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FILED
4/28/2022 ⁴⁸
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

Public Matter

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:

MICAH DAVID FARGEY,
State Bar No. 240458,

An Attorney of the State Bar.

) Case No. **SBC-22-O-30347**
)
) NOTICE OF DISCIPLINARY CHARGES
)
) (OCTC Case No. 21-O-10558)
)

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. Micah David Fargey ("respondent") was admitted to the practice of law in the State of
4 California on December 6, 2005. 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 COUNT ONE

7 OCTC Case No. 21-O-10558
8 Rules of Professional Conduct, rule 1.1
[Failure to Perform with Competence]

9 2. On or about April 15, 2021, Sarah Jillson-Lee employed respondent to perform legal
10 services, namely to file a government tort claim notice on her behalf with the appropriate
11 governmental entity concerning employment claims against her former employer and to
12 advise/assist her regarding her Equal Employment Opportunity Commission (EEOC) complaint,
13 EEOC Charge Number-555-2021-00131- *Sarah Jillson vs. County of Amador*, which respondent
14 intentionally, recklessly, grossly negligently, or repeatedly failed to perform with competence, in
15 willful violation of Rules of Professional Conduct, rule 1.1, by the following:

- 16 A. Failing to prepare and/or submit a government tort claim notice on her behalf with the
17 appropriate governmental entity; and
18 B. Failing to advise/assist Sarah Jillson-Lee regarding EEOC complaint, EEOC Charge
19 Number-555-2021-00131- *Sarah Jillson vs. County of Amador*, including responding
20 to correspondence from Ms. Jillson-Lee regarding mediation on the matter.

21 COUNT TWO

22 OCTC Case No. 21-O-10558
23 Business and Professions Code section 6068(m)
[Failure to Respond to Client Inquiries]

24 3. Respondent failed to respond promptly to three telephonic and four written
25 reasonable status inquiries made by respondent's client, Sarah Jillson-Lee, between April 23,
26 2021 and June 7, 2021, that respondent received in a matter in which respondent had agreed to
27 provide legal services, in willful violation of Business and Professions Code section 6068(m).

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1 COUNT THREE

2 OCTC Case No. 21-O-10558
3 Rules of Professional Conduct, rule 1.16(d)
4 [Improper Withdrawal from Employment]

5 4. Respondent failed, upon termination of employment, to take reasonable steps to
6 avoid reasonably foreseeable prejudice to respondent's client, Sarah Jillson-Lee, by
7 constructively terminating respondent's employment after receiving two \$400 deposits for
8 advanced fees on or about April 15, 2021, and thereafter failing to perform any substantive work
9 on the matter, and have any communication with Jillson-Lee after on or about April 17, 2021,
10 including failing to inform the client that respondent was withdrawing from employment, in
11 willful violation of the Rules of Professional Conduct, rule 1.16(d).

12 COUNT FOUR

13 OCTC Case No. 21-O-10558
14 Rules of Professional Conduct, rule 1.16(e)(1)
15 [Failure to Release File]

16 5. Respondent failed to release promptly, upon the constructive termination of
17 respondent's employment on or about April 17, 2021, to respondent's client, Sarah Jillson-Lee,
18 all of the client's papers and property following the client's request for the client's file on June 7,
19 2021, in willful violation of Rules of Professional Conduct, rule 1.16(e)(1).

20 COUNT FIVE

21 OCTC Case No. 21-O-10558
22 Rules of Professional Conduct, rule 1.16(e)(2)
23 [Failure to Refund Unearned Fees/Expenses]

24 6. On or about April 15, 2021, respondent received advanced fees in the sum of \$800
25 from a client, Sarah Jillson-Lee, for purposes of filing a government tort claim notice on her
26 behalf with the appropriate governmental entity concerning employment claims against her
27 former employer and advising/assisting her with her Equal Employment Opportunity
28 Commission (EEOC) complaint, EEOC Charge Number-555-2021-00131- *Sarah Jillson vs.*
County of Amador.

7. Respondent neither prepared/submitted a government tort claim notice on her behalf with the appropriate governmental entity nor advised her on her EEOC complaint and thus performed no services of value on behalf of the client and therefore earned none of the advanced fees paid.

8. Respondent failed to refund promptly, upon respondent's constructive termination of employment on or about April 17, 2021, any part of the \$800 in advanced fees, despite having received a formal request for a refund on or about June 7, 2021, in willful violation of Rules of Professional Conduct, rule 1.16(e)(2).

COUNT SIX

OCTC Case No. 21-O-10558
Business and Professions Code section 6068(i)
[Failure to Cooperate in State Bar Investigation]

9. Respondent failed to cooperate and participate in a disciplinary investigation pending against respondent by failing to provide a substantive response to the State Bar's letters of September 15, 2021 and February 4, 2022, which respondent received, that requested respondent's response to the allegations of misconduct being investigated in case no. 21-O-10558, in willful violation of Business and Professions Code section 6068(i).

COUNT SEVEN

OCTC Case No. 21-O-10558
Business and Professions Code section 6068(j)
[Failure to Update Membership Address]

10. By at least as early as September 27, 2021, respondent no longer utilized the address maintained on the official membership records of the State Bar to receive mail and thereafter failed to comply with the requirements of Business and Professions Code section 6002.1, by failing to notify the State Bar of the change in respondent's address within 30 days of his change of address, in willful violation of Business and Professions Code section 6068(j).

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DECLARATION OF SERVICE

CASE NUMBER(s): 21-O-10558

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, sandra.bird@calbar.ca.gov, 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))**

- 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 and Rules of Proc. of State Bar, rule 5.26.2)**

Based on rule 5.26.2, a court order, or an agreement of the parties to accept service by electronic transmission, I caused the above-named document(s) to be transmitted by electronic means to the person(s) at the electronic address(es) listed below. If there is a signature on the document(s), I am the signer of the document(s), I am the agent of, or I am serving the document(s) at the direction of, the signer of the document(s). 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 1. 9414 7266 9904 2171 4016 74 at Los Angeles, addressed to: (see below)
No.: 2. 9414 7266 9904 2171 4016 67
3. 9414 7266 9904 2171 4016 50

☐ (for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,
Tracking addressed to: (see below)
No.: _____

Person Served	Business Address	Fax Number	Courtesy Copy to:
1. Micah David Fargey	Fargey Law PC 7 W. Figueroa St., Suite 300 Santa Barbara, CA 93101		
		Electronic Address	
		micah@fargeylaw.com	
Person Served	Business Address	Fax Number	Courtesy Copy to:
2. Micah David Fargey	7307 SW Beveland Rd., Suite 200, Portland, OR 97223-8931		
		Electronic Address	
Person Served	Business Address	Fax Number	Courtesy Copy to:
3. Micahl David Fargey	941 N. San Vicente Blvd., Apt. 15, West Hollywood, CA 90069-3838		
		Electronic Address	

☐ **via inter-office mail regularly processed and maintained by the State Bar of California addressed to:**

N/A

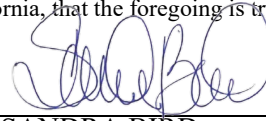
I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ('UPS'). In the ordinary course of the State Bar of California's practice, correspondence 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.

DATED: April 28, 2022

SIGNED:



SANDRA BIRD
Declarant