

Bruce Walter Ebert, Ph.D., J.D., LL.M. (SBN 151576)

HUBBARD & EBERT, LLP
300 Harding Blvd., Suite 116
Roseville, CA 95678
Telephone: 916 781-7875
Facsimile: 916 781-2632
Attorneys for Ms. Harrington

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STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

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Afton Lenore Harrington, Esq.) Case No. 11-O-16347
Member No.: 155095)
A Member of the State Bar) ANSWER TO NOTICE
OF DISCIPLINARY
CHARGES
JUDGE: Honorable Lucy Armendariz

Now comes Respondent, Afton Lenore Harrington, Esq. with her Answer to the Notice of
Disciplinary Charges filed against her by the State Bar of California. Respondent denies each
and every allegation or Count.

JURISDICTION

This is a proceeding taking place by and through the State Bar of California. Ms. Harrington is a
member of the State Bar that the Unites States of America of which, the State Bar of California.
Consequently, the State Bar has jurisdiction.

AFFIRMATIVE DEFENSES

AS A FIRST AFFIRMATIVE DEFENSE TO EACH CAUSE OF ACTION, Respondent alleges and contends her billing (see attachment A) were true and correct and consistent with the extensive legal services provided were extensive including the development and modification of a Marital Settlement Agreement with changes across several years required by the client. Further, her billing was scrutinized by the trustee because her client was a compulsive gambler and was the beneficiary of a spendthrift trust.

AS A SECOND AFFIRMATIVE DEFENSE TO EACH CAUSE OF ACTION, Respondent alleges that personnel of the Trust were careless and negligent themselves, even hostile to the point of the violation of the rules of civility causing any error(s) alleged.

AS A THIRD AFFIRMATIVE DEFENSE TO EACH CAUSE OF ACTION, Respondent alleges that at all times Trustee had dominion and control over the funds spent for the client's legal defense.

AS A FOURTH AFFIRMATIVE DEFENSE TO EACH CAUSE OF ACTION, Respondent alleges that the primary cause of action does not state facts sufficient to constitute a cause of action as against this Respondent.

AS A FIFTH AFFIRMATIVE DEFENSE TO EACH CAUSE OF ACTION, Respondent alleges that Complainant failed to file these charges within the time period allotted for doing so in this type of case by the Rules of the State Bar Court.

1 AS A SIXTH AFFIRMATIVE DEFENSE TO EACH CAUSE OF ACTION, Respondent
2 alleges that other parties and/or third parties are responsible for the acts alleged as a violation of
3 Of the Rules of Professional Conduct of the State Bar of the State of California.

4
5 AS A SEVENTH AFFIRMATIVE DEFENSE TO EACH CAUSE OF ACTION,
6 Respondent alleges there is no evidence whatsoever and, as a further egregious violation of the
7 Rules of Professional Conduct the person charging Respondent, failed to identify any evidence
8 of willful violation of any Rules required by Ms. Harrington to comply with in her representation
9 of Ms. Phelps.

10
11 AS AN EIGHTH AFFIRMATIVE DEFENSE TO EACH CAUSE OF ACTION IN THE
12 COMPLAINT, Respondent alleges that any error in actuality is completely eclipsed, mitigated,
13 explained, made unworthy of any discipline by the facts and circumstances in the Respondent's
14 life at the time known to the Bar at the time he filed charges eliminating any reasonable, logical,
15 helpful, appropriate, considerate, useful or valuable need for discipline thereby leaving only
16 vengeance for vengeance sake if allowed to move forward.

17
18
19 AS A NINTH AFFIRMATIVE DEFENSE TO EACH CAUSE OF ACTION IN THE
20 COMPLAINT, Respondent alleges any discipline applied to her under all the facts and
21 circumstances violates the Eighth Amendment of the Constitution of the United States of
22 America prohibiting cruel and unusual punishment as applied to the States through the
23 Fourteenth Amendment of the Constitution of the United States of America.

