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DEC 08 2011

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

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STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

15 In the Matter of:) Case Nos. 11-O-12772; 11-O-13211; 11-O-
16 MARGARET J. LOWRIE,) 13216; 11-O-13217; 11-O-13218; 11-O-
No. 202253,) 14008; 11-O-14009; 11-O-14011; 11-O-
17) 14336; 11-O-14337
18 A Member of the State Bar) NOTICE OF DISCIPLINARY CHARGES

NOTICE - FAILURE TO RESPOND!

19 IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
20 WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
THE STATE BAR COURT TRIAL:

- 21 (1) YOUR DEFAULT WILL BE ENTERED;
22 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;
23 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
24 AND THE DEFAULT IS SET ASIDE, AND;
25 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
26 OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
27 FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.



1 The State Bar of California alleges:

2 JURISDICTION

3 1. MARGARET J. LOWRIE ("Respondent") was admitted to the practice of law in the
4 State of California on July 14, 1999, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 11-O-12772
8 Rules of Professional Conduct, rule 3-110(A)
9 [Failure to Perform with Competence]

10 2. Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), by
11 intentionally, recklessly, or repeatedly failing to perform legal services with competence, as
12 follows:

13 3. On or about September 28, 2009, Van Thi Thu Le (hereinafter "Le") hired
14 Respondent to represent her in a divorce proceeding "and all related matters up to and including
15 trial."

16 4. On or about between September 28, 2009 and October 8, 2009 Le paid Respondent
17 \$5,000 for her services.

18 5. On or about October 8, 2009 Respondent filed a Petition for Dissolution and a Motion
19 for Child Custody and Support (hereinafter "Custody Motion") on behalf of Le.

20 6. On or about December 2, 2009, Respondent appeared for the hearing on the Custody
21 Motion. Adopting its tentative ruling, the court continued the matter to February 10, 2010, to
22 allow the parties to participate in mediation. Finding that petitioner (Le) failed to include a
23 declaration in support of her Custody Motion and failed to file a complete Income and Expense
24 Declaration, the court ordered petitioner to prepare and file a supporting declaration prior to the
25 February 10, 2010 hearing and file a complete Income and Expense Declaration two weeks prior
26 to the February 10, 2010 hearing. Further, Respondent was ordered to prepare and submit a
27 formal order consistent with the Court's tentative ruling.

1 7. Respondent did not file Le's declaration in support of her Custody Motion or her
2 complete Income and Expense Declaration nor the formal order as ordered by the court on or
3 about December 2, 2009.

4 8. On or about February 10, 2010 and on or about May 18, 2010 Respondent appeared
5 in court with Le. On or about May 18, 2010, the court scheduled a further hearing for July 14,
6 2010.

7 9. On or about July 13, 2010 respondent faxed a stipulation and request to continue the
8 scheduled hearing to the court.

9 10. On or about July 14, 2010 the court re-scheduled the hearing to September 8, 2010 at
10 8:30 a.m.

11 11. On or about September 8, 2010 at 8:45 a.m., Respondent telephoned and faxed a note
12 to the court stating that she was late, had "miscalendared" the hearing and requested a
13 continuance. The matter was rescheduled to October 20, 2010.

14 12. On or about October 20, 2010 Respondent failed to appear for the scheduled hearing.
15 As a result, Le's Custody Motion was dropped from the calendar.

16 13. On or about November 29, 2010, Le, acting in pro per, filed a Motion for Child
17 Support, Spousal Support and Other Orders. The motion included an updated Income and
18 Expense Declaration.

19 14. On or about March 8, 2011 the Court issued an Order to Show Cause (hereinafter
20 "OSC") for Respondent to appear on April 20, 2011 to explain why she failed to appear in court
21 and abandoned her client. Respondent was served with the OSC at her home address, which was
22 also her membership records address at the time. Respondent received the OSC.

