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COPY

Nancy Sorensen Court Reporting Services
41 Sutter Street, Suite 505
San Francisco, CA. 94104

Re: Corrections to Transcript of State Bar Hearing

VIA FAX 1-415-986-4627
CONFIRMATION BY USPS

Dear Ms. Sorensen:

Enclosed please find pages 18-28 of the transcript prepared for the hearing held in December 2007 at the State Bar Offices.

I requested that Mr. Bleich, State Bar President, provide me with a copy of the transcript which he recently agreed to do. Immediately upon reading it I informed him that my remarks were not correctly reported and I wished to submit corrections to the Board of Governors. While he directed me to provide those corrections directly to the State Bar, Mr. Hull of the State Bar staff directed me to provide the corrections to you.

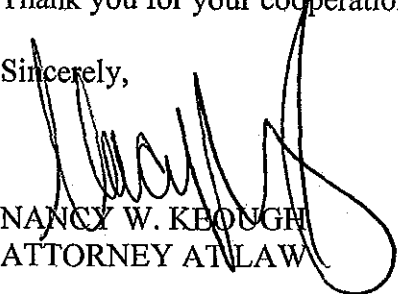
There are noted corrections on pages 18, 19, 21, 24, 26, 27 and 28. I am especially concerned that on page 24 line 14 there was no transcription of remarks made by Scott Drexel, Chief Trial Counsel, when he interrupted my presentation. I fully expected that his remarks would be duly reported. While I cannot represent his exact words I believe the record, to be at least minimally accurate, must at the very least include a notation that he made remarks and interrupted my presentation. Why the court reporter did not include his remarks I do not know. He was seated at the table with the other committee members all of whom were identified for the record at the beginning of the hearing and additionally he had a large name tag on the table directly in front of where he was seated. He also rose to his feet so it is simply not possible that the reporter could not have heard his remarks. And my statement on page 24, lines 14 and 15 clearly reference his behavior.

It is essential that these changes and the corrected transcript be provided to the State Bar not later than February 26 to meet a State Bar imposed deadline for materials to be presented to the Board of Governors meeting on March 7, 2008.

Please provide me via fax a copy of the corrected transcript.

Thank you for your cooperation in this matter.

Sincerely,



NANCY W. KEOUGH
ATTORNEY AT LAW

1 encl as

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1 of the legal system. What is it? It's broken. It's
2 failed.

3 And thank you for having this meeting today.

4 MR. PENROD: Thank you Mr. Quattrochi. Thank
5 you for being a witness here. Nice work.

6 MR. QUATTROCHI: Thank you.

7 MR. PENROD: You're welcome.

8 MR. HUFF: Okay. The next speaker is Ms.
9 Keough

10 MS. KEOUGH: Good morning ladies and
11 gentlemen. My name is Nancy W. Keough, spelled
12 K-E-O-U-G-H.

13 I have been a practicing attorney for more
14 than 37 years and I have been licensed to practice in
15 California for about 32 and a half years.

16 Once a number of years ago, I testified for a
17 friend of mine who applied to be reinstated to
18 practice in the State of California. He had resigned
19 a number of years before that because he had a lot of
20 drug and alcohol problems, ~~that~~ ^{that} did not interfere^d with his
21 ability to practice law. Other than that, I have had
22 no substantial involvement with the California State
23 Bar disciplinary system.

24 In April of 2005 all of that changed. I began
25 representing clients who were being threatened with a

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1 law suit by their former attorney because he alleged
2 that they owed him unpaid fees and he asserted that he
3 was going to sue them for them having reported him to
4 the state Bar two years prior for misconduct. To
5 make a long story very short, despite being repeatedly
6 informed by me that a ~~client~~ claim of liable and
7 slander would not lie and would be subject to an
8 anti-~~class~~ **SLAPP** motion, the attorney nevertheless filed
9 suit against my clients claiming unpaid fees and for
10 liable and slander. And at the very same time in an
11 action with a case number one digit off, he sued other
12 clients for liable and slander for ~~them~~ **THAT!** having
13 reported him to the State Bar for misconduct.

14 Again, to make a long story very short, the
15 anti-~~class~~ **SLAPP** motion was later granted and he was
16 sanctioned \$10,000 in attorneys fees and costs, which
17 two years later he has yet to pay. After the attorney
18 sued my clients for the liable and slander, I
19 undertook their representation and the first order of
20 business was to obtain from this lawyer their records
21 and files. Two months later, in June 2005, having had
22 no success whatsoever getting the attorney to produce
23 their files, a State Bar complaint, another one, was
24 filed against him for his refusal to return their
25 records. Now mind you, they're trying to get records

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1 that they need to defend themselves against this
2 attorney who has sued them. Six months later, after
3 this complaint was filed, when the Bar had done
4 absolutely nothing in any effective way to assist my
5 clients, they were compelled to pay me to file another
6 lawsuit in Superior Court in order to get their
7 records so they could defend themselves. And only
8 days after the suit was filed, the attorney produced
9 some records. Based upon the information contained in
10 the complaint that we had filed in June of 2005 with
11 the State Bar, the attorney in question was finally
12 charged with a number of offenses in November of 2006,
13 about 18 months later.

