

FILED

JUL 21 2015

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

1 STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL  
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10 STATE BAR COURT

11 HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:

14 MANUEL LOPEZ,  
15 No. 40235,

16 A Member of the State Bar.

Case No. 14-O-05540, 14-O-05882,  
15-O-10366, 15-O-10884

NOTICE OF DISCIPLINARY CHARGES

18 **NOTICE - FAILURE TO RESPOND!**

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

- 21 (1) **YOUR DEFAULT WILL BE ENTERED;**
- 22 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**  
**WILL NOT BE PERMITTED TO PRACTICE LAW;**
- 23 (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;**
- 24 (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.**



1 The State Bar of California alleges:

2 JURISDICTION

3 1. Manuel Lopez ("Respondent") was admitted to the practice of law in the State of  
4 California on June 6, 1967, was a member at all times pertinent to these charges, and is currently  
5 a member of the State Bar of California.

6 COUNT ONE

7 Case No. 14-O-05540  
8 Rules of Professional Conduct, rule 3-110(A)  
9 [Failure to Perform with Competence]

10 2. On or about October 7, 2012, Omar Martinez employed Respondent to perform legal  
11 services, namely to appear at a traffic court hearing at the East Los Angeles Courthouse  
12 scheduled for on or about November 22, 2012, which Respondent intentionally, recklessly, or  
13 repeatedly failed to perform with competence, by failing to appear at the traffic court hearing  
14 scheduled for November 22, 2012, in willful violation of Rules of Professional Conduct, rule 3-  
15 110(A).

16 COUNT TWO

17 Case No. 14-O-05540  
18 Rules of Professional Conduct, rule 3-700(A)(2)  
19 [Improper Withdrawal from Employment]

20 3. Respondent failed, upon termination of employment, to take reasonable steps to avoid  
21 reasonably foreseeable prejudice to Respondent's client, Omar Martinez, by failing to take any  
22 action on the client's behalf after on or about November 22, 2012, and thereby constructively  
23 terminating employment without giving due notice to his client that Respondent was  
24 withdrawing from employment, in willful violation of Rules of Professional Conduct, rule 3-  
25 700(A)(2).

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COUNT THREE

Case No. 14-O-05540  
Rules of Professional Conduct, rule 3-700(D)(2)  
[Failure to Refund Unearned Fees]

4. Between on or about October 7, 2012, and November 17, 2012, Respondent received advanced fees of \$1,200 from a client, Omar Martinez, to appear at a traffic court hearing at the East Los Angeles Courthouse scheduled for November 22, 2012. Respondent failed to appear at the traffic court hearing scheduled for November 22, 2012, nor did he perform any legal services for the client, and therefore earned none of the advanced fees paid. Respondent failed to refund promptly, upon Respondent's termination of employment on or about on or about November 22, 2012, any part of the \$1,200 fee to the client, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

COUNT FOUR

Case No. 14-O-05540  
Rules of Professional Conduct, rule 4-100(B)(3)  
[Failure to Render Accounts of Client Funds]

5. Between on or about October 7, 2012, and November 17, 2012, Respondent received from Respondent's client, Omar Martinez, the sum of \$1,200 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds following his constructive termination of the attorney-client relationship on or about November 22, 2012, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT FIVE

Case No. 14-O-05540  
Business and Professions Code, section 6068(m)  
[Failure to Inform Client of Significant Development]

6. Respondent failed to keep Respondent's client, Omar Martinez, reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, by failing to inform the client that Respondent failed to appear at the traffic court

1 hearing scheduled for November 22, 2012, in willful violation of Business and Professions Code,  
2 section 6068(m).

3 COUNT SIX

4 Case No. 14-O-05882  
5 Rules of Professional Conduct, rule 4-100(A)  
6 [Commingling Personal Funds in Client Trust Account]

7 7. From on or about November 28, 2014 through on or about December 3, 2014, on two  
8 occasions Respondent deposited or commingled funds belonging to Respondent into  
9 Respondent's client trust account at Bank of America, account number XXX-XXXX-6300,  
10 thereby inappropriately using his client trust account as a personal account, in wilful violation of  
11 Rules of Professional Conduct, rule 4-100(A), by depositing personal funds into his client trust  
12 account via two (2) checks from the Social Security Administration.

13 COUNT SEVEN

14 Case No. 15-O-10366  
15 Rules of Professional Conduct, rule 3-700(D)(2)  
16 [Failure to Refund Unearned Fees]

17 8. On or about October 2, 2014, Respondent received advanced fees of \$2,000 from a  
18 client, Socorro Luna, to appear and represent the client at up to three hearings in her marital  
19 dissolution matter in *Luna v. Luna*, San Bernardino Superior Court case number  
20 FAMRS1303384. Respondent thereafter did not appear at any hearings in the client's marital  
21 dissolution matter, nor did he perform any legal services for the client, and therefore earned none  
22 of the advanced fees paid. Respondent failed to refund promptly, upon Respondent's  
23 termination of employment in or about December 2014, any part of the \$2,000 fee to the client,  
24 in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

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COUNT EIGHT

Case No. 15-O-10366  
Rules of Professional Conduct, rule 4-100(B)(3)  
[Failure to Render Accounts of Client Funds]

9. On or about October 2, 2014, Respondent received from Respondent's client, Socorro Luna, the sum of \$2,000 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds upon the termination of Respondent's employment in or about December 2014, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT NINE

Case No. 15-O-10884  
Rules of Professional Conduct, rule 3-110(A)  
[Failure to Perform with Competence]

10. In or about December 2014, Claudia Garduno-Carillo employed Respondent to perform legal services, namely to file a lawsuit and represent the client in a real estate investment dispute, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, by failing to file a lawsuit or otherwise perform any legal services on behalf of the client, in willful violation of Rules of Professional Conduct, rule 3-110(A).

COUNT TEN

Case No. 15-O-10884  
Rules of Professional Conduct, rule 3-700(D)(2)  
[Failure to Refund Unearned Fees]

11. Between on or about December 10, 2014, and December 19, 2014, Respondent received advanced fees of \$2,000 from a client, Claudia Garduno-Carillo, to file a lawsuit and represent the client in a real estate investment dispute. Respondent failed to file a lawsuit, or perform any legal services for the client, and therefore earned none of the advanced fees paid. Respondent failed to refund promptly, upon Respondent's termination of employment in or about January 2015 any part of the \$2,000 fee to the client, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

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COUNT ELEVEN

Case No. 15-O-10884  
Business and Professions Code, section 6068(m)  
[Failure to Respond to Client Inquiries]

12. Respondent failed to respond promptly to multiple telephonic reasonable status inquiries made by Respondent's client, Claudia Garduno-Carillo, in or about January 2015 that Respondent received in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

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 21, 2015 \_\_\_\_\_

By:   
Lara Bairamian  
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-05540, 14-O-05882, 15-O-10366, 15-O-10884

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))
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 2010 0696 45 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: Frank Adler, Esq., 424 South Beverly Drive Beverly Hills, CA 90212, 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').

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 21, 2015

SIGNED:

Charles C. Bagai
Declarant