



ORIGINAL

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FILED

JAN 22 2007 *YHC*
 STATE BAR COURT
 CLERK'S OFFICE
 LOS ANGELES

PUBLIC MATTER

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THE STATE BAR COURT
 HEARING DEPARTMENT - LOS ANGELES

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|----------------------------|---|----------------------------------|
| In the Matter of |) | Case No. 06-O-10629 [06-O-11265; |
| |) | 06-O-11364; 06-O-13245; |
| TRACY KAY PETERLIN, |) | 06-O-14240] |
| No. 187604, |) | |
| |) | |
| A Member of the State Bar. |) | NOTICE OF DISCIPLINARY CHARGES |

NOTICE - FAILURE TO RESPOND!

IF YOU FAIL TO FILE AN ANSWER TO THIS NOTICE WITHIN THE TIME ALLOWED BY STATE BARRULES, INCLUDING EXTENSIONS, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL, (1) YOUR DEFAULT SHALL BE ENTERED, (2) YOU SHALL BE ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR AND WILL NOT BE PERMITTED TO PRACTICE LAW UNLESS THE DEFAULT IS SET ASIDE ON MOTION TIMELY MADE UNDER THE RULES OF PROCEDURE OF THE STATE BAR, (3) YOU SHALL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOUR DEFAULT IS SET ASIDE, AND (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.

STATE BAR RULES REQUIRE YOU TO FILE YOUR WRITTEN RESPONSE TO THIS NOTICE WITHIN TWENTY DAYS AFTER SERVICE. IF YOUR DEFAULT IS ENTERED AND THE DISCIPLINE IMPOSED BY THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD OF ACTUAL SUSPENSION, YOU WILL REMAIN SUSPENDED FROM THE PRACTICE OF LAW FOR AT LEAST THE PERIOD OF TIME SPECIFIED BY THE SUPREME COURT. IN ADDITION, THE ACTUAL SUSPENSION WILL CONTINUE UNTIL YOU HAVE REQUESTED, AND THE STATE BAR COURT HAS GRANTED, A MOTION FOR TERMINATION OF THE

1 by July 29, 2005, or the matter would be handed over to collections. Respondent received the
2 letter.

3 20. To date, Respondent has not paid the Anoka Court ordered sanctions.

4 21. By failing to pay the April 27, 2005, Anoka Court ordered sanctions, Respondent
5 failed to comply with an order, or orders, of the court requiring Respondent to do or forbear an
6 act connected with or in the course of her profession, which she ought in good faith to do or
7 forbear.

8 COUNT FOUR

9 Case No. 06-O-10629
10 Business and Professions Code, section 6068(o)(3)
[Failure To Report Judicial Sanctions]

11 22. Respondent wilfully violated Business and Professions Code, section 6068(o)(3),
12 by failing to report to the State Bar, in writing, within 30 days of the time the Respondent has
13 knowledge of the imposition of monetary judicial sanctions which exceed one thousand dollars
14 (\$1,000.00), against Respondent, as follows:

15 23. The allegations of paragraphs 2 through 5, 7 through 10, and 17 through 20 are
16 incorporated by reference.

17 24. Respondent did not inform the State Bar of the Anoka Court's April 27 Order
18 regarding her violation of General Rules of Practice, rule 5, unauthorized practice of law.

19 25. By failing to inform the State Bar that the Anoka Court had ordered sanctions in
20 the amount of \$1,500.00 against Respondent, Respondent failed to report to the State Bar, in
21 writing, within 30 days of the time Respondent has knowledge of the imposition of monetary
22 judicial sanctions which exceed one thousand dollars (\$1,000), against Respondent.

23 COUNT FIVE

24 Case No. 06-O-11265
25 Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

26 26. Respondent wilfully violated Business and Professions Code, section 6068(m), by
27 failing to respond promptly to reasonable status inquiries of a client in a matter in which
28 Respondent had agreed to provide legal services, as follows:

1 27. On or about April 27, 2005, Sonia B. Kircher (“Kircher”) employed Respondent
2 to represent her in a marital dissolution matter entitled Kircher v. Kircher, Riverside County
3 Superior Court case no. SWD 006550, (“the Kircher matter”).

