

**PUBLIC MATTER**

**FILED**

JUL 22 2019



**STATE BAR COURT OF CALIFORNIA** STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

**HEARING DEPARTMENT – SAN FRANCISCO**

|                              |   |                              |
|------------------------------|---|------------------------------|
| In the Matter of             | ) | Case Nos. 16-O-10870-MC      |
|                              | ) | (16-O-12437; 17-O-00114)     |
| <b>PETER JOHN COLERIDGE,</b> | ) |                              |
|                              | ) | <b>DECISION AND ORDER OF</b> |
| State Bar No. 170037.        | ) | <b>INVOLUNTARY INACTIVE</b>  |
|                              | ) | <b>ENROLLMENT</b>            |
| _____                        | ) |                              |

Respondent Peter John Coleridge is charged with seven counts of misconduct involving two client matters. Respondent failed to participate in this proceeding either in person or through counsel, and his default was entered. Thereafter, the Office of Chief Trial Counsel of the State Bar of California (OCTC) 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) and if the attorney fails to have the default set aside or vacated within 90 days, OCTC will file a petition requesting that the State Bar Court recommend the attorney's disbarment.<sup>2</sup>

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<sup>1</sup> Except where otherwise indicated, all further references to rules are to the Rules of Procedure of the State Bar.

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

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 the practice of law in California on April 5, 1994, and has since been a licensed attorney.

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

On August 29, 2018, OCTC filed and properly served the NDC on Respondent by certified mail, return receipt requested, at Respondent's official State Bar record address. The NDC notified Respondent that his failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41(B)(3).)

The NDC was returned as undeliverable. Thereafter, OCTC made extraordinary efforts to locate and communicate with Respondent by sending courtesy copies of the NDC to alternate addresses and attempting to contact Respondent at alternate phone numbers, without success. OCTC acted with reasonable diligence to notify Respondent of the pending NDC.<sup>3</sup>

Respondent failed to file a response to the NDC. Respondent's response to the NDC was to have been filed no later than September 24, 2018. (Rules 5.28(A), 5.43(A).) On October 29, 2018, OCTC filed and served a motion for entry of default on Respondent at his official State Bar record address by certified mail, return receipt requested. (Rule 5.80.) The motion notified Respondent that, if he did not timely move to set aside his default, the court would recommend

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<sup>3</sup> Notably, Respondent has been on inactive status since August 30, 2017, for failure to pay a fee arbitration award. The court's order in that matter indicated that letters and emails to Respondent were returned as early as March 2017, and that Respondent also failed to participate in those proceedings. Respondent has also been suspended for failure to pay bar dues since July 2018.

his disbarment. OCTC properly served the motion on Respondent at his official State Bar record address by certified mail, return receipt requested. The motion was returned as undeliverable.

Respondent did not file a response to the motion for entry of default or to the NDC, and the court entered his default on November 14, 2018. The court properly served the default order on Respondent at his official State Bar record address by certified mail, return receipt requested. In the default order, Respondent was again advised that, if he did not timely move to set aside his default, the court would recommend his disbarment. The order was returned as undeliverable.

In the default order, the court also ordered that Respondent be involuntarily enrolled inactive in accordance with Business and Professions Code section 6007(e).<sup>4</sup> Thereafter, on November 17, 2018, Respondent was involuntarily enrolled inactive, and he has remained involuntarily enrolled inactive since that time.<sup>5</sup>

Respondent did not seek to have his default set aside or vacated. (Rule 5.83(C)(1) [attorney has 90 days to file motion to set aside default].) Thus, on May 23, 2019, OCTC filed and properly served a petition for disbarment on Respondent at his official State Bar record address by certified mail, return receipt requested.

As required by rule 5.85(A), OCTC reported in the petition that: (1) Respondent has not contacted OCTC since his default was entered on November 14, 2018; (2) there are no other disciplinary matters pending against Respondent; (3) Respondent has no prior record of discipline; and (4) the Client Security Fund has not paid out any claims resulting from Respondent's conduct in this matter. Respondent did not respond to the petition for disbarment or move to set aside or vacate the default.

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<sup>4</sup> All further statutory references are to the Business and Professions Code.

<sup>5</sup> Attorneys enrolled inactive cannot lawfully practice law. (§§ 6125, 6126.)

On June 17, 2019, OCTC filed a supplement to the disbarment petition indicating that the service copy of the petition for disbarment was returned as undeliverable on June 13, 2019. The court took OCTC's petition for disbarment under submission for decision on June 18, 2019.

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

Under section 6088 and rule 5.82, the factual allegations set forth in the NDC are deemed admitted by the entry of Respondent's default. As set forth in greater detail below, the admitted factual allegations support a finding that Respondent is culpable of the seven counts of charged misconduct. Therefore, the factual allegations in the NDC admitted by default "support a finding that [Respondent] violated a statute, rule or court order that would warrant the imposition of discipline." (Rule 5.85(F)(1)(d).)

