

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
2 OFFICE OF CHIEF TRIAL COUNSEL
3 MELANIE J. LAWRENCE, No. 230102
4 INTERIM CHIEF TRIAL COUNSEL
5 JOHN T. KELLEY, No. 193646
6 ASSISTANT CHIEF TRIAL COUNSEL
7 SHERELL N. McFARLANE, No. 217357
8 SUPERVISING ATTORNEY
9 ABRAHIM BAGHERI, No. 294113
10 DEPUTY TRIAL COUNSEL
11 845 South Figueroa Street
12 Los Angeles, California 90017-2515
13 Telephone: (213) 765-1216

FILED

JAN 09 2019

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:

LETICIA AGUIRRE,
No. 178077,

A Member of the State Bar.

) Case No. 16-O-15594, 18-O-17276

) NOTICE OF DISCIPLINARY CHARGES

NOTICE - FAILURE TO RESPOND!

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

- (1) YOUR DEFAULT WILL BE ENTERED;
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
AND THE DEFAULT IS SET ASIDE, AND;
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
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.

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Leticia Aguirre ("respondent") was admitted to the practice of law in the State of
4 California on December 1, 1995, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT 1

7 Case No. 16-O-15594
8 Former Rules of Professional Conduct, Rule 1-300(A)
9 [Aiding the Unauthorized Practice of Law]

10 2. From on or about February 2016 to on or about June 26, 2016, respondent aided
11 Francis Ferrufino, who is not licensed to practice law in California, in the unauthorized practice
12 of law, by delegating to and knowingly allowing Francis Ferrufino to conduct case intake,
13 negotiate fees and costs, provide legal advice and legal services, enter into contracts with an
14 appearance attorney, relay settlement offers, and communicate and conduct settlement
15 discussions with opposing counsel related to Laura Valdez Alcalá's marital dissolution and the
16 resulting case filed in San Bernardino County Superior Court, case no. FAMSS1601916, in
17 willful violation of Former Rules of Professional Conduct, rule 1-300(A).

18 COUNT 2

19 Case No. 16-O-15594
20 Former Rules of Professional Conduct, Rule 1-320(A)
21 [Sharing Legal Fees with a Non-Lawyer]

22 3. Between on or about March 1, 2016 and April 4, 2016, respondent shared legal fees
23 with a person who is not a lawyer, namely, Francis Ferrufino, in relation to Laura Valdez
24 Alcalá's marital dissolution and the resulting case filed in San Bernardino County Superior
25 Court, case no. FAMSS1601916, in willful violation of Former Rules of Professional Conduct,
26 rule 1-320(A).

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COUNT 3

Case No. 16-O-15594
Former Rules of Professional Conduct, Rule 3-110(A)
[Failure to Perform with Competence]

4. In or about February 2016, Laura Valdez Alcala ("Alcala") employed respondent to perform legal services, namely to represent Alcala in her marital dissolution and the resulting case filed in San Bernardino County Superior Court, case no. FAMSS1601916, which respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Former Rules of Professional Conduct, rule 3-110(A), by failing to provide legal services of value to Alcala and by failing to do the following:

- a) File Alcala's divorce petition, request for order and income and expense declaration and serve them on the opposing party;
- b) File Alcala's fee waiver application;
- c) Appear at the May 9, 2016 scheduled fee waiver hearing in Alcala's marital dissolution;
- d) Communicate with opposing counsel; and
- e) Properly supervise her paralegal, Francis Ferrufino.

COUNT 4

Case No. 16-O-15594
Former Rules of Professional Conduct, Rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

5. Between on or about March 1, 2016 and April 4, 2016, respondent received advanced fees of \$3,000 from a client, Laura Valdez Alcala ("Alcala"), to represent Alcala in her marital dissolution matter. Respondent failed to represent Alcala in her divorce, or perform any legal services of value for Alcala, and therefore earned none of the advanced fees paid. Respondent failed to return promptly, upon respondent's termination of employment on or about June 1, 2016, any part of the \$3,000 fee to Alcala, in willful violation of Former Rules of Professional Conduct, rule 3-700(D)(2).

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COUNT 5

Case No. 16-O-15594
Former Rules of Professional Conduct, Rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

6. Between on or about March 1, 2016 and April 4, 2016, respondent received from respondent's client, Laura Valdez Alcala ("Alcala"), the sum of \$3,000 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to Alcala following Alcala's request for such accounting on or about June 1, 2016 and June 15, 2016, in willful violation of Former Rules of Professional Conduct, rule 4-100(B)(3).

COUNT 6

Case No. 16-O-15594
Business and Professions Code, Section 6068(m)
[Failure to Inform Client of Significant Developments]

7. Respondent failed to keep respondent's client, Laura Valdez Alcala ("Alcala"), reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m), by failing to inform Alcala that respondent's fee agreement was voidable at Alcala's option, because respondent's fee agreement was not in writing as required by Business and Professions Code section 6148.

COUNT 7

Case No. 18-O-17276
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

Respondent disobeyed or violated an order of the court requiring respondent to do or forbear an act connected with or in the course of respondent's profession which respondent ought in good faith to do or forbear by failing to comply with the State Bar Court Review Department's July 6, 2018 order compelling respondent to comply with California Rules of Court, rule 9.20(a) and to timely file a rule 9.20(c) compliance declaration in State Bar Court case no. 18-C-13730, in willful violation of Business and Professions Code, section 6103.

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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 CHIEF TRIAL COUNSEL

DATED: January 9, 2019

By: 
Abraham Bagheri
Deputy Trial Counsel

DECLARATION OF SERVICE

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

CASE NUMBER(s): 16-O-15594, 18-O-17276

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 South 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.: 7196 9008 9111 1007 2217 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. Row 1: Leticia Aguirre, 1321 Lotta Dr. Los Angeles, CA 90063-3204, Electronic Address.

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: January 9, 2019

SIGNED:

Handwritten signature of Charles C. Bagai, Charles C. Bagai Declarant