

1 MARTIN CUTLER (STATE BAR #139536)
2 8500 WILSHIRE BOULEVARD, # 916
3 BEVERLY HILLS, CA 90211
4 858-472-6331 (phone)

5 Respondent In Pro Per

FILED

JAN 08 2016

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

6 STATE BAR COURT
7 HEARING DEPARTMENT LOS ANGELES

8 The Matter Of,
9 MARTIN IAN CUTLER
10 No. 139536

11
12 A Member of the State Bar

) Case No.: 15-0-12391, 15-0-12587
) MARTIN IAN CUTLER'S RESPONSE TO
) NOTICE OF DISCIPLINARY CHARGES

13
14
15
16
17 MARTIN IAN CUTLER, State Bar No. 139536 responds as follows to the disciplinary
18 charges filed herein:

- 19 1. The address to which all further notices to respondent in relation to these
20 proceedings may be sent is as follows:
21 8500 Wilshire Blvd., #916
22 Beverly Hills, CA 90211
- 23 2. Respondent specifically denies each and every allegation and charge contained
24 in Paragraphs 2-7 of the notice of disciplinary charges.
- 25 3. Respondent admits the allegations contained in Paragraph 1 of the notice of
26 disciplinary charges.
- 27 4. The matter and transactions complained of, which are the subject of this
28 proceeding, may be fully and accurately explained as follows:



1
2 **Case No. 15-0-12391**

3 This is a matter which should not be before this court. Contrary to the State Bar
4 Prosecutor's assertion, the complainant Natalie Hardison made this complaint because
5 she was not satisfied with the response respondent provided her about the viability of
6 an appeal of her case. Respondent did not handle the matter in the Superior Court,
7 (Hardison v City of Los Angeles, Case No. BC448773) where all defendants were
8 granted summary judgment because Ms. Hardison's prior counsel did not adequately
9 defend against the motion for summary judgment filed against her by all defendants.

10 Indeed Ms. Hardison even requested that respondent file a malpractice action
11 against her prior counsel, which respondent refused to do. After reviewing the
12 documents and the extensive case file, all of which Ms. Hardison kept in her own
13 possession and refused to give to her counsel, this respondent, an appeal was filed on
14 behalf of Ms. Hardison, however, documents which were absolute necessary to the
15 appeal which were attempted to be lodged with the Superior Court, and which were
16 available, disappeared from the court file and were unavailable. Without those
17 documents no appeal could be successful in respondent's professional opinion, which
18 he expressed to Ms. Hardison.

19 Extensions were asked for from the appellate court in order to retrieve those
20 lodged documents, which were included in respondent's designation of record on
21 appeal. But those documents could never be located and without them any appeal
22 would have simply been futile and subjected Ms. Hardison to the possibility of being
23 liable to Defendants for their cost of appeal.

24 Furthermore Ms. Hardison made numerous telephone calls to respondent during
25 the course of his representation of her and met with her on multiple occasions, all of
26 which if they had been billed to her on an hourly rate would have far exceeded the small
27 amount she gave respondent to review her case.
28

1 Therefore respondent did in fact perform the duties he was retained for but the
2 complainant did not like the response respondent gave her about the likelihood of
3 success.

4 There is no evidence whatsoever of any wrongdoing by Respondent in this
5 matter and respondent therefore should not be subject to any disciplinary action.

6
7 **Case No. 15-0-12587**

8 This also is a matter which should not be before this court. Complainant Walther
9 Baca lives in a home valued at \$2 million dollars in Laguna Hills, CA and has not paid
10 his home mortgage for over 5 years! He retained respondent to represent him in a
11 lawsuit against Bank of America for failing to adequately handle his attempts to modify
12 his home loan. Respondent filed suit and then entered into settlement negotiations with
13 the bank to try and resolve the matter. In the meantime in order to prevent a possible
14 foreclosure of complainant's home, an additional loan modification was sent to the bank
15 while the settlement negotiations were going on. Respondent did obtain what in his
16 professional judgment was a reasonable settlement offer, to pay back a portion of the
17 unpaid past mortgage payments and in exchange Mr. baca would receive a new loan
18 payment at 2% interest/year. This reasonable offer was rejected by Baca who felt he
19 should not have to pay the Bank anything at all and that they owed him! When
20 respondent informed him this was unreasonable and that his lawsuit, which was still
21 continuing would likely fail, Mr. baca then proceeded to make this complaint with the
22 State Bar. At no time did Baca ever request a refund nor did he ever express his
23 displeasure that a loan modification had also been filed on his behalf.

24 Therefore respondent did in fact perform the duties he was retained for but the
25 complainant did not like the response respondent gave her about the likelihood of
26 success.

27 There is no evidence whatsoever of any wrongdoing by Respondent in this
28 matter and respondent therefore should not be subject to any disciplinary action.

1 WHEREFORE, respondent prays that the hearing Panel find that the acts charged did
2 not constitute professional misconduct or, if misconduct is found, that it be excused by
3 virtue of the mitigating circumstances submitted.

4
5 Dated: January 8, 2016



6 Martin Cutler
7 Respondent In Pro Per

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, I am over the age of eighteen years and not a party to the within action. My business address is 8500 Wilshire Blvd., Ste 916, Beverly Hills, CA 90211

On Janaury 8, 2016, I served the within, RESPONSE TO NOTICE OF DISCIPLINARY CHARGES on the parties in this action by (1) personally delivering a true and correct copy thereof to the following:

R. Kevin Boucher, Esq.
State Bar of California
Deputy Trial Counsel
1149 South Hill Street
Los Angeles, California 90015-2299

Executed on Janaury 8, 2016

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


Martin Cutler