4 28. On or about April 27, 2005, Kircher paid Respondent \$1,000 as the first payment
5 towards the agreed-upon legal fee of \$2,500.

6 29. On or about May 2, 2005, Kircher submitted check no. 1056, in the amount of
7 \$1,500 to Respondent as the second payment towards the agreed upon legal fee of \$2,500.

8 30. On or about May 27, 2005, Respondent filed the Kircher matter.

9 31. Respondent billed Kircher \$1,983 for her services through September 27, 2005.
10 Respondent performed no further legal services for Kircher after September 27, 2005.

11 32. Between December 2005 and February 2006, Respondent relocated her law
12 offices from 40140 Winchester Road, Suite C, Temecula, CA 92591 to 38760 Sky Canyon
13 Drive, Suite B, Murrieta, CA 92563. Respondent did not inform Kircher that Respondent had
14 relocated her law offices.

15 33. On or about February 22, 2006, Kircher placed two telephone calls to Respondent
16 and left voice mail messages requesting a return call. Respondent did not return Kircher’s
17 telephone calls.

18 34. On or about February 27, 2006, Kircher placed two telephone calls to Respondent
19 and left voice mail messages requesting a return call. Respondent did not return Kircher’s
20 telephone calls.

21 35. On or about March 6, 2006, Kircher placed four telephone calls to Respondent
22 and left voice mail messages requesting a return call. Respondent did not return Kircher’s
23 telephone calls.

24 36. On or about March 8, 2006, Respondent signed a Substitution of Attorney
25 resigning as attorney of record for Kircher in the Kircher matter.

26 37. Kircher sent Respondent a letter dated March 13, 2006, officially informing
27 Respondent that her legal services in the Kircher matter had been terminated. In the letter
28

1 Kircher also requested reimbursement of the legal fees paid to Respondent. Respondent
2 received the letter.

3 38. On or about March 13, 2006, Respondent filed the Substitution of Attorney.

4 39. By failing to respond to Kircher's February 22, 27 and March 6, 2006, telephone
5 calls, Respondent failed to respond to reasonable status inquiries of a client.

6 40. By failing to submit to Kircher a forwarding address or notice of change of
7 address from Respondent informing Kircher that Respondent had relocated her law offices from
8 Temecula, CA to Murietta, CA, Respondent failed to keep a client reasonably informed of
9 significant developments in a matter in which Respondent has agreed to provide legal services.

10 COUNT SIX

11 Case No. 06-O-11265
12 Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

13 41. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(2), by
14 failing to refund promptly any part of a fee paid in advance that has not been earned, as follows:

15 42. The allegations of paragraphs 27 through 39 are incorporated by reference.

16 43. Respondent provided only partial compensable services to Kircher. Respondent
17 billed and earned no more than \$1,983. Respondent has failed to promptly refund to Kircher
18 \$517.00 in advanced fees.

19 44. By failing to complete the services for which she was employed, and by failing to
20 promptly return the balance of \$517.00 in advanced fees paid by Kircher as requested by
21 Kircher, Respondent failed to promptly refund unearned fees.

22 COUNT SEVEN

23 Case No. 06-O-11265
24 Rules of Professional Conduct, rule 3-700(D)(1)
[Failure to Release File]

25 45. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(1), by
26 failing to release promptly, upon termination of employment, to the client, at the request of the
27 client, all the client papers and property, as follows:

28 46. The allegations of paragraphs 27 through 39 and 43 are incorporated by reference.

1 47. As of January 11, 2007, Respondent had not returned the client file to Kircher.

2 48. At no time did Respondent release Kircher's file to her or communicate with
3 Kircher regarding how she could obtain her file.

4 49. By not releasing the client file to Kircher, Respondent failed, upon termination of
5 employment, to release promptly to a client, at the request of the client, all the client papers.

6 COUNT EIGHT

7 Case No. 06-O-11265
8 Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar investigation]

9 50. Respondent wilfully violated Business and Professions Code, section 6068(i), by
10 failing to cooperate and participate in a disciplinary investigation pending against Respondent, as
11 follows:

12 51. On or about March 16, 2006, the State Bar opened an investigation, case no.
13 06-O-11265, pursuant to a complaint filed against Respondent filed by Sonia Kircher regarding
14 the Kircher matter.

