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STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

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3 Fresno, California 93729-8402
4 Telephone: (559) 970-1262

5 In Pro Per

6 STATE BAR COURT
7 HEARING DEPARTMENT - SAN FRANCISCO

8
9 In the Matter of :

Case No. 11-O-12911

10 RICHARD A. LIMA,
11 No. 184783

RESPONSE TO NOTICE OF
DISCIPLINARY CHARGES

12 A Member of the State Bar
13 _____/

14 Respondent, RICHARD A. LIMA, answers the Notice of Disciplinary Charges as
15 follows:

16 1. As to Paragraph 1 of the Notice of Disciplinary Charges, Respondent admits the
17 allegations of said paragraph.

18 COUNT ONE

Case No 09-O-12911

19 Rules of Professional Conduct, rule 3-700(A)(2)
20 [Improper Withdrawal from Employment]

21 2. As to Paragraph 4 of the Notice of Disciplinary Charges, Respondent denies the
22 allegations of said paragraph.

23 3. As to Paragraph 3 of the Notice of Disciplinary Charges, Respondent admits the
24 he was hired by Carolyn Harr but lacks information or belief sufficient to respond to the
25 remaining allegations and therefore on that basis denies said remaining allegations.

26 4. As to Paragraph 4 of the Notice of Disciplinary Charges, Respondent admits the
27 there was a written fee agreement but lacks information or belief sufficient to respond to the
28 remaining allegations and therefore on that basis denies said remaining allegations.



1 allegations of said paragraph.

2 16. As to Paragraph 16 of the Notice of Disciplinary Charges, Respondent denies the
3 allegations of said paragraph.

4 COUNT THREE

5 Case No 09-O-12911
6 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

7 17. As to Paragraph 17 of the Notice of Disciplinary Charges, Respondent denies the
8 allegations of said paragraph.

9 18. As to Paragraph 18 of the Notice of Disciplinary Charges, Respondent
10 incorporates herein by references his responses to Count One as if fully stated.

11 19. As to Paragraph 19 of the Notice of Disciplinary Charges, Respondent lacks
12 information or belief sufficient to respond to the allegations and therefore on that basis denies
13 said allegations.

14 20. As to Paragraph 20 of the Notice of Disciplinary Charges, Respondent lacks
15 information or belief sufficient to respond to the allegations and therefore on that basis denies
16 said allegations.

17 21. As to Paragraph 21 of the Notice of Disciplinary Charges, Respondent lacks
18 information or belief sufficient to respond to the allegations and therefore on that basis denies
19 said allegations.

20 22. As to Paragraph 22 of the Notice of Disciplinary Charges, Respondent lacks
21 information or belief sufficient to respond to the allegations and therefore on that basis denies
22 said allegations.

23 23. As to Paragraph 23 of the Notice of Disciplinary Charges, Respondent lacks
24 information or belief sufficient to respond to the allegations and therefore on that basis denies
25 said allegations.

26 24. As to Paragraph 24 of the Notice of Disciplinary Charges, Respondent lacks
27 information or belief sufficient to respond to the allegations and therefore on that basis denies
28 said allegations.

1 25. As to Paragraph 25 of the Notice of Disciplinary Charges, Respondent lacks
2 information or belief sufficient to respond to the allegations and therefore on that basis denies
3 said allegations.

4 26. As to Paragraph 26 of the Notice of Disciplinary Charges, Respondent denies the
5 allegations of said paragraph.

6 27. As to Paragraph 27 of the Notice of Disciplinary Charges, Respondent lacks
7 information or belief sufficient to respond to the allegations and therefore on that basis denies
8 said allegations.

9 28. As to Paragraph 28 of the Notice of Disciplinary Charges, Respondent admits that
10 trial resumed on or about March 19, 2008, but lacks information or belief sufficient to respond to
11 the remaining allegations and therefore on that basis denies said remaining allegations.

12 29. As to Paragraph 29 of the Notice of Disciplinary Charges, Respondent lacks
13 information or belief sufficient to respond to the allegations and therefore on that basis denies
14 said allegations.

15 30. As to Paragraph 30 of the Notice of Disciplinary Charges, Respondent denies the
16 allegations of said paragraph.

17 31. As to Paragraph 31 of the Notice of Disciplinary Charges, Respondent lacks
18 information or belief sufficient to respond to the allegations and therefore on that basis denies
19 said allegations.

20 32. As to Paragraph 32 of the Notice of Disciplinary Charges, Respondent denies the
21 allegations of said paragraph.

22 33. As to Paragraph 33 of the Notice of Disciplinary Charges, Respondent admits
23 Harr paid money toward the cost of the transcript but lacks information or belief sufficient to
24 respond to the remaining allegations and therefore on that basis denies said remaining
25 allegations.

26 34. As to Paragraph 34 of the Notice of Disciplinary Charges, Respondent admits
27 Harr paid money toward the cost of the transcript but lacks information or belief sufficient to
28 respond to the remaining allegations and therefore on that basis denies said remaining

1 allegations.

2 35. As to Paragraph 35 of the Notice of Disciplinary Charges, Respondent lacks
3 information or belief sufficient to respond to the allegations and therefore on that basis denies
4 said allegations.

5 36. As to Paragraph 36 of the Notice of Disciplinary Charges, Respondent lacks
6 information or belief sufficient to respond to the allegations and therefore on that basis denies
7 said allegations.

8 37. As to Paragraph 34 of the Notice of Disciplinary Charges, Respondent admits he
9 received some of the trail transcripts but lacks information or belief sufficient to respond to the
10 remaining allegations and therefore on that basis denies said remaining allegations.

11 38. As to Paragraph 38 of the Notice of Disciplinary Charges, Respondent lacks
12 information or belief sufficient to respond to the allegations and therefore on that basis denies
13 said allegations.

