

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES

In the Matter of	)	Case Nos.: <b>11-O-15950 (11-O-17037;</b>
	)	<b>11-O-17299; 12-O-10091)-RAP</b>
<b>JENNIFER YVONNE WILLIAMS,</b>	)	
	)	<b>DECISION AND ORDER OF</b>
<b>Member No. 242146,</b>	)	<b>INVOLUNTARY INACTIVE</b>
	)	<b>ENROLLMENT</b>
A Member of the State Bar.	)	
	)	

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Respondent Jennifer Yvonne Williams (respondent) was charged with four counts of failing to cooperate and participate in a disciplinary investigation. She failed to participate either in person or through counsel, and her default was entered. The Office of the Chief Trial Counsel (State Bar) filed a petition for disbarment under rule 5.85 of the Rules of Procedure of the State Bar.<sup>1</sup>

Rule 5.85 provides the procedure to follow when an attorney fails to participate in a disciplinary proceeding after receiving adequate notice and opportunity. The rule provides that if an attorney’s default is entered for failing to respond to the notice of disciplinary charges (NDC),

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<sup>1</sup> Unless otherwise indicated, all references to rules are to this source.

and the attorney fails to have the default set aside or vacated within 180 days, the State Bar will file a petition requesting the court to recommend the attorney's disbarment.<sup>2</sup>

In the instant case, the court concludes that the requirements of rule 5.85 have been satisfied, and therefore, grants the petition and recommends that respondent be disbarred from the practice of law.

### **FINDINGS AND CONCLUSIONS**

Respondent was admitted to practice law in this state on May 16, 2006, and has been a member since then.

#### **Procedural Requirements Have Been Satisfied**

On May 29, 2012, the State Bar filed and properly served the NDC on respondent by certified mail, return receipt requested, at her membership records address.<sup>3</sup> The return card with an illegible signature was received by the State Bar on May 31, 2012. The NDC notified respondent that her failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.)

Thereafter, reasonable diligence was used to notify respondent of this proceeding. The State Bar (1) sent the NDC to respondent by regular, first-class mail to her membership records address; (2) sent an email to respondent at her membership records email address<sup>4</sup> and at her private email address contained in the case file; and (3) attempted to reach respondent by telephoning and leaving a voicemail message at her membership records telephone number and

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<sup>2</sup> If the court determines that any due process requirements are not satisfied, including adequate notice to the attorney, it must deny the petition for disbarment and take other appropriate action to ensure that the matter is promptly resolved. (Rule 5.85(E)(2).)

<sup>3</sup> Prior to this date, an early neutral evaluation conference was held in case Nos. 11-O-15950 (11-O-17037; 11-O-17299), but the parties were not able to reach a settlement.

<sup>4</sup> Effective February 1, 2010, all attorneys are required to maintain a current email address to facilitate communications with the State Bar. (Cal. Rules of Court, rule 9.7(a)(2).) The court takes judicial notice, pursuant to Evidence Code section 452, subdivision (h), of respondent's membership records email address.

at a private number contained in the case file. On July 17, 2012, State Bar Deputy Trial Counsel Kim Kasreliovich (DTC Kasreliovich) received a voicemail message from respondent in which respondent confirmed receipt of both the voicemail message that DTC Kasreliovich had left on respondent's private number and the email that DTC Kasreliovich had sent her. Respondent stated in her message to DTC Kasreliovich "that she had no intention of filing a response or participating in State Bar Court proceedings."<sup>5</sup>

Respondent failed to file a response to the NDC. On July 23, 2012, the State Bar filed and properly served a motion for entry of default on respondent by certified mail, return receipt requested, to her membership records address. The motion complied with all the requirements for a default, including a supporting declaration of reasonable diligence by the State Bar deputy trial counsel declaring the additional steps taken to provide notice to respondent. (Rule 5.80.) The motion also notified respondent that if she did not timely move to set aside her default, the court would recommend her disbarment. Respondent did not file a response to the motion, and her default was entered on August 9, 2012. The order entering the default was served on respondent at her membership records address by certified mail, return receipt requested. The court also ordered respondent's involuntary inactive enrollment as a member of the State Bar under Business and Professions Code section 6007, subdivision (e), effective three days after service of the order, and she has remained inactively enrolled since that time.

Respondent also did not seek to have her default set aside or vacated. (Rule 5.83(C)(1) [attorney has 180 days to file motion to set aside default].) On February 15, 2013, the State Bar filed the petition for disbarment. As required by rule 5.85(A), the State Bar reported in the petition that: (1) respondent has not contacted the State Bar since the default was entered/served; (2) there are no other disciplinary matters pending against respondent; (3) respondent has a prior

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<sup>5</sup> See Declaration of DTC Kasreliovich attached to the State Bar's motion for entry of respondent's default.

record of discipline;<sup>6</sup> and (4) the Client Security Fund has made payments resulting from respondent's conduct. Respondent did not respond to the petition for disbarment or move to set aside or vacate the default. The case was submitted for decision on March 15, 2013.

