

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
2 JAYNE KIM, No. 174614
CHIEF TRIAL COUNSEL
3 JOSEPH R. CARLUCCI, No. 172309
DEPUTY CHIEF TRIAL COUNSEL
4 ALAN B. GORDON, No. 125642
ASSISTANT CHIEF TRIAL COUNSEL
5 MURRAY B. GREENBERG, No. 142678
SENIOR TRIAL COUNSEL
6 845 South Figueroa Street
Los Angeles, California 90017-2515
7 Telephone: (213) 765-1258

FILED

APR 22 2014
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. 13-O-16008
JESSICA MARIE VIENNA,)
No. 225174,) 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. JESSICA MARIE VIENNA ("Respondent") was admitted to the practice of law in
4 the State of California on June 3, 2003, 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. 13-O-16008
8 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

9 2. In or about May 2011, Kimberly Latlip employed Respondent to represent her in the
10 family law case of *Latlip v. Endicott*, Case Number DS 40856 in San Diego Superior Court,
11 which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in
12 willful violation of Rules of Professional Conduct, rule 3-110(A), by performing no legal
13 services of value on behalf of client.

14 COUNT TWO

15 Case No. 13-O-16008
16 Rules of Professional Conduct, rule 3-700(D)(1)
[Failure to Release File]

17 3. Respondent failed to release promptly, after termination of Respondent's employment
18 on or about May 10, 2013, to Respondent's client, Kimberly Latlip, all of the client's papers and
19 property following the client's requests for the client's file between May 11, 2013 and August
20 18, 2013 in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

21 COUNT THREE

22 Case No. 13-O-16008
23 Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

24 4. On or about May 12, 2011, Respondent received advanced fees of \$125, from a
25 client, Kimberly Latlip, for legal services in connection with the client's family law matter.
26 Respondent performed no services of value on behalf of the client and therefore earned none of
27 the advanced fees paid. Respondent failed to refund promptly, upon Respondent's termination of
28

1 employment on or about May 10, 2013 any part of the \$125 fee, in willful violation of Rules of
2 Professional Conduct, rule 3-700(D)(2).

3 COUNT FOUR

4 Case No. 13-O-16008
5 Business and Professions Code, section 6068(i)
6 [Failure to Cooperate in State Bar Investigation]

7 5. Respondent failed to cooperate and participate in a disciplinary investigation pending
8 against Respondent by failing to provide a substantive response to the State Bar's letters of
9 November 27, 2013 and December 12, 2013, which Respondent received, that requested
10 Respondent's response to the allegations of misconduct being investigated in 13-O-16008, in
11 willful violation of Business and Professions Code section 6068(i).

12 NOTICE - INACTIVE ENROLLMENT!

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

21 NOTICE - COST ASSESSMENT!

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

27 Respectfully submitted,

28 THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: April 22, 2014

By: 

MURRAY B. GREENBERG
Senior Trial Counsel

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 13-O-16008

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, 845 South Figueroa Street, Los Angeles, California 90017, 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 0442 6781 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. Row 1: JESSICA MARIE VIENNA, LAW OFFICE OF JESSICA M. VIENNA, 1144 13TH ST., #102-10 IMPERIAL BEACH, CA 91932, 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).

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: April 22, 2014

SIGNED:

Sandra Jones signature and name: SANDRA JONES Declarant