15 52. On or about April 20, 2006, a State Bar Investigator (the "Investigator") wrote to
16 Respondent regarding the Kircher matter. On or about May 10, 2006, the Investigator wrote to
17 Respondent again regarding the Kircher matter. Respondent received the letter.

18 53. Both of the Investigator's letters requested that Respondent respond in writing
19 within 10 days to specified allegations of misconduct being investigated by the State Bar in the
20 Kircher matter. Respondent did not respond in writing to the Investigator's letters.

21 54. Respondent received the April 20, 2006 and May 10, 2006 letters from the
22 Investigator.

23 55. Respondent provided no written response to the Investigator's April 20, 2006 and
24 May 10, 2006 letters.

25 56. By failing to provide a written response to the allegations to the Investigator as
26 requested in the letters of April 20, 2006 and May 10, 2006 in the Kircher matter, or otherwise
27 cooperating in the investigation of the Kircher matter, Respondent failed to cooperate in a
28 disciplinary investigation.

1 62. On or about January 3, 2005, Kenneth Brown telephoned Respondent who stated
2 that she did not know why his bank account had been levied as she was not aware of any
3 judgments. Respondent also stated that she would find out about the levy and keep Kenneth
4 Brown up to date.

5 63. On or about January 5, 2005, Respondent filed a request for an Order to Show
6 Cause (“OSC”) hearing in the “Tara Brown” matter. The matter was set for January 31, 2005.
7 Respondent then reset the OSC to March 1, 2005, and then to April 18, 2005. The OSC was set
8 to release liens on the Brown’s bank accounts seized November 23, 2004, and for attorney fees
9 and costs. The Browns were not notified by Respondent of the January 31, 2005 OSC date.

10 64. In or about February 2005, Kenneth Brown informed Respondent that he would
11 be relocating to Texas in March, and asked Respondent to maintain communication with his
12 wife, Jeanne Brown. Kenneth Brown informed Respondent that he would appear at any court
13 hearing that required his attendance.

14 65. On or about March 3, 2005, Respondent wrote a letter to attorney Goldstein in
15 which she made an offer to settle the “Tara Brown” matter for an additional \$10,000. Neither
16 Kenneth Brown or Jeanne Brown authorized Respondent to make the settlement offer.

17 66. On or about April 6, 2005, attorney Goldstein sent a letter to Respondent rejecting
18 the \$10,000 settlement offer. In his letter, attorney Goldstein stated that he intended to place a
19 wage garnishment against Kenneth Brown, as well as execute against a lien placed against
20 Kenneth Brown’s house. Respondent received the letter.

21 67. Prior to the April 18, 2005 OSC, Respondent told Jeanne Brown that she (Jeanne
22 Brown) and Kenneth Brown did not have to appear at the April 18, 2005 OSC hearing.
23 Respondent herself then failed to appear at the OSC hearing. As a result of Respondent’s failure
24 to appear at the OSC hearing, the request for release of liens, and attorney fees and costs was
25 denied with prejudice. The Tara Brown matter was placed “off calendar” by the court.

26 68. On or about April 19, 2005, Respondent met with Jeanne Brown and falsely
27 informed her that the court refused to hear the case due to insufficient case law to prove the case.
28 Respondent claimed that she would have to re-file the case in order to have it heard.

1 Respondent then presented Jeanne Brown with an invoice dated April 18, 2005 which charged
2 \$100 for Respondent's appearance at the OSC hearing.

3 69. On or about April 18, 2005, attorney Goldstein sent a letter to Respondent (sent
4 by facsimile and by U.S. mail) and demanded a \$10,000 payment toward the amount of back
5 child support owed by April 20, 2005, or a wage garnishment action, and a levy against Kenneth
6 Brown's house would commence. In the letter, attorney Goldstein asserted that the \$10,000
7 payment would not settle the case or satisfy the debt owed, but would only delay further legal
8 action for 30 days. Respondent received the letter.

