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FILED

JUL 27 2012

STATE BAR COURT
 CLERK'S OFFICE
 LOS ANGELES

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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:)	Case No. 11-O-19391
)	
LETITIA ELISABETH PEPPER,)	NOTICE OF DISCIPLINARY CHARGES
No. 105277,)	
)	
)	
<u>A Member of the State Bar</u>)	

NOTICE - FAILURE TO RESPOND!

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

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

The State Bar of California alleges:

1
2 **JURISDICTION**

3 1. Letitia Elisabeth Pepper ("Respondent") was admitted to the practice of law in the
4 State of California on December 10, 1982, was a member at all times pertinent to these charges,
5 and is currently a member of the State Bar of California.

6 **COUNT ONE**

7 Case No. 11-O-19391
8 Business and Professions Code section 6103
9 [Failure to Obey Court Order]

10 2. Respondent willfully violated Business and Professions Code, section 6103, by
11 failing to obey a court order, as follows:

12 3. On or about September 28, 2010, the Riverside Department of Public Social Service
13 filed a juvenile dependency case, *In re Hayden M. H.*, Case No. SWJ 001172 in Riverside
14 Superior Court against Maile Vera Cruz ("Client").

15 4. On or about September 29, 2010, Elizabeth Wingate was appointed by the Court to
16 represent Client. Wingate was a member of the Juvenile Defense Panel which had contracted
17 with the County of Riverside to provide appointed counsel to parent and child in dependency
18 proceedings.

19 5. On or about November 1, 2010, attorney Margie Brakhage ("Brakhage") substituted
20 into the case as Client's attorney after Wingate's representation was terminated by Client for,
21 among other things, failing to address Client's use of medical marijuana.

22 6. In or around April 2011, Client contacted Respondent about contesting the
23 dependency court judge's (Judge Rushton's) position on medical marijuana. Respondent was the
24 Director of Legal and Legislative Analysis for Crusaders for Patients Rights ("CPR"), a non-
25 profit organization that assists California residents who legally use marijuana.

26 7. On or about June 2, 2011, Brakhage filed a motion to be relieved as counsel of
27 record for Client. The motion was granted on July 11, 2011.

28 8. On or about June 28, 2011, Respondent filed a motion to disqualify Judge Rushton
based on his alleged statements concerning medical marijuana and the resulting prejudice against

1 Client's use of medical marijuana.

2 9. On or about July 22, 2011, Wingate was re-appointed by Judge Rushton to represent
3 Client over Respondent's objections.

4 10. On or about August 18, 2011, Wingate filed a "Marsden" motion on behalf of
5 Client. The court set the hearing on the Marsden motion for August 29, 2011.

6 11. On or about August 23, 2011, Respondent filed a Notice of Limited Scope
7 Representation stating that Respondent would be representing Client for the limited purpose of
8 the Marsden hearing on August 29, 2011.

9 12. On or about August 25, 2011, Respondent filed a legal malpractice action on behalf
10 of Client against Wingate.

11 13. On or about August 29, 2011, when the court called the Marsden hearing, Wingate
12 declared a conflict of interest because of the then-pending legal malpractice against her and, the
13 court relieved her as counsel. Immediately thereafter, the court took the Marsden hearing off
14 calendar, and then asked Respondent to leave the courtroom because the Marsden matter was off
15 calendar, and she had no other lawful standing or connection to the closed proceeding.
16 Respondent refused to leave; and, instead, argued with the court that the scope of her
17 representation went beyond the Marsden hearing and that she intended to stay for the rest of the
18 hearing. The court then unequivocally denied Respondent's representation of Client; reminded
19 Respondent that the proceedings are closed to the public; and repeated its order for Respondent
20 to leave the courtroom. Respondent did not leave the courtroom and continued to argue with the
21 court. The court reiterated its order a third time, and again a fourth time. Respondent continued
22 to remain at the counsel table and showed no signs of leaving the courtroom. The court then
23 advised Respondent that if she believed the order was erroneous the proper remedy was not for
24 Respondent to disobey the order of the court, but rather to seek review of the order. The court
25 also reminded Respondent that it had repeated its order four times. The court then told
26 Respondent that if she continued to disobey the order, the court would have to find her in
27 contempt of court. At that point in time, finally Respondent left the courtroom.

28 ///

1 by failing to report to the agency charged with attorney discipline (the State Bar), in writing,
2 within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions
3 against Respondent, as follows:

4 19. The allegations of Count One are incorporated by reference.

5 20. By failing to notify the State Bar, in writing, within 30 days of the August 31,
6 2011 Contempt Order, imposing sanctions of \$1,000.00 against Respondent, arising from the
7 August 29, 2011 hearing, Respondent failed to report to the agency charged with attorney
8 discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of
9 any judicial sanctions against Respondent.

10 **NOTICE - INACTIVE ENROLLMENT!**

11 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
12 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**
13 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**
14 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**
15 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**
16 **INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**
17 **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**
18 **RECOMMENDED BY THE COURT.**

19 **NOTICE - COST ASSESSMENT!**

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

25 Respectfully submitted.

26 THE STATE BAR OF CALIFORNIA
27 OFFICE OF THE CHIEF TRIAL COUNSEL

28 DATED: July 27, 2012

By: 

RIZAMARI C. SITTON
Senior Trial Counsel

DECLARATION OF SERVICE

by
U.S. CERTIFIED MAIL

CASE NUMBER(s): **11-0-19391**

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

☐

By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))

- 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 Los Angeles.

☒

By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

☐

By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").

☐

By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

☐

By Electronic Service: (CCP § 1010.6)

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: *(see below)*

☒

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,

Article No.: 7196 9008 9111 0443 2164 at Los Angeles, addressed to: *(see below)*

☐

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,

Tracking No.: _____ addressed to: *(see below)*

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
James Irwin Ham	Pansky Markle Ham LLP 1010 Sycamore Ave Unit 308 South Pasadena, CA 91030	Electronic Address	

- ☐ via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

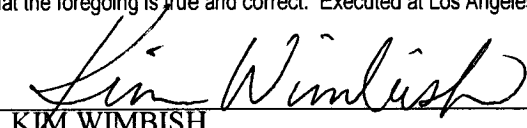
I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the 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.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: July 27, 2012

SIGNED:


KIM WIMBISH
Declarant