

Judge Disqualifies Lawyer from Representing Wife

An Orange County Superior Court judge ordered lawyer Mark B. Plummer of Yorba Linda disqualified from representing his wife at trial.

SANTA ANA, CA, USA, October 10, 2022 /EINPresswire.com/ -- On October 4, 2022 an Orange County Superior Court judge ordered lawyer [Mark B. Plummer](#) of Yorba Linda disqualified from representing his wife at trial. In granting a motion to disqualify Plummer, Judge Walter Schwarm ruled that Plummer's representation violated the State Bar of California Rules of Conduct. Accordingly, the court enjoined Plummer from representing his wife Jocelyn Plummer at trial.



Superior Court Judge Disqualifies Lawyer Mark B. Plummer

The judge cited Plummer violated "Rule 5-210" (New Rule 3.7) of the California Rules of

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Rules of Professional Conduct, rule 3.7 (Rule 3.7), states, "(a) A lawyer shall not act as an advocate in a trial in which the lawyer is likely to be a witness."

Judge Schwarm- Orange County Superior Court

Professional conduct. This rule specifically prohibits a lawyer from serving dual roles- that is both as a witness and a lawyer in the same case. Here, Plummer had been appearing and testifying as both as a lawyer and an indispensable witness in the same proceeding, which violated the Bar Rules.

Although an attorney disqualification motion is often an uphill battle in courts, here the court fully agreed that Plummer's dual role is improper under the law and violated the Bar Rule. Here, the court ruled that Plummer's impermissible dual role as "witness-advocate" could likely

prejudice the other parties and confuse the jury- which is precisely what the law is designed to prevent.

Plummer unsuccessfully opposed the disqualification motion and may face fallout from his

violation of the State Bar rule.

This case is one of a number of lawsuits which Plummer has filed either on behalf of himself or his wife. In one of his prior lawsuits, Plummer sued Citibank. That case is Jocelyn Plummer v. Citibank in the U.S. Central District Court Case No. 08-0537-DOC-AN. The Citibank court also addressed Plummer's similar improper dual role in representing his wife in a lawsuit where he was also a witness.

Although Plummer was aware of the Bar Rule prohibiting his dual role since at least 2008 from the Citibank case, he still did so in the current suit pending in Orange County Superior Court.

The court in its disqualification order also found that Mark Plummer also violated the Orange County Bar Association's Civility Guidelines by verbally harassing the parties at a deposition. Among other conduct, the court cited that during a referenced 2018 deposition, Plummer stated that defendant was "blabbering away," "reading in garbage," "incompetent," and Plummer went as far out of accusing the defendant of "plotting a crime." The judge even admonished Plummer's uncivilized remarks to opposing counsel which included "I am asking him about garbage that you have told the court in all your ex parte crap." Although Plummer was not sanctioned, the judge warned Plummer that further violations of the Bar Civility Guidelines at depositions could result in additional orders against Plummer.

Although the State Bar may discipline lawyers for violation of the Rules, it often does not do so. Mark Plummer's State Bar profile as of the date of this publication does not show public discipline.

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