



PUBLIC MATTER

FILED
✓
MAR 08 2019

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – SAN FRANCISCO

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

In the Matter of)	Case No.: 16-O-11939–YDR
)	
JANNETTE I. RAMOS,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
State Bar No. 200334.)	ENROLLMENT
)	
_____)	

In this matter, respondent Jannette I. Ramos (Respondent) was charged with six counts of misconduct. She failed to appear at trial and her default was entered. 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.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 the attorney fails to have the default set aside or vacated within 45 days, OCTC will file a petition requesting the court to recommend the attorney's disbarment.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.

¹ Unless otherwise indicated, all references to rules are to this source.
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).)

FINDINGS AND CONCLUSIONS

Respondent was admitted to practice law in this state on January 27, 1999, and has been a California attorney since then.

Procedural Requirements Have Been Satisfied

On July 11, 2017, OCTC filed and properly served a notice of disciplinary charges (NDC) on Respondent at her official State Bar record address by certified mail, return receipt requested. The NDC notified Respondent that her failure to appear at the State Bar Court trial would result in a disbarment recommendation. (Rule 5.41.) On August 11, 2017, Respondent filed her response to the NDC. On August 21, 2017, Respondent appeared in the Hearing Department for an in-person status conference.

In October 2017, Respondent tendered her resignation to the State Bar of California. Thereafter, the Hearing Department Judge issued an order abating the present proceeding. The California Supreme Court subsequently issued an order declining to accept Respondent's resignation.

On July 3, 2018, the Hearing Department provided the parties notice of a telephonic status conference set for August 6, 2018. A copy of this notice was served on Respondent at her official State Bar record address. Respondent did not appear at the August 6, 2018 status conference; nor did she participate in any subsequent proceedings.

On August 21, 2018, the Hearing Department Judge issued an order taking this matter out of abatement. Trial dates were calendared for November 13 and 14, 2018.

On October 26, 2018, the present matter was reassigned to the undersigned judge.

On November 13, 2018, OCTC appeared for trial but Respondent did not. Finding that all of the requirements of rule 5.81(A) were satisfied, the court issued and properly served an order entering Respondent's default on November 14, 2018. The order notified Respondent that

if she did not timely move to set aside or vacate 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), and she has remained inactive since that time.

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 January 8, 2019, OCTC filed the petition for disbarment. As required by rule 5.85(A), OCTC reported in the petition that: (1) since default was entered, OCTC has had no contact with Respondent; (2) Respondent has no other disciplinary investigations pending; (3) Respondent has a prior record of discipline; and (4) the Client Security Fund has previously made payments resulting from Respondent's misconduct. Respondent has not responded to the petition for disbarment or moved to set aside or vacate the default. The case was submitted for decision on February 8, 2019.

Respondent has been disciplined on one prior occasion. Effective May 28, 2003, Respondent was privately reproved with conditions in State Bar Court case Nos. 00-O-15344 (01-O-04566; 02-O-13395). In this matter, Respondent stipulated to three counts of misconduct, including charging and collecting an illegal fee, failing to competently perform legal services, and failing to promptly refund unearned fees.

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 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 No. 16-O-11939

Count One – Respondent willfully violated Business and Professions Code section 6106 (moral turpitude – misappropriation) by misappropriating funds that the client’s medical provider was entitled to receive in the amount of \$2,412.75.

Count Two – Respondent willfully violated rule 4-100(A) of the Rules of Professional Conduct (failing to maintain client funds in trust) by failing to maintain funds received for the benefit of a client in a trust account.

Count Three – Respondent willfully violated rule 4-100(A) of the Rules of Professional Conduct (commingling) by depositing or commingling personal funds into her trust account.

Count Four – Respondent willfully violated rule 4-100(A) of the Rules of Professional Conduct (commingling) by using her trust account to pay personal expenses.

Count Five – Respondent willfully violated Business and Professions Code section 6106 (moral turpitude – misrepresentation) by stating in writing to an OCTC investigator that the medical provider’s funds referenced in Count One had remained in her trust account until they were ultimately paid to the medical provider in March 2016, when Respondent knew or was grossly negligent in not knowing this statement was false.

Count Six – Respondent willfully violated Business and Professions Code section 6106 (moral turpitude – misrepresentation) by stating to the medical provider that the funds referenced in Count One had not been disbursed to the medical provider because Respondent was waiting for her client to return from the Philippines, when Respondent knew or was grossly negligent in not knowing this statement was false.

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 actual notice of the proceedings prior to the entry of her default;
- (3) the default was properly entered under rule 5.81; and
- (4) the factual allegations in the NDC deemed admitted by the entry of default support a finding that Respondent violated a statute, rule, or court order that would warrant the imposition of discipline.

Despite actual notice and opportunity, Respondent failed to appear for the trial in this disciplinary proceeding. As set forth in the Rules of Procedure of the State Bar, the court recommends disbarment.

RECOMMENDATIONS

Disbarment

The court recommends that respondent Jannette I. Ramos, State Bar Number 200334, 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

It is further recommended that Respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, 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

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

Respondent is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the State Bar Rules of Procedure, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Dated: March 8, 2019


YVETTE D. ROLAND
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 Los Angeles, on March 8, 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 Los Angeles, California, addressed as follows:

JANNETTE I. RAMOS
LAW OFC JANNETTE RAMOS
PO BOX 310
FRENCH CAMP, CA 95231 - 0310

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

MARIA J. OROPEZA, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 8, 2019.



Mazie Yip
Court Specialist
State Bar Court