

FILED

JUL 29 2016

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

- 1) (Thomas Scott Simons)
- 2) (SBN 226484)
- 3) (3721 Hearst Castle Way)
- 4) (Plano, TX 75025)
- 5) (415-548-0344)
- 6) (tscott_simons@hotmail.com)
- 7)
- 8) (The State Bar Court of California)
- 9) (Hearing Department - Los Angeles)
- 10) (845 S. Figueroa St.)
- 11) (Los Angeles, CA 90017)
- 12)
- 13) (In the Matter of:)
- 14) (THOMAS SCOTT SIMONS)
- 15) (No. 226484)
- 16) (A Member of the State Bar)

150-15623

17) **RESPONSE TO NOTICE OF DISCIPLINARY CHARGES**

18) I, Thomas Scott Simons, California SBN 226484, do solemnly attest
19) that I was suspended from the practice of law in the State of California on
20) or about November 2011 and placed on probation with the State Bar Court
21) Probation office under probation officer Mr. Eddie Esqueda.

22) Since I was first notified of my suspension, I have not practiced law
23) in any form in the State of California and I have no cases pending where I
23) was listed as the attorney of record, so no existing cases will be unduly
25) prejudiced by this response. Further, I no longer reside in the state of
26) California and I have no intent of residing there anytime in the foreseeable
27) future, nor do I have any intent at this time of practicing law again in the



30) state of California. My sole intention at this time is to respond to this
31) notice and reach a settlement with the court in regards to the proposed
32) disciplinary action so that I can move to inactive status in good standing.

33) In response to Case No. 15-0-15623, I make the following assertions:

34) A) I did not knowingly fail to contact the Office of Probation within
35) 30 days from the effective date of my initial discipline before this court.
36) Once I was first notified of my suspension and allocation to the Office of
37) Probation in late 2011, I spoke directly with Mr. Eddie Esqueda and
38) received notification of the terms of my probation within 30 days of that
39) suspension notification.

40) B) I did not knowingly fail to timely submit my quarterly reports for the
41) six dates listed prior to the final report. For each of the dates listed, I did
42) in good faith mail the quarterly report to the Office of Probation no less
43) than 5 business days prior to the 10th of the month by 3-day priority mail
44) via the U.S. postal service. For the final report due on November 3, 2015,
45) I believe that I also mailed that report within the same window of time via
46) priority mail as well.

47) C) When I requested to complete my ethics training requirement in
48) Texas, I told Mr. Esqueda directly that the only option available through
49) the Texas State Bar was the 4-hour ethics that I completed in advance of
50) the Court's deadline and provided documentation thereof. I can provide
51) documentation from the State Bar of Texas to confirm that this was the
52) only available option from the State Bar itself. My understanding is that

53) the Texas State Bar may also accept ethics training from other sources
54) within the state that are not offered by the State Bar itself, and if the court
55) deems it necessary to complete 2 (two) additional hours as part of my
56) settlement I will do so with one of those alternative sources and provide
57) any required documentation.

58) I have spoken directly with Mr. Alex Hackert, the attorney of record
59) for the State Bar of California on this matter, and it is my intention to reach
60) a settlement agreement with him to obviate the need for a trial. If the court
61) approves such settlement, I will do whatever is required of me to meet its
62) terms and conditions so that I may once again be in good standing with
63) the State Bar of California and transition to inactive status therein.

64) I appreciate the court's time and attention on this matter and I look
65) forward to an amicable resolution in the near future. I have submitted
66) 4 (four) copies of this response to the Court and 1 (one) copy to Mr.
67) Hackert in the Office of Chief Trial Counsel.

68)

69) Respectfully Submitted on this date, July 22, 2016,

70)

71)



72) Thomas Scott Simons, SBN 226484

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): THOMAS SCOTT SIMONS, SBN.226484 3721 HEARST CASTLE WAY PLANO, TX 75025 TELEPHONE NO.: 415-548-0344 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): THOMAS SCOTT SIMONS	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL	CASE NUMBER: <div style="text-align: right; font-size: 1.2em;">226484</div>

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and **not a party to this action**. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:
 1200 WILLIAMS ST.
 MONTEREY PARK, CA 91754
3. On (date): *7/28/2016* I mailed from (city and state): **MONTEREY PARK, CA**
 the following **documents (specify)**:
RESPONSIVE TO NOTICE OF DISCIPLINARY CHARGES

The documents are listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)).

4. I served the documents by enclosing them in an envelope and (check one):
 - a. **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - b. **placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
5. The envelope was addressed and mailed as follows:
 - a. **Name** of person served: **JUDGE MILES**
 - b. **Address** of person served:
845 S. FIGUEROA ST.
LOS ANGELES, CA 90017

The name and address of each person to whom I mailed the documents is listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (POS-030(P)).

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

Date: **7/28/2016**

M. KEMPES

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)



(SIGNATURE OF PERSON COMPLETING THIS FORM)