

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
 2 OFFICE OF THE CHIEF TRIAL COUNSEL
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FILED
DEC 22 2014
 STATE BAR COURT
 CLERK'S OFFICE
 LOS ANGELES

8 STATE BAR COURT

9 HEARING DEPARTMENT - LOS ANGELES

11 In the Matter of:) Case No. 14-O-01900
 12 KENNETH MATTHEW COOKE,)
 13 No. 159341,) NOTICE OF DISCIPLINARY CHARGES
 14 A Member of the State Bar)

15 **NOTICE - FAILURE TO RESPOND!**

16 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE WITHIN 20**
 17 **DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT THE STATE**
 18 **BAR COURT TRIAL:**

- 18 (1) **YOUR DEFAULT WILL BE ENTERED;**
- 19 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL**
 20 **NOT BE PERMITTED TO PRACTICE LAW;**
- 21 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**
 22 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION AND**
 23 **THE DEFAULT IS SET ASIDE, AND;**
- 24 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
 25 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE OR**
 26 **VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN ORDER**
 27 **RECOMMENDING YOUR DISBARMENT WITHOUT FURTHER**
 28 **HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ., RULES OF**
PROCEDURE OF THE STATE BAR OF CALIFORNIA.

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Kenneth Matthew Cooke ("Respondent") was admitted to the practice of law in the
4 State of California on June 15, 1992, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No.14-O-01900
8 Business and Professions Code, section 6068(m)
9 [Failure to Respond to Client Inquiries]

10 2. Respondent failed to respond promptly to more than six reasonable status
11 inquiries made by Respondent's client, Eduardo Munoz, between on or about March 5, 2010
12 and April 1, 2014, that Respondent received, in a matter in which Respondent had agreed to
13 provide legal services, in willful violation of Business and Professions Code, section 6068(m).

14 COUNT TWO

15 Case No.14-O-01900
16 Rules of Professional Conduct, rule 3-110(A)
17 [Failure to Perform with Competence]

18 3. On or about March 5, 2010, Eduardo and Maria Munoz employed Respondent to
19 perform legal services, namely to file a bankruptcy case and represent the clients in the
20 bankruptcy proceedings, which Respondent intentionally, recklessly, or repeatedly failed to
21 perform with competence in willful violation of Rules of Professional Conduct, rule 3-110(A),
22 when he failed to file the bankruptcy case and effectively abandoned the clients by not
23 performing any further legal services.

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COUNT THREE

Case No.14-O-01900
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

4. Between on or about March 5, 2010 and June 16, 2011, Respondent received advanced fees of \$1,500 in five installments from clients, Eduardo and Maria Munoz, for purposes of representing the clients in a bankruptcy case. Respondent failed to file the bankruptcy matter and effectively abandoned the clients by not performing any further legal services beyond the initial consultation. The Munozes terminated Respondent's representation in or about May 2014 and respondent has not refunded the clients \$1,500 in unearned, advanced fees, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

COUNT FOUR

Case No.14-O-01900
Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client's Funds]

5. Between on or about March 5, 2010 and June 16, 2011, Respondent received on behalf of Respondent's clients, Eduardo and Maria Munoz, five installments of advanced fees for Respondent's legal work and representation. Respondent thereafter failed to render an appropriate accounting to the clients regarding those funds upon the clients terminating the legal services in or about May 2014, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

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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 December 22 '14 By: Lori Brodbeck for

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 14-O-01900

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.: 9414 7266 9904 2010 0870 21 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 to: Row 1: Kenneth Matthew Cooke, 3655 Ruffin Rd Ste 210 San Diego, CA 92123, 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: December 22, 2014

SIGNED: Charles C. Bagai Declarant