

# PUBLIC MATTER

FILED

AUG 24 2015

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

1 STATE BAR OF CALIFORNIA  
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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of: ) Case No. 15-O-10980  
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MANUEL LUIS RAMIREZ,  
No. 103054,  
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. MANUEL LUIS RAMIREZ (“respondent”) was admitted to the practice of law in the State of California on June 16, 1982, 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. 15-O-10980  
Rules of Professional Conduct, rule 3-110(A)  
[Failure to Perform with Competence]

2. On or about June 12, 2012, Damarius Ransaw and Janette Vanessa Hernandez employed respondent to perform legal services, namely to represent them in their civil claims arising from the death of their baby, which respondent intentionally, recklessly, or repeatedly failed to perform with competence after filing a medical malpractice action on behalf of the clients, *Janette Vanessa Hernandez and Damarius Ransaw v. Karen Kobayashi, M.D., et al.*, San Diego County Superior Court case no. 37-2013-000057655-CU-MM-CTL, on July 15, 2013, in willful violation of Rules of Professional Conduct, rule 3-110(A), by the following:

- A) failing to appear for a case management conference on December 27, 2013;
- B) failing to appear for a hearing on April 11, 2014 regarding the court’s order to show cause why the action should not be dismissed due to no appearances being made at the December 27, 2013 case management conference, resulting in the dismissal of the action, without prejudice, on April 11, 2014; and,
- C) failing to take any action to set aside the dismissal of the action.

COUNT TWO

Case No. 15-O-10980  
Business and Professions Code, section 6068(m)  
[Failure to Respond to Client Inquiries]

3. Respondent failed to respond promptly to reasonable status inquiries made by respondent’s client Janette Vanessa Hernandez Ransaw about *Janette Vanessa Hernandez and*

1 *Damarius Ransaw v. Karen Kobayashi, M.D., et al.*, San Diego County Superior Court case no.  
2 37-2013-000057655-CU-MM-CTL, particularly, approximately 40 inquiries in 2014, including  
3 approximately 15 telephonic inquiries in or about October 2014, and by text on March 2, 9, 10,  
4 17, 23 and 24, 2015 and April 1, 8, 9, 10, and 11, 2015, that respondent received in a matter in  
5 which respondent had agreed to provide legal services, in willful violation of Business and  
6 Professions Code, section 6068(m).

7 COUNT THREE

8 Case No. 15-O-10980  
9 Business and Professions Code, section 6068(m)  
[Failure to Inform Client of Significant Development]

10 4. Respondent failed to keep respondent's clients, Damarius Ransaw and Janette  
11 Vanessa Hernandez Ransaw, reasonably informed of a significant development in a matter in  
12 which respondent had agreed to provide legal services by failing to inform the client of the  
13 dismissal of their case, *Janette Vanessa Hernandez and Damarius Ransaw v. Karen Kobayashi,*  
14 *M.D., et al.*, San Diego County Superior Court case no. 37-2013-000057655-CU-MM-CTL, on  
15 April 11, 2014, in willful violation of Business and Professions Code, section 6068(m).

16 COUNT FOUR

17 Case No. 15-O-10980  
18 Business and Professions Code, section 6106  
[Moral Turpitude – Misrepresentation/Concealment]

19 5. In or around late November 2014, respondent orally stated to his client, Damarius  
20 Ranshaw, that his action, *Janette Vanessa Hernandez and Damarius Ransaw v. Karen*  
21 *Kobayashi, M.D., et al.*, San Diego County Superior Court case no. 37-2013-000057655-CU-  
22 MM-CTL, was still viable when it was not, and did not disclose the court's dismissal of the  
23 action on April 11, 2014, when respondent knew or was grossly negligent in not knowing that  
24 the action had been dismissed on April 11, 2014 and that his statement was false and misleading,  
25 and thereby committed an act involving moral turpitude, dishonesty or corruption in willful  
26 violation of Business and Professions Code, section 6106.

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COUNT FIVE

Case No. 15-O-10980  
Business and Professions Code, section 6106  
[Moral Turpitude – Concealment]

6. On or about April 9, 2015 and April 10, 2015, in response to his client, Janette Vanessa Hernandez Ransaaw’s inquiries regarding the status of her action, *Janette Vanessa Hernandez and Damarius Ransaw v. Karen Kobayashi, M.D., et al.*, San Diego County Superior Court case no. 37-2013-000057655-CU-MM-CTL, respondent sent a written communication to the client in which he did not disclose the court’s dismissal of the action on April 11, 2014 and in which he implied that the action was still pending, and thereby concealed from and misled his client about the true status of the action, when respondent knew or was grossly negligent in not knowing that the action had been dismissed on April 11, 2014, and committed acts involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT SIX

Case No. 15-O-10980  
Rules of Professional Conduct, rule 3-700(A)(2)  
[Improper Withdrawal from Employment]

7. Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to the rights of respondent’s clients, Damarius Ransaw and Janette Vanessa Hernandez Ransaw, by constructively terminating respondent’s employment on or about April 11, 2014, after filing an action on behalf of the clients on July 15, 2013, *Janette Vanessa Hernandez and Damarius Ransaw v. Karen Kobayashi, M.D., et al.*, San Diego County Superior Court case no. 37-2013-000057655-CU-MM-CTL, and allowing the action to be dismissed by the court on April 11, 2014, and thereafter failing to inform the clients that respondent was withdrawing from employment, to give due notice to the clients, to allow time for employment of other counsel, to comply with rule 3-700(D), and to comply with applicable laws and rules, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

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COUNT SEVEN

Case No. 15-O-10980  
Business and Professions Code, section 6068(i)  
[Failure to Cooperate in State Bar Investigation]

8. 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 letters of March 6, 2015, March 24, 2015, and June 11, 2015, which respondent received, that requested respondent's written response to the allegations of misconduct being investigated in case no. 15-O-10980, 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.**

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:                     *Fulks*                    

By:                     *Diane J. Meyers*                      
Diane J. Meyers  
Deputy Trial Counsel

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 15-O-10980

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)) - 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 Overnight Delivery: (CCP §§ 1013(c) and 1013(d)) 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 Fax Transmission: (CCP §§ 1013(e) and 1013(f)) Based on 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 0687 47 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 via US Mail to: Row 1: Manuel Luis Ramirez, THE RAMIREZ LAW FIRM, 185 W F St Ste 100, San Diego, CA 92101

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

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 Los Angeles, California, on the date shown below.

DATED: August 21, 2015

SIGNED: Ana Botosaru-Nercessian Declarant