

1 STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL
2 GEORGE S. CARDONA, No. 135439
CHIEF TRIAL COUNSEL
3 CHRISTOPHER G. JAGARD, No. 191147
DEPUTY CHIEF TRIAL COUNSEL
4 MIA R. ELLIS, No. 228235
ASSISTANT CHIEF TRIAL COUNSEL
5 PATRICE VALLIER-GLASS, No. 305900
SUPERVISING ATTORNEY
6 AKILI P. NICKSON, No. 212473
TRIAL COUNSEL
7 akili.nickson@calbar.ca.gov
845 South Figueroa Street
8 Los Angeles, California 90017-2515
Telephone: (213) 765-1273
9

10 THE STATE BAR COURT
11 HEARING DEPARTMENT - LOS ANGELES
12

13 In the Matter of:) Case No.
14 MARLA ANNE BROWN,)
State Bar No. 140158,) NOTICE OF DISCIPLINARY CHARGES
15) (OCTC Case No. 20-O-07909)
16 An Attorney of the State Bar.)

17 **NOTICE - FAILURE TO RESPOND!**

18 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE**
19 **WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT**
THE STATE BAR COURT TRIAL:

- 20 (1) **YOUR DEFAULT WILL BE ENTERED;**
21 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
WILL NOT BE PERMITTED TO PRACTICE LAW;
22 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
23 **AND THE DEFAULT IS SET ASIDE, AND;**
24 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
25 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**
ORDER RECOMMENDING YOUR DISBARMENT AND MAY
26 **RECOMMEND THE IMPOSITION OF MONETARY SANCTIONS**
WITHOUT FURTHER HEARING OR PROCEEDING. (SEE RULES
PROC. OF STATE BAR, RULES 5.80 ET SEQ. & 5.137.)

1 The State Bar of California alleges:

2 JURISDICTION

3 1. Marla Anne Brown ("respondent") was admitted to the practice of law in the State of
4 California on June 6, 1989. Respondent was at all times pertinent to these charges, and is
5 currently, a licensed attorney of the State Bar of California.

6 GENERAL ALLEGATIONS

7 2. On May 25, 2020, George Floyd, a 46-year-old African American male, was
8 murdered by former Minneapolis Minnesota police officer, Derek Chauvin.

9 3. On or about May 26, 2020, following Mr. Floyd's murder, between 15 million and
10 26 million people began participating in demonstrations in at least 140 cities across the United
11 States against police brutality and racism (the "Social Justice Protests"). Internationally,
12 demonstrators began participating in similar protests in Canada, Europe, Oceania, Asia, and
13 Africa.

14 4. Beginning on or about May 29, 2020, and continuing through on or about
15 May 31, 2020, respondent utilized the pseudonym, "@SoCalMAB," on the social media and
16 online news platform Twitter ("Twitter"), to broadcast over a dozen public posts ("tweets") to
17 the general public relating to the Social Justice Protests.

18 5. Beginning on or about May 29, 2020, and continuing through on or about
19 May 31, 2022, respondent's Twitter profile biography, under the pseudonym "@SoCalMAB,"
20 identified respondent as "LAPD Union Attorney."

21 6. On or about May 31, 2012, respondent deactivated her Twitter account under the
22 pseudonym "@SoCalMAB."

23 COUNT ONE

24 Case No. 20-O-07909
25 Business and Professions Code, section 6106
[Moral Turpitude - Misrepresentation]

26 7. The allegations set forth in paragraphs one through six are realleged and incorporated
27 as if fully set forth in this paragraph.
28

1 8. Beginning on or about May 29, 2020, and continuing through on or about
2 May 31, 2020, respondent, utilizing the pseudonym “@SoCalMAB,” through Twitter, held
3 herself out to the public as an attorney for the Los Angeles Police Protective League (“LAPPL”),
4 the union organization that represents rank and file police officers employed by the Los Angeles
5 Police Department (“LAPD”), by identifying herself as “LAPD Union Attorney” on her Twitter
6 profile biography, when respondent knew that statement was false and misleading at the time it
7 was made, in that: (a) respondent was never at any point an employee of the LAPPL; and (b)
8 while respondent had in the past served as one of a panel of attorneys with whom the LAPPL’s
9 Legal Defense Plan on occasion contracted to provide legal services to individual LAPPL
10 members, respondent had not done any work as a panel attorney in several years. Respondent
11 thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation
12 of Business and Professions Code, section 6106.

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

19 COUNT TWO

20 Case No. 20-O-07909
21 Business and Professions Code, section 6106
22 [Moral Turpitude – Directing Others to Commit Acts of Violence]

23 10. The allegations set forth in paragraphs one through six and eight are realleged and
24 incorporated as if fully set forth in this paragraph.

25 11. Beginning on or about May 29, 2020 and continuing through on or about
26 May 31, 2020, respondent, using the pseudonym “@SoCalMAB,” posted through Twitter public
27 tweets that directed other to commit acts of violence, including calls to shoot, summarily
28 execute, and burn down the homes of members of the public, to wit:

1 a. On or about May 29, 2020, then Congressman Lee Zeldon (R-NY 1st
2 District) broadcast the following public post via Twitter: “While the Country is reopening coast
3 to coast, the House Speaker just canceled session in DC for THE NEXT WEEK ... ENTIRE ...
4 MONTH![emoji].” A member of the public with twitter handle @G##### replied: “Because she
5 been told [sic] but to show up DC... DC is about to. Get overrun by Antifa. Get out.” On or
6 about May 29, 2020, at 7:53 p.m., respondent replied to the tweets from @G##### and former
7 Congressman Lee Zeldon with a tweet that stated: “Can’t wait. At least a reason to shoot them.”

