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FILED

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STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:

MARILYN SUE SCHEER,
No. 132544,

A Member of the State Bar.

Case No.: 12-O-14071; 12-O-16633;
12-O-18068;

NOTICE OF DISCIPLINARY CHARGES

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.**

1 The State Bar of California alleges:

2 JURISDICTION

3 1. MARILYN SUE SCHEER ("Respondent") was admitted to the practice of law in
4 the State of California on December 11, 1987, was a member at all times pertinent to these
5 charges, and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 12-O-14071
8 Rules of Professional Conduct, Rule 1-300(B)
[Unauthorized Practice of Law in Another Jurisdiction]

9 2. Respondent wilfully violated Rules of Professional Conduct, rule 1-300(B), by
10 practicing law in a jurisdiction where practicing is in violation of the regulations of the
11 profession in that jurisdiction, as follows:

12 3. On or about December 8, 2009, New Jersey resident Aderito Pereira ("Pereira")
13 employed Respondent to provide him with legal services in connection with negotiating and
14 obtaining a home mortgage loan modification on his primary residence located in New Jersey.
15 On or about that day Pereira paid Respondent \$2,000 in advanced attorney fees.

16 4. On or about March 20, 2010, Pereira paid Respondent an additional \$2,000 in
17 advanced attorney fees.

18 5. New Jersey Disciplinary Rules of Professional Conduct, rule 5.5(c) states that a
19 lawyer admitted to practice in another jurisdiction shall not hold himself or herself out as being
20 admitted to practice in this jurisdiction."

21 6. Respondent is not now, nor ever has been, admitted to practice law in the state of
22 New Jersey.

23 7. By accepting employment with Pereira and holding herself out as entitled to practice
24 law in New Jersey in order to perform legal services in connection with negotiating and
25 obtaining a mortgage loan modification, Respondent held herself out as entitled to practice law
26 in the state of New Jersey, a jurisdiction where she is not admitted and thereby willfully violated
27 the regulations of the profession in that jurisdiction.

28 ///

1 COUNT TWO

2 Case No. 12-O-14071
3 Rules of Professional Conduct, rule 4-200(A)
4 [Illegal Fee]

5 8. Respondent wilfully violated Rules of Professional Conduct, rule 4-200(A), by
6 entering into an agreement for, charging, or collecting an illegal fee, as follows:

7 9. The allegations of Count One are incorporated by reference.

8 10. Respondent entered into an agreement for, charged, and collected fees from Pereira,
9 in a jurisdiction in which she was not admitted to practice law.

10 11. By entering into an agreement for, charging, and collecting fees from Pereira, when
11 she was not licensed to practice in New Jersey, Respondent entered into an agreement for,
12 charged, or collected an illegal fee.

13 COUNT THREE

14 Case No. 12-O-16633
15 Rules of Professional Conduct, Rule 1-300(B)
16 [Unauthorized Practice of Law in Another Jurisdiction]

17 12. Respondent wilfully violated Rules of Professional Conduct, rule 1-300(B), by
18 practicing law in a jurisdiction where practicing is in violation of the regulations of the
19 profession in that jurisdiction, as follows:

20 13. On or about January 15, 2010, Washington residents Bom-Singh and Sushila
21 Ranabhat ("the Ranabhats") employed Respondent to provide them with legal services in
22 connection with negotiating and obtaining a home mortgage loan modification on their primary
23 residence located in Washington. On or about January 15, 2010, the Ranabhats paid Respondent
24 \$3,500 in advanced attorney fees.

25 14. Washington State Court Rules, Rules of Professional Conduct, rule 5.5(b)(2) states, in
26 relevant part, that "a lawyer who is not admitted to practice in this jurisdiction shall not...hold
27 out to the public or otherwise represent that the lawyer is admitted to practice law in this
28 jurisdiction."

15. Respondent is not now, nor ever has been, admitted to practice law in the state of
Washington.

1 16. By accepting employment with the Ranabhats and holding herself out as entitled to
2 practice law in Washington in order to perform legal services in connection with negotiating and
3 obtaining a mortgage loan modification, Respondent held herself out as entitled to practice law
4 in the state of Washington, a jurisdiction where she is not admitted and thereby willfully violated
5 the regulations of the profession in that jurisdiction.

6 COUNT FOUR

7 Case No. 12-O-16633
8 Rules of Professional Conduct, rule 4-200(A)
[Illegal Fee]

9 17. Respondent wilfully violated Rules of Professional Conduct, rule 4-200(A), by
10 entering into an agreement for, charging, or collecting an illegal fee, as follows:

11 18. The allegations of Count Three are incorporated by reference.

12 19. Respondent entered into an agreement for, charged, and collected fees from the
13 Ranabhats, in a jurisdiction in which she was not admitted to practice law.

14 20. By entering into an agreement for, charging, and collecting fees from the Ranabhats,
15 when she was not licensed to practice in Washington, Respondent entered into an agreement for,
16 charged, or collected an illegal fee.

17 COUNT FIVE

18 Case No. 12-O-18068
19 Rules of Professional Conduct, Rule 1-300(B)
[Unauthorized Practice of Law in Another Jurisdiction]

20 21. Respondent wilfully violated Rules of Professional Conduct, rule 1-300(B), by
21 practicing law in a jurisdiction where practicing is in violation of the regulations of the
22 profession in that jurisdiction, as follows:

23 22. On or about April 7, 2010, Maryland residents Maynard and Karen Osborne ("the
24 Osbornes") employed Respondent to provide them with legal services in connection with
25 negotiating and obtaining a home mortgage loan modification on their primary residence located
26 in Maryland. On or about April 7, 2010, the Osbornes paid Respondent \$2,250 in advanced
27 attorney fees.

28 ///

1 **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**
2 **RECOMMENDED BY THE COURT.**

3 **NOTICE - COST ASSESSMENT!**

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

9 Respectfully submitted,

10 THE STATE BAR OF CALIFORNIA
11 OFFICE OF THE CHIEF TRIAL COUNSEL

12 DATED: July 18, 2013

13 By: 

14 ASHOD MOORADIAN
15 Senior Trial Counsel

DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 12-O-14071; 12-O-16633; 12-O-18068

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 6411 3836 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:
Marilyn Sue Scheer	5624 Ponce Avenue Woodland Hills, CA 91367	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 19, 2013

SIGNED:

Charles C. Bagai
Declarant