

## **RESPECTED ORANGE COUNTY ATTORNEY SAVED FROM GROUNDLESS FRAUD AND BREACH OF FIDUCIARY DUTY CLAIMS**

(October 10, 2007)

On December 14, 2004, the firm was retained to vacate a fee arbitration award that was untimely filed. The motion was granted after a contested hearing. As a result of the vacating of the fee award against the attorney, the former clients of Adam Stull, Esq. sued him for fraud, breach of fiduciary duty, and other torts relating to a fee dispute. (Orange County Case Number 04CC01660.) Mr. Stull, a former prosecutor and well known trial attorney, was deeply disturbed by these allegations. The former clients also filed State Bar complaints and repeatedly threatened Mr. Stull with numerous consequences if they prevailed on their fraud counts. Defending an attorney is always stressful and difficult but when the attorney's license is at jeopardy, the stakes are high, just the way the firm likes it.

On October 10, 2007 the matter was called for trial. The issue in the case was straight forward. The former clients alleged they had given the attorney \$150,000 in cash and the attorney denied it. The former clients were seeking \$300,000 in compensatory damages plus punitive damages. They also secretly taped a meeting with Mr. Stull. Ronald Richards filed a lawsuit against the former clients for a violation of Penal Code section 632 seeking damages for the unlawful taping, however, the Court decided to hear the cross complaint for fraud first against Mr. Stull.

The former clients testified as well as two family members who stated they had given the attorney the \$150,000. Prior to the trial, the firm subpoenaed the bank records of the former clients. The former client's claims was severely impeached by their own bank records. Mr. Richards argued that the cashier's checks supporting the claims of a cash withdrawal were issued after the payments were allegedly made and cashed months later. In addition, the checks were probably issued to deplete their bank accounts to avoid seizure rather than to obtain cash to pay the money to Mr. Stull.

After the cross complainants rested their presentation of the evidence and prior to Mr. Stull presenting their case, Ronald Richards, Esq. made a motion pursuant to Code of Civil Procedure section 631.8 claiming a failure of proof.

After gripping and aggressive argument, the Court GRANTED the motion for judgment and found in favor of Adam Stull, Esq. The Court made an adverse credibility finding against the former clients as well. The Court could not harmonize the contention that the former clients received the alleged \$150,000 from family members and their own bank. The Court was skeptical of this dubious claim and instead opined that the fund were most likely from the 37 kilos the former client was convicted of distributing.

Mr. Richards argued that even if you believe Mr. Stull received this money, the former clients did not have legal title to it and should not use the Court as a forum to perpetuate a lie to facilitate recovery of drug proceeds. Obviously, the Court agreed.

The firm would like to thank E. Christine, Hehir, Esq. who was in Court, monitoring the proceedings and who prepared the greatest trial notebooks of all time, with color displays and summaries. The notebooks provided the blueprints for the relentless attacks on the former client's credibility.

The firm would finally like to thank Adam Stull, Esq. who was gracious until the very end, professional, and dignified. This ends three years of agony and has removed the ugly cloud that hangs over any advocate's head when they are falsely accused.

Out of all the cases this year, this one was truly memorable in that the greatest compliment we receive as attorneys is when our peers hire us to protect their rights when they are in jeopardy.