8 b. On or about May 28, 2020, at 9:53 p.m., then United States President
9 Donald Trump tweeted: “...These THUGS are dishonoring the memory of George Floyd, and I
10 won’t let that happen. Just spoke to Governor Tim Walz and told him that the Military is with
11 him all the way. Any difficulty and we will assume control but, when the looting starts, the
12 shooting starts. Thank you!” On or about May 30, 2020, a member of the public with twitter
13 handle @Ra##### questioned President Trump’s May 28, 2020 tweet and use of the statement,
14 “when the looting starts, the shooting starts.” On or about May 30, 2020, at approximately
15 2:35 p.m., in response to @Ra#####’s May 30, 2020, tweet and former President Trump’s tweet,
16 respondent stated in a tweet: “They need to be shot.”

17 c. Between on or about May 29, 2020, and on or about May 31, 2020,
18 respondent posted the following tweets directing members of the public to shoot and summarily
19 execute others:

- 20 • “Yes and they should be shooting the looters.”
- 21 • “They should be shot. And if it was your business you’d pull the trigger.”

22 d. On or about May 30, 2020, a member of the public with twitter handle
23 @J##### tweeted: “Heads up LA protesters at #Fairfax and #lacienea, the Venice/La Brea
24 police department just sent about 20 cars over, blocking traffic, traveling fast. Stay safe.” In
25 response to Jo#####’s tweet, at 6:17 p.m., respondent posted the following tweet: “Shoot the
26 protesters.”

27 e. In or about May 2020, respondent replied to tweets by @M##### and
28 @S##### regarding the Social Justice Protests with a tweet that stated: “Let’s burn your house.”

1 f. On or about May 31, 2020, respondent posted a tweet addressed to Joe
2 Scarborough, a television commentator and co-host of the “Morning Joe” television program on
3 MSNBC, that stated: “Omg Scarborough you’ve hit a new low in stupidity. Let’s go burn your
4 house down with you in it.”

5 12. By directing acts of violence against others, including public calls to shoot and
6 summarily execute people, and burn their homes down, respondent committed an act involving
7 moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code,
8 section 6106.

9 13. A violation of section 6106 may result from intentional conduct or grossly negligent
10 conduct. Respondent is charged with intentionally encouraging acts of violence against
11 members of the public. However, should the evidence at trial demonstrate that respondent’s
12 conduct was the result of gross negligence, respondent must still be found culpable of violating
13 section 6106.

14 COUNT THREE

15 Case No. 20-O-07909
16 Rules of Professional Conduct, Rule 8.4(b)
[Misconduct – Commission of Certain Criminal Acts]

17 14. The allegations set forth in paragraphs one through six, eight, and eleven through
18 twelve, are realleged and incorporated as if fully set forth in this paragraph.

19 15. Beginning on or about May 29, 2020 and continuing through on or about
20 May 31, 2020, respondent used the internet, a facility of internet commerce, with the intent to
21 incite a riot, and during such use, performed or attempted to perform the overt act of instigating
22 other persons to riot, by directing members of the public to shoot, and summarily execute
23 members of the public who were participating in Social Justice Protests, in violation of Title 18,
24 United States Code, Section 2101, a criminal act that reflects adversely on her honesty,
25 trustworthiness, or fitness as a lawyer in other respects, in willful violation of Rules of
26 Professional Conduct, rule 8.4(b).

1 COUNT FOUR

2 Case No. 20-O-07909
3 Rules of Professional Conduct, Rule 8.4(b)
4 [Misconduct – Commission of Certain Criminal Acts]

5 16. The allegations set forth in paragraphs one through six, eight, and eleven through
6 twelve, are realleged and incorporated as if fully set forth in this paragraph.

7 17. Beginning on or about May 29, 2020 and continuing through on or about
8 May 31, 2020, respondent encouraged a riot, or urged others to commit acts of force or violence,
9 or urged others to burn property, with the intent to cause a riot, during the Social Justice Protests
10 that started after the murder of George Floyd, which was a time and place and circumstance that
11 produced a clear and present and immediate danger that a riot would occur, or acts of force or
12 violence would happen, or property would be burned or destroyed, in violation of California
13 Penal Code section 404.6(a), a criminal act that reflects adversely on her honesty,
14 trustworthiness, or fitness as a lawyer in other respects, in willful violation of Rules of
15 Professional Conduct, rule 8.4(b).

16 **NOTICE - INACTIVE ENROLLMENT!**

17 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
18 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
19 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
20 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
21 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
22 INACTIVE ATTORNEY OF THE STATE BAR. YOUR INACTIVE
23 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
24 RECOMMENDED BY THE COURT.**

25 **NOTICE - COST ASSESSMENT!**

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

NOTICE – MONETARY SANCTION!

**IN THE EVENT THIS MATTER RESULTS IN ACTUAL
SUSPENSION, DISBARMENT, OR RESIGNATION WITH CHARGES
PENDING, YOU MAY BE SUBJECT TO THE PAYMENT OF A
MONETARY SANCTION NOT TO EXCEED \$5,000 FOR EACH
VIOLATION, TO A MAXIMUM OF \$50,000 PER DISCIPLINARY**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.13. SEE RULE 5.137, RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATED: March 3, 2023

By: *Akili P. Nickson*
Akili P. Nickson
Trial Counsel