23 15. On or about April 20, 2011 Respondent was nearly an hour late appearing for the
24 OSC hearing. She told the court that she had "miscalendared" the hearing and that she
25 understood that the client had discharged her in June or July [2010]. Respondent was sanctioned
26 \$500 and ordered to pay said sanctions by May 27, 2011. Respondent was served with the
27 sanctions order at her home address on or about April 20, 2011.

1 16. Respondent did not pay the sanctions.

2 17. Respondent provided no services to Le in her divorce matter after on or about July 13,
3 2010.

4 18. By failing to include a declaration in support of the Custody Motion; failing to file a
5 complete Income and Expense Declaration; "miscalendarng" and failing to appear at the
6 September 8, 2010 hearing; failing to appear at the October 20, 2010 hearing; and forcing Le to
7 file pleadings in pro per, Respondent intentionally, recklessly, or repeatedly failed to perform
8 legal services with competence.

9 COUNT TWO

10 Case No. 11-O-12772
11 Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

12 19. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(A)(2), by
13 failing, upon termination of employment, to take reasonable steps to avoid reasonably
14 foreseeable prejudice to her client, as follows:

15 20. The allegations of Count One are hereby incorporated by reference.

16 21. Respondent performed no services in Le's matter after on or about July 13, 2010.

17 22. At no time did Respondent notify Le that she would no longer perform services on
18 her behalf after on or about July 13, 2010.

19 23. Respondent did not have Le execute a substitution of attorney, nor did she obtain
20 permission from the court to withdraw from her employment.

21 24. Le was forced to represent herself.

22 25. By failing to perform any services in Le's matter after on or about July 13, 2010;
23 failing to notify Le that she would no longer perform services in her matter after on or about July
24 13, 2010; failing to have Le execute a substitution of attorneys; and failing to obtain court
25 permission to withdraw, Respondent failed, upon termination of employment, to take reasonable
26 steps to avoid reasonably foreseeable prejudice to her client.

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COUNT THREE

Case No. 11-O-12772
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

26. Respondent wilfully violated Business and Professions Code, section 6103, by wilfully disobeying or violating an order of the court requiring her to do or forbear an act connected with or in the course of Respondent's profession which she ought in good faith to do or forbear, as follows:

27. The allegations of Counts One and Two are hereby incorporated by reference.

28. Respondent did not file the declaration in support of the Custody Motion, or a complete Income and Expense Declaration, nor the court order as ordered by the court on or about December 2, 2009

29. Respondent did not pay the sanctions by May 27, 2011, as ordered by the court on April 20, 2011, or at any time thereafter.

30. By failing to prepare and file a supporting declaration prior to the February 10, 2010 hearing; failing to file a complete Income and Expense Declaration two weeks prior to the February 10, 2010 hearing; failing to prepare and submit a formal order consistent with the Court's tentative ruling on December 2, 2009; and failing to ever pay the sanctions ordered on April 20, 2011, Respondent wilfully disobeyed or violated an order of the court requiring her to do or forbear an act connected with or in the course of Respondent's profession which she ought in good faith to do or forbear.

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COUNT FOUR

Case No. 11-O-12772
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

31. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(2), by failing to refund promptly any part of a fee paid in advance that has not been earned, as follows:

32. The allegations of Counts One through Three are hereby incorporated by reference.

1 43. Respondent's conduct in the Le matter was referred to the State Bar on or about April
2 20, 2011.

3 44. On or about July 15, 2011 State Bar investigator Dolores Ziegler (hereinafter
4 "Ziegler") wrote to respondent requesting a written response to the allegations of misconduct and
5 other specific questions and supporting documentation by July 29, 2011. On or about July 29,
6 2011, respondent faxed a letter requesting a two-week extension to respond. On or about August
7 1, 2011 Ziegler granted Respondent's request and gave Respondent until August 12, 2011 to
8 respond. Respondent did not provide a response.

