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**STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO**

Filed Per Judge's order

6 STATE BAR COURT

7 HEARING DEPARTMENT - SAN FRANCISCO

8
9 In the Matter of:
10 **JOE BURRIS RITCHEY, No. 52130,**
11 A Member of the State Bar

Case No. 15-0-11171

ANSWER TO NOTICE OF
DISCIPLINARY CHARGES

1. GENERAL DENIAL
2. Denial of Due Process and Equal Protection
3. Failure to Adequately Accommodate
Person with Disability
4. Failure of Proper Service
5. Substantial Compliance
6. Compliance in Fact
7. Equitable Estoppel

17 **PARTIES AND JURISDICTION**

18
19 Special Appearance [Claim of Improper POS] :

20 1] Member does not deny State Bar has jurisdiction to regulate the practice of law but, only
21 because he has been denied accommodation and thus does not have time to fully state his defenses,
22 member denies State has properly taken steps necessary to commence the instant proceedings
23 against Member because State Bar did not serve Member with a true and correct copy of the original
24 charging document despite statement under penalty perjury it had served true and correct copy .

25 2] Member does not deny State Bar has jurisdiction to regulate the practice of law but denies
26 that State has properly taken steps to proceed with the instant proceedings against Member because
27 State Bar has not afforded member adequate accommodations for his physical disability and such
28 denial amounts to a wrongful denial in terms of Due Process and Equal Protection and also is a

1 violation of the Americans with Disabilities Act in that it prevents Member from fair and equal
2 opportunity to exercise his rights to fully and fairly oppose charges effectively and equally with
3 members without the disabilities of member.

4 3] Member does not deny State Bar has jurisdiction to regulate the practice of law but member
5 denies each and every allegation of fact and conclusion of law stated in COUNT ONE and further:

6 a) asserts and claims that State Bar contention the period within which MCLE can be taken
7 and claimed as compliant with Bar Requirements is Feb 1 to Jan 31 three years following was not
8 clearly and prominently stated nor explained prior to January 31, 2014, nor thereafter, and claims
9 and asserts as defense to the charges stated in the NOTICE OF DISCIPLINARY CHARGES the
10 failure to clearly and prominently explain the period during which MCLE could be taken and applied
11 by member violated his right to Due Process in the assertion of violation and the use of a claimed
12 violation to censure member.

13 b) That to not apply a retroactive claim for inactive status for the period member was not
14 representing clients, other than himself, from January 26, 2011 ,through to the next 3 year
15 compliance period, and was fully disabled and fighting to remain alive and escape the hell of
16 prescription opiate pain medications, which at times, wholly unknown to member, exceeded the
17 equivalence of ' two bags of street heroin' per day, prescribed by at least 3 licensed and in good
18 standing surgeons and physicians , including Stanford University Hospital Physicians and Surgeons,
19 and which nearly killed member, would be a violation of equitable principles and a violation of
20 equal and fair application of the State Bar Principles and Bar standards governing retroactive
21 disability and calculation of MCLE requirements .

22 4] Member does not deny State Bar has jurisdiction to regulate the practice of law but member
23 continues to have a good faith belief he completed the necessary MCLE credits required considering
24 his verifiable disability.

25 5] Member does not deny State Bar has jurisdiction to regulate the practice of law but member
26 continues to have a good faith belief he completed the necessary MCLE credits but cannot find the
27 certificates and reserves the right to produce them when they are found.

1 6] Member asserts through the spring of 2014 he was still healing and suffering the near deadly
2 effects of the prescription usage of powerful pain medications . At the time of the alleged
3 misrepresentations of MCLE courses taken member was released from Stanford Hospital with the
4 following prescriptions that were later estimated to have been the equivalent of over two street bags
5 of heroin a day:

6 After his collapse due to admitted "over-narcotization" by hospital, Mr. Ritchey was again
7 released in January 2011 with prescriptions for the following medications:

8 OxyContin	20mg	1 Tablet Three Times a Day
9 Percocet	10/325 Mg	1 to 2 Tablets Every 4 Hours as Need for Pain
10 Ativan	5mg	1 Capsule Every Three Hours as Need for Spasm
11 Baclofen	10 Mg	1 Capsule Every 8 Hours
12 Docusate	250 Mg	1 Capsule Twice a Day
13 Gabapentin	600 Mg	1 Capsule Every 8 Hours
Lunesta	2 Mg	1 Tablet Once a Day at Night
Methadone	10 Mg	1 Tablet Every 8 Hours

14 At times the combination of medications turned Mr. Ritchey into a 'zombie'. Mr. Ritchey
15 will testify he was talking about not surviving, felt near death and often could not even get out of
16 bed without fear of falling down. Despite the nearly 'unconscious rendering level of medications,
17 the medications were adjusted to withdrawing the Methadone and and Percocet but increasing
18 Oxycontin to over 200 Mg/ day with Lunesta, as a sleeping medication. Should any
19 misrepresentation of Completion of MCLE have occurred, it occurred as a result of misperception
20 of reality and a 'real' belief that one could take and complete MCLE requirements in January , the
21 beginning of the 3 year period, not the end of the of the preceding 3 year period.

22 Due to pressure of time and refusal of State Bar to make any accommodations, member
23 submits this answer without further Statement of defenses and requests right to supplement this
24 response at later date.

25 Member asserts the need for and right to accommodation has been proven beyond point of
26 more likely than not.

27 **27 October 2015**


Joe B. Ritchey