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FILED

JUL 13 2015 *MC*

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

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10 Attorney for Amy P. Lee, Esq. and Law Offices of Amy P. Lee

11 STATE BAR COURT

12 HEARING DEPARTMENT- LOS ANGELES

13
14 IN THE MATTER OF

Case Nos: 09-0-13090; 10-0-05197; 13-0-12272;
14-0-00523; 14-0-00524; 14-0-03667

15 NINA R. RINGGOLD
16 Member No. 133735

PROVISIONAL RESPONSE OF
RESPONDENTS UNDER PROTEST

17 And

BASED ON LACK OF
FUNDAMENTAL JURISDICTION;

18
19 AMY P. LEE
20 Member No. 222013

LACK OF COMPLETION OF TIMELY
REQUESTED ENEC;

21 Constitutionally Mandated Members of the
22 California State Bar (Cal. Const. Art. VI § 9)

IRRECONCILABLE CONFLICT
BETWEEN CAL. B & P CODE SEC. 6031

(b) AND CAL B & P CODE SEC. 6001.1;
AND ON OTHER GROUNDS

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1 **TO THE HEARING DEPARTMENT OF THE STATE BAR COURT, ALL PARTIES, AND**
2 **ATTORNEYS OF RECORD:**
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4 Preserving all available defenses under state and federal law, respondents Nina R. Ringgold
5 (“Ringgold”) and Amy P. Lee (“Lee”) respond to the void Notice of Disciplinary Charges filed on
6 March 23, 2015 (“Charge”) by the State Bar of California (“State Bar”):

7 **I.**
8 **PRELIMINARY MATTERS**

9 **LACK OF JURISDICTION OF THIS PROCEEDING**
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11 1. On March 23, 2015 respondent Ringgold filed a Notice and Petition for Removal
12 under § 3, § § 1-10 of the Civil Rights Act of 1866, 28 U.S.C. § 1443, 28 U.S.C. § 1441 (28 U.S.C. §
13 1331); Petition under the All Writs Act (28 U.S. C. § 1651), and for relief based on Writ of Quo
14 Warranto, Habeas Corpus, or Other Appropriate Relief in the United States District Court for the
15 Central District of California. Respondent Lee subsequently joined in this petition. Matters
16 pertaining to this petition are still pending in the District Court.
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18 2. The March 23, 2015 notice of disciplinary action was filed in violation of 28 U.S.C. §
19 1446 (d) and the jurisdiction of the federal court.

20 3. There was a partial remand order entered. However, the clerk of the United States
21 District Court for the Central District of California did not transmit by mail to the State Bar Court a
22 certified copy of the remand order and there is no certified copy of remand order from this clerk
23 filed in this case. It is this transmittal and filing that effectuates a remand order.
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25 4. The General Counsel’s office of the State Bar may not attempt to act as a substitution
26 agent for the clerk of the United States District Court for the Central District of California.

27 5. There cannot be a remand from the United States District Court for the Central District
28 of California to the State Bar Court because respondents never removed any proceeding from the
State Bar Court. Respondents removed from an Early Neutral Evaluation Conference which was

1 not complete after discovery of significant institutional conflicting interests which impair the
2 respondents rights, the rights of their clients, and the rights of the general public.

3 **LACK OF COMPLIANCE WITH THE ENEC**

4 6. The respondents timely filed a request for an Early Neutral Evaluation Conference
5 ("ENEC").

6 7. The ENEC has not been conducted or completed.

7 8. The State Bar was prohibited from filing the notice of disciplinary charge when
8 respondents had a right to an ENEC.
9

10 **IRRECONCILABLE CONFLICTING INTERESTS**

11 9. There are irreconcilable conflicting interests which prohibit these proceedings from
12 going forward and indicate that this cannot be a fair administrative tribunal.
13

14 10. California Business and Professions Code § 6031 (b) which states:

15 Notwithstanding this section or any other provision of law, the board
16 shall not conduct or participate in, or authorize any committee,
17 agency, employee, or commission of the State Bar to conduct or
18 participate in any evaluation, review, or report on the qualifications,
19 integrity, diligence, or judicial ability of any specific justice of a court
20 provided for in Section 2 or 3 of Article VI of the California
21 Constitution without prior review and statutory authorization by the
22 Legislature.

23 11. This provision conflicts with the amended State Bar Act effective January 1, 2012.
24 The new provision added, California Business and Professions Code Section 6001.1, for the first
25 time it specified when other interests were inconsistent with the public interest that the public
26 interest was paramount.

27 Protection of the public shall be the highest priority for the State Bar
28 of California and the board of trustees in exercising their licensing,
regulatory, and disciplinary functions. *Whenever the protection of the
public is inconsistent with other interests sought to be promoted, the
protection of the public shall be paramount.*

(Added by Stats. 2011, Ch. 417, Sec. 1. Effective January 1, 2012.)

