

Public Matter

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FILED

7/5/2022

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**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of:) Case No. **SBC-22-O-30655**
13 JOSEPH LAWRENCE DUNN,)
14 State Bar No. 123063,) NOTICE OF DISCIPLINARY CHARGES
15) (OCTC Case No. 17-O-07271)
An Attorney 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 AND MAY RECOMMEND THE IMPOSITION OF MONETARY SANCTIONS WITHOUT FURTHER HEARING OR PROCEEDING. (SEE RULES PROC. OF STATE BAR, RULES 5.80 ET SEQ. & 5.137.)**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Joseph Lawrence Dunn (“respondent”) was admitted to the practice of law in the
4 State of California on June 10, 1986. Respondent was a licensed attorney at all times pertinent to
5 these charges, and is currently a licensed attorney of the State Bar of California.

6 BACKGROUND

7 2. At all relevant times, respondent was the Executive Director of the State Bar of
8 California (“Executive Director”). In his capacity as Executive Director, respondent owed The
9 Board of Trustees of the State Bar of California (“Board”) a fiduciary duty.

10 COUNT ONE

11 Case No. 17-O-07271
12 Business and Professions Code, section 6106
13 [Moral Turpitude – Misrepresentation]

14 3. The allegations set forth in paragraph 2 are incorporated by reference.

15 4. On or about May 6, 2014, respondent, in his capacity as Executive Director,
16 recommended that the Board sponsor the California State Assembly Bill AB 852 and stated in
17 writing to the Board that “there is no known opposition to the measure” when respondent knew
18 that statement was false and misleading. Respondent thereby committed an act involving moral
19 turpitude, dishonesty, or corruption in willful violation of Business and Professions Code,
20 section 6106.

21 5. A violation of section 6106 may result from intentional conduct or grossly negligent
22 conduct. Respondent is charged with committing intentional misrepresentation. However,
23 should the evidence at trial demonstrate that respondent committed misrepresentation as a result
24 of gross negligence, respondent must still be found culpable of violating section 6106 because
25 misrepresentation through gross negligence is a lesser included offense of intentional
26 misrepresentation.

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COUNT TWO

Case No. 17-O-07271
Business and Professions Code, section 6106
[Moral Turpitude – Misrepresentation]

6. The allegations set forth in paragraph 2 are incorporated by reference.

7. In or about November 2013, respondent, in his capacity as Executive Director, stated to the Board that no State Bar funds would be used to fund a trip to Mongolia in January 2014 when respondent knew that statement was false and misleading. Respondent thereby committed an act involving moral turpitude, dishonesty, or corruption in willful violation of Business and Professions Code, section 6106.

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

COUNT THREE

Case No. 17-O-07271
Business and Professions Code, section 6106
[Moral Turpitude – Breach of Fiduciary Duties as Executive Director]

9. The allegations set forth in Counts One and Two are incorporated by reference.

10. Between November 2013 and May 2014, respondent repeatedly breached his fiduciary duties to the Board in his capacity as Executive Director by recommending that the Board sponsor AB 852, misrepresenting to the Board that there was “no known opposition to [AB 852],” and misrepresenting to the Board that no State Bar funds would be used in connection with a trip to Mongolia in January 2014. By repeatedly breaching his fiduciary duties to the Board, respondent committed acts involving moral turpitude, dishonesty, or corruption in willful violation of Business and Professions Code, section 6106.

11. A violation of section 6106 may result from intentional conduct or grossly negligent conduct. Respondent is charged with committing intentional breaches of his fiduciary duties.

1 However, should the evidence at trial demonstrate that respondent breached his fiduciary duties
2 as a result of gross negligence, respondent must still be found culpable of violating section 6106
3 because breach of fiduciary duties through gross negligence is a lesser included offense of
4 intentional breach of fiduciary duties.

5 **NOTICE - INACTIVE ENROLLMENT!**

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

14 **NOTICE - COST ASSESSMENT!**

15 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
16 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
17 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
18 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
19 PROFESSIONS CODE SECTION 6086.10.**

20 **NOTICE - MONETARY SANCTION!**

21 **IN THE EVENT THIS MATTER RESULTS IN ACTUAL
22 SUSPENSION, DISBARMENT, OR RESIGNATION WITH
23 CHARGES PENDING, YOU MAY BE SUBJECT TO THE PAYMENT
24 OF A MONETARY SANCTION NOT TO EXCEED \$5,000 FOR EACH
25 VIOLATION, TO A MAXIMUM OF \$50,000 PER DISCIPLINARY
26 ORDER, PURSUANT TO BUSINESS AND PROFESSIONS CODE
27 SECTION 6086.13. SEE RULE 5.137, RULES OF PROCEDURE OF
28 THE STATE BAR OF CALIFORNIA.**

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL



DATED: July 5, 2022

By: _____

Charles Berwanger
Edward J. McIntyre
Special Deputy Trial Counsel

In the Matter of Joseph Lawrence Dunn
State Bar No. 123063
a Member of the State Bar
SBC-17-O-07271

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is: Gordon Rees Scully Mansukhani, LLP 101 W. Broadway, Suite 2000, San Diego, CA 92101. On **July 5, 2022**, I served the within documents:

NOTICE OF DISCIPLINARY CHARGES

- VIA FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- VIA PERSONAL SERVICE:** by causing to be personally delivered the document(s) listed above to the person(s) at the address(es) set forth below.
- VIA U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in United States mail in the State of California at San Diego, addressed as set forth below. **VIA CERTIFIED MAIL/RRR**
- VIA ELECTRONIC TRANSMISSION:** By transmitting a pdf.format version of the document(s) via electronic mail to the party(s) identified on the service list using the email address(es) indicated.
- OVERNIGHT:** By placing a true copy thereof enclosed in a sealed envelope, at a station designated for collection and processing of envelopes and packages for overnight delivery by FedEx (or other overnight service) as part of the ordinary business practices of GORDON REES SCULLY MANSUKHANI, LLP described below, addressed as follows:

Edward J. McIntyre / Chares V. Berwanger
101 W. Broadway, Suite 2000
San Diego, CA 92101

Edward McIntyre, Esq. 401 W. A St. Ste. 1725 San Diego, CA Tel: 619-992-9038 edmcintyre@ethicsguru.law	Co-Counsel for State Bar of California
Mark J. Geragos Ben J. Meiselas Geragos & Geragos 644 S. Figueroa St., Los Angeles, CA 90017 Tel: 213-625-3900 Fax: 213-625-1600 Email: mark@geragos.com	Counsel for Joseph Lawrence Dunn
Ellen A. Pansky, Esq. PANSKY MARKLE Attorneys At Law 1010 Sycamore Ave. Suite 308 South Pasadena, CA 91030 Tel. (213) 626-7300 Ext. 101 Fax (213) 626-7330 epansky@panskymarkle.com	Co-Counsel for Joseph Lawrence Dunn
Sydney Sanchez ssanchez@panskymarkle.com	

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I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **July 5, 2022** at San Diego, California.



Oni Bell