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THE STATE BAR OF CALIFORNIA 1 OFFICE OF THE CHIEF TRIAL COUNSEL 2 SCOTT J. DREXEL, No. 65670 FILE CHIEF TRIAL COUNSEL 3 RUSSELL G. WEINER, No. 94504 JAN 10 2008 DEPUTY CHIEF TRIAL COUNSEL VICTORIA R. MOLLOY, No. 97747 4 STATE BAR COURT ASSISTANT CHIEF TRIAL COUNSEL CLERK'S OFFICE 5 KEVIN B. TAYLOR, No. 151715 LOS ANGELES SUPERVISING TRIAL COUNSEL LEE ANN KERN, No. 156623 6 DEPUTY TRIAL COUNSEL 7 1149 South Hill Street Los Angeles, California 90015-2299 8 Telephone: (213) 765-1272 9 10 THE STATE BAR COURT 11 **HEARING DEPARTMENT - LOS ANGELES** 12 13 In the Matter of) Case No. 06-O-15512; 07-O-10691 NANCY ANNE MOHR, 14 No. 101119. NOTICE OF DISCIPLINARY CHARGES 15 Member of the State Bar. 16 17 **NOTICE - FAILURE TO RESPOND!** 18 IF YOU FAIL TO FILE AN ANSWER TO THIS NOTICE WITHIN THE 19 TIME ALLOWED BY STATE BAR RULES, INCLUDING EXTENSIONS, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL, (1) YOUR 20 DEFAULT SHALL BE ENTERED, (2) YOU SHALL BE ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR AND WILL NOT BE 21 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 22 PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOUR DEFAULT IS SET ASIDE, AND (4) YOU SHALL BE SUBJECT TO 23 ADDITIONAL DISCIPLINE. 24 STATE BAR RULES REQUIRE YOU TO FILE YOUR WRITTEN 25 RESPONSE TO THIS NOTICE WITHIN TWENTY DAYS AFTER SERVICE. 26 IF YOUR DEFAULT IS ENTERED AND THE DISCIPLINE IMPOSED BY THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD OF 27 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 28

WILL CONTINUE UNTIL YOU HAVE REQUESTED, AND THE STATE BAR COURT HAS GRANTED, A MOTION FOR TERMINATION OF THE ACTUAL SUSPENSION. AS A CONDITION FOR TERMINATING THE ACTUAL SUSPENSION, THE STATE BAR COURT MAY PLACE YOU ON PROBATION AND REQUIRE YOU TO COMPLY WITH SUCH CONDITIONS OF PROBATION AS THE STATE BAR COURT DEEMS APPROPRIATE. SEE RULE 205, RULES OF PROCEDURE FOR STATE BAR COURT PROCEEDINGS.

The State Bar of California alleges:

JURISDICTION

1. Nancy Anne Mohr ("Respondent") was admitted to the practice of law in the State of California on December 1, 1981, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE

Case No. 06-O-15512
Business and Professions Code, section 6106
[Moral Turpitude]

- 2. Respondent wilfully violated Business and Professions Code, section 6106, by committing an act involving moral turpitude, dishonesty or corruption, as follows:
- 3. From on or about February 21, 2005 until on or about May 1, 2006, Respondent was employed by the law firm of Lynch, Crowell & Associates ("the Lynch firm").
- 4. During her employment with the Lynch firm or shortly thereafter, Respondent acquired the Lynch firm's account number with Overnite Express, a delivery/courier service.
- 5. On or about September 18, 2006, over four months after she left her employment with the Lynch firm, Respondent shipped, or caused to be shipped, two separate items of correspondence to the State Bar's Mandatory Continuing Legal Education Compliance Office in San Francisco using the Lynch firm's Overnite Express account number 55596. As a result, Overnite Express billed the Lynch firm a total of \$16.70 for the two shipments.
- 6. The Lynch firm never consented to Respondent using its Overnite Express account number 55596 for any purpose after on or about May 1, 2006.

- 7. At the time Respondent used the Lynch firm's account number to ship the correspondence, or caused it to be shipped, Respondent knew, or was grossly negligent in not knowing, that she was not entitled to make shipments using the Lynch firm's account number.
- 8. By using the Lynch firm's Overnite Express account to ship correspondence when she was not entitled to do so, Respondent committed acts involving moral turpitude, dishonesty or corruption, in wilful violation of Business Professions Code section 6106.