9 70. On or about April 19, 2005, at Respondent's request, Jeanne Brown met with
10 Respondent at her law office in Temecula. At the meeting, Respondent falsely informed Jeanne
11 Brown that the court refused to hear the child support case on the basis that there was
12 insufficient case law to prove the case. Respondent claimed that she would have to re-file the
13 case in order to have it heard. At the meeting, Respondent also informed Jeanne Brown that
14 attorney Goldstein would hold off on any further proceedings if Kenneth Brown would pay
15 \$10,000 immediately. Respondent did not inform Jeanne Brown that the \$10,000 payment
16 would only delay proceedings for 30 days. Respondent did not inform her client that she failed
17 to appear for the April 18, 2005 OSC.

18 71. At the April 19, 2005 meeting, Jeanne Brown gave Respondent a check in the
19 amount of \$10,000 made payable to the Center for Enforcement of Family Support, and a check
20 in the amount of \$300 for legal services. At the meeting, Jeanne Brown informed Respondent
21 that she would be moving to Texas in May 2005, to join Kenneth Brown. Respondent told
22 Jeanne Brown that she would maintain contact, that she would provide any additional
23 information as it became available, and that she would advise her and Kenneth Brown of any
24 future court dates. From that point on, however, Respondent did not initiate contact with either
25 Jeanne Brown or Kenneth Brown.

26 72. On or about April 22, 2005, Respondent wrote a letter to attorney Goldstein
27 enclosing the \$10,000 check issued by Jeanne Brown along with a Stipulation and Order
28 regarding Wage Garnishment and Levy ("the stipulation") that Respondent had prepared. The

1 stipulation stated that Tara Hart would hold off on the wage garnishment and levy against
2 Kenneth Brown's house for 30 days upon receipt of the \$10,000 payment.

3 73. In or about April 2005, attorney Goldstein returned to Respondent the Stipulation
4 that he and his client, Tara Hart, had signed. Respondent received the signed Stipulation.

5 74. On or about June 3, 2005, attorney Goldstein sent a letter to Respondent noting
6 that the agreed upon stay of execution pursuant to the stipulation had expired on May 28, 2005.
7 In the letter, Attorney Goldstein noted that he had not heard from Respondent and said that any
8 settlement offer must be received by June 10, 2005, or that wage garnishment and real estate
9 levies would proceed. Respondent received the letter.

10 75. Sometime, in or about June or July 2005, a lien was placed on Kenneth Brown's
11 property per a Writ of Execution dated November 23, 2004 in the Tara Brown matter.

12 76. On or about June 21, 2005, Respondent wrote a letter to attorney Goldstein. In
13 the letter, Respondent asked whether an additional \$10,000 would be accepted as satisfaction for
14 the child support debt that Kenneth Brown owed in the Tara Brown matter. Respondent did not
15 discuss the proposed settlement offer with either Kenneth Brown or Jeanne Brown, and they had
16 not agreed to it.

17 77. Each day, on or about June 16, June 20, June 21, and July 6, 2005, Jeanne Brown
18 placed two telephone calls to Respondent and left voice mail messages requesting a return call.
19 Respondent did not return Jeanne Brown's telephone calls.

20 78. On or about July 12, 2005, Jeanne Brown placed three telephone calls to
21 Respondent and left voice mail messages requesting a return call. Respondent did not return
22 Jeanne Brown's telephone calls then or at any time prior to her termination.

23 79. In or about late July 2005, First American Title Company ("First American")
24 contacted Kenneth Brown, stating that they were preparing to pay a \$85,000 judgment lien (from
25 the Tara Brown matter) against Kenneth Brown's property.

26 80. On or about July 11, and 12, 2005, Jeanne Brown placed several telephone calls
27 to Respondent's office to ask about the First American lien and left voice mail messages for
28 Respondent to call her back. Respondent did not return any of these telephone calls

1 81. In or about late July 2005, Jeanne Brown placed a telephone call to Respondent's
2 office. Respondent informed Jeanne Brown that there was nothing more that she could do in the
3 Tara Brown matter, and that she would be sending a letter terminating her representation of
4 Jeanne Brown and Kenneth Brown in the Tara Brown matter.

