

1 STATE BAR OF CALIFORNIA  
2 OFFICE OF CHIEF TRIAL COUNSEL  
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# PUBLIC MATTER

FILED

DEC 14 2018

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of: ) Case No. 18-O-13758  
13 ROBERT ARTHUR BARTLETT, )  
14 No. 197966, ) NOTICE OF DISCIPLINARY CHARGES  
15 A Member of the State Bar. )

**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  
19 THE STATE BAR COURT TRIAL:

- 20 (1) YOUR DEFAULT WILL BE ENTERED;
- 21 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU  
22 WILL NOT BE PERMITTED TO PRACTICE LAW;
- 23 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN  
24 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION  
25 AND THE DEFAULT IS SET ASIDE, AND;
- 26 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.  
27 SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE  
28 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. Robert Arthur Bartlett ("respondent") was admitted to the practice of law in the State  
4 of California on December 3, 1998, 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. 18-O-13758  
8 Former Rules of Professional Conduct, rule 4-100(A)  
9 [Failure to Maintain Client Funds in Trust Account]

10 2. On or about January 22, 2014, respondent received on behalf of respondent's client,  
11 J.O.<sup>1</sup>, a settlement check from Wawanesa made payable to J.O. in the sum of \$580. On or about  
12 March 29, 2014, respondent deposited the \$580 into respondent's client trust account at Bank of  
13 America, account no. xxxxxxxx3725, on behalf of J.O. On or about March 7, 2014, respondent  
14 received on behalf of respondent's client, J.O. a check from Wawanesa made payable to J.O. and  
15 respondent in the sum of \$15,000. On or about March 7, 2014, respondent received on behalf of  
16 respondent's client, G.O.<sup>2</sup> a check from Wawanesa made payable to G.O. and respondent in the  
17 sum of \$15,000. On or about March 13, 2014, respondent deposited the two \$15,000 checks, for  
18 a total sum of \$30,000, into respondent's client trust account. Of the sum of \$30,580, respondent  
19 was entitled to \$6,116 and distributed an additional \$9,000. Respondent failed to maintain the  
20 remaining balance of \$15,464 on behalf of J.O. and G.O. in respondent's client trust account, in  
21 willful violation of Former Rules of Professional Conduct, rule 4-100(A).

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<sup>1</sup> The Office of Chief Trial Counsel ("OCTC") uses the party's initials in lieu of his full name to protect his privacy. OCTC will provide to respondent and this court a key listing the party's full name.

<sup>2</sup> The Office of Chief Trial Counsel ("OCTC") uses the party's initials in lieu of her full name to protect her privacy. OCTC will provide to respondent and this court a key listing the party's full name.

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COUNT TWO

Case No. 18-O-13758  
Business and Professions Code, section 6106  
[Moral Turpitude - Misappropriation]

3. On or about January 22, 2014, respondent received on behalf of respondent's client, J.O.<sup>3</sup>, a settlement check from Wawanesa made payable to J.O. in the sum of \$580. On or about January 29, 2014, respondent deposited the \$580 into respondent's client trust account at Bank of America, account no. xxxxxxxx3725, on behalf of J.O. On or about March 7, 2014, respondent received on behalf of respondent's client, J.O. a check from Wawanesa made payable to J.O. and respondent in the sum of \$15,000. On or about March 7, 2014, respondent received on behalf of respondent's client, G.O.<sup>4</sup>, a check from Wawanesa made payable to G.O. and respondent in the sum of \$15,000. On or about March 13, 2014, respondent deposited the two \$15,000 checks, for a total sum of \$30,000, into respondent's client trust account.

4. Between March 13, 2014 and November 6, 2014, respondent willfully and intentionally misappropriated \$15,190.43 that respondent's clients, J.O. and G.O, were entitled to receive. Respondent thereby committed an act involving moral turpitude, dishonesty or corruption, in willful violation of Business and Professions Code, section 6106.

5. A violation of section 6106 may result from intentional conduct or grossly negligent conduct. Respondent is charged with committing an intentional misappropriation. However, should the evidence at trial demonstrate that respondent misappropriated funds as a result of grossly negligent conduct, respondent must still be found culpable of violating section 6106 because misappropriation through gross negligence is a lesser included offense of intentional misappropriation.

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<sup>3</sup> The Office of Chief Trial Counsel ("OCTC") uses the party's initials in lieu of his full name to protect his privacy. OCTC will provide to respondent and this court a key listing the party's full name.

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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 CHIEF TRIAL COUNSEL

DATED: December 13, 2018

By:   
Patrice Vallier-Glass  
Deputy Trial Counsel

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 18-O-13758

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 2111 0168 38 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:.

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: December 14, 2018

SIGNED:

Handwritten signature of Kim Wimbish and printed name KIM WIMBISH Declarant.