### **Case Number 16-O-10870 (Aleman Matter)**

Count One – Respondent willfully violated former rule 3-110(A) of the Rules of Professional Conduct (failure to competently perform legal services) by failing to file any pleadings or take any steps in furtherance of the representation for which he was retained in connection with a time-sensitive family law matter.

Count Two – Respondent willfully violated former rule 3-700(D)(1) of the Rules of Professional Conduct (failure to release file) by failing to release the client's file following the client's multiple requests for the file between August 21, 2015, and October 26, 2015.

Count Three – Respondent willfully violated former rule 3-700(D)(2) of the Rules of Professional Conduct (failure to refund unearned fees) by failing to refund any part of the \$1,000 he received in advanced fees following the termination of his employment on August 21, 2015.

Count Four – Respondent willfully violated section 6068(i) (failure to cooperate/participate in a disciplinary investigation) by failing to provide a substantive response to the State Bar investigation letters.

**Case Number 16-O-12437 (State Bar Investigation)**

Count Five – Respondent willfully violated section 6068(i) (failure to cooperate/participate in a disciplinary investigation), by failing to provide a substantive response to the State Bar investigation letters.

**Case Number 17-O-00114 (Steffensen Matter)**

Count Six – Respondent willfully violated former rule 3-110(A) of the Rules of Professional Conduct (failure to competently perform legal services) by failing to take any steps in furtherance of the representation in connection with a felony criminal matter and subsequently ceasing communication with his client.

Count Seven – Respondent willfully violated former rule 3-700(D)(2) of the Rules of Professional Conduct (failure to refund unearned fees) by failing to refund any part of the \$3,500 he received in advanced fees following the termination of his employment on September 22, 2016.

**Disbarment is Recommended**

In light of the foregoing, the court finds 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) reasonable diligence was used to notify Respondent of the proceedings before the entry of his default;
- (3) Respondent's default was properly entered under rule 5.80; and
- (4) the factual allegations in the NDC deemed admitted by the entry of Respondent's 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 his disbarment.

## RECOMMENDATIONS

### Disbarment

It is recommended that Peter John Coleridge, State Bar Number 170037, be disbarred from the practice of law in California and that his name be stricken from the roll of attorneys.

### Restitution

It is further recommended that Peter John Coleridge be ordered to make restitution to each of the following payees or such other recipient as may be designated by the Office of Probation or the State Bar Court:

- a. Respondent must make restitution to Francisco Aleman in the amount of \$1,000 plus 10 percent interest per year from August 21, 2015; and
- b. Respondent must make restitution to Joel Steffensen in the amount of \$3,500 plus 10 percent interest per year from September 22, 2016.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5(c) and (d).

### California Rules of Court, Rule 9.20

It is further recommended 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 imposing discipline in this matter.<sup>6</sup>

### Costs

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<sup>6</sup> For purposes of compliance with rule 9.20(a), the operative date for identification of “clients being represented in pending matters” and others to be notified is the filing date of the Supreme Court order, not any later “effective” date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney’s failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

It is further recommended 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. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against an attorney who is actually suspended or disbarred must be paid as a condition of return to active status or reinstatement.

**ORDER OF INVOLUNTARY INACTIVE ENROLLMENT**

In accordance with Business and Professions Code section 6007(c)(4), the court orders that Peter John Coleridge, State Bar number 170037, be involuntarily enrolled inactive effective three calendar days after the service of this decision and order by mail. (Rules Proc. of State Bar, rule 5.111(D).)

Dated: July 22, 2019

  
**MANJARI CHAWLA**  
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 Court Specialist 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 San Francisco, on July 22, 2019, 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 San Francisco, California, addressed as follows:

PETER JOHN COLERIDGE  
535 MAIN ST # 307  
MARTINEZ, CA 94553-1102

CHARLES A. MURRAY  
PO BOX 5101  
ORANGE, CA 92863-5101

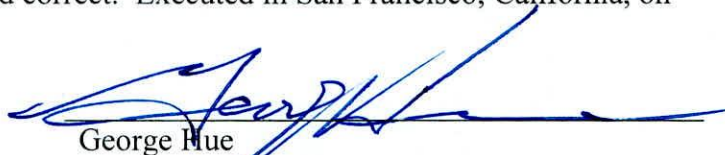
by certified mail, No. \_\_\_\_\_, with return receipt requested, through the United States Postal Service at \_\_\_\_\_, California, addressed as follows:

by overnight mail at \_\_\_\_\_, California, addressed as follows:

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on July 22, 2019.

  
George Hue  
Court Specialist  
State Bar Court