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Attorney for Respondent
COLIN C. SWAINSTON

STATE BAR COURT

HEARING DEPARTMENT- LOS ANGELES

In the Matter of	Case no(s).: 09-O-19235
COLIN C. SWAINSTON No. 140800	RESPONSE TO NOTICE OF DISCIPLINARY CHARGES
A Member of the State Bar	[Rule of Procedure 5.43]

Address for Service

All documents in this matter should be served on respondent's counsel at the address above.

Response to Allegations

1. Respondent admits the allegations of paragraph 1.

Count 1 (Rule 3-110(A))

2. Respondent denies the allegations of paragraph 2.
3. Respondent admits the allegations of paragraph 3.
4. Respondent admits the allegations of paragraph 4.
5. Respondent denies the allegations of paragraph 5.
6. Respondent denies the allegations of paragraph 6.

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Count 2 (Rule 3-700(D)(2))

7. Respondent denies the allegations of paragraph 7.

8. Respondent incorporates his previous responses to the referenced paragraphs.

9. Respondent denies the allegations of paragraph 9.

Count 3 (Rule 3-700(D)(1))

10. Respondent denies the allegations of paragraph 10.

11. Respondent incorporates his previous responses to the referenced paragraphs..

12. Respondent denies the allegations of paragraph 13

13. Respondent denies the allegations of paragraph 14.

First Affirmative Defense

The notice of disciplinary charges, and each count in it, fails to state a disciplinable offense.

Second Affirmative Defense

With respect to Count 1, Respondent's conduct was not willful.

Third Affirmative Defense

With respect to Count 2, Respondent's conduct was not willful.

Fourth Affirmative Defense

With respect to Count 3, Respondent's conduct was not willful.

Dated: September 28, 2011

By: _____
David Cameron Carr
Counsel for Respondent
COLIN C. SWAINSTON