

1 MARTIN CUTLER (STATE BAR #139536)
2 8500 WILSHIRE BOULEVARD, # 916
3 BEVERLY HILLS, CA 90211
4 858-472-6331 (phone)

5 Respondent In Pro Per

FILED

MAY 20 2013

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

6 STATE BAR COURT
7 HEARING DEPARTMENT LOS ANGELES

8 The Matter Of,
9 MARTIN IAN CUTLER
10 No. 139536

Case No.: 16-0-10987, 16-N-10777
MARTIN IAN CUTLER'S RESPONSE TO
NOTICE OF DISCIPLINARY CHARGES

11
12 A Member of the State Bar
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17 MARTIN IAN CUTLER, State Bar No. 139536 responds as follows to the disciplinary
18 charges filed herein:

- 19 1. The address to which all further notices to respondent in relation to these
20 proceedings may be sent is as follows:
21 8500 Wilshire Blvd., #916
22 Beverly Hills, CA 90211
- 23 2. Respondent specifically denies each and every allegation and charge contained
24 in Paragraph 2 of Case No. 16-0-10987 and to each and every allegation
25 contained in paragraph 2 of Case No. 16-N-10777 of the notice of disciplinary
26 charges.
- 27 3. Respondent admits the allegations contained in Paragraph 1 of each of the
28 notices of disciplinary charges.

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1 4. The matter and transactions complained of, which are the subject of these
2 actions, may be fully and accurately explained as follows:
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4 **Case No. 16-0-10987**

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

10 Respondent reasonably believed that a filing of a final report was not required as
11 during the course of his probationary period for charges 13-0-13071 and 13-0-14262
12 [hereinafter "Suspension 1"] he entered into a stipulation whereby he was placed in
13 further suspension for charges 14-0-02397, 14-0-03590 and 15-0-10874 [hereinafter
14 "Suspension 2"], a two year suspension which began in November of 2015 and which
15 Respondent reasonably believed thereby meant a final report to the Office of Probation
16 would not be due until that suspension ends in November 2017 and not in February
17 2016 when Suspension 1 ended.

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

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

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

6 7 EXTENUATING AND MITIGATING CIRCUMSTANCES

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

- 12 1. Respondent has practiced law in the State of California for 24 years without any
13 prior charges of misconduct or prior disciplinary record until 2013. Throughout
14 his professional career, respondent has successfully endeavored to maintain a
15 high level of respect and an excellent reputation among his fellow attorneys and
16 the courts for honesty, integrity, and professional competence in diligently and
17 vigorously representing his clients.
- 18 2. During the period in which the charged acts of misconduct allegedly occurred,
19 respondent was experiencing traumatic family difficulties as his wife is suffering
20 from metastatic cancer and been undergoing treatment and surgery for that
21 malady and thereby suffering the consequences and the mental and physical
22 side effects of both the illness and the treatments. This has caused significant
23 turmoil and stress for respondent as he sees his wife's suffering. In addition
24 respondent acts as her sole care giver and has had to sacrifice his work in order
25 to look out for her, this combined with the 3 month default suspension (July-Oct
26 2014) for a pending charge, the 2 month (Feb-Apr 2014) actual suspension from
27 the previous charge [Suspension 1] and a current suspension 2 [from November
28 2015 through the present] has severely impacted respondent's financial
condition so that he and his wife now live in a residential hotel to try and save

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money and have had to sell off all of their assets, including their automobile and personal belongings in order to make ends meet.

3. Respondent has been abiding by all conditions of his probation in case no. 13-O-10932.

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

Dated: May 19 2016



Martin Cutler
Respondent In Pro Per

1 **PROOF OF SERVICE**

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

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9 On May 20, 2016, I served the within, RESPONSE TO NOTICE OF DISCIPLINARY
10 CHARGES on the parties in this action by (1) personally delivering a true and correct copy
11 thereof to the following:

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

17 Executed on May 20, 2016

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

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29 *Martin Cutler*
30 Martin Cutler