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**FEB 16 2007**

**STATE BAR COURT  
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LOS ANGELES**

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David Cameron Carr, no. 124510  
Law Office of David Cameron Carr  
110 West C Street, Suite 1504  
San Diego, California 92101  
(619) 696-0526 voice  
(619) 696-0523 fax

Attorney for Respondent  
TRACY PETERLIN

THE STATE BAR COURT  
HEARING DEPARTMENT- LOS ANGELES

In the Matter of	)	Case No(s): 06-O-10629 RAP
	)	
TRACY PETERLIN	)	RESPONSE TO NOTICE OF
No. 187604	)	DISCIPLINARY CHARGES
	)	
A Member of the State Bar	)	[Rule of Procedure 103]

Address for Service

All notices in this proceeding should be served on Respondent at her counsel's address above.

Response to Notice of Disciplinary Charges

- Paragraph 1: Admitted.
- Paragraph 2: Admitted
- Paragraph 3: Admitted.
- Paragraph 4: Admitted
- Paragraph 5: Admitted.

*Count 1: Case no. 06-O-10629 (Ort) Rule 1-300(B)*

Paragraph 6: Admitted

1 Paragraph 7: Sentence 1: admitted.  
2 Sentence 2: Respondent cannot admit or deny sentence 2.  
3 Paragraph 8: Sentence 1: admitted.  
4 Sentence 2: admitted.  
5 Sentence 3: admitted.  
6 Paragraph 9: Admitted.  
7 Paragraph 10: Admitted  
8 Paragraph 11: Respondent admits that filing the ex parte motion violates Rule 1-  
9 300(b) and denies the other allegations of this paragraph.  
10  
11 *Count 2: Case no. 06-O-10629 (Ort) Bus. & Prof. Code §6106*  
12 Paragraph 12: Denied.  
13 Paragraph 13: Respondent cannot admit or deny this paragraph.  
14 Paragraph 14: Denied  
15  
16 *Count 3: Case no. 06-O-10629 (Ort) Bus. & Prof. Code §6103*  
17 Paragraph 15: Admitted.  
18 Paragraph 16: Respondent cannot admit or deny this paragraph.  
19 Paragraph 17: Sentence 1: admitted  
20 Sentence 2: admitted.  
21 Paragraph 18: Denied.  
22 Paragraph 19: Sentence 1: admitted.  
23 Sentence 2: admitted.  
24 Sentence 3: admitted.  
25 Sentence 4: admitted.  
26 Paragraph 20: Denied.  
27 Paragraph 21: Respondent admits that she failed to pay the sanction by the May 12,  
28 2005 deadline and denies the other allegations of this paragraph.

- 1 *Count 4: Case no. 06-O-10629 (Ort) Bus. & Prof. Code §6068(o)(3)*
- 2 Paragraph 22: Admitted.
- 3 Paragraph 23: Respondent cannot admit or deny this paragraph.
- 4 Paragraph 24: Admitted.
- 5 Paragraph 25: Admitted.
- 6
- 7 *Count 5: Case no. 06-O-111265 (Kircher) Bus. & Prof. Code §6068(m)*
- 8 Paragraph 26: Denied.
- 9 Paragraph 27: Admitted.
- 10 Paragraph 28: Admitted.
- 11 Paragraph 29: Admitted.
- 12 Paragraph 30: Denied as phrased. Respondent admits that she filed a petition for  
13 dissolution of marriage for Ms. Kircher and associated pleadings on  
14 or about May 27, 2005.
- 15 Paragraph 31: Sentence 1: admitted.  
16 Sentence 2: admitted.
- 17 Paragraph 32: Sentence 1: admitted.  
18 Sentence 2: admitted.
- 19 Paragraph 33: Sentence 1: denied as phrased. There is no allegation as to what  
20 number was allegedly called..  
21 Sentence 2: denied.
- 22 Paragraph 34: Sentence 1: denied as phrased. There is no allegation as to what  
23 number was allegedly called.  
24 Sentence 2: denied.
- 25 Paragraph 35: Sentence 1: as phrased. There is no allegation as to what number was  
26 allegedly called..  
27 Sentence 2: denied.
- 28 Paragraph 36: Denied as phrased. Respondent admits that she signed a substitution

1 of attorney form in Ms. Kircher's matter on or about March 8, 2006.

