

1 STATE BAR OF CALIFORNIA
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PUBLIC MATTER

FILED

DEC 26 2014

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

12 In the Matter of:) Case Nos.: 13-O-17506
13 JOANN LEIGH PHEASANT,)
14 No. 248423,) NOTICE OF DISCIPLINARY CHARGES
15 A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

18 IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
19 WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
20 THE STATE BAR COURT TRIAL:

- 21 (1) YOUR DEFAULT WILL BE ENTERED;
22 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
23 WILL NOT BE PERMITTED TO PRACTICE LAW;
24 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
25 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
26 AND THE DEFAULT IS SET ASIDE, AND;
27 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
28 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. Joann Leigh Pheasant ("respondent") was admitted to the practice of law in the State
4 of California on February 22, 2007, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 13-O-17506
8 Rules of Professional Conduct, rule 3-110(A)
9 [Failure to Perform with Competence]

10 2. On or about September 15, 2011, Dean Doglietto, employed respondent to perform
11 legal services, namely to represent Doglietto in *Dean A. Doglietto v. Trinity Protection Services,*
12 *Inc.*, US District Court case no. 11-EV-0101-MCE-JFM which respondent intentionally,
13 recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of
14 Professional Conduct, rule 3-110(A), by the following:

- 15 A) failing to attempt to interview key witnesses identified by Doglietto in support
16 of Doglietto's claim;
17 B) failing to appear at Doglietto's deposition on May 4, 2012, until contacted by
18 Doglietto;
19 C) failing to file any opposition to defendant's motion to compel discovery;
20 D) failing to propound discovery on behalf of Doglietto;
21 E) making inadmissible statements in court pleadings regarding purported
22 settlement agreements;
23 F) failing to appear at a June 28, 2012 hearing on a motion to quash filed by
24 respondent;
25 G) failing to adequately respond to defendant's discovery such that respondent
26 and Doglietto were sanctioned by the court; and
27 H) failing to oppose motion for terminating sanctions.

28 COUNT TWO

Case No. 13-O-17506
Business and Professions Code, section 6068(m)
[Failure to Inform Client of Significant Development]

3. Respondent failed to keep respondent's client, Dean Doglietto, reasonably informed
of significant developments in a matter in which respondent had agreed to provide legal services,

1 in willful violation of Business and Professions Code, section 6068(m), by failing to advise the
2 client until January 11, 2013, that his case had been dismissed as of December 26, 2012, as the
3 consequence of the court granting defendant's motion for summary judgment.

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5 COUNT THREE

6 Case No. 13-O-17506
7 Business and Professions Code, section 6103
[Failure to Obey a Court Order]

8 4. Respondent disobeyed or violated an order of the court requiring respondent to do or
9 forbear an act connected with or in the course of respondent's profession which respondent ought
10 in good faith to do or forbear by failing to comply with the June 28, 2012 Order to respondent to
11 respondent to the defendant's discovery requests within 30 days in *Dean A. Doglietto v. Trinity*
12 *Protection Services, Inc.*, US District Court case no. 11-EV-0101-MCE-JFM in willful violation
13 of Business and Professions Code, section 6103.

14
15 NOTICE - INACTIVE ENROLLMENT!

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

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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: December 26, 2014

By: Sherrie B. McLetchie
Sherrie B. McLetchie
Senior Trial Counsel

DECLARATION OF SERVICE

by
U.S. CERTIFIED MAIL and U.S. FIRST-CLASS MAIL

CASE NUMBER(s): **13-O-17506**

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, 180 Howard Street, San Francisco, California 94105, 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 San Francisco.



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 San Francisco, addressed to: (see below)



(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,

Article No.: **7160 3901 9845 1536 1775** at San Francisco, 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 via U.S. First-Class Mail to:
Joann Leigh Pheasant, Respondent	Joann Leigh Pheasant Law Offices of Joann L Pheasant 372 Florin Rd Ste 179 Sacramento, CA 95831	Electronic Address	Megan Elizabeth Zavieh 12460 Crabapple Rd Ste 202-272 Alpharetta, GA 30004

☐ 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 San Francisco, California, on the date shown below.

DATED: December 26, 2014

SIGNED: _____

Meagan McGowan
Declarant