

PUBLIC MATTER

FILED

OCT 27 2014

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

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 MELANIE J. LAWRENCE, No. 230102
ASSISTANT CHIEF TRIAL COUNSEL
5 MICHAEL J. GLASS, No. 102700
SUPERVISING SENIOR TRIAL COUNSEL
6 R. KEVIN BUCHER, No. 132003
DEPUTY TRIAL COUNSEL
7 845 South Figueroa Street
Los Angeles, California 90017-2515
8 Telephone: (213) 765-1630

9
10 STATE BAR COURT

11 HEARING DEPARTMENT - LOS ANGELES

12
13 In the Matter of:) Case No. 14-O-01464
14 ANANA JOHARI RICE,)
No. 209795,) NOTICE OF DISCIPLINARY CHARGES
15)
16 A Member of the State Bar)

17 **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**
THE STATE BAR COURT TRIAL:

- 20 (1) **YOUR DEFAULT WILL BE ENTERED;**
21 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
WILL NOT BE PERMITTED TO PRACTICE LAW;
22 (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;
23 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
24 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
25 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
26 **FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,**
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

27 kwiktag® 183 821 516



1 The State Bar of California alleges:

2 JURISDICTION

3 1. ANANA JOHARI RICE ("respondent") was admitted to the practice of law in the
4 State of California on November 29, 2000, was a member at all times pertinent to these charges,
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 14-O-01464
8 Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

9 2. Respondent failed, upon the effective termination of her employment on August 21,
10 2013, to take reasonable steps to avoid reasonably foreseeable prejudice to Respondent's client,
11 by failing to take any action on the client's behalf after August 21, 2013, and thereafter failing to
12 inform the client that Respondent was withdrawing from employment, in willful violation of
13 Rules of Professional Conduct, rule 3-700(A)(2).

14 COUNT TWO

15 Case No. 14-O-01464
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 August 21, 2013 to Respondent's client, Frank Ayala, all of the client's papers and
19 property following the client's request for the client's file on December 3, 2013, in willful
20 violation of Rules of Professional Conduct, rule 3-700(D)(1).

21 COUNT THREE

22 Case No. 14-O-01464
23 Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

24 4. On or about May 20, 2013, Respondent received advanced fees of \$3116.52 from a
25 client, Frank Ayala, for the purpose of representing him in a civil discrimination action.
26 Respondent failed to refund promptly, upon Respondent's termination of employment on or
27 about August 21, 2013, any part of the unearned \$3116.52 fee, in willful violation of Rules of
28 Professional Conduct, rule 3-700(D)(2).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COUNT FOUR

14-O-01464
Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

5. On or about May 20, 2013, Respondent received on behalf of Respondent's client, Frank Ayala, advanced fees in the sum of \$31162.52. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds following her effective withdrawal from the case on or about August 21, 2013, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT FIVE

Case No. 14-O-01464
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

6. Respondent failed to respond promptly to numerous telephone calls and three emails regarding reasonable status inquiries made by Respondent's client, Frank Ayala between on or about May 2013 and December, 2013, that Respondent received in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

COUNT SIX

Case No. 14-O-01464
Business and Professions Code, section 6068(j)
[Failure to Update Membership Address]

7. On or about May 21, 2014, Respondent vacated the address of Respondent's office at the address maintained on the official membership records of the State Bar, and failed to maintain the telephone number registered in the official membership records of the State Bar, and thereafter failed to comply with the requirements of Business and Professions Code section 6002.1, by failing to notify the State Bar of the change in Respondent's address and telephone number within 30 days, in willful violation of Business and Professions Code, section 6068(j).

///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOTICE - INACTIVE ENROLLMENT!

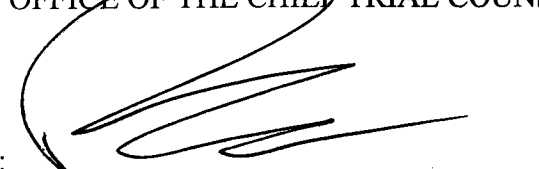
YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. 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: 10.27. , 2014

By: _____
R. KEVIN BUCHER
Deputy Trial Counsel

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 14-O-01464

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))

- 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 Los Angeles.

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 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.: 9414 7266 9904 2010 0892 85 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:.

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: October 27, 2014

SIGNED:

Handwritten signature of Kim Wimbish

KIM WIMBISH

Declarant