

FILED

MAY 02 2018

**STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 18-Q-11321
)	
CAROL BEDFORD,)	RECOMMENDATION ON
)	RESIGNATION
A Member of the State Bar, No. 110742.)	
_____)	

On February 16, 2018, respondent Carol Bedford filed a resignation with charges pending. On April 16, 2018, the Office of Chief Trial Counsel of the State Bar (OCTC) filed its report and recommendation regarding the resignation; OCTC recommends that the resignation be rejected because there is an ongoing investigation, and OCTC and Bedford have not reached a stipulation regarding the facts and conclusions of law. Bedford did not respond. 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

Bedford was admitted to practice law in California on December 12, 1983, and has not been eligible to practice law since she tendered her resignation with charges pending on February 16, 2018.



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

A. Prior Discipline

Bedford has one prior record of discipline. Effective April 29, 1997, Bedford was privately reproved in State Bar Court Case Number 95-O-13632.² Bedford stipulated to violating Rules of Professional Conduct, rule 3-110(A) (failure to perform competently) and Business and Professions Code section 6068, subdivision (m) (failure to respond to client inquiries). No aggravating factors were present and in mitigation Bedford had no prior discipline.

B. Pending Disciplinary Investigation

There is one pending disciplinary investigation against Bedford. (State Bar Court Case No. 17-O-06709.) In this matter, Bedford was hired by a father and son to collect and distribute assets to them from a deceased family member's estate in Mexico. OCTC alleges that though Bedford located and transferred some amount of money from Mexico into a domestic bank account, titled in one client's name and her name as power of attorney, she failed to distribute any assets to her clients, failed to provide them with an accounting; and ceased responding to their inquiries. OCTC indicates that further investigative efforts may reveal additional misconduct, including misappropriation.

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

We have considered Bedford'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 preservation of necessary discovery is incomplete. OCTC is currently awaiting return on a bank subpoena, and may need to depose Bedford and/or issue additional subpoenas based on the information discovered from the results of said bank subpoena.

² At that time, Bedford was legally known as Carol Archer.

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 that it is not aware of Bedford practicing law, advertising, or holding herself out as entitled to practice law since she tendered her resignation or at any time since she was placed on not eligible to practice law status on February 16, 2018.

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

OCTC reports that on February 16, 2018, Bedford filed a rule 9.20(c) compliance affidavit with the State Bar Court, in which she averred under penalty of perjury that she had no clients, had no papers or other property to which her clients were entitled, had earned all fees paid to her, and did not represent any clients in pending matters. OCTC indicates that it thus appears that Bedford performed the acts required by rule 9.20(a) and (b), and that OCTC has no evidence to the contrary.

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

OCTC reports that Bedford provided proof of compliance with rule 9.20(c) as explained 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 Bedford's disbarment.

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

Bedford has not previously resigned or been disbarred in California.

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

The parties have not entered into a stipulation as to facts and conclusions of law regarding the above described pending disciplinary matter. OCTC reports that the parties have been unable to do so because Bedford destroyed the clients' file and has a lack of memory regarding the events in question, requiring OCTC to perpetuate documentary evidence and witness testimony spanning back a number of years. OCTC further reports that the potential misconduct being investigated may turn out to also involve substantial misappropriation, and it cannot enter into any stipulation until such facts are reasonably determined.

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 Bedford's resignation would be inconsistent with the need to protect the public, the courts, and the legal profession. Bedford is currently under investigation in a matter that affected, and still affects, her clients. Moreover, Bedford and OCTC have yet to reach an agreement on a written stipulation regarding the facts and conclusions of law. Necessary discovery is incomplete and requires the return of an outstanding bank subpoena and possibly the issuance of additional subpoenas and the taking of Bedford's deposition. Should the ongoing investigation reveal evidence of misappropriation and result in the filing of formal disciplinary charges involving some measure of restitution or other probation remedy, the public would be directly harmed without recovery. Under these circumstances, we find that Bedford should not be allowed the benefit of resigning.

III. RECOMMENDATION

We recommend that the Supreme Court decline to accept the resignation of Carol Bedford, State Bar number 110742.

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 May 2, 2018, I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED MAY 2, 2018

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

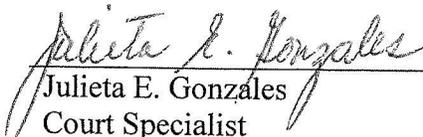
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

CAROL BEDFORD
5173 WARING RD STE 248
SAN DIEGO, CA 92120 - 2705

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

Scott D. Karpf, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 2, 2018.



Julieta E. Gonzales
Court Specialist
State Bar Court