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STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of:) Case No. 13-O-10649
JOHN WESLEY VILLINES,) NOTICE OF DISCIPLINARY CHARGES
No. 193672,)
A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

**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.**

The State Bar of California alleges:

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1 8. Respondent provided no legal services of value to Owens, including but not limited
2 to, filing the Offer and Compromise with the IRS.

3 9. In or about May of 2008, Owens employed Respondent to negotiate and obtain a loan
4 modification as part of a bankruptcy filing. Respondent agreed to the employment for a flat fee
5 of \$2,500.

6 10. On or about May 22, 2008, Owens paid Respondent \$1,500 in advanced attorney
7 fees. On or about May 25, 2008, Owens paid Respondent the additional \$1,000 in advanced
8 attorney fees.

9 11. On or about October 28, 2008, Owens filed for bankruptcy, which was finalized and
10 discharged on or about October 31, 2009. During this time period, Respondent continued to
11 inform Owens that he was working on Owens' loan modification.

12 12. In or about January 2010, Owens learned that the bank was planning on foreclosing
13 on his home because Respondent had not negotiated or obtained a loan modification on Owens'
14 home.

15 13. On or about May 26, 2010, the bank foreclosed on Owens' home. Respondent
16 offered to resolve the matter by filing a lawsuit against the bank. On October 15, 2010,
17 Respondent filed the lawsuit against the bank on behalf of Owens.

18 14. Prior to June 2012, whenever Owens would inquire about the lawsuit, Respondent
19 would inform him that the lawsuit was not moving forward because the bank had failed to
20 respond.

21 15. In or about June 2012, Owens received a letter from Respondent informing him that
22 Respondent has been suspended from the practice of law. Owens attended the next Case
23 Management Conference in the lawsuit against the bank and learned that Respondent had never
24 served the bank with the lawsuit.

25 16. Respondent did not perform any legal services of value for Owens, including but not
26 limited to not negotiating and obtaining a loan modification and not prosecuting the lawsuit he
27 filed against the bank on behalf of Owens.
28

1 17. By failing to file the Offer and Compromise, failing to negotiate same, and failing to
2 negotiate and obtain a loan modification and failing to prosecute the lawsuit filed against the
3 bank on behalf of Owens, Respondent intentionally, recklessly, or repeatedly failed to perform
4 legal services with competence.

5 COUNT TWO

6 Case No. 13-O-10649
7 Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

8 18. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(2), by
9 failing to refund promptly any part of a fee paid in advance that has not been earned, as follows:

10 19. The allegations of Count One are incorporated herein by reference.

11 20. Respondent performed no services of any value for Owens. Respondent did not earn
12 any of the advanced fees paid by Owens. At no time did Respondent refund any of the \$7,000
13 Owens paid in advanced fees.

14 21. By failing to refund the \$7,000 in advanced fees paid by Owens, Respondent failed to
15 refund promptly any part of a fee paid in advance that has not been earned.

16 COUNT THREE

17 Case No. 13-O-10649
18 Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

19 22. Respondent wilfully violated Business and Professions Code, section 6068(i), by
20 failing to cooperate and participate in a disciplinary investigation pending against Respondent, as
21 follows:

22 23. The allegations of Counts One and Two are incorporated herein by reference.

23 24. On or about January 31, 2013, the State Bar opened an investigation, case number 13-
24 O-10649, pursuant to a complaint filed by Thomas Owens (the "Owens matter").

25 25. On or about February 13, 2013, a State Bar Investigator wrote to Respondent
26 regarding the Owens matter. The investigator's letter was placed in a sealed envelope addressed
27 to Respondent at his State Bar of California membership records address. Respondent received
28 the investigator's letter.

1 26. The investigator's letter requested that Respondent respond in writing to specified
2 allegations of misconduct being investigated by the State Bar in the Owens matter.

3 27. Respondent did not respond to the investigator's letter or otherwise communicate
4 with the investigator.

5 28. By not providing a written response to the allegations in the Owens matter or
6 otherwise cooperating with the investigation of the Owens matter, Respondent failed to
7 cooperate and participate in a disciplinary investigation pending against Respondent.

8
9 **NOTICE - INACTIVE ENROLLMENT!**

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

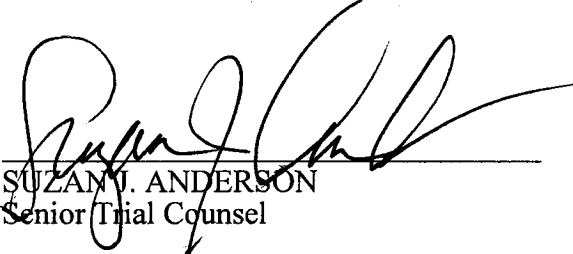
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19 **NOTICE - COST ASSESSMENT!**

20 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC**
21 **DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS**
22 **INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING**
23 **AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND**
24 **PROFESSIONS CODE SECTION 6086.10.**

25 Respectfully submitted,

26 THE STATE BAR OF CALIFORNIA
27 OFFICE OF THE CHIEF TRIAL COUNSEL

28 DATED: March 25, 2013

By: 
SUZANN J. ANDERSON
Senior Trial Counsel

DECLARATION OF SERVICE

by
U.S. CERTIFIED MAIL and U.S. FIRST-CLASS MAIL

CASE NUMBER(s): **13-O-10649**

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, 180 Howard Street, San Francisco, California 94105, 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 San Francisco.



By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))



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 San Francisco, 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 6623 0753 at San Francisco, 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 Via U.S. First-Class Mail to: |
|---------------|--|--------------------|--|
| John Villines | John Villines PO Box 580049 Modesto, CA 95358-0002 | Electronic Address | John Villines PO Box 580049 Modesto, CA 95358-0002 |



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 San Francisco, California, on the date shown below.

DATED: March 25, 2013

SIGNED:


Megan McGowan
Declarant