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**STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 18-Q-17177
)	
LINDA KATHRYN HANTEN,)	RECOMMENDATION ON
)	RESIGNATION
A Member of the State Bar, No. 61416.)	
_____)	

On October 25, 2018, Linda Kathryn Hanten filed a resignation with charges pending. On November 12, 2018, the Office of Chief Trial Counsel of the State Bar (OCTC) and Hanten entered into a stipulation as to facts and conclusions of law (Stipulation). On December 13, 2018, OCTC filed the Stipulation and a report and recommendation (Report) that Hanten's resignation be accepted. 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, we recommend that the Supreme Court accept the resignation.

I. BACKGROUND

Hanten was admitted to practice law in California on December 18, 1974, and has been on inactive status since January 1, 1992. On December 10, 1984, Hanten was admitted to the District of Columbia Bar Court of Appeals.



¹ Further references to rule(s) are to this source unless otherwise noted.

II. UNDERLYING MISCONDUCT IN DISTRICT OF COLUMBIA

On May 2, 2017, Hanten filed an Affidavit of Consent to Disbarment in the District of Columbia Court of Appeals Board on Professional Responsibility. In her affidavit, Hanten admitted that she committed violations of the District of Columbia Rules of Professional conduct, including (1) failing to zealously and diligently represent her client, (2) failing to keep her client informed, (3) failing to explain a matter properly to her client, (4) failing to hold entrusted funds in a separate account, and (5) collecting a fee prohibited by law. On October 26, 2017, the District of Columbia Court of Appeals filed its final order disbaring Hanten from the District of Columbia Bar, with her consent, effective immediately. The disciplinary proceeding provided fundamental constitutional protection.

III. PENDING CHARGES IN CALIFORNIA

OCTC determined that Hanten's culpability for professional misconduct in the District of Columbia is the only pending State Bar investigation and/or disciplinary matter (case number 18-J-15661). Hanten stipulated that her misconduct in the District of Columbia violated California Rules of Professional Conduct, rule 4-200 (charging and collecting an illegal fee) and California Business and Professions Code section 6068 subdivision (m) (failing to communicate significant events and to respond to reasonable status inquiries).

In aggravation, Hanten committed multiple acts of misconduct. In mitigation, she had no prior record for 17 years (while on active status in California from 1974 to 1992), demonstrated spontaneous remorse and timely atonement by refunding all fees with interest, and cooperated with the District of Columbia Bar by filing a consent to her disbarment and by entering into a Stipulation with OCTC where she acknowledged her misconduct.

III. CLIENT SECURITY FUND CLAIMS PENDING AT TIME OF RESIGNATION

There were no Client Security Fund (CSF) claims pending at the time of Hanten's resignation, nor are there now any such claims. CSF has not paid any claims based on alleged misconduct by Hanten.

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

We have considered Hanten's resignation under the grounds set forth in rule 9.21(d). We summarize below the relevant information for each ground that was provided in OCTC's pleadings submitted to the court:

1. Whether the preservation of testimony is complete.

OCTC reports that preservation of the evidence is not necessary in the pending matters.

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

OCTC reports that it has no evidence that Hanten has practiced law in California or held herself out as entitled to practice law in California since she tendered her resignation with charges pending on October 25, 2018.

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

OCTC reports that on October 25, 2018, Hanten timely submitted a rule 9.20 compliance declaration indicating she had no clients, had no papers or property to which clients were entitled, had earned all fees paid to her, and did not represent any clients in pending matters. Thus, it appears that Hanten had no acts to perform pursuant to rule 9.20(a)-(b).

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

Hanten filed a rule 9.20(c) compliance declaration with the State Bar Court October 25, 2018.

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 or opinion recommending Hanten's disbarment.

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

Hanten has not previously resigned or been disbarred in California.

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

Hanten and OCTC entered into a Stipulation as to facts and conclusions of law on November 12, 2018.

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

We recommend accepting Hanten's resignation for the reasons OCTC presented in this matter. Hanten: (1) has not practiced law in California since she was transferred to inactive status, effective January 1, 1992; (2) has timely filed a rule 9.20(c) compliance affidavit; (3) has cooperated with OCTC by entering into a Stipulation, which establishes a complete account of Hanten's misconduct and is available to the public and any licensing agency or other jurisdiction; (4) has no other record of discipline in California; and (5) has paid all restitution owed with interest and does not owe monies to CSF. OCTC also reports that Hanten is 69 years old, resides in Washington D.C., and does not intend to return to California to practice law again.

Under these circumstances, we do not believe that public confidence in the discipline system will be undermined by accepting the resignation, and that acceptance would be consistent with the need to protect the public, the courts, and the legal profession.

V. RECOMMENDATION

We recommend that the Supreme Court accept the resignation of Linda Kathryn Hanten, State Bar number 61416. We further recommend that costs be awarded to the State Bar in accordance with section 6068.10, and that such costs be enforceable both as provided in section 6140.7 and as a money judgment.

PURCELL

Presiding Judge

CERTIFICATE OF SERVICE

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

I am a Court Specialist 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 December 28, 2018, I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED DECEMBER 28, 2018

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

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

LINDA KATHRYN HANTEN
2640 GARFIELD ST NW
WASHINGTON, DC 20008

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

Joshua D. Mendelsohn, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 28, 2018.



Julieta Gonzales
Court Specialist
State Bar Court