”) was admitted to the practice of law in the State
4 of California on November 22, 1982, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6
7 COUNT ONE

8 Case No. 14-O-01211
9 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

10 2. In or about January 2008, Linda C. Day employed Respondent to perform legal
11 services, namely to represent her in a dispute with her two sisters about the distribution of their
12 deceased father’s trust, which Respondent intentionally, recklessly, or repeatedly failed to
13 perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A),
14 by failing to perform any legal services of value between on or about April 20, 2012 and on or
15 about on or about November 9, 2013.

16 COUNT TWO

17 Case No. 14-O-01211
18 Business and Professions Code section 6068(m)
[Failure to Respond to Client Inquiries]

19 3. Respondent failed to respond promptly to at least 20 telephonic and five to ten written
20 reasonable status inquiries made by Respondent’s client, Linda C. Day, between in or about the
21 end of April 2012 and in or about October 2013, that Respondent received in a matter in which
22 Respondent had agreed to provide legal services, in willful violation of Business and Professions
23 Code section 6068(m).

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COUNT THREE

Case No. 14-O-01211
Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

4. Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to Respondent's client, Linda C. Day, by constructively terminating Respondent's employment on or about November 9, 2013, by failing to communicate or take any action on the client's behalf after meeting with the client on November 9, 2013, and thereafter failing to inform the client that Respondent was withdrawing from employment, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

COUNT FOUR

Case No. 14-O-01211
Business and Professions Code section 6068(i)
[Failure to Cooperate in State Bar Investigation]

5. Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent by failing to provide a substantive response to the State Bar's letters dated March 17, 2014 and April 18, 2014, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 14-O-01211, in willful violation of Business and Professions Code section 6068(i).

COUNT FIVE

Case No. 14-O-01211
Business and Professions Code section 6106
[Moral Turpitude - Misrepresentation]

6. Between on or about July 20, 2012, and on or about October 17, 2013, Respondent submitted six quarterly reports to the Office of Probation of the State Bar of California, that stated under penalty of perjury that during the compliance period preceding each quarterly report, he had complied with all provisions of the State Bar Act and Rules of Professional Conduct, when Respondent knew or was grossly negligent in not knowing the statements were false, and thereby committed acts involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

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COUNT SIX

Case No. 14-O-01211
Business and Professions Code section 6068(k)
[Failure to Comply with Conditions of Probation]

7. Respondent failed to comply with conditions attached to Respondent's disciplinary probation in State Bar Case no. 09-O-13295 as follows, in willful violation of Business and Professions Code section 6068(k) by failing to submit seven quarterly reports by their due dates of January 10, 2012, July 10, 2012, October 10, 2012, January 10, 2013, April 10, 2013, July 10, 2013, and October 10, 2013.

NOTICE - INACTIVE ENROLLMENT!

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

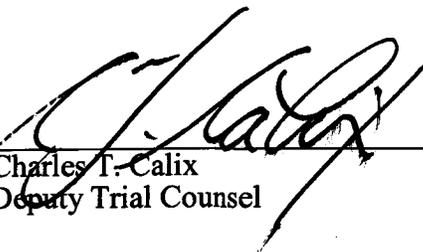
NOTICE - COST ASSESSMENT!

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: July 30, 2014

By: 
Charles T. Calix
Deputy Trial Counsel

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): **14-O-01211**

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, 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))**
- 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 9009 9111 6411 1757 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:
MARTIN EDGAR KELLER	323 W Court St Ste 302 San Bernardino, CA 92401	Electronic Address	Martin E Keller 323 W Court St Ste 302 San Bernardino, CA 92401

- 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 30, 2014

SIGNED:


KIM WIMBISH
Declarant