

# PUBLIC MATTER

1 STATE BAR OF CALIFORNIA  
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**FILED**  
**OCT 18 2016**  
STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

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9 STATE BAR COURT  
10 HEARING DEPARTMENT - LOS ANGELES

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12 In the Matter of: ) Case No. 16-O-11934  
13 MARY FRANCES PREVOST, ) NOTICE OF DISCIPLINARY CHARGES  
14 No. 157782, )  
15 A Member of the State Bar )

## NOTICE - FAILURE TO RESPOND!

16  
17 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE**  
18 **WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT**  
**THE STATE BAR COURT TRIAL:**

- 19 (1) **YOUR DEFAULT WILL BE ENTERED;**  
20 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**  
**WILL NOT BE PERMITTED TO PRACTICE LAW;**  
21 (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;**  
22 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**  
23 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**  
24 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**  
25 **ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**  
26 **FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,**  
27 **RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Mary Frances Prevost ("Respondent") was admitted to the practice of law in the State  
4 of California on March 23, 1992, was a member at all times pertinent to these charges, and is  
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 16-O-11934  
8 Rules of Professional Conduct, rule 4-100(A)  
[Failure to Deposit Client Funds in Trust Account]

9 2. On or about December 3, 2012, Respondent received on behalf of Respondent's  
10 client, Judith Haddox, a check made payable to Respondent in the amount of \$2,500, which  
11 Haddox provided to Respondent for advanced costs with respect to a case which Respondent was  
12 handling for Haddox. Respondent failed to deposit the \$2,500 in funds received for the benefit  
13 of the client in a bank account labeled "Trust Account," "Client's Funds Account" or words of  
14 similar import, in wilful violation Rules of Professional Conduct, rule 4-100(A).

15 COUNT TWO

16 Case No. 16-O-11934  
17 Business and Professions Code, section 6106  
[Moral Turpitude - Misappropriation]

18 3. On or about December 3, 2012, Respondent received on behalf of Respondent's  
19 client, Judith Haddox, a check made payable to Respondent in the amount of \$2,500, which  
20 Haddox provided to Respondent for advanced costs with respect to a case Respondent was  
21 handling for Haddox. On or about December 3, 2012, Respondent dishonestly or grossly  
22 negligently misappropriated for Respondent's own purposes \$2,500 that Respondent's client had  
23 given to Respondent to pay for advanced costs, and thereby committed an act involving moral  
24 turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section  
25 6106.

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COUNT THREE

Case No. 16-O-11934  
Rules of Professional Conduct, rule 4-100(B)(4)  
[Failure to Pay Client Funds Promptly]

4. On or about December 3, 2012, Respondent received on behalf of Respondent's client, Judith Haddox, a check made payable to Respondent in the amount of \$2,500, which Haddox provided to Respondent for advanced costs with respect to a case Respondent was handling for Haddox. Of this sum, the client was entitled to \$2,500 because Respondent did not incur any costs on behalf of Haddox. On or about January 26, 2015, the client requested that Respondent return the \$2,500 to her. To date, Respondent has failed to pay promptly, as requested by Respondent's client, any portion of the \$2,500 the client is entitled to in Respondent's possession in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).

COUNT FOUR

Case No. 16-O-11934  
Rules of Professional Conduct, rule 4-100(B)(3)  
[Failure to Render Accounts of Client Funds]

5. On or about December 3, 2012, Respondent received from Respondent's client, Judith Haddox, the sum of \$2,500 as advanced costs with respect to a case Respondent was handling for Haddox. Respondent thereafter failed to maintain proper accounting records for the \$2,500 she received on behalf of Haddox at all times between on or about December 3, 2012 and the present, including but not limited to, a client ledger for Haddox, a written account journal for her client trust account showing that she deposited and maintained Haddox's funds in a client trust account, and monthly reconciliations of her client trust account between on or about December 3, 2012 and the present, and Respondent did not properly account for the funds to the State Bar and to Haddox following the State Bar's request for an accounting, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

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**NOTICE - INACTIVE ENROLLMENT!**

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

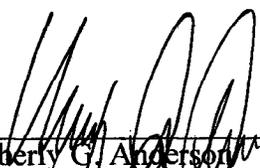
**NOTICE - COST ASSESSMENT!**

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

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF CHIEF TRIAL COUNSEL

DATED: October 18, 2016

By:   
\_\_\_\_\_  
Kimberly G. Anderson  
Senior Trial Counsel

**DECLARATION OF SERVICE**

by

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

**CASE NUMBER(s): 16-O-11934**

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, 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 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 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 0799 89 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)

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
MARY FRANCES PREVOST	Law Ofc Mary Frances Prevost 402 W Broadway Ste 400 San Diego, CA 92101		
		Electronic Address	

- via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

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: October 18, 2016

SIGNED:

*Kim Wimbish*  
\_\_\_\_\_  
KIM WIMBISH  
Declarant