

**FILED**

**MAR 28 2016**

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Attorney for MICHAEL C. BENNETT

THE STATE BAR COURT  
HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of

MICHAEL C. BENNETT

No. 240565

A Member of the State Bar

) Case No. 13-O-11286-PEM

) **RESPONSE TO AMENDED NOTICE OF**  
) **DISCIPLINARY CHARGES**

MICHAEL C. BENNETT, by and through counsel Jonathan I. Arons, responds to the Notice of Disciplinary Charges filed on or about March 2, 2016, by the Office of the Chief Trial Counsel (“OCTC”) of The State Bar of California, as follows:

JURISDICTION

1. Admit.

COUNT ONE

Case No. 13-O-11286

Business and Professions Code, section 6106

[Moral Turpitude - Scheme to Defraud]

2. Deny. Mr. Bennett did not engage in a scheme to defraud Generations between March 2012 and January 2, 2013, or at any time.

3. Admit in part; deny in part. Admit that Mr. Bennett was employed as an attorney by Generations law firm from in or about December 4, 2011 through in or about January 2, 2013. Mr. Bennett denies that he performed work on behalf of existing and new clients of Generations, whereby clients made all payments of legal fees to Mr. Bennett instead of



1 Generations. Mr. Bennett did not attempt to purge his work computer to hide evidence of a  
2 scheme to defraud.

3 4. Deny. Mr. Bennett did not commit any acts of moral turpitude, dishonesty, or  
4 corruption in willful violations of Business and Professions Code, section 6106.

5 COUNT TWO

6 Case No. 13-O-11286

7 Business and Professions Code, section 6106

8 [Moral Turpitude - Misappropriation]

9 5. Deny that Mr. Bennett received \$400 in advanced fees on behalf of employer  
10 from Barros. Deny that Mr. Bennett dishonestly or grossly negligently misappropriated for his  
11 own purposes \$400 that Generations was entitled to receive, thereby committing an act involving  
12 moral turpitude, dishonesty of corruption in willful violation of Business and Professions Code  
13 section 6068(a).

14 COUNT THREE

15 Case No. 13-O-11286

16 Business and Professions Code, section 6068(a)

17 [Failure to Comply with Laws - Breach of Common Law Fiduciary Duty of Loyalty]

18 6. Deny that Mr. Bennett breached the common law fiduciary duty of loyalty owed  
19 to Generations by misappropriating \$400 in advanced fees paid by Barros.

20 COUNT FOUR

21 Case No. 13-O-11286

22 Business and Professions Code, section 6106

23 [Moral Turpitude - Misappropriation]

24 7. Deny that Mr. Bennett received \$300 in advanced fees on behalf of employer  
25 from Fryklund. Deny that Mr. Bennett dishonestly or grossly negligently misappropriated for his  
26 own purposes \$300 that Generations was entitled to receive, thereby committing an act involving  
27 moral turpitude, dishonesty of corruption in willful violation of Business and Professions Code  
28 section 6068(a).

COUNT FIVE

Case No. 13-O-11286

Business and Professions Code, section 6068(a)

[Failure to Comply with Laws - Breach of Common Law Fiduciary Duty of Loyalty]

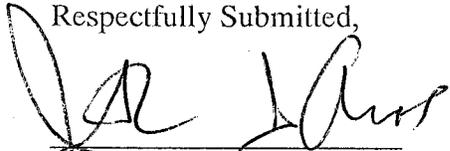






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Date: March 28, 2016

Respectfully Submitted,  
  
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JONATHAN I. ARONS  
Attorney for Michael C. Bennett

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## PROOF OF SERVICE

I am a citizen of the United States of America, over eighteen (18) years of age, employed in the City and County of San Francisco, and not a party to this action. My business address is 100 Bush Street, Suite 918, San Francisco, California 94104. On March 28, 2016, I caused the attached:

### RESPONSE TO AMENDED NOTICE OF DISCIPLINARY CHARGES

To be served on the party or its attorney of record in this action by:

- U.S. Mail, enclosing a copy in a sealed envelope, postage prepaid, Addressed as shown below and depositing the sealed envelope with the United States Postal Service.
- By Personal Delivery, serving or causing to be served each document by Hand Delivery to the address listed below.
- By Overnight Service, enclosing a copy in a sealed envelope addressed as shown below and sending the envelope by overnight delivery service.
- U.S. Mail, enclosing a copy in a sealed envelope, with first class, certified mail, return receipt requested, postage thereon fully prepaid, addressed as shown below and depositing the sealed envelope with the United States Postal Service.

Name and address of each individual to whom document was mailed or delivered:

**HEATHER ABELSON**  
Office of the Chief Trial Counsel  
State Bar of California  
180 Howard Street  
San Francisco, CA 94105

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This declaration was executed on March 28, 2016, at San Francisco, California.

  
\_ JONATHAN ARONS