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7 Counsel for Respondent  
8 ANN HULL

**FILED**  
**OCT 20 2015**  
STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

9 STATE BAR COURT  
10 HEARING DEPARTMENT – LOS ANGELES

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14 In the matter of:  
15 ANN HULL,  
16 No. 252855,  
17 A Member of the State Bar.

Case No. 14-O-04993  
  
ANSWER TO THE STATE BAR'S  
NOTICE OF DISCIPLINARY CHARGES

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1 PRELIMINARY STATEMENT

2 The charges alleged in the State Bar's Notice of Disciplinary Charges  
3 ("NDC") against Respondent Ann Hull consist of vast overreaching by the State  
4 Bar. Ms. Hull represented her client Kenneth McKenzie for approximately six  
5 years. She and her client had retainer agreements which explicitly permitted Ms.  
6 Hull to withdraw funds from her client trust account to pay for legal services  
7 rendered on Mr. McKenzie's behalf. Ms. Hull received payment from Mr.  
8 McKenzie on multiple occasions, often in large lump sums following the  
9 accumulation of large bills owed to Ms. Hull. The sources of these large  
10 payments were often litigation-related, including, for example, a judgment  
11 collected on behalf of Mr. McKenzie.

12 In late 2013, when trial in one of Mr. McKenzie's cases (captioned *Richar,*  
13 *Inc. v. T-Mobile USA, Inc.*) approached, Mr. MacKenie owed Ms. Hull significant  
14 monies for past due bills, including but not limited to legal fees and costs  
15 stemming from a lengthy trial around two years earlier. In exchange for Ms.  
16 Hull's continued representation in the *T-Mobile* trial, Mr. MacKenzie instructed  
17 Ms. Hull to apply monies that he expected to be returned from an appellate bond  
18 that he had deposited with the court in another case to any outstanding bills, if  
19 any were owed at the time the appellate bond was returned.

20 On or about June 2, 2014, Ms. Hull received an \$80,247.35 refund from the  
21 appellate bond deposited by Mr. McKenzie. Ms. Hull promptly advised Mr.  
22 MacKenzie of her receipt of the \$80,247.35 and placed it in her Client Trust  
23 Account. Ms. Hull subsequently communicated with Mr. MacKenzie and his  
24 agents about monies he still owed to her.

25 On June 29, 2014, Ms. Hull transmitted a 19-page fax to Mr. MacKenzie  
26 reflecting that monies far exceeding \$80,247.35 remained past due. On June 30,  
27 2014, Mr. Craig Fields, the current attorney for Mr. MacKenzie, in an email,  
28 acknowledged that he understood that Ms. Hull was applying the \$80,247.26 as

1 partial payment for monies owed. On July 1, 2014, Ms. Hull sent a statement to  
2 Mr. MacKenzie in care of Mr. Fields showing a credit for \$80,247.26, and that a  
3 balance of \$111,289.16 was still owed by Mr. MacKenzie.

4 Ms. Hull did not withdraw the \$80,247.35 from her client trust account  
5 until about July 10, 2014, about ten days after invoices were provided to Mr.  
6 McKenzie reflecting amounts owed well in excess of \$80,247.35. At no time prior  
7 to the withdrawal of the funds from the client trust account, or even to date, has  
8 anyone (client or State Bar), ever alleged that Ms. Hull was not entitled to these  
9 fees.

10 Ms. Hull followed her client's instruction and received partial payment of  
11 \$80,247.35 for services rendered. Furthermore, Mr. MacKenzie continued to  
12 make several additional payments to Ms. Hull after she provided Mr. MacKenzie  
13 with a statement reflecting her intent to apply the \$80,247.35 as partial payment  
14 to monies owed to her. Even after the deduction of the \$80,247.35, and of  
15 additional payments that Ms. Hull received from Mr. MacKenzie in July of 2014,  
16 Mr. MacKenzie still owes Ms. Hull \$109,546.51 for services and costs incurred at  
17 his request.

18 Contrary to the NDC, Ms. Hull never withdrew funds from her client  
19 trust account when her right to receive those funds was disputed, nor has she  
20 committed an act of moral turpitude.

21 No discipline is appropriate in this matter.

22 ANSWER

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

25 1. Respondent denies that she "was admitted to the practice of law in  
26 the State of California on December 7, 2007" and alleges that she was admitted to  
27 the practice of law in the State of California on December 3, 2007. Respondent  
28 admits the balance of Paragraph 1.

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COUNT ONE

Case No. 14-O-04993

Rules of Professional Conduct, Rule 4-100(A)(2)

[Withdrawal of Disputed Client Funds]

2. Respondent admits that on or about June 3, 2014, she deposited on behalf of her client Mr. McKenzie \$80,247.35 in her client trust account. Respondent admits that this sum was the refunded balance of an appellate bond that Mr. MacKenzie had posted. Respondent admits that she withdrew \$80,247.35 from her client trust account in partial satisfaction of legal fees owed by Mr. McKenzie to Respondent. Respondent denies the withdrawal date of June 10, 2014 and the balance of Paragraph 2.

COUNT TWO

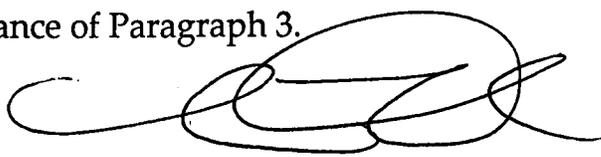
Case No. 14-O-04993

Business & Professions Code § 6016

[Moral Turpitude - Misappropriation]

3. Respondent admits that on or about June 3, 2014, she deposited on behalf of her client Mr. McKenzie \$80,247.35 in her client trust account. Respondent admits that this sum was the refunded balance of an appellate bond that Mr. MacKenzie had posted. Respondent admits that she withdrew \$80,247.35 from her client trust account in partial satisfaction of legal fees owed by Mr. McKenzie to Respondent. Respondent denies the withdrawal date of June 10, 2014 and the balance of Paragraph 3.

Dated: October 19, 2015



\_\_\_\_\_  
Megan Zavieh  
Counsel for Respondent Ann Hull

## PROOF OF SERVICE

I, Megan Zavieh, declare as follows:

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

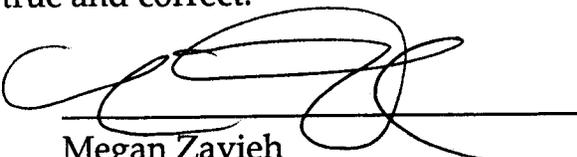
On October 19, 2015, I served a true and correct copy of the within document(s):

- Respondent's Answer to 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 fully prepaid, into the United State Postal Service delivery system containing the aforesaid document(s), addressed as stated above, at Alpharetta, Georgia.

Anthony Garcia  
The State Bar of California  
Office of the Chief Trial Counsel  
845 S. Figueroa Street  
Los Angeles, CA 90017

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