

1 **ALEXANDER W. WALLACE, CBN: 78479**
2 **LAW OFFICE OF ALEXANDER W. WALLACE**
3 4047 Long Beach Boulevard
4 Long Beach, California 90807-2616
5 Tel: 562-972-4072
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8 In Pro Per

FILED

AUG 09 2016

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT – LOS ANGELES

10 In the Matter of:) CASE No: 16-O-10049
11)
12 ALEXANDER WAILES WALLACE,)
13 SBN: 78479,) ANSWER/RESPONSE TO NOTICE
14 A Member of the State Bar) OF DISCIPLINARY CHARGES
15) Date of Status Conference: 8-29-2016
16) Time: 1:30 p.m.
17) Location: 845 S. Figueroa St., Los Angeles, CA
18) Date Notice filed: July 20, 2016

17 TO THE STATE BAR, ATTORNEYS OF RECORD:

18 COMES NOW ALEXANDER W. WALLACE, Attorney at Law, SBN 78479, (“respondent”)
19 ANSWERING and RESPONDING to the NOTICE OF DISCIPLINARY CHARGES, and
20 setting forth CIRCUMSTANCES AND EFFORTS IN MITIGATION, as follows:

21 ANSWER TO CHARGES: GENERAL DENIAL TO ALL CAUSES OF ACTION

- 22 1. Attorney Alexander W. Wallace, respondent, does generally and specifically deny the
23 factual basis of the Notice of Disciplinary Charges, including those allegations in the
24 preliminary paragraphs:
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26 2. COUNT ONE: attorney respondent Answers that allegation concerning the former
27 client Glenn Labs, on or about May 20, 2015, as follows:
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- a. The allegations are insufficiently general and lacking specificity, allegations are vague and ambiguous and conclusory.
 - b. Attorney Alexander W. Wallace generally and specifically denies the allegation of willful violation of the Rules of Professional Conduct , per Rule 3-700(D)(1) as it pertains to Glenn Labs.
3. COUNT TWO: attorney respondent Answers that allegation concerning the former client Dean Labs, on or about May 20, 2015, as follows:
- a. The allegations are insufficiently general and lacking specificity, allegations are vague and ambiguous and conclusory.
 - b. Attorney Alexander W. Wallace generally and specifically denies the allegation of willful violation of the Rules of Professional Conduct , per Rule 3-700(D)(1) as it pertains to Dean Labs.
4. AFFIRMATIVE DEFENSES/CIRCUMSTANCES IN MITIGATION: Without waiving general denials to the allegations of Count One and Count Two as and for an Affirmative Defense and by way of explanation of circumstances in mitigation, attorney Alexander W. Wallace states and contends that he engaged in good faith at all times in dealing with his former clients Glenn Labs and Dean Labs and with the State Bar investigation staff, taking calls, reviewing materials, communicating by e-Mail and attempting to resolve any issues that might have arisen. However, over the last two months, Wallace has been out of the office most of the time due to the unfortunate deaths two close extended family members and other complicated circumstances that have required his presence out of town and involved in crisis intervention. Because of this, office mail was not promptly opened, and these

1 concerns and charges were not identified until a large envelope was received at
2 Wallace's home. Mail piled up and due to office re-organization, was misplaced.

- 3
4 5. Access to the Labs brothers was and has always been open and personal. When they
5 stopped by (without an appointment) Wallace made himself available to meet with
6 them and engaged in an impromptu file retrieval and review of records in his law
7 office related to his long-term representation of both Glenn Labs and Dean Labs;
- 8
9 6. Wallace has thereafter, periodically for the next several months conducted searches
10 of off-site stored and archived files of several clients, including the former clients
11 Glenn Labs and his brother Dean Labs. That these activities and efforts of Attorney
12 Wallace were done in good faith and were reasonably diligent and without any ill
13 intention or willful violation of the Rules of Professional Conduct.
- 14
15 7. As an for an additional Affirmative Defense, Attorney Wallace relates that the
16 circumstances involving the brothers Dean and Glenn Labs are uniquely distinct and
17 were different cases. That there is however, some cross-over of file materials as
18 some materials have been archived for decades;
- 19
20 a. There is some confusion and jumble of these files and file materials which has made
21 it complicated for Wallace to separate the files. It has been Attorney Wallace's long-
22 time practice to do his best to preserve documents for clients with whom he
23 developed a long-term family relationship with, including the Labs extended family.
24 Both of the Labs brothers were long-time clients, whose parents and other family
25 members had also been represented by Attorney Wallace, throughout several
26 decades. That there is a bit of confusion of file materials is a problem that comes
27 from archiving old and inactive cases, slated for destruction. By way of processing
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1 the request for files and mitigation of the delay in getting these materials to the
2 former clients, Attorney Wallace is presently engaging in his best efforts to separate
3 and copy the clients' files.
4