2 Paragraph 37: Sentence 1: admitted.

3 Sentence 2: admitted.

4 Paragraph 38: Admitted.

5 Paragraph 39: Denied.

6 Paragraph 40: Admitted.

7

8 *Count 6: Case no. 06-O-11265 (Kircher) Rule 3-700(D)(2)*

9 Paragraph 41: Denied.

10 Paragraph 42: Respondent cannot admit or deny this paragraph.

11 Paragraph 43: Sentence 1: denied.

12 Sentence 2: denied

13 Sentence 3: denied.

14 Paragraph 44: Denied.

15

16 *Count 7: Case no. 06-O-11265 (Kircher) Rule 3-700(D)(1)*

17 Paragraph 45: Denied..

18 Paragraph 46: Respondent cannot admit or deny this paragraph.

19 Paragraph 47: Admitted.

20 Paragraph 48: Admitted.

21 Paragraph 49: Denied. Ms. Kircher never asked for her file, a necessary element of

22 a Rule 3-700(D)(1) charge.

23

24 *Count 8: Case no. 06-O-11265 (Kircher) Bus. & Prof. Code §6068(I)*

25 Paragraph 50: Admitted.

26 Paragraph 51: Admitted.

27 Paragraph 52: Admitted.

28 Paragraph 53: Admitted.

1 Paragraph 54: Admitted.  
2 Paragraph 55: Admitted.  
3 Paragraph 56: Admitted.  
4  
5 *Count 9: Case no. 06-O-11364 (Brown) Rule 3-110(A)*  
6 Paragraph 57: Admitted.  
7 Paragraph 58: Sentence 1: admitted.  
8 Sentence 2: admitted.  
9 Sentence 3: denied.  
10 Sentence 4: denied.  
11 Paragraph 59: Sentence 1: admitted.  
12 Sentence 2: admitted.  
13 Paragraph 60: Admitted.  
14 Paragraph 61: Sentence 1 admitted.  
15 Sentence 2: admitted.  
16 Paragraph 62: Sentence 1: admitted.  
17 Sentence 2: admitted.  
18 Paragraph 63: Sentence 1: admitted.  
19 Sentence 2: admitted.  
20 Sentence 3: admitted.  
21 Sentence 4: admitted.  
22 Sentence 5: denied.  
23 Paragraph 64: Sentence 1: admitted.  
24 Sentence 2: admitted.  
25 Paragraph 65: Sentence 1: admitted.  
26 Sentence 2: denied.  
27 Paragraph 66: Sentence 1: admitted.  
28 Sentence 2: admitted.

1 Sentence 3: admitted.  
2 Paragraph 67: Sentence 1: admitted.  
3 Sentence 2: admitted.  
4 Sentence 3: admitted.  
5 Paragraph 68: Sentence 1: denied.  
6 Sentence 2: denied.  
7 Sentence 3: admitted.  
8 Paragraph 69: Sentence 1: admitted.  
9 Sentence 2: admitted.  
10 Sentence 3: admitted.  
11 Paragraph 70: Sentence 1: admitted.  
12 Sentence 2: denied.  
13 Sentence 3: denied.  
14 Sentence 4: denied.  
15 Sentence 5: denied.  
16 Sentence 6: denied.  
17 Paragraph 71: Sentence 1: admitted.  
18 Sentence 2: admitted.  
19 Sentence 3: admitted.  
20 Paragraph 72: Sentence 1: admitted.  
21 Sentence 2: admitted.  
22 Paragraph 73: Sentence 1: admitted.  
23 Sentence 2: admitted.  
24 Paragraph 74: Sentence 1: admitted.  
25 Sentence 2: admitted.  
26 Paragraph 75: Admitted.  
27 Paragraph 76: Sentence 1: admitted.  
28 Sentence 2: admitted.

