

PUBLIC MATTER

FILED

SEP 23 2014

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

STATE BAR OF CALIFORNIA
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STATE BAR COURT
HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of:) Case No. 14-O-02600
TINA TRAN,)
No. 283842,) 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.**

The State Bar of California alleges:

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JURISDICTION

1. TINA TRAN ("respondent") was admitted to the practice of law in the State of California on June 21, 2102, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE

Case No. 14-O-02600
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

2. On or about December 4, 2013, Anita Heidisch-Becker employed respondent to perform legal services, namely to prepare a will, which respondent intentionally, recklessly, or repeatedly failed to perform with competence, in wilful violation of Rules of Professional Conduct, rule 3-110(A), by performing no legal services of value on behalf of the client.

COUNT TWO

Case No. 14-O-02600
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

3. Respondent failed to respond promptly to four telephonic, three email and one text reasonable status inquiries made by respondent's client, Anita Heidisch-Becker, between on or about December 30, 2013 and February 5, 2014, 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 THREE

Case No. 14-O-02600
Rules of Professional Conduct, rule 3-700(D)(1)
[Failure to Release File]

4. Respondent failed to release promptly, after termination of respondent's employment on or about January 15, 2014, to respondent's client, Anita Heidisch-Becker, all of the client's papers and property following the client's request for the client's file on January 15, 2014, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

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COUNT FOUR

Case No. 14-O-02600
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

5. On or about December 4, 2013, respondent received advanced fees of \$3,000 from a client, Anita Heidisch-Becker, to prepare a will. Respondent performed no services of value on behalf of the client and therefore earned none of the advanced fees paid. Respondent failed to refund promptly, upon respondent's termination of employment on or about January 15, 2014 any part of the \$3,000 fee, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

COUNT FIVE

Case No. 14-O-02600
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

6. Respondent failed to cooperate and participate in a disciplinary investigation pending against respondent by failing to provide a substantive response to the State Bar's letter of April 4, 2014, which respondent received, that requested respondent's response to the allegations of misconduct being investigated in case no. 14-O-02600, in willful violation of Business and Professions Code, section 6068(i).

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.

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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: September 3, 2014

By: 
Robin Brune
Senior Trial Counsel

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DECLARATION OF SERVICE BY CERTIFIED AND REGULAR MAIL

RE: TINA TRAN
CASE NO. 14-O-02600

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that 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; that 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; that I am aware that on motion of 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; and that 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, on the date shown below, a true copy of the within

NOTICE OF DISCIPLINARY CHARGES

in a sealed envelope placed for collection and mailing as ***certified mail, return receipt requested***, and in an additional sealed envelope as ***regular mail***, at San Francisco, on the date shown below, addressed to:

Article No. 7196 9008 9111 2393 0863

Tina Tran
Tran Law Firm
1990 N California Blvd, Floor 8
Walnut Creek, CA 94596

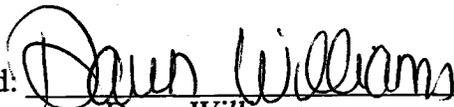
in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

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: September 23, 2014

Signed: _____



Dawn Williams
Declarant