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FILED

SEP 17 2015

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

PUBLIC MATTER

9
10 STATE BAR COURT

11 HEARING DEPARTMENT - LOS ANGELES

12
13 In the Matter of:) Case Nos. 15-O-12311; 15-O-12423
14 AMY LYNN SPENCER,)
No. 248069,) NOTICE OF DISCIPLINARY CHARGES
15)
16 A Member of the State Bar)

17 **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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The State Bar of California alleges:

JURISDICTION

1. AMY LYNN SPENCER ("respondent") was admitted to the practice of law in the State of California on December 15, 2006, 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-12311
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

2. On or about January 24, 2015, Charles Meigs employed Respondent to perform legal services, namely to prepare and file a Chapter 13 bankruptcy petition, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by failing to perform any legal services on her client's behalf.

COUNT TWO

Case No. 15-O-12311
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

3. Respondent failed to respond promptly to nine emails and numerous telephone calls regarding reasonable status inquiries made by Respondent's client, Charles Meigs, between on or about February 8, 2015 and March 10, 2015, 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. 15-O-12311
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

4. 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 April 14, 2015, July 10, 2015 and July 27, 2015 which Respondent received, that requested

1 Respondent's response to the allegations of misconduct being investigated in case no.
2 15-O-12311, in willful violation of Business and Professions Code, section 6068(i).

3 COUNT FOUR

4 Case No. 15-O-12423
5 Rules of Professional Conduct, rule 3-110(A)
6 [Failure to Perform with Competence]

7 5. On or about February 2, 2014, Tracy Larson employed Respondent to perform legal
8 services, namely to prepare and file a Chapter 7 Bankruptcy petition, which Respondent
9 intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of
10 Rules of Professional Conduct, rule 3-110(A), by failing to perform any legal services on her
11 client's behalf.

12 COUNT FIVE

13 Case No. 15-O-12423
14 Rules of Professional Conduct, rule 3-700(D)(2)
15 [Failure to Refund Unearned Fees]

16 6. Between on or about February 2, 2014 and August 1, 2014, Respondent received
17 advanced fees of \$1,850 from a client, Tracy Larson, to file a Chapter 13 Bankruptcy petition.
18 Respondent failed to prepare or file any documents on her client's behalf, or perform any legal
19 services for the client, and therefore earned none of the advanced fees paid. Respondent failed to
20 refund promptly, upon Respondent's termination of employment in or about March, 2015, any
21 part of the \$1,850 fee to the client, in willful violation of Rules of Professional Conduct, rule 3-
22 700(D)(2).

23 COUNT SIX

24 Case No. 15-O-12423
25 Business and Professions Code, section 6068(m)
26 [Failure to Respond to Client Inquiries]

27 7. Respondent failed to respond promptly to 28 telephone calls regarding reasonable
28 status inquiries made by Respondent's client, Tracy Larson, between in or about February, 2014
and March, 2015, 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).

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COUNT SEVEN

Case No. 14-O-12423
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 April 23, 2015, July 9, 2015 and July 27, 2015, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 15-O-12423, 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 CHIEF TRIAL COUNSEL



DATED: September 17, 2015

By: _____
R. KEVIN BUCHER
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-12311; 15-O-12423

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))



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) to:

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 0686 86 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)*

Person Served	Business-Residential Address	Fax Number	Courtesy Copy via US Mail to:
Amy L. Spencer	Law Offices of Amy L. Spencer Po Box 26131 Anaheim, CA 92825	CC via electronic address:	

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: September 17, 2015

SIGNED: _____

Ana Botosaru-Mercessian
Ana Botosaru-Mercessian
Declarant