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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

IN BANK

In the Matter of)	Case No. 14-Q-02143
)	
SUSAN L. JEFFRIES,)	RECOMMENDATION ON
)	RESIGNATION
A Member of the State Bar, No. 95296.)	
_____)	

On April 4, 2014, Susan L. Jeffries, filed her resignation with disciplinary charges pending.¹ The only discipline proceeding currently pending against Jeffries is her probation with conditions, including two years' actual suspension and until she provides proof of rehabilitation, imposed by a 2013 Supreme Court order. Under California Rules of Court, rule 9.21(a), "[a] member of the State Bar against whom disciplinary charges are pending may tender a written resignation from membership in the State Bar and relinquishment of the right to practice law."² Rule 5.420 of the Rules of Procedure of the State Bar provides: "Charges are pending when the member is the subject of an investigation by the Office of Investigations or a disciplinary proceeding under these rules, or when the member is the subject of a criminal charge or investigation, or has been convicted of a felony or misdemeanor." We find that under these rules, disciplinary charges are *pending* while Jeffries continues to be on *probation with conditions* for a prior discipline.

¹ The Report Regarding Resignation filed by the Office of the Chief Trial Counsel of the State Bar (OCTC) on June 2, 2014, states that Jeffries maintains that she mailed a letter tendering her resignation in December 2013. However, this resignation was not filed. Jeffries's resignation was not marked filed until April 4, 2014.

² All further rule references are to this source unless otherwise noted.

In light of the grounds set forth in rule 9.21(d), we recommend Jeffries's resignation be accepted because (1) she is 69 years old, in ill health, and willing to forfeit her license, (2) she is not physically able to continue to practice and has closed her office, (3) she cooperated in this proceeding by complying with rule 9.20, and (4) there are no identified Client Security Fund (CSF) issues. We see no harm to the public under the circumstances presented here, and conclude that the acceptance of Jeffries's resignation would be consistent with the need to protect the public, the courts, and the legal profession.

I. BACKGROUND

A. Records of Discipline

Jeffries was admitted to practice law in California on December 16, 1980. She has two records of discipline.

First, on June 17, 2010, Jeffries received a private reproof for failing to timely return a client's file in violation of Rules of Professional Conduct, rule 3-700(D)(1). (State Bar Court case no. 07-O-11837). Second, on December 3, 2013, the Supreme Court ordered her suspended for two years, execution stayed, and placed on probation for two years, subject to conditions including a two-year actual suspension and until she provides proof of rehabilitation. (Supreme Court case no. S213511, State Bar Court case no. 12-O-16302.) Jeffries stipulated that she violated Business and Professions Code section 6106³ and Rules of Professional Conduct, rule 5-200(B) when she falsely testified that she served a Family Law Real Property Lien and a charging lien, falsely testified that she filed and served proofs of service, proffered false proofs of service, and falsely testified about the authenticity of the proofs of service.

³ All further references to sections are to the Business and Professions Code unless otherwise noted.

B. OCTC's Recommendation

OCTC filed reports recommending that the resignation be accepted because Jeffries is already not entitled to practice and will remain so unless she files a successful motion establishing her rehabilitation and fitness to practice, she suffers from significant health problems that prevent her from being physically or otherwise able to practice law, and her resignation is not due to new charges, but an effort to extricate herself from any further connection with the State Bar.⁴ OCTC also states that Jeffries is only subject to the terms and conditions of the discipline imposed by the Supreme Court in State Bar Court case number 12-O-16302 (S213511.) No other or new matters are pending against Jeffries. The reports filed by OCTC do not identify any CSF issues.

II. CONSIDERATION OF THE GROUNDS SET FORTH IN RULE 9.21(d)

We have considered Jeffries's resignation under the grounds set forth in rule 9.21(d). We summarize below the relevant information for each ground:

1. Whether the preservation of testimony is complete.

OCTC reports that the only outstanding charge or discipline pending is Jeffries's discipline in State Bar Court case number 12-O-16302 (S213511), which was resolved by stipulation. The stipulation contains a complete recitation of facts underlying that case, as well as conclusions of law. As to whether Jeffries timely filed her rule 9.20 compliance declaration,

⁴ OCTC filed a Report Regarding Resignation on June 2, 2014, a Supplemental Report Regarding Resignation on July 23, 2014, a Further Supplemental Report Regarding Resignation on September 22, 2014, and a State Bar Response to OSC Regarding Resignation on October 1, 2014. The multiple reports were necessitated by questions on whether Jeffries had timely submitted her rule 9.20 declaration in connection with the discipline she received in State Bar Court case number 12-O-16302 (S213511), whether formal charges may be filed if the rule 9.20 declaration was not timely filed, and the results of OCTC's investigation. OCTC ultimately determined that Jeffries timely filed her rule 9.20 declaration and closed its file.

