

FILED

JUN 03 2016

STATE BAR COURT
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LOS ANGELES**STATE BAR COURT OF CALIFORNIA****REVIEW DEPARTMENT****IN BANK**

In the Matter of)	Case No. 16-Q-11197
)	
ALEXANDRA RUBY EPAND,)	RECOMMENDATION ON
)	RESIGNATION
A Member of the State Bar, No. 191733.)	
_____)	

On March 1, 2016, Respondent Alexandra Ruby Epand filed a resignation with charges pending. On April 7, 2016, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed its report and recommendation regarding the resignation; it recommends that the resignation be rejected. We recommend that the Supreme Court reject the resignation based on OCTC's recommendation and in light of the grounds set forth in California Rules of Court, rule 9.21(d),¹ as detailed below.

I. BACKGROUND

Respondent was admitted to practice law in California on December 4, 1997. Respondent does not have a prior record of discipline, but charges are pending against her. On February 24, 2015, OCTC filed a notice of disciplinary charges in State Bar Court case number 14-O-03877, charging respondent with two counts of misconduct in one client matter involving Michael Talbot; respondent was charged with the unauthorized practice of law in another jurisdiction and for collecting an illegal fee. On October 22, 2015, Talbot filed an Application for Reimbursement with the Client Security Fund of the State Bar.

¹ All further references to rules are to this source unless otherwise noted.



On August 4, 2015, a hearing judge entered respondent's default because she failed to appear at a pretrial conference, and the judge ordered respondent enrolled as involuntarily inactive, effective August 7, 2015. Respondent then filed a successful motion to vacate her default and was returned to active status on December 3, 2015. On February 22, 2016, the judge again entered respondent's default because she failed to appear at trial, and the judge ordered respondent enrolled as involuntarily inactive, effective February 25, 2016. Respondent has remained on inactive status since then.

On February 22, 2016, Talbot appeared and testified in State Bar Court case number 14-O-03877, having traveled from North Carolina to do so.

II. CONSIDERATION OF THE GROUNDS SET FORTH IN RULE 9.21(d)

We have considered respondent's resignation under the grounds set forth in rule 9.21(d). We summarize below the relevant information for each ground:

1. Whether the preservation of testimony is complete.

OCTC reports that the preservation of necessary was accomplished on February 22, 2016, and is complete.

2. Whether after transfer to inactive status, respondent has practiced law or has advertised or held himself out as entitled to practice law.

OCTC reports it has no information alleging that after respondent was transferred to inactive status she has continued to practice law or held herself out as entitled to practice law since February 25, 2016.

3. Whether respondent performed the acts specified in rule 9.20(a)-(b).

OCTC reports that respondent emailed a copy of her California Rule of Court 9.20(c) compliance declaration. In the declaration, respondent declares she has no clients and no papers

or property to which clients are entitled. However, respondent failed to check a box indicating whether she had earned all fees paid to her or refunded unearned fees.

4. Whether respondent provided proof of compliance with rule 9.20(c).

Respondent has not provided proof of full compliance with rule 9.20(c) as described above.

5. Whether the Supreme Court has filed a disbarment order.

The Supreme Court has not filed a disbarment order.

6. Whether the State Bar Court has filed a decision recommending disbarment.

The State Bar Court has not filed a decision recommending respondent's disbarment. The State Bar Court has entered respondent's default in case number 14-O-03877, which may result in respondent's disbarment. (Rules Proc. of State Bar, rule 5.82.)

7. Whether respondent previously resigned or has been disbarred and reinstated to the practice of law.

Respondent has not previously resigned or been disbarred.

8. Whether respondent entered a stipulation with OCTC as to facts and conclusions of law regarding pending disciplinary matters.

OCTC reports that the parties have not entered into a stipulation as to facts and conclusions of law regarding the above described pending charges. On March 16, 2016, OCTC transmitted a stipulation to respondent. OCTC reports that she has not acknowledge receipt of the stipulation or indicated her intent to execute it.

9. Whether accepting respondent's resignation will reasonably be inconsistent with the need to protect the public, the courts, or the legal profession.

Acceptance of respondent's resignation would be inconsistent with the need to protect the public, the courts, and the legal profession. Respondent is charged with serious acts of

misconduct, including the unauthorized practice of law in another jurisdiction and accepting an illegal fee. She has not provided sufficient proof of her compliance with rule 9.20. Further, respondent has twice defaulted, and the parties have not entered into a stipulation regarding the pending charges. Under these circumstances, we find that respondent should not be allowed the benefit of resigning because it would undermine public confidence in the disciplinary system and the legal profession.

III. RECOMMENDATION

We recommend that the Supreme Court decline to accept the resignation of Alexandra Ruby Epand, State Bar number 191733.

PURCELL

Presiding Judge

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on June 3, 2016, I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED JUNE 3, 2016

in a sealed envelope for collection and mailing on that date as follows:

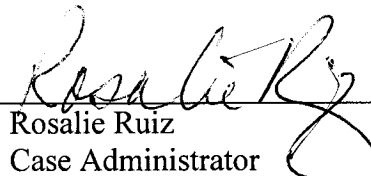
- X by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

ALEXANDRA R. EPAND
PO BOX 100870
CHARLOTTE, NC 28284

- X by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

HUGH G. RADIGAN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 3, 2016.



Rosalie Ruiz
Case Administrator
State Bar Court