

**FILED**

**JAN 13 2011**

**STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES**

**STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES**

In the Matter of ) Case No.: **08-C-14289-RAH**  
)  
**ANDREW BENJAMIN AAMES,** )  
) **ORDER VACATING SUBMISSION AND**  
) **IMPROPERLY ENTERED DEFAULT &**  
**Member No. 117380,** ) **STRIKING ORDER OF INACTIVE**  
) **ENROLLMENT**  
)  
A Member of the State Bar. )

On October 19, 2010, the court took the present disciplinary proceeding, which was then proceeding by default, under submission for decision without a hearing. However, the matter is now before the court on its own motion to vacate both the submission of the case and the improper entry of respondent **ANDREW BENJAMIN AAMES'S** default (Former rule 203(b), Rules Proc. of State Bar).<sup>1</sup>

On September 8, 2010, the Office of the Chief Trial Counsel of the State Bar of California (hereafter OCTC) filed a motion for entry of default in this proceeding. Upon that motion, the court filed an order on September 30, 2010, in which it entered respondent's default and ordered respondent involuntarily enrolled as an inactive member of the State Bar of California under Business and Professions Code section 6007, subdivision (e).

<sup>1</sup> The Rules of Procedure of the State Bar of California were amended effective January 1, 2011. The court orders the application of the former Rules of Procedure of the State Bar in this proceeding because it has determined that injustice would otherwise result. (See Rules Proc. of State Bar (eff. Jan. 1, 2011), Preface, item 3.)



OCTC's September 8, 2010 motion for entry of default, however, is defective because it does not comply with former rule 604(c)(3) of the Rules of Procedure of the State Bar. Thus, the court improvidently entered respondent's default based on OCTC's September 8, 2010 motion and ordered his involuntary inactive enrollment in the order filed on September 30, 2010.


**ORDER**

The court orders that both the October 19, 2010 submission of this case and the September 30, 2010 entry of respondent ANDREW BENJAMIN AAMES'S default in this case are VACATED.

Furthermore, the order filed on September 30, 2010, is hereby AMENDED NUNC PRO TUNC effective September 30, 2010, to STRIKE the order involuntarily enrolling ANDREW BENJAMIN AAMES as an inactive member of the State Bar of California under Business and Professions Code section 6007, subdivision (e).

Finally, within 15 days after the service of this order by mail, OCTC is to file and properly serve on respondent ANDREW BENJAMIN AAMES a motion for entry of default that *strictly* complies with *all* of the applicable *former* Rules of Procedure of the State Bar of California.

Dated: January 12, 2011.

  
\_\_\_\_\_  
RICHARD A. HONN  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**

[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator 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 January 13, 2011, I deposited a true copy of the following document(s):

**ORDER VACATING SUBMISSION AND IMPROPERLY ENTERED DEFAULT & STRIKING ORDER OF INACTIVE ENROLLMENT**

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

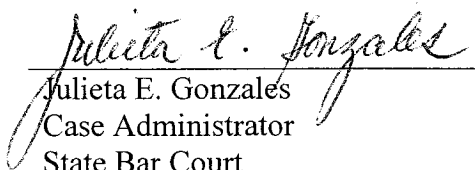
by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

A BENJAMIN AAMES ESQ  
4328 EAGLE ROCK BLVD  
LOS ANGELES, CA 90041

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

Jean H. Cha, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 13, 2011.

  
\_\_\_\_\_  
Julieta E. Gonzales  
Case Administrator  
State Bar Court