



FILED ✓

MAR 29 2017

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

In the Matter of)	Case No. 14-N-04143-DFM
)	
DAWN MARIE HUNTER,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
A Member of the State Bar, No. 177153.)	ENROLLMENT
_____)	

Respondent Dawn Marie Hunter (Respondent) was charged with one count of wilfully violating California Rules of Court, rule 9.20. Even though Respondent had notice of the trial date, she failed to appear at the trial, and her default was entered. Thereafter, the Office of Chief Trial Counsel (State Bar) filed a petition for disbarment under rule 5.85 of the Rules of Procedure of the State Bar.¹

Rule 5.85 provides the procedure to follow when an attorney fails to appear at trial after receiving adequate notice and opportunity. The rule provides that, if an attorney's default is entered for failing to appear at trial and if the attorney fails to have the default set aside or vacated within 45 days, the State Bar will file a petition requesting the court to recommend the attorney's disbarment.²

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¹ Unless otherwise indicated, all further references to rules are to the Rules of Procedure of the State Bar of California.

² 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(F)(2).)

In the instant case, the court concludes that all of 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 the practice of law in California on June 14, 1995, and has been a member of the State Bar since then.

Procedural Requirements Have Been Satisfied

On January 26, 2015, the State Bar filed and properly served a Notice of Disciplinary Charges (NDC) on Respondent by certified mail, return receipt requested, at her membership records address.

Respondent participated in a status conference in this matter on March 2, 2015, and filed an answer to the NDC on March 26, 2015.

On May 12, 2015, the court filed an order enrolling Respondent as an inactive member of the State Bar pursuant to Business and Professions Code section³ 6007, subdivision (b)(1), effective May 15, 2015, as she had stated in her answer that she was unable to assist in the defense of this matter due to mental incompetence and indicated that the Social Security Administration had found her “able only to perform menial tasks.” In addition, this matter was abated until further order of the court, and the then pending trial and pretrial dates were vacated. The court also set a status conference for June 8, 2015, to discuss whether this case should remain abated. Respondent was ordered to provide to the court, prior to June 8, 2015, copies of medical information or the findings of the Social Security Administration documenting her stated inability to participate in this proceeding. Respondent was properly served with this order.

³ Unless otherwise indicated, all further references to section(s) refer to provisions of the Business and Professions Code.

Respondent participated in the June 8, 2015 status conference. On June 8, 2015, the court filed a second order that Respondent provide to the court as soon as possible the previously-requested documents regarding her claimed inability to participate in the pending case. A telephonic status conference was also set for June 15, 2015. Respondent was properly served with the order.

Despite this court's prior orders, Respondent failed to provide the requested documents and also failed to appear at the June 15, 2015 status conference. Accordingly, on June 16, 2015, the court filed an order in which it unabated this case and set a trial date of July 21, 2015. Respondent was properly served with this order, including its notice of the trial date.

A telephonic status conference was held on July 13, 2015.⁴ However, Respondent did not participate in the status conference. The court issued an order on July 15, 2015, reflecting that medical records, now received, showed Respondent's inability to participate in this matter. The case was therefore again abated and the existing trial and pretrial dates were vacated. A status conference was set for January 11, 2016. The order was properly served on Respondent.

The court held a status conference in this matter on January 11, 2016. Respondent once again did not appear for the status conference. Respondent was ordered to provide evidence regarding whether abatement of the proceeding should be continued. Another status conference was set for April 11, 2016. Respondent was properly served with the order.

Respondent appeared at the April 11, 2016 status conference. While the court ordered that the matter remain abated, Respondent was ordered to provide medical documentation of impairment prior to the next status conference and warned that the matter would otherwise be restored to active status and set for trial. Another status conference was set for October 11, 2016. Respondent was properly served with the order.

⁴ Respondent was properly served with notice of the telephonic status conference.

Respondent did not appear for the October 11, 2016 status conference. The court filed an order on October 12, 2016, noting that Respondent had failed to provide medical documentation regarding her inability to participate in this action, notwithstanding the court's prior order. Respondent had also failed to provide the court with her current contact information, as the court noted her listed telephone number was now disconnected. Respondent was ordered to provide the court and the State Bar with her current contact information immediately and to participate in a November 7, 2016 status conference. The court warned that, if Respondent failed to do so, this matter would be unabated and scheduled to commence trial. The State Bar was ordered to exercise diligence prior to the next status conference in seeking to locate and communicate with Respondent. The order was properly served on Respondent.

