



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

FILED

JUN 21 2016

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

Respondent in Pro Per

STATE BAR COURT
HEARING DEPARTMENT LOS ANGELES

The Matter Of,
MARTIN IAN CUTLER
No. 139536

Case No.: 16-N-10777

MARTIN IAN CUTLER'S RESPONSE TO
NOTICE OF DISCIPLINARY CHARGES

A Member of the State Bar

MARTIN IAN CUTLER, State Bar No. 139536 responds as follows to the disciplinary charges filed herein:

1. The address to which all further notices to respondent in relation to these proceedings may be sent is as follows:
8500 Wilshire Blvd., #916
Beverly Hills, CA 90211
2. Respondent specifically denies each and every allegation and charge contained in Paragraph 2 of Case No. 16-N-10777 of the notice of disciplinary charges.
3. Respondent admits the allegations contained in Paragraph 1 of the notice of disciplinary charges.
4. The matter and transactions complained of, which are the subject of these actions, may be fully and accurately explained as follows:

1
2 **Case No. 16-0-10987**

3 Respondent denies that he has failed to file the quarterly reports due October 10,
4 2015 and January 10, 2016. Each were mailed to the State Bar's Los Angeles office.
5 Due to respondent's financial situation and his acting as his wife's caregiver, he was
6 unable to personally deliver them or to mail them with a return receipt requested but
7 they were mailed.

8 Respondent reasonably believed that a filing of a final report was not required as
9 during the course of his probationary period for charges 13-0-13071 and 13-0-14262
10 [hereinafter "Suspension 1"] he entered into a stipulation whereby he was placed in
11 further suspension for charges 14-0-02397, 14-0-03590 and 15-0-10874 [hereinafter
12 "Suspension 2"], a two year suspension which began in November of 2015 and which
13 Respondent reasonably believed thereby meant a final report to the Office of Probation
14 would not be due until that suspension ends in November 2017 and not in February
15 2016 when Suspension 1 ended.

16 Respondent readily admits he did not file proof of completion of either the State
17 Bar Ethics School or the State Bar Client Trust Accounting School for Suspension 1
18 because those requirements also were part of the subsequent suspension [Suspension
19 2] which started in November 2015 and for which Respondent was informed and
20 believed that he only needed to complete the Ethics School and Client Trust Accounting
21 School once for both suspensions and that it would not be necessary to take those
22 courses twice, one time for each suspension. In addition as more fully described below,
23 due to Respondent's suspensions from the practice of law and his wife's multiple
24 medical issues, Respondent could not afford to pay for taking those courses during the
25 course of Suspension 1.

26 **Case No. 16-N-10777**

27 Respondent reasonably believed that a filing of a Rule 9.20[c] statement was not
28 required before February 2015 as during the course of his probationary period for
charges 13-0-13071 and 13-0-14262 [hereinafter "Suspension 1"] he entered into a

1 stipulation whereby he was placed in further suspension for charges 14-0-02397, 14-0-
2 03590 and 15-0-10874 [hereinafter "Suspension 2"], a two year suspension which
3 began in November of 2015 and which Respondent reasonably believed thereby meant
4 a final report to the Office of Probation would not be due until that suspension ends in
5 November 2017 and not in February 2016 when Suspension 1 ended.

6
7 Due to the overlapping suspensions described above, respondent reasonably
8 believed that his requirements to conform with Rule 9.20[c] by filing a Rule 9.20[c]
9 statement with the State Bar Court were not due until near the end of Suspension 2 in
10 November 2017. Respondent did indeed prepare a Rule 9.20[c] statement and provided
11 that to the State Bar prosecutor on March 9, 2016.

12 EXTENUATING AND MITIGATING CIRCUMSTANCES

13 In the event respondent is found culpable of unprofessional conduct as charged
14 in the notice of disciplinary charges, respondent respectfully submits the following facts
15 in mitigation without admitting that such charges are true or that the facts alleged
16 therein constitute professional misconduct:

- 17 1. Respondent has practiced law in the State of California for 24 years without any
18 prior charges of misconduct or prior disciplinary record until 2013. Throughout
19 his professional career, respondent has successfully endeavored to maintain a
20 high level of respect and an excellent reputation among his fellow attorneys and
21 the courts for honesty, integrity, and professional competence in diligently and
22 vigorously representing his clients.
- 23 2. During the period in which the charged acts of misconduct allegedly occurred,
24 respondent was experiencing traumatic family difficulties as his wife is suffering
25 from metastatic cancer and been undergoing treatment and surgery for that
26 malady and thereby suffering the consequences and the mental and physical
27 side effects of both the illness and the treatments. This has caused significant
28 turmoil and stress for respondent as he sees his wife's suffering. In addition

1 respondent acts as her sole care giver and has had to sacrifice his work in order
2 to look out for her, this combined with the 3 month default suspension (July-Oct
3 2014) for a pending charge, the 2 month (Feb-Apr 2014) actual suspension from
4 the previous charge [Suspension 1] and a current suspension 2 [from November
5 2015 through the present] has severely impacted respondent's financial
6 condition so that he and his wife now live in a residential hotel to try and save
7 money and have had to sell off all of their assets, including their automobile and
8 personal belongings in order to make ends meet.

- 9
10 3. Respondent has been abiding by all conditions of his probation in case no. 13-O-
11 10932 by taking the MPRE examination and filing his quarterly reports.

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

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16 Dated: June 20, 2016

Martin Cutler

Martin Cutler

Respondent In Pro Per

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3 **VERIFICATION**
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6 I, MARTIN CUTLER, am the respondent in the above-entitled action. I have read the foregoing
7 response to disciplinary charges and know the contents thereof. The same is true of my own
8 knowledge, except as to those matters which are therein stated on information and belief, and as
9 to those matters, I believe them to be true.

10
11 I declare under penalty of perjury under the laws of the State of California that the foregoing is
12 true and correct. Executed on June 20, 2016
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15 Martin Cutler

16 Martin Cutler
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2 **PROOF OF SERVICE**

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4 STATE OF CALIFORNIA)
5 COUNTY OF LOS ANGELES)
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7 I am employed in the County of Los Angeles, I am over the age of eighteen years and not a party to the
8 within action. My business address is 8500 Wilshire Blvd., Ste 916, Beverly Hills, CA 90211

9
10 On June 21, 2016, I served the within, RESPONSE TO NOTICE OF DISCIPLINARY
11 CHARGES on the parties in this action by (1)) personally delivering a true and correct copy
12 thereof to the following:

13 R. Kevin Bucher, Esq.
14 State Bar of California
15 Deputy Trial Counsel
16 1149 South Hill Street
17 Los Angeles, California 90015-2299
18

19 Executed on June 21, 2016

20 I declare under penalty of perjury under the laws of the State of California that the above is true
21 and correct.
22

23
24 *Martin Cutler*
25 Martin Cutler
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