

**PUBLIC MATTER  
FILED**

**SEP 26 2016**

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

1 STATE BAR OF CALIFORNIA  
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STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

13 In the Matter of: ) Case No. 15-O-14690  
14 SUSAN D. FEENEY, ) [15-O-15555; 16-O-10611]  
15 No. 184874, ) NOTICE OF DISCIPLINARY CHARGES  
16 A Member of the State Bar )

**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.**

The State Bar of California alleges:



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JURISDICTION

1. Susan D. Feeney ("respondent") was admitted to the practice of law in the State of California on December 6, 1996, 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-14690  
Business and Professions Code, section 6103  
[Failure to Obey a Court Order]

2. Respondent disobeyed or violated an order of the court requiring respondent to do or forbear an act connected with or in the course of respondent's profession which respondent ought in good faith to do or forbear by failing to comply with the June 23, 2015, sanction order of \$350 for respondent's failure to file a mandatory settlement conference statement in *Sanders, et al. v Brown, et al.*, Lake County Superior Court case number CV413596, in willful violation of Business and Professions Code section 6103.

COUNT TWO

Case No. 15-O-14690  
Business and Professions Code, section 6103  
[Failure to Obey a Court Order]

3. Respondent disobeyed or violated an order of the court requiring respondent to do or forbear an act connected with or in the course of respondent's profession which respondent ought in good faith to do or forbear by failing to comply with the July 20, 2015, sanction order of \$955 for respondent's failure to file a mandatory settlement conference statement and respondent's failure to appear at the mandatory settlement conference in *Sanders, et al. v Brown, et al.*, Lake County Superior Court case number CV413596, in willful violation of Business and Professions Code section 6103.

COUNT THREE

Case No. 15-O-14690  
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

1 against respondent by failing to provide a substantive response to the State Bar's letters of  
2 October 15, 2015 and November 2, 2015, which respondent received, that requested  
3 respondent's response to the allegations of misconduct being investigated in case number 15-O-  
4 14690, in willful violation of Business and Professions Code, section 6068(i).

5 COUNT FOUR

6 Case No. 15-O-15555  
7 Rules of Professional Conduct, rule 3-110(A)  
8 [Failure to Perform with Competence]

9 5. On or about July 31, 2015, Stephen Holland employed respondent to perform legal  
10 services, namely, defend Holland in *Denoyre vs. McCarrell, et. al*, case no. CV415146, filed in  
11 Lake County Superior Court, which respondent intentionally, recklessly, or repeatedly failed to  
12 perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A),  
13 by failing to file an answer to the complaint prior to on or about August 31, 2015, the date the  
14 matter was eligible for default.

15 COUNT FIVE

16 Case No. 15-O-15555  
17 Rules of Professional Conduct, rule 3-700(D) (2)  
18 [Failure to Refund Unearned Fees]

19 6. Between on or about July 31, 2015 and August 3, 2015, respondent received  
20 advanced fees of \$1,935 from a client, Stephen Holland, ("Holland") to represent him in a quiet  
21 title action filed against him in *Denoyre vs. McCarrell, et. al*, case number CV415146.  
22 Respondent failed to file an answer prior to on or about August 31, 2015, the date the case was  
23 eligible for default, and therefore earned none of the advanced fees paid. Respondent failed to  
24 refund promptly, upon respondent's termination of employment on or about September 7, 2015,  
25 any part of the \$1,935 fee to the client, in willful violation of Rules of Professional Conduct, rule  
26 3-700(D)(2).

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COUNT SIX

Case No. 15-O-15555  
Rules of Professional Conduct, rule 4-100(B) (3)  
[Failure to Render Accounts of Client Funds]

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7. Between on or about July 31, 2015 and August 3, 2015, respondent received from respondent's client, Stephen Holland, the sum of \$1,935 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds upon the termination of respondent's employment on or about September 7, 2015, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT SEVEN

Case No. 15-O-15555  
Business and Professions Code, section 6068(i)  
[Failure to Cooperate in State Bar Investigation]

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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 November 25, 2015 and December 17, 2015, and emails November 23 and 24, 2015, which respondent received, that requested respondent's response to the allegations of misconduct being investigated in case number 15-O-15555, in willful violation of Business and Professions Code, section 6068(i).

COUNT EIGHT

Case No. 16-O-10611  
Rules of Professional Conduct, rule 3-110(A)  
[Failure to Perform with Competence]

9. On or about August 2014, Catherine and Scott Miller employed respondent to perform legal services, namely, represent them in three civil matters *Catherine Miller v. Samantha Walker*, case number CV412669, and related cases *Walker vs. Miller*, case number CV412655 and *Miller v. Shankles*, case number CV412670; all filed in Lake County Superior Court; 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 prepare dismissals and settlement agreements as ordered by Judge Martin on or about August 18, 2014 and by failing to appear at a OSC hearing in *Miller v. Walker*, case number CV412669, on

1 or about August 25, 2014.

