

FILED

JUN 19 2012

STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 08-O-13227
)	
MARGARET A. SELTZER,)	ORDER MODIFYING OPINION
)	
A Member of the State Bar, No. 87707.)	
_____)	

On May 17, 2012, the State Bar filed a request for reconsideration of our May 9, 2012 opinion, requesting that we add a conditional rule 9.20 compliance requirement. On May 29, 2012, respondent filed a request for reconsideration of the opinion, requesting correction of numerous factual findings as well as several legal conclusions. On June 8, 2012, the State Bar filed a response to respondent's request for reconsideration. Respondent did not file a response to the State Bar's request.

Having considered the State Bar's request for reconsideration to add a conditional 9.20 compliance requirement, the request is granted and the opinion on review will be modified. Having considered respondent's request for reconsideration, the request is granted in part, and the opinion will be modified as follows.

1. On page 3, line 11, delete the words "from opposing counsel" so that the sentence reads:
Seltzer testified that she first learned about her suspension on July 16 or 17, 2008.
2. On page 4, line 1, delete "\$79,626" and insert "\$35,328.21" in its place so that the sentence reads:

After she learned of her suspension, Seltzer sent Ratcliff a bill for \$35,328.21, of which \$10,918 was for legal services she performed while she was suspended.

3. On page 4, line 5, delete “requested that Seltzer send” and insert “notified Seltzer that he would need” so that the sentence reads:

On December 12, 2008, Bien notified Seltzer that he would need the ‘complete litigation file from . . . [the] original complaint through the post-trial proceedings.

4. On page 4, lines 14-17, delete the name “Bien” and insert “George Buffington, corporate counsel for Ratcliff” so that the sentence reads:

On February 12, 2009, George Buffington, corporate counsel for Ratcliff, sent a letter to Seltzer terminating her services on behalf of Ratcliff and advising her of her obligation to “promptly release to your client all client papers and property,” citing rule 3-700(D) of the California Rules of Professional Conduct.¹

5. On page 4, lines 21-22, delete “who” and insert “whose single task was to obtain Ratcliff’s file from Seltzer. Bien then” so lines 20-22 read:

Ratcliff then hired attorney Mark Abelson, whose single task was to obtain Ratcliff’s file from Seltzer. Bien then filed a motion to compel transfer of the files in the Court of Appeal on March 16, 2009.

6. On page 5, lines 5-6, the sentence beginning “On March 31, 2009,” is revised to read:

Seltzer began returning Ratcliff’s files on March 20, 2009, but it took her until March 30, 2009, three and a half months after the initial request, for Seltzer to provide the entire file consisting of more than 40 boxes.

7. On page 5, line 9, delete “After receiving the files,” and insert “While trying to obtain Ratcliff’s files,” so that the sentence reads:

While trying to obtain Ratcliff’s files, Abelson discovered that Seltzer had improperly billed Ratcliff \$10,918 for her services while she was suspended.

8. On page 14, line 14, delete “has” and insert “had at the time of trial” so that the sentence reads:

Ratcliff had at the time of trial yet to receive a refund of nearly \$11,000 in legal fees that Seltzer improperly charged.

In all other respects, respondent’s motion for reconsideration is denied. An amended opinion reflecting the modifications will be filed the same date as this order.

This modification order does not change our culpability determinations or recommendation as to the level of discipline. The time to seek relief in the review department has expired. The court clerk is directed to transmit the pending recommendation and record to the Supreme Court without further delay.

REMKE

Presiding Judge

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court. 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 June 19, 2012, I deposited a true copy of the following document(s):

ORDER MODIFYING OPINION FILED JUNE 19, 2012

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

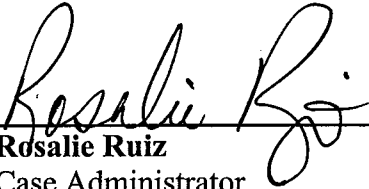
[X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**MARGARET A. SELTZER
SELTZER LAW GROUP
425 CALIFORNIA ST 19FL
SAN FRANCISCO, CA 94104**

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

CYDNEY T. BATCHELOR, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 19, 2012.



Rosalie Ruiz
Case Administrator
State Bar Court