

1 STATE BAR OF CALIFORNIA  
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12 Los Angeles, California 90017-2515  
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**PUBLIC MATTER  
FILED**

**DEC 17 2018**  
STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

STATE BAR COURT  
HEARING DEPARTMENT - LOS ANGELES

11 In the Matter of: ) Case No. 18-O-14951  
12 KELLY LEIGH MCDONALD, )  
13 No. 223579, ) NOTICE OF DISCIPLINARY CHARGES  
14 A Member of the State Bar. )

**NOTICE - FAILURE TO RESPOND!**

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**  
19 **THE STATE BAR COURT TRIAL:**

- 20 (1) **YOUR DEFAULT WILL BE ENTERED;**  
21 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**  
22 **WILL NOT BE PERMITTED TO PRACTICE LAW;**  
23 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**  
24 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**  
25 **AND THE DEFAULT IS SET ASIDE, AND;**  
26 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**  
27 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**  
28 **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. Kelly Leigh McDonald (“respondent”) was admitted to the practice of law in the  
4 State of California on December 17, 2002, was a member at all times pertinent to these charges,  
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 18-O-14951  
8 Business and Professions Code, section 6068(a)  
9 [Failure to Comply With Laws – Unauthorized Practice of Law]

10 2. Between in or around February 2005 and April 22, 2008, respondent held herself  
11 out as entitled to practice law when respondent was not an active member of the State Bar by  
12 applying for and accepting attorney positions at two law firms, Bingham McCutchen LLP and  
13 O’Connor, Cohn, Dillon and Barr, in violation of Business and Professions Code, sections 6125  
14 and 6126, and thereby willfully violated Business and Professions Code, section 6068(a).

15 COUNT TWO

16 Case No. 18-O-14951  
17 Business and Professions Code, section 6106  
18 [Unauthorized Practice of Law Involving Moral Turpitude]

19 3. Between in or around February 2005 and April 22, 2008, respondent held herself  
20 out as entitled to practice law when respondent knew, or was grossly negligent in not knowing,  
21 that respondent was not an active member of the State Bar by applying for and accepting  
22 attorney positions at two law firms, Bingham McCutchen LLP and O’Connor, Cohn, Dillon and  
23 Barr, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful  
24 violation of Business and Professions Code, section 6106.

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COUNT THREE

Case No. 18-O-14951  
Business and Professions Code, section 6068(a)  
[Failure to Comply With Laws – Unauthorized Practice of Law]

4. Between in or around February 2005 and April 22, 2008, respondent actually practiced law when respondent was not an active member of the State Bar by accepting attorney positions at two law firms, Bingham McCutchen LLP and O'Connor, Cohn, Dillon and Barr, and performing legal work while employed at said law firms, in violation of Business and Professions Code, sections 6125 and 6126, and thereby willfully violated Business and Professions Code, section 6068(a).

COUNT FOUR

Case No. 18-O-14951  
Business and Professions Code, section 6106  
[Unauthorized Practice of Law Involving Moral Turpitude]

5. Between in or around February 2005 and April 22, 2008, respondent actually practiced law when respondent knew, or was grossly negligent in not knowing, that respondent was not an active member of the State Bar by accepting attorney positions at two law firms, Bingham McCutchen LLP and O'Connor, Cohn, Dillon and Barr, and performing legal work while employed at said law firms, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT FIVE

Case No. 18-O-14951  
Business and Professions Code, section 6106  
[Moral Turpitude - Misrepresentation]

6. Between in or around February 2005 and April 22, 2008, respondent applied for and accepted employment as an attorney at two law firms, Bingham McCutchen LLP and O'Connor, Cohn, Dillon and Barr, and intentionally concealed from said employers the fact that she was on voluntary inactive status during that time period, and thus was not entitled to practice

1 law. Respondent thereby committed an act involving moral turpitude, dishonesty or corruption  
2 in willful violation of Business and Professions Code, section 6106.

3 7. A violation of section 6106 may result from intentional conduct or grossly  
4 negligent conduct. Respondent is charged with committing intentional  
5 misrepresentation. However, should the evidence at trial demonstrate that respondent committed  
6 misrepresentation as a result of gross negligence, respondent must still be found culpable of  
7 violating section 6106 because misrepresentation through gross negligence is a lesser included  
8 offense of intentional misrepresentation.

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10 COUNT SIX

11 Case No. 18-O-14951  
12 Business and Professions Code, section 6106  
[Moral Turpitude - Misrepresentation]

13 8. Between January 1, 2003 and April 22, 2008, respondent voluntarily enrolled  
14 herself as an inactive member of the State Bar and was thus not entitled to practice law during  
15 said period of time. In or around June 2015, respondent made statements in writing in a résumé  
16 submitted to Reynolds Law that she had practiced law and held attorney positions at Bingham  
17 McCutchen LLP and at O'Connor, Cohn, Dillon and Barr when respondent knew that these  
18 statements were false and misleading. Respondent thereby committed an act involving moral  
19 turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section  
20 6106.

21 9. A violation of section 6106 may result from intentional conduct or grossly  
22 negligent conduct. Respondent is charged with committing intentional  
23 misrepresentation. However, should the evidence at trial demonstrate that respondent committed  
24 misrepresentation as a result of gross negligence, respondent must still be found culpable of  
25 violating section 6106 because misrepresentation through gross negligence is a lesser included  
26 offense of intentional misrepresentation.

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**NOTICE - INACTIVE ENROLLMENT!**

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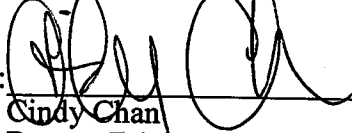
**YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE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

By:   
Cindy Chan  
Deputy Trial Counsel

DATED: December 17, 2018

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 18-O-14951

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 S. 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))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

- (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 2111 0171 18 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, Courtesy Copy to:
Person Served: KELLY LEIGH MCDONALD
Business-Residential Address: 26630 Barton Rd Apt 2911 Redlands, CA 92373-4332
Fax Number: Electronic Address
Courtesy Copy to: Glasslove@protonmail.com

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').

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: December 17, 2018

SIGNED:

Signature of Laura Jett
LAURA JETT
Declarant