14 Finally, in January of 2007, the case was set
15 for trial in May of 2007. I immediately ^{re-}arranged a
16 planned overseas trip that I had, so that I could be
17 present for the trial, and I had anticipated I would
18 be called as a witness. Well, it's now 2007,
19 December, the trial was vacated shortly after it was
20 set. The attorney is now claiming either drug
21 addiction, alcohol addition or mental illness or maybe
22 some combination of the three, and has applied for the
23 alternate disciplinary program. My clients had
24 repeatedly informed the State Bar that they don't
25 believe that this individual is telling the truth and

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1 that he is using this as a device to simply buy time
2 in the disciplinary ~~practice~~ ^{PROCESS}. And if anyone would
3 know how to manipulate the system, it would be this
4 attorney.

5 He has a 30 year record of discipline. And
6 no, ladies and gentlemen, that is not a misstatement.
7 Thirty years. He's been suspended twice and in the
8 current case, once again, among other things, he's
9 charged with practicing law while he is suspended.
10 He's thumbed his nose at my clients. He's thumbed
11 his nose at the public. And he's thumbed his nose at
12 the State Bar. And the Office of Trial Counsel has
13 been totally complicit in allowing him to jerk around
14 the system just as much as any one person could jerk
15 it around.

16 There was no independent investigation of my
17 clients complaint to the State Bar that was done by a
18 State Bar investigator. The entire investigation
19 consisted of what I provided to the investigator. So
20 for 18 months she sat on her hands while I did all of
21 the work.

22 And I absolutely challenge the State Bar to
23 come forward with one scintilla of evidence that they
24 investigated independently. The investigation by the
25 State Bar was a joke. It was non-existent. Three

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1 lawyers at varying points in time, who have been
2 assigned as trial counsel in this case, they don't
3 return phone calls. They don't answer letters. When
4 I complained to the first trial counsel that I felt
5 that she had some duty to my clients to expeditiously
6 investigate and proceed with this prosecution, she
7 informed me in no uncertain terms that she didn't owe
8 a duty to anybody but herself. And that she was going
9 to proceed according to her internal schedule, and if
10 my clients didn't like it, they could make a complaint
11 to her supervisor. So we did. That is exactly what
12 we did.

13 But you know, ladies and gentlemen, other than
14 patronizing and excusatory letters from her, nothing
15 changed. Delay after delay after delay. Excuse after
16 excuse. I started out at first trying to be pleasant,
17 although persistent, in my attempts to get information
18 for my clients and to see that my clients received
19 some semblance of justice. It became pretty clear to
20 me that that wasn't working and a tougher approach was
21 necessary. Unfortunately, I'm here to tell you today
22 that even my tough approach was for all intents and
23 purposes been pretty much unsuccessful.

24 Since the attorney first applied for this ADP
25 program, there's been delay after delay after delay,

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1 continuance after continuance after continuance.

2 During the proceedings, I pointed out to the
3 most recent trial counsel that the attorney's claims
4 of illness were familiar. He made them in court
5 proceedings against my clients and on a number of
6 occasions, he was categorically caught in a lie. In
7 fact on one occasion, he asserted that he was
8 essentially on his death bed and couldn't participate
9 in the case. And two days later, I observed him
10 litigating a trial, doing a trial in a county several
11 hundred miles away from his home and office. I
12 provided that rather undisputed evidence to the trial
13 counsel. And I want to tell you right here and now,
14 that the response that I received was both shocking
15 and very disturbing. The response was this. Well,
16 you know, that attorney that you made the complaint
17 against, he's being represented by somebody who used
18 to work here at the State Bar, and so we believe the
19 representations that he makes. So when he says, my
20 client's sick; he can't do this, my client can't do
21 that, we don't need to ask for independent
22 verification, because he used to work here and we
23 believe him.

24 Well, I can tell you what little faith my
25 clients had in this system completely dissipated at

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1 that point. Because they felt then and I'm pretty
2 sure that they feel right now that this is a good old
3 boy process, in which the accused attorney goes out
4 and hires a former member of the State Bar staff, who
5 greases the system for the client's benefit. And all
6 the while, trial counsel's office persists and
7 participates in this absolute outrageous practice of
8 the so-called disciplinary practice.

9 The last court appearance in this particular
10 disciplinary matter was in early October. I wrote
11 you, Mr. Drexel, five times between the date of the
12 hearing and November 21st. And I didn't get the
13 courtesy of any response at all.

14 * See below.