5 b. Wallace extends his personal apologies for the delay and trouble caused to the Labs
6 brothers in completing the project. This effort has been delayed by personal crises
7 around deaths in Wallace's extended family and associates, and other unexpected
8 occurrences which have distracted Wallace from a more expedient prompt retrieval
9 and transmittal of the file materials.
10

11 c. There was no attempt to violate or intentionally cause delay by Wallace. At the time
12 of the impromptu, drop-in office meeting, Attorney Wallace personally met with the
13 former client(s) for an extended period, went through available client files that
14 Attorney Wallace had in his possession and discussed the nature of the cases that
15 Attorney Wallace had represented both brothers and their several other family
16 members. Wallace determined that some of the files related to the client's personal
17 and other family members' matters had long-since been retired to off-site storage and
18 were either destroyed as was the custom for attorney client files, or the files may have
19 been stripped and archived by attorney Alexander W. Wallace; Wallace determined
20 that some or the bulk of the client's files were either not on the premises of attorney's
21 law office nor in the possession of the attorney at the time, or that they had been
22 possibly purged or destroyed in the ordinary course of decade's old files.
23

24 d. Customary Archival Practice: Attorney Alexander W. Wallace customarily has
25 maintained storage of clients' files for a reasonable duration, typically, for a period of
26 7 years as was recommended by the State Bar and other attorneys in the community,
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1 after which time period the attorney's files are recommended to be completely
2 destroyed or extensively purged of extraneous material, with identifiably significant
3 or important documents being removed to create a "slip file" (abbreviated contents
4 file) which might contain face-pages of pleadings (to identify certain pleadings),
5 original documents, personal type documents, medical records, photographs, wills,
6 trusts, property conveyance and title documents, marital settlement agreements,
7 marital judgments, notice of entry of judgment of dissolution and related documents,
8 birth, marriage and death certificates. The documents that attorney Wallace had in
9 his immediate possession covered, for the client "Glenn Labs" and his brother "Dean
10 Labs" some documents related to WCAB claims, some marital or family law matters
11 and some general items that both brothers had been represented in. A slip file of
12 personal documents was not located for either of the two clients at time of the
13 impromptu conference or later searches for documents.

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17 e. Attorney Wallace understood from the discussion with Glenn Labs/Dean Labs at the
18 impromptu conference that Glenn Labs and/or Dean Labs were either or both
19 involved in on-going legal action with another attorney who they had retained.
20 Attorney Wallace related to Glenn Labs/Dean Labs that he may have client
21 documents in the office or in storage, and that he would provide copies or originals of
22 documents as requested, after they had been copied. Completing the file search and
23 copying has taken longer than expected due to unanticipated extended family crises.
24
25 f. Wallace received correspondence from Paul W. Blake, Esq. of 355 South Grand
26 Avenue, Suite 2450, Los Angeles, CA 90071; Blake requested that a Substitution of
27 Attorney form be signed-off. This letter apparently was misplaced in the office and
28

1 when Wallace was informed of the letter, it was located and the Substitution of
2 Attorney of record on a Department of Child Support collection action vs. Dean Labs
3 (case AD29771) form was signed off and was forwarded to attorney Blake. Attorney
4 Wallace signed and transmitted back to Mr. Blake the Substitution of Attorney by e-
5 Mail. A copy of the letter of Paul W. Blake is attached, and there is a hand-written
6 notation on the letter that the Substitution of Attorney was transmitted by e-Mail on
7 3-17-16 to Mr. Blake. Attorney Wallace also discussed via e-Mail that he had to
8 locate certain files in storage, which would be forwarded to him.