Respondent did not appear for the November 7, 2016 status conference. The court filed an order that same day in which this matter was unabated and trial was set to commence at 9:30 a.m. on December 15, 2016. The order setting the trial was properly served by first-class mail, postage fully prepaid, on Respondent at her membership records address. (Rule 5.81(A).)

The State Bar appeared for trial on December 15, 2016, but Respondent did not. The court entered Respondent's default in an order filed on December 15, 2016. The order was properly served on Respondent by certified mail, return receipt requested, and by first-class mail, postage prepaid, at Respondent's membership records address. (Rule 5.81(B).) The order notified Respondent that, if she did not timely move to set aside her default, the court would recommend her disbarment. The order also placed Respondent on involuntary inactive status 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. Both copies of the order were returned to the State Bar Court.⁵

Respondent did not seek to have her default set aside or vacated. (Rule 5.83(C)(2) [attorney has 45 days after order entering default is served to file motion to set aside default].) On February 10, 2017, the State Bar properly filed and served a petition for disbarment on Respondent.⁶ As required by rule 5.85(A), the State Bar reported in the petition that: (1) the State Bar has not received any contact from Respondent since her default was entered; (2) there are no other disciplinary charges or investigations pending against Respondent; (3) Respondent has a prior record of discipline; and (4) the Client Security Fund has paid out a claim as a result of Respondent's misconduct. Respondent did not respond to the petition for disbarment or move to set aside or vacate her default. The case was submitted for decision on March 14, 2017.

Prior Record of Discipline

Respondent has a prior record of discipline. Pursuant to a Supreme Court order filed on April 11, 2014, Respondent was suspended for two years, the execution of which was stayed, and she was placed on probation for two years subject to certain conditions, including that she be suspended for the first 90 days of probation. Respondent stipulated in this prior disciplinary matter that she willfully violated (1) section 6068, subdivision (a), by holding herself out as entitled to practice law and actually practicing law after she had been suspended from practicing law; (2) section 6106 by committing an act of dishonesty by representing a client when she knew she was not entitled to practice law and by concealing her suspended status from her client and a

⁵ The copy of the order served by certified mail, return receipt requested, was returned bearing a label indicating that it was returned as unclaimed and unable to be forwarded. The copy of the order served by first-class mail was returned bearing a label indicating that it was not deliverable as addressed and unable to be forwarded.

⁶ The petition for disbarment was served by certified mail, return receipt requested, to Respondent at her membership records address.

third party; (3) rule 4-200(A) of the State Bar Rules of Professional Conduct by entering into an agreement for, charging, and collecting an illegal fee; and (4) section 6068, subdivision (i), by failing to participate and cooperate in a disciplinary investigation.

The Admitted Factual Allegations Warrant the Imposition of Discipline

Upon entry of a 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 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(F)(1)(d).)

Case Number 14-N-04143 (Rule 9.20 Compliance Matter)

Respondent wilfully violated rule 9.20 of the California Rules of Court by failing to file a declaration of compliance with rule 9.20, in conformity with the requirements of rule 9.20(c), with the clerk of the State Bar Court by June 20, 2014, as required by Supreme Court order number S216211.

Disbarment is Recommended

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

- (1) the NDC was properly served on Respondent under rule 5.25;
- (2) Respondent had adequate notice of the trial date prior to entry of the default;
- (3) the default was properly entered under rule 5.81; and

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(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 appear for trial 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 **Dawn Marie Hunter** 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.

Costs

The court further recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and that the costs be 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 **Dawn Marie Hunter**, State Bar Number 177153, be involuntarily enrolled as

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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: March 29, 2017



DONALD F. MILES
Judge of the State Bar Court

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 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 March 29, 2017, I deposited a true copy of the following document(s):

DECISION AND ORDER OF INVOLUNTARY 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:

DAWN M. HUNTER
815 FRONT ST
UNIT 3G
GEORGETOWN, SC 29440 - 3573

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

ANN J. KIM, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 29, 2017.



Mazie Yip
Case Administrator
State Bar Court