9 45. On or about October 13, 2011 the State Bar met with Respondent to discuss, inter
10 alia, Le's complaint. With regard to Le, Respondent stated that she had been fired, had not
11 secured a substitution of attorneys and did not know if any money had been refunded to Le.
12 Respondent provided no further information, however agreed to continue the meeting until
13 October 19, 2011 and provide additional information regarding Le's matter at that time.

14 46. Without notice or explanation, Respondent failed to appear for the meeting on
15 October 19, 2011.

16 47. To date, respondent has not provided a written response nor any supporting
17 documentation in response to the State Bar's request.

18 48. By failing to provide the information requested by the State Bar on July 15, 2011, and
19 failing to appear for a scheduled meeting on October 19, 2011, Respondent failed to cooperate
20 and participate in a disciplinary investigation pending against Respondent.

21 COUNT SEVEN

22 Case No. 11-O-13211
23 Rules of Professional Conduct, rule 4-100(A)
[Commingling Personal Funds in Client Trust Account]

24 49. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(A), by
25 depositing or commingling funds belonging to Respondent in a bank account labelled "Trust
26 Account," "Client's Funds Account" or words of similar import, as follows:
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1 50. On or about April 5, 2011, Wells Fargo Bank notified Respondent of insufficient fund
2 activity in Respondent's client trust account number XXXXXX7466 (the account number has
3 been partially omitted to protect the account from identity theft) as follows:

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Date NSF fee posted	Payee	Debit type	Amount of Debit/Attempted Debit
4/4/11	ATT payment	Electronic	\$221.59
4/4/11	T-Mobile	Electronic	\$186.12
4/5/11	Merchant bankcard fee	Electronic	\$19.95

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11 51. These debits were for Respondent's personal or business debt obligations.

12 52. By causing electronic debits for personal or business debt obligations to be made
13 from account number XXXXXX7466, Respondent deposited or commingled funds belonging to
14 Respondent in a bank account labeled "Trust Account," "Client's Funds Account" or words of
15 similar import.

16 COUNT EIGHT

17 Case No. 11-O-13216
18 Rules of Professional Conduct, rule 4-100(A)
[Commingling Personal Funds in Client Trust Account]

19 53. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(A), by
20 depositing or commingling funds belonging to Respondent in a bank account labelled "Trust
21 Account," "Client's Funds Account" or words of similar import, as follows:

22 54. On or about April 28, 2011, Wells Fargo Bank notified Respondent of insufficient
23 fund activity in Respondent's client trust account number XXXXXX7466 as follows:

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Date NSF fee posted	Payee	Debit type	Amount of Debit/Attempted Debit
4/27/11	T-Mobile	Electronic	\$163.82

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1 55. This debit was for Respondent's personal or business debt obligation.

2 56. By causing an electronic debit for personal or business debt obligations to be made
3 from account number XXXXXX7466, Respondent deposited or commingled funds belonging to
4 Respondent in a bank account labeled "Trust Account," "Client's Funds Account" or words of
5 similar import.

6 COUNT NINE

7 Case No. 11-O-13217
8 Rules of Professional Conduct, rule 4-100(A)
9 [Commingling Personal Funds in Client Trust Account]

10 57. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(A), by
11 depositing or commingling funds belonging to Respondent in a bank account labelled "Trust
12 Account," "Client's Funds Account" or words of similar import, as follows:

13 58. On or about April 12, 2011, Wells Fargo Bank notified Respondent of insufficient
14 fund activity in Respondent's client trust account number XXXXXX7466 as follows:

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Date NSF fee posted	Payee	Debit type	Amount of Debit/Attempted Debit
4/11/11	FDGL lease payment	Electronic	\$38.34

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19 59. This debit was for Respondent's personal or business debt obligation.

20 60. By causing electronic debits for personal or business debt obligations to be made
21 from account number XXXXXX7466, Respondent deposited or commingled funds belonging to
22 Respondent in a bank account labeled "Trust Account," "Client's Funds Account" or words of
23 similar import.