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12. Because the defenses of respondents concern the evaluation, review, or report on the qualifications, integrity, diligence, or judicial ability of a specific justice(s) of a court provided for in Section 2 or 3 of Article VI of the California Constitution, this court and the State Bar by law require statutory authorization by the Legislature.

13. In a discriminatory and retaliatory manner the regulatory proceedings and the void disciplinary charge are inconsistent with California Business and Professions Code Section 6001.1.

14. Respondents refuse to betray the United States and California Constitution, their clients' interests, and the public interests by concealing misconduct including "justice" or "judge" misconduct or conduct which impairs the rights of the primary client base of the law office which include racial and language minorities and the most vulnerable populations in the State of California.

OBJECTION TO CONSOLIDATED CHARGE FOR TWO DIFFERENT LAW OFFICES

15. Respondents are attorneys in two separate law offices and do not have the same clients. They never agreed to consolidation of the March 23, 2015 charge.

16. Respondents object to the consolidation and prejudicial and misleading and further part of the discriminatory and retaliatory conduct.

GENERAL DENIAL

17. Respondents deny generally and specifically, all and singular, each and every allegation of the Complaint; deny that they are culpable, negligent, willful, and/or careless or otherwise at fault in and about the matters alleged in said Charge; and further denies that they should be suspended, disbarred, or otherwise punished for legal actions taken on their behalf and/or on behalf of their client(s) since all such legal actions had supporting factual evidence and supporting legal authority, and thus had "merit" and consistent with the California Constitution, United States Constitution, and applicable state and federal law.

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JURISDICTION

18. Answering paragraph 1, respondent Ringgold admits she was admitted to practice law in California on or about June 16, 1988; was and has been a member of the State Bar from then until now; and is currently and has always been a member of the State Bar.

19. Answering paragraph 2, respondent Lee admits she was admitted to practice law in California on or about December 4, 2012; was and has been a member of the State Bar from then until now; and is currently and has always been a member of the State Bar.

20. Respondents deny that jurisdiction exists in this action.

21. Respondents deny that this department may hear and consider the defenses of respondents due to the irreconcilable conflicts specified above.

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II.

MYER SANKARY V. THE AUBRY FAMILY TRUST

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COUNT ONE

(Case No. 09-O-13090)

Business and Professions Code, Section 6068 (c)

[Maintaining an Unjust Action]

[RESPONDENT RINGGOLD]

22. Answering paragraph 3, respondent denies each and every allegation therein.

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COUNT TWO

(Case No. 09-O-13090)

Business and Professions Code, Section 6103)

[Failure to Obey A Court Order]

[RESPONDENT RINGGOLD]

23. Answering paragraph 4, respondent denies each and every allegation therein.

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COUNT THREE

(Case No. 09-O-13090)

Business and Professions Code, Section 6103)

[Failure to Obey A Court Order]

[RESPONDENT RINGGOLD]

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2 24. Answering paragraph 5, respondent denies each and every allegation therein.

3 **COUNT FOUR**

4 **(Case No. 09-O-13090)**

5 **Business and Professions Code, Section 6103)**

6 **[Failure to Obey A Court Order]**

7 **[RESPONDENT RINGGOLD]**

8 25. Answering paragraph 6, respondent denies each and every allegation therein.

9 **COUNT FIVE**

10 **(Case No. 09-O-13090)**

11 **Business and Professions Code, Section 6103)**

12 **[Failure to Obey A Court Order]**

13 **[RESPONDENT RINGGOLD]**

14 26. Answering paragraph 7, respondent denies each and every allegation therein.

15 **COUNT SIX**

16 **(Case No. 09-O-13090)**

17 **Business and Professions Code, Section 6103)**

18 **[Failure to Obey A Court Order]**

19 **[RESPONDENT RINGGOLD]**

20 27. Answering paragraph 8, respondent denies each and every allegation therein.

21 **COUNT SEVEN**

22 **(Case No. 09-O-13090)**

23 **Business and Professions Code, Section 6068 (0)(3))**

24 **[Failure to Report Judicial Sanctions]**

25 **[RESPONDENT RINGGOLD]**

26 28. Answering paragraph 9, respondent denies each and every allegation therein.

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COUNT EIGHT

(Case No. 09-O-13090)

Business and Professions Code, Section 6104

[Appearing for Party Without Authority]

[RESPONDENT RINGGOLD]

29. Answering paragraph 10, respondent denies each and every allegation therein.

COUNT NINE

(Case No. 09-O-13090)

Business and Professions Code, Section 6106

[Moral Turpitude]

[RESPONDENT RINGGOLD]

30. Answering paragraph 11, respondent denies each and every allegation therein.

III.

