

1 DEAN R. ZIMMERMAN (SBN 249023)
2 360 S. Westlake Ave.
3 LOS ANGELES, CA 90057
4 Telephone: (949) 324-8681

5 DEAN R. ZIMMERMAN, IN PRO PER

FILED
SEP 14 2016
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

6
7 IN THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA

8 IN THE MATTER OF:

9
10 **DEAN RANDOLPH ZIMMERMAN**
11 **No. 249023,**
12 A Member of the State Bar.

Case No. 15-O-15724-WKM

RESPONSE TO NOTICE OF HEARING AND
NOTICE OF DISCIPLINARY CHARGES
AGAINST ATTORNEY

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14 TO THE CLERK OF THE STATE BAR COURT:

15 I. GENERAL/SPECIFIC DENIAL

16 Respondent Member DEAN R. ZIMMERMAN makes a general denial that the allegations in the
17 Notice of Disciplinary Charges are violative of the Rules of Professional Conduct, Business and
18 Professions Code, or are other misconduct warranting discipline. Respondent makes the following
19 specific denials:

20 AS TO COUNT ONE: Respondent did not intentionally, recklessly, or repeatedly fail to perform
21 legal services with competence. Respondent did not abandon his representation of client. At no
22 time did Respondent willfully violate a Rule of Professional Conduct, including, but not limited
23 to Rules of Professional Conduct, Rule 3-110(A).

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25 AS TO COUNT TWO: Respondent did not receive nor fail to respond promptly to multiple,
26 reasonable status inquiries allegedly made by client via telephone and text message in or about
27 October and November 2015 in a matter in which Respondent allegedly agreed to provide legal



1 services. Respondent did not willfully violate Business and Professions Code, including, but not
2 limited to, Business and Professions Code, Section 6068(m).

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4 AS TO COUNT THREE: Respondent did not receive \$3,500 as advanced fees for legal services
5 to be performed which he failed to render an appropriate accounting of following the alleged
6 termination of Respondent's employment on or about November 3, 2015. Respondent did not
7 abandon his representation of the client in willful violation of any Rule of Professional Conduct,
8 including, but not limited to, Rules of Professional Conduct, Rule 4-100(B)(3).

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10 II. SEPARATE AFFIRMATIVE DEFENSES

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12 1. MENTAL HEALTH CONDITION – at the time of the alleged misconduct and/or alleged
13 acts, Respondent was suffering from a mental health condition that temporarily limited or
14 barred any or some culpability. This mental health condition causally contributed to the
15 alleged misconduct and, respectfully, also constitutes a mitigating circumstance in a
16 determination of any potential administrative penalties affecting State Bar Membership.
- 17 2. SUBSTANCE ABUSE CONDITION – at the time of the alleged misconduct and/or
18 alleged acts, Respondent was suffering from a substance abuse issue that temporarily
19 limited or barred any or some culpability. This substance abuse issue causally contributed
20 to the alleged misconduct and, respectfully, also constitutes a mitigating circumstance in a
21 determination of any potential administrative penalties affecting State Bar Membership.

22 III. REQUEST FOR REFERRAL TO ALTERNATIVE DISCIPLINE PROGRAM

- 23 1. On August 5, 2016, Respondent was referred to the Alternative Discipline Program (Case
24 No. 15-C-15579-WKM).
- 25 2. Respondent Member contends that the above case is also a good candidate, pursuant to
26 Rule 5.380, et seq., for referral to the Alternative Discipline Program because there is a
27 causal connection between Respondent Member's Mental Health and Substance Abuse

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Issues, and the misconduct alleged in this case. Prior to the period of alleged misconduct, Respondent Member, to his knowledge, had had no prior State Bar complaints.

3. For the above reasons, Respondent Respectfully requests administrative review of the appropriateness of his referral to the ADP Program.

Date: September 14, 2016


RESPONDENT DEAN R. ZIMMERMANN

PROOF OF SERVICE

I, Dean R. Zimmerman, am over the age of 18 and am a party to this action. I am a resident of or employed in the county where the mailing occurred; my business address is: 360 S. Westlake Ave. Los Angeles, CA 90057

On September 14, 2016, I served the foregoing document(s) described as:

**RESPONSE TO NOTICE OF HEARING AND NOTICE OF DISCIPLINARY
CHARGES AGAINST ATTORNEY 15-O-15724-WKM**

to the following parties:

CLERK OF THE STATE BAR
STATE BAR OF CALIFORNIA
845 S. Figueroa St.
Los Angeles, CA 90017

ALEX HACKERT
DEPUTY PROSECUTOR
STATE BAR OF CALIFORNIA
845 S. Figueroa St.
Los Angeles, CA 90017

(By U.S. Mail) I deposited such envelope in the mail at: Los Angeles, California with postage thereon fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(By Personal Service) I caused such envelope to be delivered by hand via messenger service to the address above;

(By Facsimile) I served a true and correct copy by facsimile during regular business hours to the number(s) listed above. Said transmission was reported complete and without error.

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

DATED: 9/14/16



DEAN R. ZIMMERMAN