COUNT TWO

Case No. 06-O-15512 Business and Professions Code, section 6068(i) [Failure to Cooperate in State Bar investigation]

- 9. 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:
- 10. On or about October 16, 2006, the State Bar opened investigation number 06-O-15512 pursuant to a complaint by David J. Lynch ("the Lynch complaint").
- 11. On or about January 9, 2007, a State Bar investigator wrote to Respondent regarding the Lynch complaint. The investigator's letter requested that Respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in the Lynch complaint. The investigator's letter was placed in a sealed envelope correctly addressed to Respondent at her State Bar of California membership address. The letter was properly mailed by first class mail, postage prepaid, by depositing for collection by the United States Postal Service in the ordinary course of business. The United States Postal Service did not return the investigator's letter as undeliverable or for any other reason. Respondent received the letter.
- 12. On or about January 25, 2007, Respondent called the investigator and requested an extension to respond to the State Bar's letter of January 9, 2007. The State Bar investigator granted Respondent an extension to respond up through and including January 29, 2007. Respondent did not provide a response to the State Bar by January 29, 2007.

- 13. On or about February 13, 2007, Respondent left a voicemail message for the State Bar investigator in which she stated that she was still gathering documentation and that she would be sending the investigator her response.
 - 14. Respondent never responded in writing to the State Bar in the Lynch complaint.
- 15. By not providing a written response to the allegations in the Lynch complaint or otherwise cooperate in the investigation of the Lynch complaint, Respondent failed to cooperate in a disciplinary investigation, in wilful violation of Business and Professions Code section 6068(i).

COUNT THREE

Case No. 07-O-10691
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

- 16. Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), by intentionally, recklessly, or repeatedly failing to perform legal services with competence, as follows:
- 17. In or about early May 2006, Jeanne Abriel ("Abriel") hired Respondent to write a letter to a real estate company on Abriel's behalf, draft a Small Estates Affidavit, draft an Affidavit of Domicile, and assist Abriel and her sister in liquidating two investment accounts in order to close their mother's trust. On or about May 4, 2006, Abriel provided Respondent with documents concerning the trust, as well as the death certificates for her mother and brother. On or about that date, Abriel paid Respondent \$500 in advanced attorney's fees.
- 18. On or about May 5, 2006, Abriel and Respondent had a telephone conversation in which she told Abriel that she had begun work on Abriel's matters.
- 19. On or about May 31, 2006, Respondent called Abriel and told her that she needed an additional \$300 in attorney's fees to complete work on Abriel's matters because she had spent the \$500 making telephone calls on Abriel's behalf to the investment companies. On or about June 1, 2006, Abriel met with Respondent and paid her an additional \$300 in attorney's fees.

- 20. On or about July 6, 2006, Abriel received a voice mail message from a woman purporting to be Respondent's assistant stating that Respondent had completed the work on Abriel's matters, that the work had been mailed to Abriel, along with instructions for closing the trust. Abriel never received the completed work or trust instructions in the mail.
- 21. Between July 17, 2006 and September 20, 2006, Abriel called Respondent approximately thirteen times and left messages in which she 1.) asked for the status of her case, 2.) informed Respondent that she had not received the trust documents and instructions in the mail, and 3.) asked Respondent to return the trust documents and death certificates Abriel gave Respondent on or about May 4, 2006. Respondent received Abriel's telephone messages, but did not communicate with her or return her trust documents and death certificates.
- 22. On or about September 20, 2006, Abriel sent Respondent a certified letter, return receipt requested, in which she terminated Respondent, requested the return of the unearned fees, and the return of the trust documents and death certificates she gave Respondent or about May 4, 2006. The letter was returned to Abriel unclaimed.
- 23. After in or about early July 2006, Abriel had no further contact with Respondent or anyone purportedly acting on Respondent's behalf.
- 24. Respondent did not write a letter to a real estate company on Abriel's behalf, draft a Small Estates Affidavit, draft an Affidavit of Domicile, and assist Abriel and her sister in liquidating two investment accounts in order to close their mother's trust.
 - 25. Respondent did not perform services of any value for Abriel.
- 26. By failing to write a letter to a real estate company on Abriel's behalf, draft a Small Estates Affidavit, draft an Affidavit of Domicile, and assist Abriel and her sister in liquidating two investment accounts in order to close their mother's trust, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of rule 3-110(A), Rules of Professional Conduct.