Respondent has two prior records of discipline. Pursuant to a Supreme Court order filed on January 5, 2012, respondent was suspended for three years, the execution of which was stayed, and she was placed on probation for three years subject to conditions including suspension for the first 60 days of probation. Respondent stipulated in this matter that she (1) failed to perform competently (three matters); (2) failed to promptly refund any part of a fee paid in advance that had not been earned (three matters); (3) shared legal fee with a non-lawyer; and (4) failed to promptly respond to reasonable client status inquiries.

Pursuant to a Supreme Court order filed on September 18, 2012, respondent's probation in the above matter was revoked, and respondent was suspended for a minimum of three years and until she makes specified restitution and provides proof of her rehabilitation, fitness to practice and learning and ability in the general law. Respondent did not participate in this matter. The court found that respondent did not comply with certain conditions of her probation in her prior disciplinary matter.

### **The Admitted Factual Allegations Warrant the Imposition of Discipline**

Upon entry of respondent's default, the factual allegations in the NDC are deemed admitted and no further proof is required to establish the truth of such facts. (Rule 5.82.) As set

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<sup>6</sup> In her February 15, 2013 declaration attached to the disbarment petition, DTC Kasreliovich reported that respondent has one prior record of discipline. The court admits into evidence the certified copy of respondent's prior record of discipline in Supreme Court matter S197330 (State Bar Court Nos. 10-O-04038 (10-O-04352; 10-O-10700)) that is attached to the State Bar's disbarment petition. Respondent, however, has two prior records of discipline. The court therefore takes judicial notice, pursuant to Evidence Code section 452, subdivision (d), of the pertinent State Bar Court records in Supreme Court matter S197330 (State Bar Court No. 12-PM-13929), admits them into evidence and directs the clerk to include copies in the record of this case.

forth below in greater detail, the factual allegations in the NDC support the conclusion that respondent is culpable as charged and, therefore, violated a statute, rule or court order that would warrant the imposition of discipline. (Rule 5.85(E)(1)(d).)

**1. Case Number 11-O-15950 (Fann Matter)**

Count One – respondent willfully violated section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation), by not providing a written response to allegations or otherwise cooperating in the State Bar investigation of this matter.

**2. Case No. 11-O-17037 (Valdez Matter)**

Count Two – respondent willfully violated section 6068, subdivision (i), by not providing a timely written response to allegations in the State Bar investigation matter of this matter.

**3. Case No. 11-O-17299 (Miller Matter)**

Count Three - respondent willfully violated section 6068, subdivision (i), by not providing a written response to allegations or otherwise cooperating in the State Bar investigation of this matter.

**4. Case No. 12-O-10091 (Montes Matter)**

Count Four - respondent willfully violated section 6068, subdivision (i), by not providing a written response to allegations or otherwise cooperating in the State Bar investigation of this matter.

**Disbarment is Recommended**

Based on the above, the court concludes that the requirements of rule 5.85(E) have been satisfied, and respondent's disbarment is recommended. In particular:

- (1) the NDC was properly served on respondent under rule 5.25;
- (2) reasonable diligence was used to notify respondent of the proceedings prior to the entry of her default, as the State Bar (1) filed and properly served the NDC on respondent by

certified mail, return receipt requested, at her membership records address; (2) sent the NDC to respondent by regular, first-class mail to her membership records address; (3) sent an email to respondent at her membership records email address and at her private email address; and (4) attempted to reach respondent by telephoning and leaving a voicemail message at her official membership records telephone number and at a private number. The State Bar received a voicemail message from respondent in which respondent confirmed receipt of both the voicemail message left on respondent's private number and the email sent her;

(3) the default was properly entered under rule 5.80; and

(4) the factual allegations in the NDC deemed admitted by the entry of the default support a finding that respondent violated a statute, rule or court order that would warrant the imposition of discipline.

Despite adequate notice and opportunity, respondent failed to participate in this disciplinary proceeding. As set forth in the Rules of Procedure of the State Bar, the court recommends disbarment.

## **RECOMMENDATION**

### **Disbarment**

The court recommends that respondent Jennifer Yvonne Williams be disbarred from the practice of law in the State of California and that her name be stricken from the roll of attorneys.

### **California Rules of Court, Rule 9.20**

The court also recommends that respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding.

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**Costs**

The court further recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, such costs being enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**ORDER OF INVOLUNTARY INACTIVE ENROLLMENT**

In accordance with Business and Professions Code section 6007, subdivision (c)(4), the court orders that Jennifer Yvonne Williams, State Bar number 242146, be involuntarily enrolled as an inactive member of the State Bar of California, effective three calendar days after the service of this decision and order. (Rule 5.111(D).)

Dated: June 3, 2013

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RICHARD A. PLATEL  
Judge of the State Bar Court