

FILED

JAN 16 2015

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

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7 Counsel for Respondent
8 JOANN LEIGH PHEASANT

9 STATE BAR COURT
10 HEARING DEPARTMENT – SAN FRANCISCO
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13 Case No. 13-O-17506

14 In the matter of:
15 JOANN LEIGH PHEASANT,
16 No. 248423,
17 A Member of the State Bar.

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ANSWER TO THE STATE BAR'S
NOTICE OF DISCIPLINARY CHARGES



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1 in every case litigated; here Ms. Pheasant committed no ethical violation
2 whatsoever. Simply put, she fulfilled her ethical obligations to her client on a
3 case which was ultimately proven to have no merit. The loss is not a violation.

4 No discipline is appropriate in this matter.

5 **ANSWER**

6 Respondent hereby answers the State Bar's NDC and admits, denies, and
7 alleges as follows:

8 1. Respondent admits that she "was admitted to the practice of law in
9 the State of California on February 22, 2007, was a member at all times pertinent
10 to these charges, and is currently a member of the State Bar of California."

11 COUNT ONE

12 Case No. 13-O-17506

13 Rules of Professional Conduct, Rule 3-110(A)

14 [Failure to Perform with Competence]

15 2. Respondent admits that on approximately September 15, 2011, Dean
16 Doglietto retained Respondent with respect to an already-filed litigation
17 captioned *Dean A. Doglietto v. Trinity Protection Services, Inc.*, which was then
18 pending in the United States District Court for the Northern District of
19 California, Case No. 11-EV-0101. Respondent denies the remaining allegations
20 of Paragraph 2. Respondent expressly denies that she intentionally, recklessly or
21 repeatedly failed to perform with competence. Respondent denies that she
22 violated Rule 3-110(A), willfully or otherwise. Respondent specifically responds
23 to the subparagraphs of Paragraph 2 as follows:

24 A. Respondent denies that she failed to attempt to interview key
25 witnesses identified by Doglietto in support of his claim and
26 specifically denies that any such alleged failure is a violation of
27 Rule 3-110(A);

28 B. Respondent denies that she failed to appear at Doglietto's

1 deposition on May 4, 2012 until contacted by Doglietto and
2 specifically denies that any such alleged failure is a violation of
3 Rule 3-110(A);

4 C. Respondent denies that failure to file an opposition to
5 defendant's motion to compel discovery is a violation of
6 Rule 3-110(A);

7 D. Respondent denies that she failed to propound discovery on
8 behalf of Doglietto and specifically denies that any such alleged
9 failure is a violation of Rule 3-110(A);

10 E. Respondent denies that she made "inadmissible statements in
11 court pleadings regarding purported settlement agreements" and
12 specifically denies that any such alleged statements are a
13 violation of Rule 3-110(A);

14 F. Respondent denies that any failure to appear at a hearing on a
15 motion to quash filed by Respondent is a violation of
16 Rule 3-110(A);

17 G. Respondent denies that court imposition of sanctions resulting
18 from discovery constitutes a violation of Rule 3-110(A);

19 H. Respondent denies failing to oppose a motion for terminating
20 sanctions and alleges no such motion was filed.

21 COUNT TWO

22 Case No. 13-O-17506

23 Business & Professions Code § 6068(m)

24 [Failure to Inform Client of Significant Development]

25 3. Respondent denies the allegations contained in Paragraph 3 of the
26 NDC. Respondent denies that she willfully violated Business & Professions
27 Code § 6068(m).
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2 COUNT THREE

3 Case No. 13-O-17506

4 Business & Professions Code § 6103

5 [Failure to Obey a Court Order]

6 4. Respondent denies the allegations contained in Paragraph 4.
7 Respondent denies that she willfully violated Business & Professions Code
8 § 6103.

9 FIRST AFFIRMATIVE DEFENSE

10 Failure to State a Violation of Rule 3-110(A)

11 5. Respondent alleges that even if the allegations contained in
12 Paragraph 2 were true, they do not constitute a violation of Rule 3-110(A).

13 SECOND AFFIRMATIVE DEFENSE

14 Failure to State a Violation of Bus. & Prof. Code § 6068(m)


15 6. Respondent alleges that even if the allegations contained in
16 Paragraph 3 were true, they do not constitute a violation of Business &
17 Professions Code § 6068(m).

18 THIRD AFFIRMATIVE DEFENSE

19 Failure to State a Violation of Bus. & Prof. Code § 6103

20 7. Respondent alleges that even if the allegations contained in
21 Paragraph 4 were true, they do not constitute a violation of Business &
22 Professions Code § 6103.

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24
25 Dated: January 15, 2015

26 
Megan Zavieh

27 Counsel for Respondent Joann Leigh Pheasant
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PROOF OF SERVICE

I, Megan Zavieh, declare as follows:

I am over the age of eighteen years and not a party to this action.

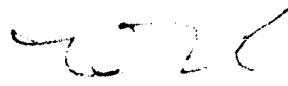
On January 15, 2015, I served a true and correct copy of the within document(s):

- Respondent's Answer to the State Bar's Notice of Disciplinary Charges

- ☐ by **FACSIMILE** by transmitting the document(s) listed above to the fax number(s) set forth below.
- ☐ by **PERSONAL DELIVERY**. I personally delivered the document(s) listed above, addressed as set forth below.
- ☒ by **UNITED STATES MAIL** by depositing the document(s) listed above in a sealed envelope, with postage fees fully prepaid, into the United States Postal Service delivery system containing the aforesaid document(s), addressed as stated above, at Alpharetta, Georgia.

Sherrie McLetchie
The State Bar of California
Office of the Chief Trial Counsel
180 Howard Street
San Francisco, CA 94105

I declare under penalty of perjury under the laws of the States of California and Georgia that the foregoing is true and correct.



Megan Zavieh