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11 g. In conclusion, Dean Labs and Glenn Labs file materials have been located and are
12 located at the Wallace Law Office. Wallace is personally engaged in copying the
13 files for Mr. Blake (for Dean Labs) and for Glenn Labs personally, and will provide
14 them to Blake and Glenn Labs within the next 10 days or sooner.

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17 Conclusion and Prayer:

- 18 1. Attorney Alexander W. Wallace shall have the requested file materials sent out to the
19 former clients Dean and Glenn Labs, or their counsel, within 10 days or sooner time.
20 2. Alexander W. Wallace extends his apologies to the bar investigator, Ms. Laurie
21 Collier, who during all telephone conversations was cordial and professional and
22 worked with Wallace during his search and retrieval of records.
23 3. Unexpected and distressing extended family tragedy and crises occurred in the last
24 two months which have kept Wallace from being active at the office, which
25 prolonged the retrieval and copying of the former clients' files. These intervening
26 crises are leveling out and Wallace is processing the copying of the client files.
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- 4. Throughout the last several months, Alexander W. Wallace has been cooperative and willing in all respects to resolve or answer questions about these old and archived cases.
- 5. Alexander W. Wallace requests that no further disciplinary action be taken, that the matter be considered resolved once the file contents have been delivered, and that in the interests of all parties the matter be amicably resolved.

Respectfully submitted,

Dated: August 9, 2016



Alexander W. Wallace

Paul W. Blake
Attorney at Law
A Professional Corporation
State Bar #94963

355 South Grand Avenue
Suite 2450
Los Angeles, CA 90071

Los Angeles (213) 215-1820
San Diego (619) 908-6429
Fax (760) 451-9860
Email: paulwblake@att.net

August 20, 2015

Alexander W. Wallace
Attorney at Law
4047 Long Beach Blvd.
Long Beach CA 90807

RE: FAX Cover In re Dean Labs 562 595-1174 total pages 2

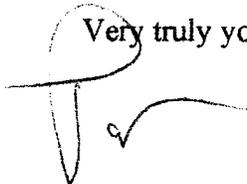
Dear Mr. Wallace:

It was a surprise to hear that you had not received Mr. Lab's substitution. It had been sent in March. I am enclosing it with this fax. On April 1, 2015 my mailing is address now:

12526 High Bluff Drive, Suite 300
San Diego CA 92130

Please feel free to contact me at the phone, fax or email indicated above they have not changed.

Very truly yours,



Paul W. Blake
Enclosures

Reply -

Substitution of attorney form
Signed, scanned over to you
By email this day 3-17-15
Thank you, Alexander Wallace

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Paul W. Blake Attorney at Law SB 94963 355 South Grand Avenue Suite 2450 Los Angeles CA 90071 TELEPHONE NO.: 213 215-1820 FAX NO. (Optional): 760 451-9860 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Dean Albert Labs, Sr	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange STREET ADDRESS: 341 The City Drive MAILING ADDRESS: CITY AND ZIP CODE: Orange, CA 92868 BRANCH NAME: Lamoreaux Family Court	
CASE NAME: Department of Child Support v Dean Albert Labs Sr.	
SUBSTITUTION OF ATTORNEY—CIVIL (Without Court Order)	CASE NUMBER: AD29771

THE COURT AND ALL PARTIES ARE NOTIFIED THAT (name): _____ makes the following substitution:

1. Former legal representative Party represented self Attorney (name): **Alexander W. Wallace**
2. New legal representative Party is representing self* Attorney
 - a. Name: **Paul W. Blake**
 - b. State Bar No. (if applicable):
 - c. Address (number, street, city, ZIP, and law firm name, if applicable):
355 South Grand Avenue Suite 2450 Los Angeles CA 90071
 - d. Telephone No. (include area code): **213 215-1820**
3. The party making this substitution is a plaintiff defendant petitioner respondent other (specify):

