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8 Attorney for SCOTT FURSTMAN

9 THE STATE BAR COURT
10 OF THE STATE BAR OF CALIFORNIA
11 HEARING DEPARTMENT - SAN FRANCISCO

12 In the Matter of
13 SCOTT S. FURSTMAN,
14 No. 76476
15 A Member of the State Bar

16 Case Nos. 07-O-14171 [09-O-12378]

17 ANSWER OF SCOTT FURSTMAN
18 TO NOTICE OF DISCIPLINARY
19 CHARGES
20 (NDC)

21 JURISDICTION

- 22 1. Admit and Deny. Mr. Furstman was admitted to the practice of law in the State of
23 California on December 21, 1977. He was at all times pertinent to these charges and is
24 currently a member of the State Bar of California.

25 COUNT ONE

26 Case No. 07-O-14171
27 Business and Professions Code §6106
28 [Moral Turpitude/Misappropriation]

- 29 2. Deny.
30 3. Admit.
31 4. Admit.

FILED

JUL 12 2010

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO



- 1 5. Admit.
- 2 6. Admit.
- 3 7. Admit and Deny. Admit that \$14,982.00 was received from Chen and deposited into trust
- 4 account. Deny that \$15,000.00 was for the purpose of posting bail.
- 5 8. Admit and Deny. Admit that \$14,982.00 was received from Chen and deposited into trust
- 6 account. Deny that \$14,982.00 was for the purpose of posting bail.
- 7 9. Deny.
- 8 10. Admit that the bond needed to be collateralized.
- 9 11. Mr. Furstman has insufficient information to either admit or deny this allegation. On that
- 10 basis, this allegation is denied. Mr. Furstman has no recollection of this payment.
- 11 12. Deny. Monies were due at that time for legal representation of Chen.
- 12 13. Admit that request was made on behalf of Chen for the return of monies.
- 13 14. See response to charge number 13, above.
- 14 15. Admit.
- 15 16. Deny. Funds were applied to monies owed by Chen for legal representation.
- 16 17. Deny.
- 17 18. Admit that monies were deposited to refund monies to Chen.
- 18 19. Admit that \$14,000.00 was wired to Chen.
- 19 20. Deny.
- 20 21. Mr. Furstman has insufficient information to either admit or deny this allegation. On that
- 21 basis, this allegation is denied. Mr. Furstman has no recollection of this request and does
- 22 not believe any monies were owed to Chen. To the contrary, Chen owed attorneys fees to
- 23 Mr. Furstman. Mr. Furstman returned monies to Chen to avoid threats of litigation and to
- 24 conclude all matters with Chen.
- 25 22. Deny.
- 26 23. Deny.
- 27 24. Deny.
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COUNT TWO

Case No. 07-O-14171

Rules of Professional Conduct, rule 4-100(A)
[Failure to Maintain Client Funds in Trust Account]

25. Deny.

26. Admit and Deny. See responses to Count One, supra.

27. Deny.

28. Deny.

COUNT THREE

Case No. 09-O-112378

Rules of Professional Conduct, rule 4-100(A)
[Commingling Personal Funds in Trust Account]

29. Deny.

30. Admit.

31. Admit.

32. Admit. Mr. Furstman admits that personal obligations were paid from the trust account, but he believes these payments were from monies earned. In retrospect, Mr. Furstman believes the monies should have been transferred to the general or personal account.

33. Admit.

34. See response number 32.

35. Deny.

COUNT FOUR

Case No. 09-O-12378

Business and Professions Code, §6106
[Moral Turpitude-NSF Electronic Debits]

36. Deny.

37. See responses to Count Three, supra.

38. Deny.

39. Deny.

40. Deny.

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COUNT FIVE

Case No. 09-O-12378

Business and Professions Code, §6068(i)
[Failure to Cooperate in State Bar Investigation]

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4 41. Deny.

5 42. See responses to Count Three and Count Four, supra.

6 43. Admit.

7 44. Admit.

8 45. Admit.

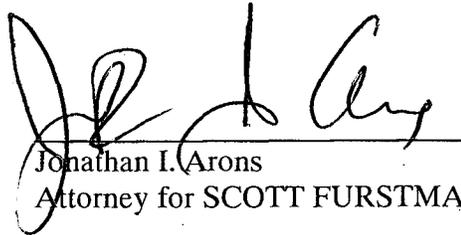
9 46. Admit and Deny. Mr. Furstman did not respond directly to the State Bar, but he did
10 provide materials to counsel of record.

11 47. Deny.

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13 Date: July 12, 2010

Respectfully Submitted,

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Jonathan I. Arons
Attorney for SCOTT FURSTMAN

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PROOF OF SERVICE

I am a citizen of the United States of America, over eighteen (18) years of age, employed in the City and County of San Francisco, and not a party to this action. My business address is 221 Main Street, Suite 740, San Francisco, California 94105. On **July 12, 2010** I caused the attached:

**ANSWER OF SCOTT FURSTMAN TO
NOTICE OF DISCIPLINARY CHARGES (NDC)**

To be served on the party or its attorney of record in this action by:

- U.S. Mail, enclosing a copy in a sealed envelope, postage prepaid, Addressed as shown below and depositing the sealed envelope with the United States Postal Service.
- By Personal Delivery, serving or causing to be served each document by Hand Delivery to the address listed below.
- By Overnight Service, enclosing a copy in a sealed envelope addressed as shown below and sending the envelope by overnight delivery service.
- U.S. Mail, enclosing a copy in a sealed envelope, with first class, certified mail, return receipt requested, postage thereon fully prepaid, addressed as shown below and depositing the sealed envelope with the United States Postal Service.

Name and address of each individual to whom document was mailed or delivered:

**Mark Hartman and
Erica Dennings
Office of the Chief Trial Counsel
State Bar of California
180 Howard Street
San Francisco, CA 94105**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This declaration was executed on **July 12, 2010** at San Francisco, California.



JONATHAN I. ARONS