2 COUNT NINE

3 Case No. 16-O-10611  
4 Rules of Professional Conduct, rule 3-700(D)(1)  
5 [Failure to Release File]

6 10. Respondent failed to release promptly, after termination of respondent's employment  
7 on or about August 25, 2014, to respondent's clients, Catherine and Scott Miller; all of the  
8 client's papers and property following the clients' request for the clients' file on or about August  
9 25, 2014, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

10 COUNT TEN

11 Case No. 16-O-10611  
12 Rules of Professional Conduct, rule 3-700(D) (2)  
13 [Failure to Refund Unearned Fees]

14 11. Between on or about August 1, 2014 and August 18, 2014, respondent received  
15 advanced fees of \$500 from clients, Catherine and Scott Miller, to represent them in three civil  
16 matters *Catherine Miller v. Samantha Walker*, case number CV412669, and related cases *Walker*  
17 *vs. Miller*, case number CV412655 and *Miller v. Shankles*, case number CV412670; all filed in  
18 Lake County Superior Court. Respondent failed to write a letter to the opposing parties, failed to  
19 prepare settlement and/or dismissal agreements and failed to appear at a hearing on August 25,  
20 2014 in the matter of *Catherine Miller v. Samantha Walker*, case number CV412669, and related  
21 cases *Walker vs. Miller*, case number CV412655 and *Miller v. Shankles*, case number CV412670  
22 all filed in Lake County Superior Court and therefore earned none of the advanced fees paid.  
23 Respondent failed to refund promptly, upon respondent's termination of employment on or about  
24 August 25, 2014, any part of the \$500 fee to the client, in willful violation of Rules of  
25 Professional Conduct, rule 3-700(D)(2).

26 COUNT ELEVEN

27 Case No. 16-O-10611  
28 Rules of Professional Conduct, rule 4-100(B) (3)  
[Failure to Render Accounts of Client Funds]

12. Between on or about August 1, 2014 and August 18, 2014, respondent received from

1 respondent's clients, Catherine and Scott Miller, the sum of \$500 as advanced fees for legal  
2 services to be performed. Respondent thereafter failed to render an appropriate accounting to the  
3 client regarding those funds upon the termination of respondent's employment on or about  
4 August 25, 2014, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

5 COUNT TWELVE

6 Case No. 16-O-10611  
7 Business and Professions Code, section 6103  
8 [Failure to Obey a Court Order]

9 13. Respondent disobeyed or violated an order of the court requiring respondent to do or  
10 forbear an act connected with or in the course of respondent's profession which respondent ought  
11 in good faith to do or forbear by failing to prepare the settlement/dismissal agreements in  
12 *Catherine Miller v. Samantha Walker*, case number CV412669, and related cases *Walker vs.*  
13 *Miller*, case number CV412655 and *Miller v. Shankles*, case number CV412670; as ordered by  
14 Judge Martin on or about August 18, 2014, and by failing to appear at a OSC hearing in *Miller v.*  
15 *Walker*, case number CV412669, on August 25, 2014, all filed in Lake County Superior Court in  
16 willful violation of Business and Professions Code section 6103.

17 COUNT THIRTEEN

18 Case No. 16-O-10611  
19 Business and Professions Code, section 6068(i)  
20 [Failure to Cooperate in State Bar Investigation]

21 14. Respondent failed to cooperate and participate in a disciplinary investigation pending  
22 against respondent by failing to provide a substantive response to the State Bar's letter of March  
23 3, 2016, which respondent received, that requested respondent's response to the allegations of  
24 misconduct being investigated in case number 16-O-10611, in willful violation of Business and  
25 Professions Code, section 6068(i).

26 NOTICE - INACTIVE ENROLLMENT!

27 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR  
28 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**

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**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 26, 2016

By:   
Robin Brune  
Senior Trial Counsel

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**DECLARATION OF SERVICE BY CERTIFIED AND REGULAR MAIL**

**RE: FEENEY**  
**CASE NOS.: 15-O-14690 [15-O-15555; 16-O-10611]**

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that 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; that 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; that I am aware that on motion of 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; and that 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 San Francisco, on the date shown below, a true copy of the within

**NOTICE OF DISCIPLINARY CHARGES**

in a sealed envelope placed for collection and mailing as *certified mail, return receipt requested*, and in an additional sealed envelope as *regular mail*, at San Francisco, on the date shown below, addressed to:

**Article No. 9414 7266 9904 2069 9446 72**

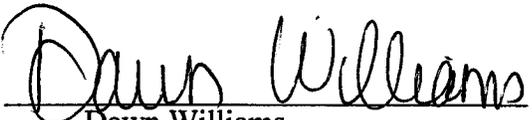
**Susan Deborah Feeney**  
**Law Office of Susan Feeney**  
**390 N Main St**  
**Lakeport, CA 95453**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: September 26, 2016

Signed:   
Dawn Williams  
Declarant