OCTC determined that there was insufficient evidence to sustain any formal charges. Therefore, there is no need to preserve live testimony on this issue.

2. Whether after transfer to inactive status, Jeffries has practiced law or has advertised or held herself out as entitled to practice law.

OCTC reports it has no information to suggest that Jeffries has practiced law or held herself out as entitled to practice law since her “not entitled” status took effect.

3. Whether Jeffries performed the acts specified in rule 9.20(a)-(b).

OCTC states that persuasive evidence suggests that Jeffries timely submitted a declaration stating under penalty of perjury that she was in compliance with rule 9.20. Further, “because the 9.20 form was approved as to form and content by the Office of Probation’s Senior Attorney, there is insufficient evidence to support any charge that the content of respondent’s 9.20 declaration was inaccurate when she stated that on the date of the Supreme Court order, she either had no clients or that she had delivered papers and property to any remaining clients; that she either had no clients to whom fees were owing or that she refunded and [sic] unearned fees; and that she was not representing any clients in pending matters, such that notification to courts, opposing counsel and any clients was not necessary.”⁵

4. Whether Jeffries provided proof of compliance with rule 9.20(c).

OCTC states that it has compelling evidence to suggest that Jeffries did in fact submit a rule 9.20 declaration in a timely manner.

5. Whether the Supreme Court has filed a disbarment order.

The Supreme Court has not filed a disbarment order.

⁵ Our record for this resignation case does not include a copy of Jeffries’s rule 9.20 declaration. Pursuant to Evidence Code section 452, subdivision (d), we take judicial notice of the rule 9.20 compliance declaration filed on April 4, 2014, in case number 12-O-16320 and direct the clerk to include a copy in this resignation file.

6. Whether the State Bar Court has filed a decision recommending disbarment.

The State Bar Court has not filed a decision recommending Jeffries's disbarment.

7. Whether Jeffries previously resigned or has been disbarred and reinstated to the practice of law.

Jeffries has not previously resigned or been disbarred in California.

8. Whether Jeffries entered a stipulation with OCTC as to facts and conclusions of law regarding pending disciplinary matters.

In July 2013, the parties filed a Stipulation Re Facts, Conclusions of Law and Disposition and Order Approving in case number 12-O-16302.

9. Whether accepting Jeffries's resignation will reasonably be inconsistent with the need to protect the public, the courts, or the legal profession.

We recommend accepting Jeffries's resignation. Despite her serious misconduct involving moral turpitude, dishonesty, or corruption in violation of section 6106, Jeffries cooperated with OCTC. She entered into a stipulation regarding the facts, conclusions of law, and disposition as to the disciplinary matter in State Bar Court case number 12-O-16302 (Supreme Court case no. S213511), and submitted a rule 9.20 compliance declaration. The stipulation provides a complete account of her misconduct and is available to the public and any licensing agency or other jurisdiction.

Further, Jeffries is 69 years old, ill, and not physically able to continue to practice law. She will be at least 74 years old before she is eligible to seek reinstatement. (Rules Proc. State Bar, rule 5.442(B) [earliest reinstatement petition after resignation with charges pending is five years after filing date of resignation].) No other unresolved discipline matters or investigations are pending against her. There are also no identified CSF issues. Under these circumstances, we do not believe that public confidence in the discipline system will be undermined by accepting

Jeffries's resignation. Permitting her to resign would be consistent with the need to protect the public, the courts and the legal profession.

III. RECOMMENDATION

We recommend that the Supreme Court accept the resignation of Susan L. Jeffries, State Bar number 95296. We further recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6068.10, and that such costs be enforceable both as provided in section 6140.7 and as a money judgment.

PURCELL

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 November 26, 2014, I deposited a true copy of the following document(s):

**RECOMMENDATION ON RESIGNATION
FILED NOVEMBER 26, 2014**

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:

**SUSAN L. JEFFRIES
2121 CENTRAL AVE
ALAMEDA, CA 94501**

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

TAMMY M. ALBERTSEN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 26, 2014.



Jasmine Gulazhyan
Case Administrator
State Bar Court