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1 **COUNT FOUR** 2 Case No. 07-O-10691 Business and Professions Code, section 6106 3 [Moral Turpitude - Misrepresentation to Client] 4 27. Respondent wilfully violated Business and Professions Code, section 6106, by 5 committing an act involving moral turpitude, dishonesty or corruption, as follows: 6 28. The allegations of paragraphs 17 through 25 are incorporated by reference. 7 29. Respondent did not communicate with the investment companies she told Abriel she 8 had contacted. 9 30. At the time Respondent told Abriel that she made telephone calls to those investment 10 companies, Respondent knew, or was grossly negligent in not knowing, that the statement was 11 false. 12 31. By misrepresenting to Abriel that Respondent had called the investment companies 13 when she had not, Respondent committing an act involving moral turpitude, dishonesty or 14 corruption, in wilful violation of Business and Professions Code section 6106. 15 **COUNT FIVE** 16 Case No. 07-O-10691 Rules of Professional Conduct, rule 3-700(D)(2) 17 [Failure to Refund Unearned Fees] 18 32. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(2), by 19 failing to refund promptly any part of a fee paid in advance that has not been earned, as follows: 20 33. The allegations of paragraphs 17 through 25, 29, and 30 are incorporated by 21 reference. 22 34. Respondent did not earn any portion of the \$800 advanced to her by Abriel. 23 35. Respondent failed to refund any portion of the unearned \$800 advanced fee. 24 36. By failing to promptly refund, upon termination of employment, the \$800 in 25 advanced fees paid by Abriel that she did not earn, Respondent failed to refund unearned fees to 26 his client, in wilful violation of rule 3-700(D)(2), Rules of Professional Conduct. 27 ///

1 2 3 4 5 6 client, all the client papers and property, as follows: 7 8 incorporated by reference. 9 10 Respondent on or about May 4, 2006. 11 12 13 14 15 16 17 18 19 20 21 incorporated by reference. 22 23 24 25 26 and Professions Code, section 6068(m).

COUNT SIX

Case No. 07-O-10691 Rules of Professional Conduct, rule 3-700(D)(1) [Failure to Release File]

- 37. 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
- 38. The allegations of paragraphs 17 through 25, 29, 30, and 34 through 35 are
- 39. Respondent did not return the trust documents and death certificates Abriel gave to
- 40. By failing to provide Abriel with her trust documents and death certificates, Respondent failed to release, upon termination of employment, all client papers and property, in wilful violation of rule 3-700(D)(1), Rules of Professional Conduct.

COUNT SEVEN

Case No. 07-O-10691 Business and Professions Code, section 6068(m) [Failure to Respond to Client Inquiries]

- 41. 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:
- 42. The allegations of paragraphs 17 through 25, 29, 30, 34 through 35, and 39 are
- 43. By failing to respond to the approximately 13 telephone messages Abriel left for Respondent between July 17, 2006 and September 20, 2006, in which she requested the status of her case, Respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services, in wilful violation of Business

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<u>COUNT EIGHT</u>

Case No. 07-O-10691 Business and Professions Code, section 6068(i) [Failure to Cooperate in State Bar Investigation]

- 44. 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:
- 45. On or about December 11, 2006, the State Bar opened investigation number 07-O-10691 pursuant to a complaint made against Respondent by Jeanne Abriel ("the Abriel complaint").
- 46. On or about March 20, 2007 and May 3, 2007, a State Bar investigator wrote to Respondent regarding the Abriel complaint. The investigator's letters requested that Respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in the Abriel complaint. The investigator's letters were each placed in a sealed envelope correctly addressed to Respondent at her State Bar of California membership address. The letters were each properly mailed by first class mail, postage prepaid, by depositing for collection by the United States Postal Service in the ordinary course of business. The United States Postal Services did not return the investigator's letters as undeliverable or for any other reason. Respondent received the letters, but did not respond to them.
- 47. Respondent never responded to the State Bar in the Abriel complaint or otherwise communicate with the State Bar investigator.

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1	48. By not providing a written response to the allegations in the Abriel complaint or
2	otherwise cooperate in the investigation of the Abriel complaint, Respondent failed to cooperate
3	in a disciplinary investigation, in wilful violation of Business and Professions Code section
4	6068(i).
5	NOTICE - INACTIVE ENROLLMENT!
6	YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
7	COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OF TO
8	THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
9	INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE DECOMMENDED BY THE COURT SEE DIJE 101(a) BULES OF
10	RECOMMENDED BY THE COURT. SEE RULE 101(c), RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.
11	NOTICE - COST ASSESSMENT!
12	IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY
13	THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF
14	THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10. SEE RULE 280, RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.
15	STATE BAR OF CALIFORNIA.
16	Respectfully submitted,
17	THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL
18	OFFICE OF THE CHIEF TRIAL COUNSEL
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20	Dated: 1/10/08 By: Lee Ann Kern
21	Deputy Trial Counsel
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DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 06-O-15512; 07-O-10691

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 9848 5951 6732, at Los Angeles, on the date shown below, addressed to:

Nancy Anne Mohr 28546 Taos Ct. Cathedral City, CA 92234

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: 01. (0.09)

SIGNED: C/ J. Johnson

Declarant

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