5 82. Respondent did not refund any portion of the advanced fees to either Jeanne
6 Brown or Kenneth Brown upon termination of her employment.

7 83. On or about July 22, 2005, Jeanne Brown and Kenneth Brown employed attorney
8 Linda Fessler ("Fessler") to represent them in the Tara Brown matter.

9 84. On or about September 27, 2005, attorney Fessler sent a letter to Respondent
10 stating that Fessler's office was being prevented from zealously representing Kenneth Brown
11 and Jeanne Brown in the child support modification case because Respondent had not yet
12 released their client file. Respondent received Fessler's letter.

13 85. After terminating Respondent's legal services, Jeanne Brown and Kenneth Brown
14 placed several telephone calls to Respondent to ask for their case file. These calls were placed
15 on or about July 28, August 8, August 29, September 28, 2005 and February 14, 2006. Each
16 time, a message was left with Respondent's employee, "Shannon" who assured them that their
17 case file would be sent to them. The case file was never sent.

18 86. Eventually, after Jeanne Brown and Kenneth Brown filed a State Bar complaint,
19 on or about March 20, 2006, Respondent sent copies of certain documents in the file to Jeanne
20 Brown, but not the complete file.

21 87. On or about January 26, 2006, Kenneth Brown and Jeanne Brown received a
22 letter from Robinson & Associates, a collection agency assigned to collect the debt Kenneth
23 Brown owed in the Tara Brown matter, which was now over \$92,000 in principal and interest.
24 Robinson & Associates was hired by First American which had paid the lien placed on Kenneth
25 Brown's property.

26 88. By failing to set a timely OSC hearing regarding liens on the Brown's bank
27 accounts for past due child support, by failing to appear on the date set for the OSC regarding the
28 liens, by offering to settle the Tara Brown matter on two occasions without her clients' authority

1 and by failing to inform her clients that she had failed to appear on their behalf at the April 18,
2 2005 OSC regarding liens, Respondent intentionally, recklessly, or repeatedly failed to perform
3 legal services with competence.

4 COUNT TEN

5 Case No. 06-O-11364
6 Business and Professions Code, section 6068(m)
7 [Failure to Respond to Client Inquiries]

8 89. Respondent wilfully violated Business and Professions Code, section 6068(m), by
9 failing to respond promptly to reasonable status inquiries of a client in a matter in which
10 Respondent had agreed to provide legal services, as follows:

11 90. The allegations of paragraphs 58 through 87 are incorporated by reference.

12 91. By failing to return Jeanne Brown's telephone calls of June 16, June 21, July 6,
13 July 11, and July 12, 2005, Respondent failed to respond promptly to reasonable status inquiries
14 of a client in a matter in which Respondent had agreed to provide legal services.

15 COUNT ELEVEN

16 Case No. 06-O-11364
17 Business and Professions Code, section 6106
18 [Moral Turpitude]

19 92. Respondent wilfully violated Business and Professions Code, section 6106, by
20 committing an act or acts involving moral turpitude, dishonesty or corruption, as follows:

21 93. The allegations of paragraphs 58 through 87 are incorporated by reference.

22 94. By misrepresenting to Jeanne Brown and Kenneth Brown that it was not
23 necessary that they appear for the OSC on April 18, 2005, and advising them not to appear for
24 the OSC; by failing to appear at the OSC on April 18, 2005, which resulted in the dismissal of
25 the OSC with prejudice; by failing to inform her clients that she did not appear for the OSC on
26 April 18, 2005, and that the OSC was dismissed; and by charging her clients \$100 for the April
27 18, 2005 appearance that she did not make, Respondent committed an act or acts involving
28 moral turpitude, dishonesty or corruption.

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COUNT TWELVE

Case No. 06-O-11364
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

95. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(2), by failing to refund promptly any part of a fee paid in advance that has not been earned, as follows:

96. The allegations of paragraphs 58 through 87 are incorporated by reference.

97. By failing to appear for the OSC on April 18, 2006, and by charging for an appearance on April 18, 2006, failed to earn the \$100 fee paid by the Browns, and failed to promptly refund the Browns' unearned fee after her legal services were terminated in July 2005.

