

PUBLIC MATTER

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FILED
JUL 27 2016
STATE BAR OF CALIFORNIA
CLERK'S OFFICE
LOS ANGELES

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STATE BAR COURT
HEARING DEPARTMENT - LOS ANGELES

In the Matter of:) Case No. 16-N-12105
LYNDSEY MICHELLE HELLER,) NOTICE OF DISCIPLINARY CHARGES
No. 188234,)
A Member of the State Bar.)

NOTICE - FAILURE TO RESPOND!

**IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
THE STATE BAR COURT TRIAL:**

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
AND THE DEFAULT IS SET ASIDE, AND;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
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.**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Lyndsey Michelle Heller ("respondent") was admitted to the practice of law in the
4 State of California on June 5, 1997, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 Case No. 16-N-12105
7 California Rules of Court, rule 9.20
8 [Failure to Obey Rule 9.20]

9 2. Respondent failed to file a declaration of compliance with California Rules of Court,
10 rule 9.20 in conformity with the requirements of rule 9.20(c) with the clerk of the State Bar
11 Court by February 24, 2016, as required by Supreme Court order no. S216208, in willful
12 violation of California Rules of Court, rule 9.20. (A true and correct copy of the rule 9.20 order
13 is attached hereto as Exhibit 1 and is incorporated by reference.)

14 NOTICE - INACTIVE ENROLLMENT!

15 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
16 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
17 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
18 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
19 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
20 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
21 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
22 RECOMMENDED BY THE COURT.**

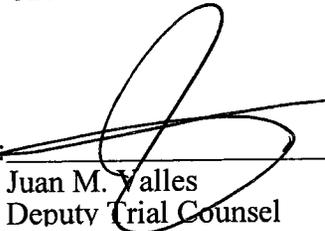
23 NOTICE - COST ASSESSMENT!

24 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
25 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
26 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
27 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
28 PROFESSIONS CODE SECTION 6086.10.**

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATED: 07/27/2016

By: 
Juan M. Valles
Deputy Trial Counsel

DEC 16 2015

(State Bar Court No. 15-PM-13165)

Frank A. McGuire Clerk

S216208

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re LYNDSEY MICHELLE HELLER on Discipline

The court orders that the probation of Lyndsey Michelle Heller, State Bar Number 188234, is revoked. The court further orders that:

1. Lyndsey Michelle Heller is suspended from the practice of law for a minimum of the first year of her probation, and she will remain suspended until the following conditions are satisfied:
 - i. She makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the Fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles:
 - (1) Judi Wexler in the amount of \$2,500 plus 10 percent interest per year from May 7, 2010;
 - (2) Teresa Lindenmeier in the amount of \$3,500 plus 10 percent interest per year from March 5, 2011;
 - (3) Patricia Magoon in the amount of \$2,950 plus 10 percent interest per year from September 30, 2010;
 - (4) Dorcas Peralta in the amount of \$8,000 plus 10 percent interest per year from December 27, 2011; and
 - (5) David and Vickie Wagner in the amount of \$4,500 plus 10 percent interest per year from March 28, 2011.

ii. If she remains suspended for two years or more as a result of not satisfying the preceding condition, she must also provide proof to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law before the suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

2. Lyndsey Michelle Heller is given credit towards the one-year suspension for the period of involuntary inactive enrollment which commenced on August 28, 2015.

Lyndsey Michelle Heller must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

I, Frank A. McGuire, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

_____ day of **DEC 1 6 2015** _____ 20_____

By:  _____
Clerk
Deputy

CANTIL-SAKAUYE
Chief Justice

DECLARATION OF SERVICE

by
U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 16-N-12105

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017-2515, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))
- 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 Los Angeles.

By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
- I deposited or placed for collection and mailing in the City and County of Los Angeles.

By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ('UPS').

By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

By Electronic Service: (CCP § 1010.6)
Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,
Article No.: 9414 7266 9904 2010 0633 77 at Los Angeles, addressed to: (see below)

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,
Tracking No.: addressed to: (see below)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, and Electronic Address. Row 1: Lyndsey Michelle Heller, Law Office of Lyndsey M Heller, 6831 Xana Way, Carlsbad, CA 92009, Electronic Address.

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, and overnight delivery by the United Parcel Service ('UPS'). 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, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the 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.

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

DATED: July 27, 2016

SIGNED: Sandra Reynolds
Sandra Reynolds
Declarant