15 Let me finish. I'm sure you will have an
16 opportunity later.

17 Only when I complained to the President of the
18 Bar, did I get an answer from Mr. Drexel. This is
19 typical of exactly how my clients have been treated.
20 This refusal to extend even the simple courtesy of a
21 response regarding when is the next court date, is
22 typical of a corrupted system, which a member the
23 legal consuming public should not have to endure.

24 And I have heard all of the disclaimers about
25 this is private; this is confidential. But there is
absolutely no excuse why I should have to, on behalf

* MR DREXEL STANDS UP AND DISRUPTS MY PRESENTATION.

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1 of my clients, write you, Mr. Drexel, five letters
2 asking you when the is the next court date and you're
3 apparently too busy to answer my letters. I would
4 like to know, quite frankly, who these people who work
5 at the Trial Counsel's Office think they are that they
6 owe no duty to the public; that they do things
7 whatever way they want and they have no
8 responsibility. When the first trial counsel was
9 involved in this case and she told me that there was
10 no way in hell she owed any duty to my client, was she
11 right? Just what should I tell my clients when they
12 ask me why their complaint is now two and a half years
13 old and essentially, nothing has yet been resolved?
14 And what should I tell them when they ask me why
15 didn't the Bar investigate and why, Ms. Keough, did we
16 have to pay you to do it for them? What should I tell
17 them when they say to me, as my attorney and as legal
18 consumers, how come that guy in North Carolina, Mike
19 Nifong did a couple of bad things and a few months
20 later, he has a hearing; he's disbarred and he's
21 removed from office. And we've been substantially
22 injured by this attorney who has been disciplined
23 three times before over 30 years and you don't do
24 anything? What am I supposed to tell them?

25 MR. PENROD: I don't want to cut you off, but

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1 your 10 minutes --

2 MS. KEOUGH: I have about two more minutes and
3 I ask for your indulgence.

4 MR. PENROD: All right.

5 MS. KEOUGH: Just what should I tell them when
6 they ask me why the State Bar apparently believes that
7 all the representations made by this attorney are
8 true, just because they know them and they are not
9 going to ask for any verification.

10 Just what shall I tell them when they ask me,
11 are we ever going to see justice done in this case?

12 I'm ashamed and embarrassed as a California
13 lawyer by the lack of actions of the Office of the
14 Trial Counsel in my client's case. I have been a
15 prosecutor, a defense lawyer and a military judge at
16 varying times in my career. I don't believe that lack
17 of effective prosecution in this case can be justified
18 in any way. I believe, and really much more
19 importantly, my clients believe this is a product of a
20 lazy and incompetent bureaucracy which has an excuse
21 for everything. Too busy; too overworked; involves
22 more investigation than they can do with your budget.

23 I was actually told by the investigator in
24 this case that when I pointed out that there were some
25 of the court documents that ~~was~~ ^{were} important and we

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1 should get a certified copy of ~~it~~^{them}, she actually told
2 me, I don't have enough money in my budget to do it,
3 so if you want this to be included as part of the
4 investigation, then your clients are going to have to
5 pay for it. And they did. If this is true, this is
6 outrageous.

7 Meanwhile, this attorney continues in his
8 misconduct as we speak. In fact, on January 17 of
9 2008, he's going to be tried in a court in Northern
10 California for contempt involving things that he
11 failed to do and sanctions that were imposed on him in
12 another case.

13 He had the audacity, you know apparently he
14 has plenty of money to hire a lawyer to represent him
15 in the State Bar proceedings, to go into that court,
16 tell the judge he had to borrow money from another
17 client to travel up from his home in Palm Springs so
18 he could appear in court, and he needed the services
19 of the Public Defender. So now the public is paying
20 for his defense in that case.

21 At the same time that he did that, he filed a
22 document in the California Supreme Court saying, I
23 need an extension of time to file this brief, because
24 I'm a sole practitioner and I have all these cases I'm
25 working on.

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1 I pointed that out to the State Bar lawyer,
2 and the State Bar lawyer couldn't be bothered with it.
3 And I'm going to tell the State Bar something right
4 now. You will be well advised to start some kind of
5 an internal investigation into the lack of
6 effectiveness of the Office of the Trial Counsel.

7 Mr. Drexel, you talk a good game. You write
8 interesting articles in the Bar Journal about what you
9 are going to do. And I haven't seen a single thing of
10 that happening. You could have ~~come~~^{come} to me and my
11 clients, but maybe you're just so busy with those
12 reforms, you can't bother to sit down and answer any
13 one of my five letters. The Bar does need to be
14 internally fixed. It's a very broken system as
15 evidenced by my clients' experiences and I assure you
16 that that reform is going to come from the outside.

17 Thank you.

18 (Short recess taken.)

19 MR. HULL: Next is Mr. Papazian.

20 MR. PAPAIZIAN: I'm coming to you guys today
21 broke, bankrupt, in ill health, about to lose my
22 house. So I'm coming here out of desperation, maybe.
23 I suppose that's probably what the State Bar by your
24 inaction happens all the time with people. All the
25 time.