

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
2 OFFICE OF THE CHIEF TRIAL COUNSEL
3 JAYNE KIM, No. 174614
4 ACTING CHIEF TRIAL COUNSEL
5 PATSY J. COBB, No. 107793
6 DEPUTY CHIEF TRIAL COUNSEL
7 MELANIE J. LAWRENCE, No. 230102
8 ASSISTANT CHIEF TRIAL COUNSEL
9 MIA R. ELLIS, No. 228235
10 DEPUTY TRIAL COUNSEL
11 1149 South Hill Street
12 Los Angeles, California 90015-2299
13 Telephone: (213) 765-1380

FILED

APR 18 2012

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case No. 11-O-14891
14 ENID BALLANTYNE,)
15 No. 84279,) NOTICE OF DISCIPLINARY CHARGES
16 A Member of the State Bar.)

NOTICE - FAILURE TO RESPOND!

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

- 21 (1) **YOUR DEFAULT WILL BE ENTERED;**
- 22 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
23 **WILL NOT BE PERMITTED TO PRACTICE LAW;**
- 24 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**
25 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**
26 **AND THE DEFAULT IS SET ASIDE, AND;**
- 27 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
28 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
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.



1 The State Bar of California alleges:

2 JURISDICTION

3 1. ENID BALLANTYNE ("Respondent") was admitted to the practice of law in the
4 State of California on November 29, 1978, 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. 11-O-14891
8 Rules of Professional Conduct, rule 4-100(A)
[Failure to Maintain Client Funds in Trust Account]

9 2. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(A), by failing
10 to maintain the balance of funds received for the benefit of a client and deposited in a bank
11 account labeled "Trust Account," "Client's Funds Account" or words of similar import, as
12 follows:

13 3. At all relevant times herein, Respondent maintained a client trust account at Bank of
14 America, with account number xxxxxxx029 (CTA)¹

15 4. In or about 2005, Joyce Mitchell ("Mitchell") employed Respondent to represent her
16 in three legal matters.

17 5. On or about June 1, 2006, Mitchell inherited \$259,000 from a friend.

18 6. Respondent and Mitchell agreed that Mitchell would deposit the inherited funds in
19 Respondent's CTA. Mitchell requested that Respondent obtain Mitchell's consent to use any of
20 the funds to support the costs and fees in the other legal matters. Moreover, Mitchell asked for
21 monthly account statements regarding the funds held in trust.

22 7. On or about June 22, 2006, Respondent deposited \$259,000 in her CTA on behalf of
23 Mitchell.

24 8. As of on or about October 15, 2009, Respondent owed Mitchell \$13,525.

25 9. Therefore, on or about October 15, 2009, Respondent was required to maintain
26 \$13,525 in her CTA on behalf of Mitchell.

27
28 ¹ The complete account number has been omitted due to privacy concerns.

1 10. On or about October 15, 2009, the balance in the CTA was \$565.07.

2 11. On or about January 4, 2011, Mitchell sent Respondent a letter regarding the balance
3 of the funds. In the letter, Mitchell stated that she wanted to resolve the matter. Respondent
4 received the letter.

5 12. By failing to maintain at least \$12,959.93 in trust for Mitchell, Respondent failed to
6 maintain the balance of funds received for the benefit of a client and deposited in a bank account
7 labeled "Trust Account," "Client's Funds Account" or words of similar import.

8 COUNT TWO

9 Case No. 11-O-14891
10 Business and Professions Code, section 6106
[Moral Turpitude – Misappropriation]

11 13. Respondent wilfully violated Business and Professions Code, section 6106, by
12 committing an act involving moral turpitude, dishonesty or corruption, as follows:

13 14. Count one is incorporated by reference.

14 15. Respondent dishonestly or with gross negligence misappropriated \$12,959.93 that
15 belonged to Mitchell.

16 16. By misappropriating at least \$12,959.93, Respondent committed an act involving
17 moral turpitude, dishonesty or corruption.

18 COUNT THREE

19 Case No. 11-O-14891
20 Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

21 17. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(B)(3), by
22 failing to render appropriate accounts to a client regarding all funds coming into Respondent's
23 possession, as follows:

24 18. Count one is incorporated by reference.

25 19. On or about March 6, 2008, Mitchell sent Respondent a letter. In the letter, Mitchell
26 asked for the status of her account, including the balance of Respondent's charges against the
27 funds held in trust. Respondent received the letter but did not respond.

28

1 20. From in or about March 2008 to in or about January 2011, Mitchell left several
2 messages for Respondent, which Respondent received, regarding the status of her funds held in
3 Respondent's CTA. Respondent did not respond to the messages.

4 21. On or about July 15, 2008, at Mitchell's request, attorney Ron Lane ("Lane") sent
5 Respondent a letter regarding the status of trust funds. In the letter Lane asked for an
6 accounting. Respondent received the letter but did not respond.

7 22. On or about August 13, 2008, Lane sent Respondent another letter requesting an
8 accounting of Mitchell's trust funds. Respondent received the letter but did not respond.

9 23. On or about January 23, 2009, Respondent sent Mitchell a letter acknowledging that
10 she made a mistake and needed to repay Mitchell.

11 24. On or about August 21, 2009, Lane sent Respondent another letter. In the letter Lane
12 stated that he had written Respondent twice before regarding the funds Respondent owed
13 Mitchell. Lane asked for a response, including an accounting of funds withdrawn from her trust
14 account that belonged to Mitchell.

15 25. On or about August 24, 2009, Respondent sent Lane a letter. In the letter,
16 Respondent acknowledged that she owed Mitchell money and promised to repay her.

17 26. Mitchell repeatedly asked Respondent for an accounting.

18 27. To date, Respondent has failed to provide Mitchell with a complete accounting of all
19 funds held in trust or to fully disburse the funds.

20 28. By failing to provide Mitchell with an accounting of all funds held in trust,
21 Respondent failed to render appropriate accounts to a client regarding all funds coming into
22 Respondent's possession.

COUNT FOUR

Case No. 11-O-14891
Rules of Professional Conduct, rule 4-100(B)(4)
[Failure to Pay Client Funds Promptly]

29. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(B)(4), by failing to pay promptly, as requested by a client, any funds in Respondent's possession which the client is entitled to receive, as follows:

30. Counts one and three are incorporated by reference.

31. Mitchell repeatedly asked Respondent to pay her the balance of funds owed.

32. By failing to comply with Mitchell's requests to pay out the balance of the funds, Respondent, failed to pay promptly, as requested by a client, any funds in Respondent's possession which the client is entitled to receive.

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 THE CHIEF TRIAL COUNSEL

DATED: April 18, 2012

By: Mia R. Ellis
MIA R. ELLIS
Deputy Trial Counsel

