

FILED

MAY 12 2015

STATE BAR COURT
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LOS ANGELES

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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case No. 14-O-04539-YDR
14 MARY FRANCES PREVOST,) [PROPOSED] FIRST AMENDED NOTICE
15 No. 157782,) OF DISCIPLINARY CHARGES
16 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. MARY FRANCES PREVOST ("respondent") was admitted to the practice of law in
4 the State of California on March 23, 1992, 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-04539
8 Rules of Professional Conduct, Rule 1-300(B)
9 [Unauthorized Practice of Law in Another Jurisdiction]

10 2. On or about July 3, 2014, Respondent held herself out as entitled to law and actually
11 practiced law in the United States District Court for the Southern District of California by filing
12 two separate Memorandum of Points and Authorities in Support of a Motion to Strike
13 Affirmative Defenses and by making an appearance as an attorney for the defendant in the case
14 entitled *Cameron Baker v. Jason Ensign*, United States District Court (S.D. CA) Case No. 11-
15 cv-02060 when to do so was in violation of the regulations of the profession in the United States
16 District Court for the Southern District of California, namely Local Civil Rules 83.3.c.1.a and
17 83.3.c.2, in willful violation of the Rules of Professional Conduct, rule 1-300(B).

18 COUNT TWO

19 Case No. 14-O-04539
20 Business and Professions Code, section 6106
21 [Moral Turpitude]

22 3. On or about July 3, 2014, Respondent held herself out as entitled to practice law and
23 actually practiced law by filing two separate Memorandum of Points and Authorities in Support
24 of a Motion to Strike Affirmative Defenses and by making an appearance as an attorney for the
25 defendant in the case entitled *Cameron Baker v. Jason Ensign*, United States District Court
26 (S.D. CA) Case No. 11-cv-02060 when Respondent knew, or was grossly negligent in not
27 knowing, Respondent was not an active member of the State Bar and therefore precluded from
28 practicing law in the United States District Court for the Southern District of California, and

1 thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation
2 of Business and Professions Code, section 6106.

3 COUNT THREE

4 Case No. 14-O-04539
5 Business and Professions Code section 6068(i)
6 [Failure to Cooperate in State Bar Investigation]

7 4. 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 18, 2014 and December 9, 2014, which Respondent received, that requested
10 respondent's response to the allegations of misconduct being investigated in case no. 14-O-
11 04539, in 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.**

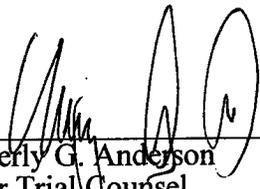
21 NOTICE - COST ASSESSMENT!

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

29 DATED: May 6, 2015

By: 

Kimberly G. Anderson
Senior 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-04539-YDR

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:

[PROPOSED] FIRST AMENDED 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 0840 13 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: May 6, 2015

SIGNED:

Handwritten signature of Kim Wimbish and printed name KIM WIMBISH Declarant.