14 39. As to Paragraph 39 of the Notice of Disciplinary Charges, Respondent lacks
15 information or belief sufficient to respond to the allegations and therefore on that basis denies
16 said allegations.

17 40. As to Paragraph 40 of the Notice of Disciplinary Charges, Respondent denies the
18 allegations of said paragraph.

19 41. As to Paragraph 41 of the Notice of Disciplinary Charges, Respondent lacks
20 information or belief sufficient to respond to the allegations and therefore on that basis denies
21 said allegations.

22 42. As to Paragraph 42 of the Notice of Disciplinary Charges, Respondent lacks
23 information or belief sufficient to respond to the allegations and therefore on that basis denies
24 said allegations.

25 43. As to Paragraph 43 of the Notice of Disciplinary Charges, Respondent lacks
26 information or belief sufficient to respond to the allegations and therefore on that basis denies
27 said allegations.

28 44. As to Paragraph 44 of the Notice of Disciplinary Charges, Respondent lacks

1 information or belief sufficient to respond to the allegations and therefore on that basis denies
2 said allegations.

3 45. As to Paragraph 45 of the Notice of Disciplinary Charges, Respondent denies the
4 allegations of said paragraph.

5 COUNT FOUR

6 Case No 09-O-12911
7 Business and Professions Code, section 6106
[Moral Turpitude-Misrepresentation to Client]

8 46. As to Paragraph 46 of the Notice of Disciplinary Charges, Respondent denies the
9 allegations of said paragraph.

10 47. As to Paragraph 47 of the Notice of Disciplinary Charges, Respondent
11 incorporates herein by references his responses to Counts One and Three as if fully stated.

12 48. As to Paragraph 48 of the Notice of Disciplinary Charges, Respondent denies the
13 allegations of said paragraph.

14 COUNT FIVE

15 Case No 09-O-12911
16 Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquires].

17 49. As to Paragraph 49 of the Notice of Disciplinary Charges, Respondent denies the
18 allegations of said paragraph.

19 50. As to Paragraph 50 of the Notice of Disciplinary Charges, Respondent
20 incorporates herein by references his responses to Counts One and Three as if fully stated.

21 51. As to Paragraph 51 of the Notice of Disciplinary Charges, Respondent denies the
22 allegations of said paragraph.

23 52. As to Paragraph 52 of the Notice of Disciplinary Charges, Respondent denies the
24 allegations of said paragraph.

25 53. As to Paragraph 53 of the Notice of Disciplinary Charges, Respondent denies the
26 allegations of said paragraph.

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1 **AFFIRMATIVE DEFENSES**

2 **First Affirmative Defense**

- 3 1. Respondent alleges that the Notice of Disciplinary Charges and each allegation contained
4 therein fails to state facts sufficient to constitute a claim upon which relief can be granted.

5 **Second Affirmative Defense**

- 6 2. Respondent allege that the Notice of Disciplinary Charges and each allegation is barred
7 by the Statue of Limitations

8 **Third Affirmative Defense**

- 9 3. Respondent alleges that the Notice of Disciplinary Charges and each allegation is barred
10 by mistake of fact.

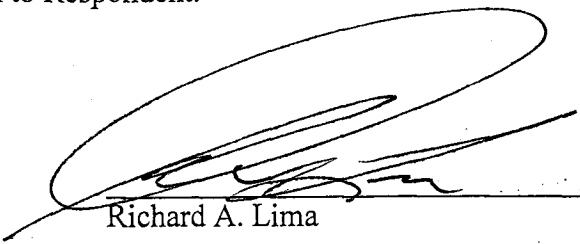
11 **Fourth Affirmative Defense**

- 12 4. Respondent alleges that the Notice of Disciplinary Charges and each allegation is barred
13 by mistake of law.

14 **Fifth Affirmative Defense**

- 15 5. Respondent alleges, that as to the Notice of Disciplinary Charges and each allegation
16 discovery has not yet commenced and, on the basis of said discovery, other affirmative
17 defenses may become known or substantiated. Respondent reserve the right to add said
18 affirmative defenses within a reasonable time after the facts underlying said affirmative
19 defenses may become known to Respondent.

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21
22 Dated: 1/9/12


Richard A. Lima

1 PROOF OF SERVICE

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3 I am employed in the County of Fresno, I am over the age of 18 years and not a party to
4 the within action. My business address is 2341 E. Ashlan Avenue, Fresno, CA 93726. On,
5 January 9, 2012, I served the foregoing: RESPONSE TO NOTICE OF DISCIPLINARY
6 CHARGES to the parties in this action by placing a true copy in an envelope and as follows:

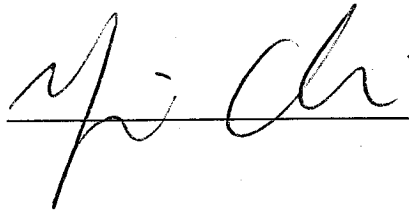
7 X (By Mail) I am readily familiar with the business practice at my place of business for
8 collection and processing of correspondence for mailing with the United States postal
9 Service. Correspondence so collected and processed is deposited with the United States
10 Postal Service that same day in the ordinary course of business.

11 BRUCE H. ROBINSON
12 DEPUTY TRIAL COUNSEL
13 STATE BAR OF CALIFORNIA
14 180 HOWARD STREET
15 SAN FRANCISCO CA 94105-1639

16 ___(By Personal Service) Each envelope was addressed as noted below:

17 ___(By Telefax) I caused each document to be sent by facsimile to the following number(s):

18 I declare under the penalty of perjury that the foregoing is true and correct. Executed on
19 January 9, 2012, at Fresno, California.

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