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COUNT TEN

Case No. 11-O-13218
Rules of Professional Conduct, rule 4-100(A)
[Commingling Personal Funds in Client Trust Account]

61. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(A), by depositing or commingling funds belonging to Respondent in a bank account labelled "Trust Account," "Client's Funds Account" or words of similar import, as follows:

62. On or about May 12, 2011, Wells Fargo Bank notified Respondent of insufficient fund activity in Respondent's client trust account number XXXXXX7466 as follows:

Date NSF fee posted	Payee	Debit type	Amount of Debit/Attempted Debit
5/11/11	T-Mobile	Electronic	\$178.73
5/11/11	Merchant bankcard fee	Electronic	\$50.00
5/11/11	Merchant bankcard fee	Electronic	\$19.95

63. These debits were for Respondent's personal or business debt obligations.

64. By causing electronic debits for personal or business debt obligations to be made from account number XXXXXX7466, Respondent deposited or commingled funds belonging to Respondent in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import.

COUNT ELEVEN

Case No. 11-O-14008
Rules of Professional Conduct, rule 4-100(A)
[Commingling Personal Funds in Client Trust Account]

65. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(A), by depositing or commingling funds belonging to Respondent in a bank account labelled "Trust Account," "Client's Funds Account" or words of similar import, as follows:

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Date NSF fee posted	Payee	Debit type	Amount of Debit/Attempted Debit
5/19/11	T-Mobile	Electronic	\$163.56

71. This debit was for Respondent's personal or business debt obligation.

72. By causing electronic debits for personal or business debt obligations to be made from account number XXXXXX7466, Respondent deposited or commingled funds belonging to Respondent in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import.

COUNT THIRTEEN

Case No. 11-O-14011
Rules of Professional Conduct, rule 4-100(A)
[Commingling Personal Funds in Client Trust Account]

73. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(A), by depositing or commingling funds belonging to Respondent in a bank account labelled "Trust Account," "Client's Funds Account" or words of similar import, as follows:

74. On or about May 28, 2011, Wells Fargo Bank notified Respondent of insufficient fund activity in Respondent's client trust account number XXXXXX7466 as follows:

Date NSF fee posted	Payee	Debit type	Amount of Debit/Attempted Debit
5/27/11	FDGL lease payment	Electronic	\$27.44

75. This debit was for Respondent's personal or business debt obligation.

76. By causing electronic debits for personal or business debt obligations to be made from account number XXXXXX7466, Respondent deposited or commingled funds belonging to Respondent in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import.

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COUNT FOURTEEN

Case No. 11-O-14336
Rules of Professional Conduct, rule 4-100(A)
[Commingling Personal Funds in Client Trust Account]

77. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(A), by depositing or commingling funds belonging to Respondent in a bank account labelled "Trust Account," "Client's Funds Account" or words of similar import, as follows:

78. On or about June 1, 2011, Wells Fargo Bank notified Respondent of insufficient fund activity in Respondent's client trust account number XXXXXX7466 as follows:

Date NSF fee posted	Payee	Debit type	Amount of Debit/Attempted Debit
5/31/11	T-Mobile	Electronic	\$163.56

79. This debit was for Respondent's personal or business debt obligation.

80. By causing electronic debits for personal or business debt obligations to be made from account number XXXXXX7466, Respondent deposited or commingled funds belonging to Respondent in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import.

COUNT FIFTEEN

Case No. 11-O-14337
Rules of Professional Conduct, rule 4-100(A)
[Commingling Personal Funds in Client Trust Account]

81. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(A), by depositing or commingling funds belonging to Respondent in a bank account labelled "Trust Account," "Client's Funds Account" or words of similar import, as follows:

82. On or about June 4, 2011, Wells Fargo Bank notified Respondent of insufficient fund activity in Respondent's client trust account number XXXXXX7466 as follows:

Date NSF fee posted	Payee	Debit type	Amount of Debit/Attempted Debit
6/3/11	T-Mobile	Electronic	\$178.58
6/3/11	Merchant bankcard fee	Electronic	\$.16

83. These debits were for Respondent's personal or business debt obligations.

84. By causing electronic debits for personal or business debt obligations to be made from account number XXXXXX7466, Respondent deposited or commingled funds belonging to Respondent in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import.

