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FILED

MAY 10 2016

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

10 BEFORE THE STATE BAR COURT
11 OF THE STATE OF CALIFORNIA
12 HEARING DEPARTMENT – LOS ANGELES

13 In the Matter of)

14 RANDY GODIN,)

15 Member No. 239411,)

16 A Member of the State Bar.)
17)
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Case No. 15-O-13527-DFM

**RESPONSE TO NOTICE OF
DISCIPLINARY CHARGES**

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1 Respondent Randy Godin responds to the Notice of Disciplinary Charges as follows:
2

3 1. Respondent admits that he was admitted to the practice of law in the State of
4 California on December 12, 2005, and that he has been a member of the State Bar of California
5 since that time.
6

7 **COUNT ONE**

8 2. Respondent objects to the allegations of paragraph 2 of the NDC because they are
9 conclusory, compound and intertwined with legal conclusions. Without waiving this objection,
10 Respondent admits in part and denies in part the allegations of Paragraph 2. Respondent admits that
11 Susan Warren employed Respondent to continue the prosecution of a personal injury action initiated
12 by Warren's deceased sister, Cathy Diane Cohen in LASC Case No. BC389827. Except as
13 specifically admitted, Respondent denies the allegations of paragraph 2 of the NDC.
14

15 **COUNT TWO**

16 3. Respondent objects to the allegations of Paragraph 3 of the NDC because they are
17 conclusory, compound and intertwined with legal conclusions. Without waiving this objection,
18 Respondent incorporates his response to paragraph 2 of the NDC. Except as specifically admitted,
19 Respondent denies the allegations of paragraph 3 of the NDC.
20

21 **COUNT THREE**

22 4. Respondent objects to the allegations of Paragraph 4 of the NDC because they are
23 conclusory, compound and intertwined with legal conclusions. Without waiving this objection,
24 Respondent admits that he appeared as counsel for Susan Warren in probate court on or about June
25 9, 2015 in connection with a Petition for Final Distribution. Except as admitted, Respondent denies
26 the allegations of paragraph 4 of the NDC.
27
28

1 **COUNT FOUR**

2 5. Respondent objects to the allegations of Paragraph 5 of the NDC because they are
3 conclusory, compound and intertwined with legal conclusions. Respondent incorporates his
4 response to paragraph 4 of the NDC. Respondent further admits that the Petition for Final
5 Distribution did not include a signed verification. Except as specifically admitted, Respondent
6 denies the allegations of paragraph 5 of the NDC.

7
8 **COUNT FIVE**

9 6. Respondent objects to the allegations of Paragraph 6 of the NDC because they are
10 conclusory, compound and intertwined with legal conclusions. Without waiving this objection,
11 Respondent admits that on or about May 25, 2012, he received a check made payable to Respondent
12 and the Estate of Cathy Diane Cohen in the amount of \$50,000, representing the proceeds of a
13 settlement of the personal injury action. Respondent further admits that he deposited the \$50,000
14 into his Client Trust Account on or around May 25, 2012. Respondent further admits that he
15 honestly, and without gross negligence, disbursed certain amounts from that fund. Except as
16 specifically admitted, Respondent denies the allegations of paragraph 6 of the NDC.

17
18 **COUNT SIX**

19 7. Respondent objects to the allegations of Paragraph 7 of the NDC because they are
20 conclusory, compound and intertwined with legal conclusions. Without waiving this objection,
21 Respondent admits that he received a settlement check made payable to Respondent and Warren in
22 the amount of \$50,000, that Respondent deposited the money into his client trust account, and that
23 the balance of his client trust account dipped below \$50,000. Respondent denies that he acted
24 intentionally, dishonestly or with gross negligence. Except as specifically admitted and averred,
25 Respondent denies the allegations of paragraph 7 of the NDC.

1 **COUNT SEVEN**

2 8. Respondent objects to the allegations of Paragraph 8 of the NDC because they are
3 conclusory, compound and intertwined with legal conclusions. Without waiving this objection,
4 Respondent denies that he collected an illegal fee from Warren, in willful violation of Rules of
5 Professional Conduct, rule 4-200(A).
6

7 **COUNT EIGHT**

8 9. Respondent objects to the allegations of Paragraph 9 of the NDC because they are
9 conclusory, compound and intertwined with legal conclusions. Without waiving this objection,
10 Respondent denies he sought to mislead the judge in the probate case by an artifice or false
11 statement of fact or law, in willful violation of Business and Professions Code section 6068(d).
12

13 **COUNT NINE**

14 10. Respondent objects to the allegations of Paragraph 10 of the NDC because they are
15 conclusory, compound and intertwined with legal conclusions. Without waiving this objection,
16 Respondent denies that he knowingly or with gross negligence made false and misleading
17 statements to the court, and denies that he committed acts involving moral turpitude, dishonesty or
18 corruption in willful violation of Business and Professions Code section 6106.
19

20 **AFFIRMATIVE DEFENSES**

21
22 **FIRST AFFIRMATIVE DEFENSE**

23 (Failure to State Sufficient Facts)

24 The Notice of Disciplinary Charges, and each of its purported counts, fails to state facts
25 sufficient to state a basis for discipline.
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FIFTH AFFIRMATIVE DEFENSE

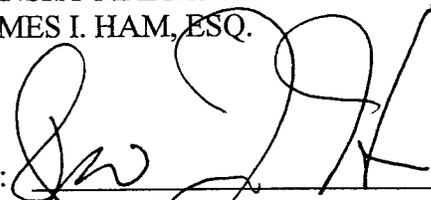
(Charges Do Not Constitute Willful Misconduct)

The facts on which some or all of the Notice of Disciplinary Charges are based constitute mistake, inadvertence, neglect or error and do not rise to the level of willful misconduct.

WHEREFORE, Respondent prays that the Court find that Respondent did not commit acts constituting professional misconduct, and that the Notice of Disciplinary Charges be dismissed.

Dated: May 9, 2016

PANSKY MARKLE HAM
JAMES I. HAM, ESQ.

By: 
James I. Ham
Attorney for Respondent
Randy Godin

PROOF OF SERVICE

In the Matter of Randy Godin

I declare that I am over the age of eighteen (18) and not a party to this action. My business address is 1010 Sycamore Ave., Suite 308, South Pasadena, California 91030.

On May 9, 2016, I served the foregoing document(s) described as:

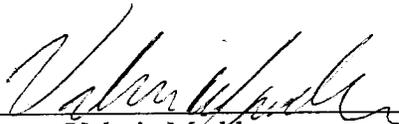
RESPONSE TO NOTICE OF DISCIPLINARY CHARGES

on all interested parties in this action by placing a true copy of each document, enclosed in a sealed envelope addressed as follows:

Kimberly Anderson, Senior Trial Counsel
Office of the Chief Trial Counsel
Enforcement
The State Bar of California
845 S. Figueroa Street
Los Angeles, CA 90017

(X) **BY MAIL:** as follows: I am "readily familiar" with the firm's practice of collection and processing of correspondence for mailing with the United States Postal Service. I know that the correspondence was deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed and, with postage thereon fully prepaid, placed for collection and mailing on this date in the United States mail at South Pasadena, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed May 9, 2016, at South Pasadena, California.



Valerie Markle