1 Sentence 3: denied.  
2 Paragraph 77: Sentence 1: denied.  
3 Sentence 2: denied.  
4 Paragraph 78: Sentence 1: denied.  
5 Sentence 2: denied.  
6 Paragraph 79: Respondent has no personal knowledge concerning this allegation  
7 and on that basis, denies it.  
8 Paragraph 80: Sentence 1: denied.  
9 Sentence 2: denied.  
10 Paragraph 81: Sentence 1: admitted..  
11 Sentence 2: admitted.  
12 Paragraph 82: Admitted.  
13 Paragraph 83: Admitted.  
14 Paragraph 84: Sentence 1: admitted.  
15 Sentence 2: admitted.  
16 Paragraph 85: Sentence 1: denied.  
17 Sentence 2: denied.  
18 Sentence 3: denied.  
19 Sentence 4: denied.  
20 Paragraph 86: Denied.  
21 Paragraph 87: Respondent has no personal knowledge concerning this allegation  
22 and on that basis, denies it.  
23 Paragraph 88: Respondent admits that she did not appear at the hearing held on  
24 April 18, 2005 but denies the remaining allegations of the paragraph.  
25  
26 *Count 10: Case no. 06-O-11364 (Brown) Bus. & Prof. Code §6068(m)*  
27 Paragraph 89: Denied.  
28 Paragraph 90: Respondent cannot admit or deny this paragraph.

1 Paragraph 91: Denied.  
2  
3 *Count 11: Case no. 06-O-11364 (Brown) Bus. & Prof. Code §6106*  
4 Paragraph 92: Denied.  
5 Paragraph 93: Respondent cannot admit or deny this paragraph.  
6 Paragraph 94: Respondent admits that the billing statement dated April 18, 2005,  
7 was inaccurate in showing that she made a court appearance but  
8 denies the remaining allegations of the paragraph.  
9  
10 *Count 12: Case no. 06-O-11364 (Brown) Rule 3-700(D)(2)*  
11 Paragraph 95: Admitted.  
12 Paragraph 96: Respondent cannot admit or deny this paragraph.  
13 Paragraph 97: Admitted.  
14  
15 *Count 13: Case no. 06-O-11364 (Brown) Rule 3-700(D)(1)*  
16 Paragraph 98 Denied.  
17 Paragraph 99: Respondent cannot admit or deny this paragraph.  
18 Paragraph 100: Denied.  
19  
20 *Count 14: Case no. 06-O-11364 (Brown) Bus. & Prof. Code §6068(I)*  
21 Paragraph 101: Admitted.  
22 Paragraph 102: Admitted.  
23 Paragraph 103: Admitted.  
24 Paragraph 104: Admitted.  
25 Paragraph 105: Admitted.  
26 Paragraph 106: Sentence 1: admitted.  
27 Sentence 2: admitted.  
28 Paragraph 107: Admitted.



1 Paragraph 108: Sentence 1: admitted.

2 Sentence 2: admitted

3 Paragraph 109: Admitted.

4

5 *Count 15: Case no. 06-O-13245 (Chambers) Rule 3-110(A)*

6 Paragraph 110: Denied

7 Paragraph 111: Admitted.

8 Paragraph 112: Sentence 1: admitted.

9 Sentence 2: denied.

10 Sentence 3: admitted.

11 Paragraph 113: Sentence 1: denied.

12 Sentence 2: denied.

13 Paragraph 114: Denied.

14 Paragraph 115: Sentence 1: denied.

15 Sentence 2: denied.

16 Sentence 3: denied.

17 Paragraph 116: Sentence 1: admitted.

18 Sentence 2: denied.

19 Sentence 3: admitted.

20 Sentence 4: denied.

21 Paragraph 117: Sentence 1: denied.

22 Sentence 2: denied.

23 Paragraph 118: Sentence 1: denied.

24 Sentence 2: denied.

25 Paragraph 119: Sentence 1: admitted.

26 Sentence 2: denied.

27 Sentence 3: admitted.

28 Paragraph 120: Sentence 1: admitted.

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Sentence 2: admitted.