24
25 AS A TENTH AFFIRMATIVE DEFENSE TO EACH CAUSE OF ACTION IN THE
26 COMPLAINT, Respondent demonstrated specific facts certified by competent professionals she
27 was providing competent legal services in California to her client.
28

1 AS AN ELEVENTH AFFIRMATIVE DEFENSE TO EACH CAUSE OF ACTION IN
2 THE COMPLAINT, Respondent alleges that performed complex legal tasks involving multiple
3 appearances in Court including filing and completion of a CLETS Order with a full and complete
4 accounting to the trustee of Ms. Phelps who now has retained counsel and refuses to speak with
5 the defense.
6

7 AS A TWELFTH CAUSE OF ACTION IN THE COMPLAINT, Respondent alleges that
8 Ms. Phelps contributory negligence caused the actual problem leading to the complaint.
9

10 AS A THIRTEENTH CAUSE OF ACTION IN THE COMPLAINT, Respondent alleges
11 that the incompetence and gambling habits of Ms. Phelps followed by the negligence of the trust
12 who caused the problem of Ms. Phelps.
13

14 AS A FOURTEENTH AFFIRMATIVE DEFENSE TO EACH CAUSE OF ACTION IN
15 THE COMPLAINT, there cannot be strict liability in a State Bar case.
16

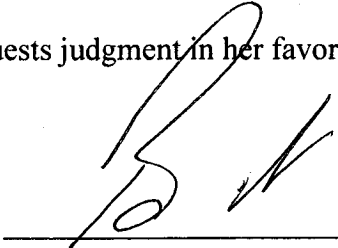
17 AS A FIFTEENTH AFFIRMATIVE DEFENSE TO EACH CAUSE OF ACTION,
18 Respondent's acts, taken as a whole were not the legal or proximate cause of any violation of the
19 Rules and Procedures of the State Bar of California
20

21 AS A SIXTEENTH AFFIRMATIVE DEFENSE TO EACH CAUSE OF ACTION,
22 Respondent alleges the action is estopped and/or barred from bringing this action by the doctrine
23 of laches and/or unclean hands on the part of Ms. Phelps.
24

25 AS A SEVENTEENTH AFFIRMATIVE DEFENSE TO EACH CAUSE OF ACTION,
26 Respondent alleges the Court should apply the doctrine of comparative fault considering the
27 action(s) of Ms. Phelps.
28

1 THEREFORE, Respondent respectfully requests judgment in her favor and that no
2 further disciplinary action may take place.

3 Dated: March 22, 2012

4 
Attorney for Ms. Harrington

PROOF OF SERVICE

CASE: AFTON L. HARRINGTON
CASE NO.: BAR NO. 155095
COURT: STATE BAR COURT OF CALIFORNIA

I, Arturo Gijon, declare that:

I am a citizen of the United States and am over the age of eighteen years and not a party to the within above-entitled action, and not a party to the within action; my business address is 300 Harding Boulevard, Suite 116, Roseville, CA 95678.

On the date set forth below, I served the within document, **NOTICE OF MOTION AND MOTION TO FILE ANSWER, DECLARATION IN SUPPORT OF NOTICE OF MOTION AND MOTION TO FILE ANSWER AND ANSWER TO NOTICE OF DISCIPLINARY CHARGES** on the parties in said action addressed as follows:

X [By Facsimile machine] (FAX) telephone number **415-538-2043** I served a true copy of the aforementioned document(s) on the parties in said action by transmitting by facsimile machine to the numbers as set forth above. The facsimile machine I used complied with California Rules of Court, Rule 2003(3) and no error was reported by the machine.

X [By Mail] By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Roseville, CA addressed as set forth below.

_____ [By Personal Service] By personally delivering a true copy thereof to the office of the addressee above.

_____ [By Overnight Courier] By causing a true copy and/or original thereof to be personally delivered via the following overnight courier service: Federal Express (Fed Ex).

THE STATE BAR COURT OF CALIFORNIA

ATTN: HON. LUCY M. ARMENDARIZ

180 Howard St., San Francisco, CA 94105-1639

I am familiar with the firms' practice whereby the mail is sealed, given the appropriate postage and placed in a designated mail collection area. Each day's mail is collected and deposited in a U.S. Mailbox prior to the close of each day's business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on MARCH 23, 2012, at Roseville, California.


Arturo Gijon