COUNT THIRTEEN

Case No. 06-O-11364
Rules of Professional Conduct, rule 3-700(D)(1)
[Failure to Release File]

98. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(1), by failing to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property, as follows:

99. The allegations of paragraphs 58 through 87 are incorporated by reference.

100. By failing to respond to the Browns' telephone calls or Fessler's letter demanding the delivery of their client file, until after the Browns filed a State Bar complaint, Respondent failed to release promptly, upon termination of employment, to the client, at the request of the client, all client papers and property.

COUNT FOURTEEN

Case No. 06-O-11364
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar investigation]

101. Respondent wilfully violated Business and Professions Code, section 6068(i), by failing to cooperate and participate in a disciplinary investigation pending against Respondent, as follows:

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1 102. On or about March 20, 2006, the State Bar opened an investigation, case no.
2 06-O-11364, pursuant to a complaint filed against Respondent filed by Kenneth Brown
3 regarding the Tara Brown matter.

4 103. On or about May 8, 2006, a State Bar investigator wrote to Respondent regarding
5 the Tara Brown matter. Respondent received the letter.

6 104. In the May 8, 2006 letter, the investigator requested that Respondent provide a
7 written explanation regarding the allegations set forth in this Notice of Disciplinary Charges
8 regarding the Tara Brown matter.

9 105. Respondent provided no written response to the investigator's letter dated May 8,
10 2006.

11 106. On or about May 25, 2006, the investigator sent Respondent a second letter
12 regarding the Tara Brown matter. Respondent received the letter.

13 107. In the May 25, 2006 letter, the investigator again requested that Respondent
14 provide a written explanation regarding the allegations set forth in this Notice of Disciplinary
15 Charges in the Tara Brown matter.

16 108. Both of the Investigator's letters requested that Respondent respond in writing
17 within 10 days to specified allegations of misconduct being investigated by the State Bar in the
18 Tara Brown matter. Respondent did not respond in writing to the Investigator's May 8, 2006
19 and May 25, 2006 letters.

20 109. By failing to respond to the investigator's letters dated May 8, 2006 and May 25,
21 2006, and by failing to otherwise cooperate or participate in the State Bar investigation of the
22 allegations set forth regarding the Tara Brown matter in the Notice of Disciplinary Charges,
23 Respondent failed to cooperate in a disciplinary investigation.

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1 COUNT FIFTEEN

2 Case No. 06-O-13245
3 Rules of Professional Conduct, rule 3-110(A)
4 [Failure to Perform with Competence]

5 110. Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), by
6 intentionally, recklessly, or repeatedly failing to perform legal services with competence, as
7 follows:

8 111. On or about January 3, 2005, Lanetta L. Chambers (“Chambers”), representing
9 herself in pro per, employed Respondent for a marriage dissolution matter. Respondent charged
10 a retainer fee in the amount of \$2,500, which was paid by Susan Alva, a friend of Chambers.
11 Susan Alva issued check no 1151 in the amount of \$2,500 made payable to Respondent.

12 112. An Order to Show Cause hearing (“OSC hearing”) was scheduled on January 5,
13 2005. Respondent instructed Chambers not to appear until 10:00 a.m. The OSC hearing,
14 however, was called earlier than 10:00 a.m., before Chambers arrived. Respondent failed to
15 appear.

16 113. On or about January 5, 2005, Chambers made several telephone calls to
17 Respondent’s office and left messages inquiring as to why Respondent failed to appear at the
18 OSC hearing. Respondent did not return Chambers’ calls.

19 114. Between on or about January 7, 2005 and January 11, 2005, Chambers telephoned
20 Respondent at least five more times, but Respondent did not return any of these phone calls.

21 115. Respondent failed to appear at a hearing to address allegations of domestic
22 violence on May 26, 2005. Between May 26 and May 29, 2005, Chambers telephoned
23 Respondent at least 10 times and left voice mail messages asking Respondent to return her
24 telephone calls. Respondent did not return any of these telephone calls.

25 116. On or about June 14, 2005, a hearing in the underlying matter was scheduled.
26 Respondent arrived late. Respondent asked for a continuance, which was granted. A new
27 hearing date was scheduled for July 6, 2005.