Sentence 3: admitted.

Sentence 4: admitted.

Paragraph 121: Denied.

*Count 16: Case no. 06-O-13245 (Chambers) Rule 3-700(A)(2)*

Paragraph 122: Denied.

Paragraph 123: Respondent cannot admit or deny this paragraph.

Paragraph 124: Denied.

*Count 17: Case no. 06-O-13245 (Chambers) Rule 3-700(A)(2)*

Paragraph 125: Denied.

Paragraph 126: Respondent cannot admit or deny this paragraph.

Paragraph 127: Denied.

*Count 18: Case no. 06-O-13245 (Chambers) Rule 3-700(D)(1)*

Paragraph 128: Admitted.

Paragraph 129: Respondent cannot admit or deny this paragraph.

Paragraph 130: Admitted.

*Count 19: Case no. 06-O-13245 (Chambers) Bus. & Prof. Code §6068(m)*

Paragraph 131: Admitted.

Paragraph 132: Admitted.

Paragraph 133: Sentence 1: admitted.

Sentence 2: admitted..

Paragraph 134: Admitted

Paragraph 135: Sentence 1: admitted.

Sentence 2: admitted..

1 Paragraph 136: Admitted.

2 Paragraph 137: Admitted.

3

4 *Count 20: Case no. 06-O-14240 (SBI) Rule 4-100(A)*

5 Paragraph 138 Denied.

6 Paragraph 139: Denied

7 Paragraph 140: Denied.

8 Paragraph 141: Denied.

9

10 First Affirmative Defense

11 Counts two, seven and eleven fail to state facts constituting a cause for discipline.

12

13 Second Affirmative Defense

14 With respect to counts two and eleven, Respondent did not possess the required *mens rea*  
15 for a violation of Business and Professions Code section 6106, i.e. she did not intend to  
16 commit an act of dishonesty, corruption or moral turpitude at any time.

17

18

Respectfully submitted,

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22 Dated: February 15, 2007

By: 

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David Cameron Carr  
Counsel for Respondent  
TRACY PETERLIN

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DECLARATION OF SERVICE

I am employed in the County of San Diego, State of California. I am over the age of eighteen and not a party to the within action; my business address is: 110 West C Street, Suite 1504, San Diego, California 92101

On February 15, 2007, I served the following document described as:

RESPONSE TO NOTICE OF DISCIPLINE CHARGES

on the interested parties as follows:

[ xx ] VIA FIRST CLASS MAIL -- CCP §§ 1013(a); 2015.5: By placing a true copy thereof enclosed in a sealed envelope(s) addressed as indicated in attached service list, and placing each for collection and mailing on the date following ordinary business practices for the posting of first class mail. I am readily familiar with my firm's business practice and collection and processing of first class mail with the United States Postal Service and correspondence placed for collection and mailing would be deposited with the United States Postal Service at San Diego, California, with postage thereon fully prepaid that same day in the ordinary course of business.

[XX ] VIA FACSIMILE to (213) 765-1697

SEE ATTACHED SERVICE LIST

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

Executed on February 15, 2007, at San Diego, California.

  
David Cameron Carr

SERVICE LIST

Deputy Trial Counsel Charles Murray  
Office of Chief Trial Counsel  
The State Bar of California  
1149 South Hill Street  
Los Angeles, California 90015-2299