



ORIGINAL

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FILED

SEP 19 2008

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

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PUBLIC MATTER

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THE STATE BAR COURT
HEARING DEPARTMENT - LOS ANGELES

In the Matter of) Case Nos. 07-O-11915, 07-O-11971
 ANNE E.H. KANTER,)
 No. 220805,) NOTICE OF DISCIPLINARY CHARGES
 A Member of the State Bar.)

NOTICE - FAILURE TO RESPOND!

IF YOU FAIL TO FILE AN ANSWER TO THIS NOTICE WITHIN THE TIME ALLOWED BY STATE BAR RULES, 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

1 gave to Ms. Kennedy. Ms. Kennedy received a fax confirmation that the facsimile had gone
2 through. Respondent received the facsimile. Respondent did not respond to the facsimile.

3 16. On or about January 12, 2007, Ms. Kennedy sent a letter by facsimile to Respondent
4 again requesting the status of Mr. Dailey's QDROs, at the facsimile number Respondent gave to
5 Ms. Kennedy. Ms. Kennedy received a fax confirmation that the facsimile had gone through.
6 Respondent received the facsimile. Respondent responded to the facsimile via Ms. Kennedy's
7 voicemail informing Ms. Kennedy that she was out of town and would contact Ms. Kennedy as
8 soon as she returned.

9 17. On or about March 15, 2007, after not hearing anything more from Respondent, Ms.
10 Kennedy sent another letter to Respondent by facsimile, terminating Respondent's representation
11 of Mr. Dailey, requesting return of the advanced attorney fees paid by Mr. Dailey and return of
12 his file. Ms. Kennedy received a fax confirmation that the facsimile had gone through.
13 Respondent received the facsimile.

14 18. Respondent provided no services to Mr. Dailey. Respondent did not earn any of the
15 advanced attorney fees paid by Mr. Dailey. To date, Respondent has not refunded the advanced
16 attorney fees paid by Mr. Dailey to either Ms. Kennedy or to Mr. Dailey.

17 19. By failing to refund to Mr. Dailey the \$800 in advanced attorney fees after Ms.
18 Kennedy requested the refund of the fees on behalf of Mr. Dailey, Respondent wilfully failed to
19 refund unearned fees.

20 COUNT FOUR

21 Case No. 07-O-11915
22 Rules of Professional Conduct, rule 3-700(D)(1)
[Failure to Release File]

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

26 21. The allegations of paragraphs 3, 4 and 13 through 18 are incorporated by reference.

27 22. At no time did Respondent return Mr. Dailey's file to Mr. Dailey or to Ms. Kennedy.
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1 regarding the status of her case. Respondent did not return any of Ms. O'Brien's telephone
2 messages.

3 38. In or about April 2006, Ms. O'Brien employed a new attorney to prepare and file the
4 QDRO.

5 39. On or about October 31, 2006, Ms. O'Brien sent email to Respondent at the email
6 address Respondent had given her, requesting that Respondent return the advanced attorney fees
7 paid by Ms. O'Brien. The email was not returned as undeliverable. Respondent received the
8 email.

9 40. On or about November 2, 2006, Ms. O'Brien received a return email from
10 Respondent. Respondent profusely apologized to Ms. O'Brien for any inconvenience
11 Respondent had caused her. Respondent also informed Ms. O'Brien that she would definitely
12 refund the fees for the work she had failed to do.

13 41. On or about November 16, 2006, after not receiving the refund of fees from
14 Respondent, Ms. O'Brien again sent an email to Respondent requesting the return of the
15 advanced attorney fees she had paid Respondent. The email was not returned as undeliverable.
16 Respondent received the email. Respondent did not respond to the email.

17 42. On or about December 4, 2006, Ms. O'Brien sent another email to Respondent
18 requesting the return of the advanced attorney fees she paid Respondent. The email was not
19 returned as undeliverable. Respondent received the email. Respondent did not respond to the
20 email.

21 43. On or about January 11, 2007, Ms. O'Brien sent another email to Respondent
22 requesting the return of the advanced attorney fees she paid Respondent. The email was not
23 returned as undeliverable. Respondent received the email. Respondent did not respond to the
24 email.

25 44. By failing to respond to Ms. O'Brien's telephone messages and emails, Respondent
26 wilfully failed to respond promptly to reasonable status inquiries of a client.

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1 53. Respondent did not respond to the investigator's letters or otherwise communicate
2 with the investigator.

3 54. By not providing a written response to the allegations in the O'Brien matter or
4 otherwise cooperating in the investigation of the O'Brien matter, Respondent failed to cooperate
5 in a disciplinary investigation.
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9 **NOTICE - INACTIVE ENROLLMENT!**

10 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
11 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
12 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
13 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
14 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
15 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
16 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
17 RECOMMENDED BY THE COURT. SEE RULE 101(c), RULES OF
18 PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

15 **NOTICE - COST ASSESSMENT!**

16 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE,
17 YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY
18 THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF
19 THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE
20 SECTION 6086.10. SEE RULE 280, RULES OF PROCEDURE OF THE
21 STATE BAR OF CALIFORNIA.**

22 Respectfully submitted,

23 THE STATE BAR OF CALIFORNIA
24 OFFICE OF THE CHIEF TRIAL COUNSEL

25 Dated: September 19, 2008

26 By: 
27 SUZAN J. ANDERSON
28 Deputy Trial Counsel

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DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 07-O-11915; 07-O-11971

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 4578, at Los Angeles, on the date shown below, addressed to:

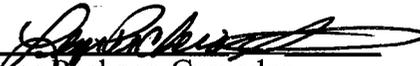
**ANNE E. KANTER
P.O. BOX 535
CAMBRIA, CA 93428**

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: September 19, 2008

Signed: 
Lupe Pacheco-Granados
Declarant