***NOTICE TO PARTIES APPLYING TO REPRESENT THEMSELVES**

<ul style="list-style-type: none"> • Guardian • Conservator • Trustee 	<ul style="list-style-type: none"> • Personal Representative • Probate fiduciary • Corporation 	<ul style="list-style-type: none"> • Guardian ad litem • Unincorporated association
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If you are applying as one of the parties on this list, you may NOT act as your own attorney in most cases. Use this form to substitute one attorney for another attorney. SEEK LEGAL ADVICE BEFORE APPLYING TO REPRESENT YOURSELF.

NOTICE TO PARTIES WITHOUT ATTORNEYS
 A party representing himself or herself may wish to seek legal assistance. Failure to take timely and appropriate action in this case may result in serious legal consequences.

4. I consent to this substitution.

Date: **3/10/15**
Dean Albert Labs Sr.

 (TYPE OR PRINT NAME)

▶ **Dean Albert Labs Sr**

 (SIGNATURE OF PARTY)

5. I consent to this substitution.

Date: **3/17/16**
Alexander W. Wallace

 (TYPE OR PRINT NAME)

▶ **Alexander W. Wallace**

 (SIGNATURE OF FORMER ATTORNEY)

6. I consent to this substitution.

Date: **3/10/15**
Paul W. Blake

 (TYPE OR PRINT NAME)

▶ **Paul W. Blake**

 (SIGNATURE OF NEW ATTORNEY)

(See reverse for proof of service by mail)

Substitution of Attorney Dean Labs

3 messages

Paul W. Blake <paulwblake@att.net>
To: alexww@gmail.com

Thu, Aug 20, 2015 at 6:10 PM

Dear Mr. Wallace:

Please contact me letting me know that you have received this. Thank you.

Paul Blake

 **Scan 2015-8-20 0002.pdf**
1048K

Alex W. Wallace <alexww@gmail.com>
To: "Paul W. Blake" <paulwblake@att.net>, "alexww@gmail.com" <alexww@gmail.com>

Thu, Mar 17, 2016 at 2:52 PM

Hi Mr. Blake,

I have located your correspondence with the attached Substitution of Attorney for the Dean Labs Department of Child Support case # AD29771, which I have signed and scanned back to you this day, 3/17/16.

My apologies for the delay that this has caused you and my former client.

I have some family law files which I will retrieve from storage and forward to you as well in Dean's family law case.

Very truly,

Alex W. Wallace

Alex W. Wallace, Esq.
Law Office of Alexander W. Wallace
4047 Long Beach Blvd.
Long Beach, CA 90807-2616
alexww@gmail.com
Tele: (562) 972-4072, Fax: (562) 353-4833

attach: Sub and letter
cc: Laurie Collier

[Quoted text hidden]

 **Sub of Atty and cover letter reply 3-17-16.pdf**
531K

Alex W. Wallace <alexww@gmail.com>
To: "Collier, Laurie" <Laurie.Collier@calbar.ca.gov>, "alexww@gmail.com" <alexww@gmail.com>

Thu, Mar 17, 2016 at 2:56 PM

March 17, 2016

California State Bar Association
Attn: Laurie Collier
by e-Mail: Laurie.Collier@calbar.ca.gov

Dear Ms. Collier,

In Re: Dean Labs Child Support Action: AD29771
Substitution of Attorney form completed

Attached please find correspondence from Mr. Paul Blake in re: Dean Labs Child Support collection action and Substitution of Attorney form, which I located, printed, signed and scanned back to Mr. Blake today.

I'll work on getting the files together in the coming week.

Thank you for your review of this case and getting back to me if anything else needs my immediate attention.

Very truly,

Alex W. Wallace

Alex W. Wallace, Esq.
Law Office of Alexander W. Wallace

4047 Long Beach Blvd.
Long Beach, CA 90807-2616
alexw@icloud.com
Tel: (562) 972-4072, Fax: (562) 353-4833

[Quoted text hidden]

 **Sub of Atty and cover letter reply 3-17-16.pdf**
531K