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COUNT SIXTEEN

Case No. 06-O-13245
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

122. Respondent wilfully violated Business and Professions Code, section 6068(m), by failing to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services, as follows:

123. The allegations of paragraphs 111 through 120 are incorporated by reference.

124. By failing to respond to at least 35 telephone calls from her client and by not communicating the correct status of her client's case to her client on at least two occasions, Respondent failed to promptly respond to the reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services.

COUNT SEVENTEEN

Case No. 06-O-13245
Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal From Employment]

125. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(A)(2), by failing, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client, as follows:

126. The allegations of paragraphs 111 through 120 are incorporated by reference.

127. By consistently appearing late or not at all for scheduled court hearings, by failing to respond to her client's many inquires, and by failing to perform any substantive legal services for which she was employed and paid, thus ostensibly terminating her employment, Respondent failed to take reasonable steps to avoid reasonably foreseeable prejudice to her client.

COUNT EIGHTEEN

Case No. 06-O-13245
Rules of Professional Conduct, rule 3-700(D)(1)
[Failure to Release File]

128. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(1), by failing to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property, as follows:

1 COUNT TWENTY

2 Case No. 06-O-14240
3 Rules of Professional Conduct, rule 4-100(A)
4 [Failure to Maintain Client Funds in Trust Account]

5 138. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(A), by
6 failing to maintain the balance of funds received for the benefit of a client and deposited in a
7 bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, as
8 follows:

9 139. On or about June 27, 2006 and July 6, 2006, Bank of America refused to pay the
10 following check that Respondent had issued from Bank of America client trust account no.
11 16644-40350 against insufficient funds:

| <u>Check No.</u> | <u>Payee</u> | <u>Check Amt.</u> | <u>Date Presented</u> | <u>Account Bal.</u> |
|------------------|--------------|-------------------|-----------------------|---------------------|
| 12 1041 | Unknown | \$1,650 | 6/27/06 | \$49.23 |
| 13 | Unknown | \$1,650 | 4/06/06 | -\$84.23 |

14 140. Respondent issued check number 1041 when she knew or should have known that
15 there were insufficient funds in the Bank of America client trust account to pay the check.

16 141. By issuing check number 1041 drawn upon the Bank of America client trust
17 account when Respondent knew or should have known there were insufficient funds on deposit
18 to pay the check, Respondent failed to properly maintain her client trust account.

19 **NOTICE - INACTIVE ENROLLMENT!**

20 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
21 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
22 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
23 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
24 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
25 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
26 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
27 RECOMMENDED BY THE COURT. SEE RULE 101(c), RULES OF
28 PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

NOTICE - COST ASSESSMENT!

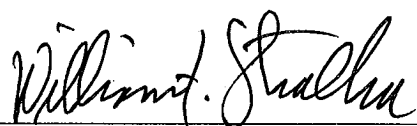
**IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE,
YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY
THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF**

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THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10. SEE RULE 280, RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

By: 
WILLIAM F. STRALKA
Deputy Trial Counsel

Dated: January 22, 2007

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DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 06-O-10629 [06-O-11265; 06-O-11364; 06-O-13245; 06-O-14240]

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, declare that I am not a party to the within action; that 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; that 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; that I am aware that on motion of 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; and that 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, on the date shown below, a true copy of the within

NOTICE OF DISCIPLINARY CHARGES

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7160 3901 9844 3983 8605, at Los Angeles, on the date shown below, addressed to:

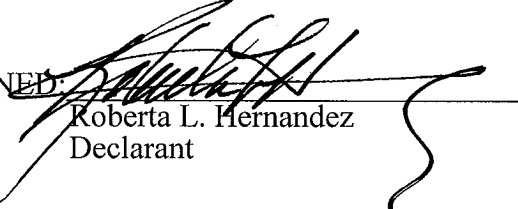
**David C. Carr
Law Office of David C. Carr
110 W. "C" Street, Suite 1504
San Diego, CA 92101**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: January 22, 2007

SIGNED: 
Roberta L. Hernandez
Declarant