CANON BUSINESS SOLUTIONS ET AL. V. ASAP COPY AND PRINT

GENERAL ELECTRIC CAPITAL CORP V. ASAP COPY AND PRINT

COUNT TEN

(Case No. 10-O05197)

Business and Professions Code, Section 6068 (c)

[Maintaining an Unjust Action]

[RESPONDENT RINGGOLD]

31. Answering paragraph 12, respondent denies each and every allegation therein.

COUNT ELEVEN

(Case No. 10-O05197)

Business and Professions Code, Section 6068 (0)(3)

[Failure to Report Judicial Sanctions]

[RESPONDENT RINGGOLD]

32. Answering paragraph 13, respondent denies each and every allegation therein.

COUNT TWELVE

(Case No. 10-O05197)

Business and Professions Code, Section 6068 (0)(3)

[Failure to Report Judicial Sanctions]

[RESPONDENT RINGGOLD]

33. Answering paragraph 14, respondent denies each and every allegation therein.

COUNT THIRTEEN

(Case No. 10-O05197)

Business and Professions Code, Section 6068 (0)(3)

[Failure to Report Judicial Sanctions]

[RESPONDENT RINGGOLD]

34. Answering paragraph 15, respondent denies each and every allegation therein.

COUNT FOURTEEN

(Case No. 10-O05197)

Business and Professions Code, Section 6103)

[Failure to Obey A Court Order]

[RESPONDENT RINGGOLD]

35. Answering paragraph 16, respondent denies each and every allegation therein.

COUNT FIFTEEN

(Case No. 13-O-12272)

Business and Professions Code, Section 6068 (c)

[Maintaining an Unjust Action]

[RESPONDENT RINGGOLD]

36. Answering paragraph 17, respondent denies each and every allegation therein.

COUNT SIXTEEN

(Case No. 13-O-12272)

Business and Professions Code, Section 6068 (0)(3)

[Failure to Report Judicial Sanctions]

[RESPONDENT RINGGOLD]

37. Answering paragraph 18, respondent denies each and every allegation therein.

COUNT SEVENTEEN

(Case No. 13-O-12272)

Business and Professions Code, Section 6103)

[Failure to Obey A Court Order]

[RESPONDENT RINGGOLD]

38. Answering paragraph 19, respondent denies each and every allegation therein.

COUNT EIGHTEEN

(Case No. 13-O-12272)

Business and Professions Code, Section 6068 (c)

[Maintaining an Unjust Action]

[RESPONDENT RINGGOLD]

39. Answering paragraph 20, respondent denies each and every allegation therein.

COUNT NINETEEN

(Case No. 14-O-03667)

Business and Professions Code, Section 6103)

[Failure to Obey A Court Order]

[RESPONDENT RINGGOLD]

40. Answering paragraph 21, respondent denies each and every allegation therein.

IV

HARTFORD CAUSALTY INSURANCE ET AL V. CORNELIUS, MARIAN, AND
LISA TURNER; CORNELIUS, MARIAN, AND LISA TURNER V. HARTFORD
CASUALTY INSURANCE ET AL.; THE RULE COMPANY V. AMY LEE AND
NINA RINGGOLD

COUNT TWENTY

(Case No. 14-O-00523 and 14-O-00524)

Business and Professions Code, Section 6068 (c)

[Maintaining an Unjust Action]

[RESPONDENTS LEE AND RINGGOLD]

41. Answering paragraph 22, respondent denies each and every allegation therein.

COUNT TWENTY -ONE

(Case No. 14-O-00523 and 14-O-00524)

Business and Professions Code, Section 6103)

[Failure to Obey A Court Order]

[RESPONDENTS LEE AND RINGGOLD]

42. Answering paragraph 23, respondent denies each and every allegation therein.

COUNT TWENTY-TWO

(Case No. 14-O-00524)

Business and Professions Code, Section 6068 (0)(3))

[Failure to Report Judicial Sanctions]

[RESPONDENT LEE]

43. Answering paragraph 24, respondent denies each and every allegation therein.

WHEREFORE, Respondents pray:

1. That the Charges be dismissed in their entirety;

2. That findings of fact be made in writing by the State Bar Court showing that no

violation has occurred by this respondents;

PROOF OF SERVICE

I hereby certify that on the date specified below I caused to be served the following:

PROVISIONAL RESPONSE OF RESPONDENTS UNDER PROTEST BASED ON LACK OF FUNDAMENTAL JURISDICTION; LACK OF COMPLETION OF TIMELY REQUESTED ENEC; IRRECONCILABLE CONFLICT BETWEEN CAL. B & P CODE SEC. 6031 (b) AND CAL B & P CODE SEC. 6001.1; AND ON OTHER GROUNDS

The document was served by hand delivery to the person specified below at the address indicated below:

State Bar Of California
Office Of The Chief Trial Counsel
Ashod Mooradian, Esq.
845 South Figueroa Street
Los Angeles, California 90017-2515

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and this declaration was executed on July 13, 2015 at Los Angeles, California.


