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STATE BAR COURT
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LOS ANGELES

STATE BAR OF CALIFORNIA
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PUBLIC MATTER

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:

) Case No. 12-O-17022

) SYLVIA EILEEN KELLISON,
) No. 117917,

) NOTICE OF DISCIPLINARY CHARGES

) A Member of the State Bar.

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.**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Sylvia Eileen Kellison ("Respondent") was admitted to the practice of law in the
4 State of California on June 11, 1985, was a member at all times pertinent to these charges, and
5 is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 12-O-17022
8 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

9 2. In or about August 2010 Gina Zanone employed Respondent to perform legal
10 services namely, pursuing a civil action against her former employer, which Respondent
11 intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation
12 of Rules of Professional Conduct, rule 3-110(A), by failing to provide any legal services of
13 value.

14 COUNT TWO

15 Case No. 12-O-17022
16 Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

17 3. Respondent failed, upon termination of employment, to take reasonable steps to
18 avoid reasonably foreseeable prejudice to Respondent's client, Gina Zanone, by constructively
19 terminating Respondent's employment on or about May 21, 2012, by failing to take any action
20 on the client's behalf after Respondent failed to appear at a scheduled trial setting conference
21 on the client's behalf on May 21, 2012 in the matter of *Zanone v. City of Whittier, et al.*, Case
22 No. BS136103 then pending in the Superior Court of the County of Los Angeles, and thereafter
23 failing to inform the client that Respondent was withdrawing from employment, in willful
24 violation of Rules of Professional Conduct, rule 3-700(A)(2).

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1 Account," "Client's Funds Account" or words of similar import, in wilful violation Rules of
2 Professional Conduct, rule 4-100(A).

3 COUNT SIX

4 Case No. 12-O-17022
5 Rules of Professional Conduct, rule 4-100(A)
6 [Commingling Personal Funds in Client Trust Account]

7 7. On or about June 30, 2011 and July 14, 2011, Respondent deposited or commingled
8 funds belonging to Respondent into Respondent's client trust account at Citibank, NA, account
9 # XXXXXXXX0961, as follows in wilful violation Rules of Professional Conduct, rule 4-
10 100(A):

<u>DATE OF DEPOSIT</u>	<u>AMT. DEPOSITED</u>	<u>FORM OF DEPOSIT</u>
June 30, 2011	\$1,400	Check
July 14, 2011	\$1,400	Check

13 COUNT SEVEN

14 Case No. 12-O-17022
15 Rules of Professional Conduct, rule 4-100(B)(3)
16 [Failure to Render Accounts of Client Funds]

17 8. On or about August 28, 2010 through and including on or about February 10, 2012,
18 Respondent received from Respondent's client, Gina Zanone, the sum of approximately
19 \$19,000 as advanced fees and costs for legal services to be performed. Respondent thereafter
20 failed to render an appropriate accounting to the client regarding those funds following the
21 client's request for such accounting on or about, October 12, 2010, February 2, 2011,
22 November 7, 2011, November 17, 2011, January 15, 2012, February 10, 2012, March 14, 2012,
23 April 29, 2012 and November 28, 2012, in willful violation of the Rules of Professional
24 Conduct, rule 4-100(B)(3).

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COUNT EIGHT

Case No. 12-O-17022
Business and Professions Code, section 6106
[Moral Turpitude - Misrepresentation]

9. On or about January 28, 2013, Respondent presented in writing to the State Bar of California a false accounting of legal services provided to her client, Gina Zanone, when Respondent knew or was grossly negligent in not knowing that the writing was false, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

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: November 21, 2013 By: Sherell N. McFarlane

SHERELL N. McFARLANE
Contract Attorney for the State Bar

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 12-O-17022

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))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

- (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 6410 6555 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)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy to:
Person Served: SYLVIA E. KELLISON
Business-Residential Address: Law Offices of Sylvia E. Kellison, P.O. Box 710118, Santee, CA 92072
Fax Number: Electronic Address

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

NIA

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').

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: November 22, 2013

SIGNED:

Lupe Pacheco
Declarant