COUNT SIXTEEN

Case Nos. 11-O-13211; 11-O-13216; 11-O-13217; 11-O-13218;
11-O-14008; 11-O-14009; 11-O-14011; 11-O-14336; 11-O-14337

Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

85. 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:

86. The allegations of Counts Seven through Fifteen are hereby incorporated by reference.

87. On various dates between in or about April 2011 and in or about July 2011, investigator Ziegler wrote to Respondent requesting explanations and documentation regarding the notices of insufficient funds activity referenced in Counts Seven through Fifteen.

88. In her responses to the State Bar's inquiries, Respondent stated that she gave signatory rights to account number XXXXXX7466 to her paralegal, Steve Dong (hereinafter "Dong") and that Dong had set up automatic payments for recurring business debts and made unauthorized debits and transfers from account number XXXXXX7466.

89. In its investigation of the notices of insufficient fund activity, the State Bar received, pursuant to subpoena, certain records from Wells Fargo for account number XXXXXX7466.

1 90. The records reflect recurring debits for personal and business debt obligations
2 beginning at least in February 2009 as well as repeated instances of gas purchases and ATM
3 withdrawals made by Dong. The records also reflect a Franchise Tax Board levy on or about
4 March 18, 2011.

5 91. Respondent failed to exercise any control over Dong's access and utilization of the
6 funds in account number XXXXXX7466.

7 92. Respondent failed to monitor account number XXXXXX7466.

8 93. By giving Dong unfettered access to account number XXXXXX7466; failing to
9 control Dong's access and use of the funds in account number XXXXXX7466; and failing to
10 monitor account number XXXXXX7466, Respondent failed to properly supervise her employee
11 and she intentionally, recklessly, or repeatedly failed to perform legal services with competence.

12 COUNT SEVENTEEN

13 Case Nos. 11-O-13211; 11-O-13216; 11-O-13217; 11-O-13218;
14 11-O-14008; 11-O-14009; 11-O-14011; 11-O-14336; 11-O-14337

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

17 94. Respondent wilfully violated Business and Professions Code, section 6068(i), by
18 failing to cooperate and participate in a disciplinary investigation pending against Respondent, as
19 follows:

20 95. The allegations of Counts Seven through Sixteen are hereby incorporated by
21 reference.

22 96. In responding to the State Bar's inquiries regarding the insufficient fund activity,
23 respondent failed to provide complete information or documents, including, but not limited to,
24 the Franchise Tax Board levy on her account, and a copy of the opening statement for her Bank
25 of America client trust account.

26 97. By failing to provide complete information and documents as requested by the State
27 Bar, Respondent failed to cooperate and participate in a disciplinary investigation pending
28 against Respondent.

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NOTICE - INACTIVE ENROLLMENT!

YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR 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 OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.

NOTICE - COST ASSESSMENT!

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: December 8, 2011

By: 

TREVA R. STEWART
Deputy Trial Counsel

Assigned Deputy Trial Counsel:
Bruce H. Robinson

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DECLARATION OF SERVICE BY CERTIFIED MAIL and Regular U.S. Mail

CASE NUMBER: 11-O-12772; 11-O-13211; 11-O-13216; 11-O-13217; 11-O-13218;
11-O-14008; 11-O-14009; 11-O-14011; 11-O-14336; 11-O-14337

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, 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 San Francisco, 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 9849 1845 9345, at San Francisco, on the date shown below, addressed to:

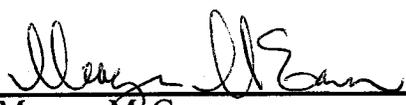
**Margaret Lowrie
1011 Channing Way
Berkeley CA 94710**

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 San Francisco, California, on the date shown below.

DATED: December 8, 2011

Signed: 
Meagan McGowan
Declarant