



FILED

APR 04 2018 E.A.

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

In the Matter of)	Case No. 16-O-17420-YDR
)	
LAURO NICK PACHECO, JR.,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
A Member of the State Bar, No. 173391.)	ENROLLMENT
_____)	

Respondent Lauro Nick Pacheco, Jr. (Respondent) was charged with violations of the Business and Professions Code¹ and the State Bar Rules of Professional Conduct. He failed to file a response to the Notice of Disciplinary Charges (NDC) in this matter, and his default was entered. The Office of Chief Trial Counsel of the State Bar of California (State Bar) filed a petition for disbarment under rule 5.85 of the Rules of Procedure of the State Bar.²

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 NDC and the attorney fails to have the default set aside or vacated within 90 days, the State Bar will file a petition requesting the court to recommend the attorney's disbarment.³

¹ Unless otherwise indicated, all further references to section(s) refer to provisions of the Business and Professions Code.

² Unless otherwise indicated, all references to rules are to this source.

³ 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 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

Jurisdiction

Respondent was admitted to practice law in this state on December 8, 1994, and has been a member since then.

Procedural Requirements Have Been Satisfied

On July 19, 2017, the State Bar filed and properly served the NDC in this matter on Respondent by certified mail, return receipt requested, at his membership records address. The NDC notified Respondent that his failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.) The State Bar did not receive a signed return receipt from Respondent. The United States Postal Service returned the receipt to the State Bar with the stamp "Notify Sender of New Address" and a forwarding address for Respondent. On August 1, 2017, the State Bar sent a courtesy copy of the NDC to this forwarding address. On that same date, the State Bar also sent courtesy copies of the NDC to five other addresses, which had been identified as potential addresses where Respondent could be reached.

Respondent failed to file a response to the NDC. On August 22, 2017, the State Bar filed and properly served on Respondent by certified mail, return receipt requested, a motion for entry of Respondent's default, addressed to Respondent at his membership records address. The motion complied with all the requirements for a default, including a supporting declaration of reasonable diligence by the assigned deputy trial counsel. (Rule 5.80.) The motion notified Respondent that if he did not timely move to set aside his default, the court would recommend his disbarment. Respondent still did not file a response to the motion, and his default was

entered on September 12, 2017. The court also ordered Respondent's involuntary inactive enrollment as a member of the State Bar pursuant to section 6007, subdivision (e), effective three days after service of the order, and he has remained inactively enrolled since that time. The order entering the default and enrolling Respondent inactive was served on Respondent at his membership records address by certified mail, return receipt requested.

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].) On January 29, 2018, the State Bar filed and properly served a petition for disbarment on Respondent at his membership records address by certified mail, return receipt requested. As required by rule 5.85(A), the State Bar reported in the petition that: (1) Respondent has not contacted the assigned deputy trial counsel or the State Bar since the date the order entering Respondent's default was entered; (2) Respondent has numerous disciplinary matters pending;⁴ (3) Respondent has a prior record of discipline; and (4) the Client Security Fund has not made any payments as a result of Respondent's conduct.⁵ 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 2, 2018.

Prior Record

Respondent has one prior record of discipline. On July 27, 2017, the State Bar Court filed a decision finding Respondent culpable of 18 counts of misconduct including violations of rules 3-110(A), 3-700(A)(2), 3-700(D)(2), and 4-100(B)(3) of the Rules of Professional Conduct

⁴ The pending disciplinary matters against Respondent include: 17-O-02265; 17-O-02756; 17-O-02879; 17-O-03005; 17-O-03108; 17-O-03141; 17-O-03578; 17-O-03646; 17-O-04516; 17-O-04839; 17-O-04991; 17-O-05315; 17-O-05328; 17-O-05471; 17-O-05504; 17-O-05653; 17-O-05684; 17-O-05700; 17-O-05856; 17-O-06050; 17-O-06079; 17-O-06086; 17-O-06087; 17-O-06111; 17-O-06147; 17-O-06173; 17-O-06206; 17-O-06209; 17-O-06322; 17-O-06598; 17-O-06659; 17-O-07200.

⁵ The State Bar declared that there are at least 20 claims pending with the Client Security Fund as a result of Respondent's conduct.

and section 6068, subdivisions (m) and (i). Pursuant to a Supreme Court order filed on December 13, 2017, Respondent was suspended for two years, the execution of which was stayed, and he was placed on probation for two years with conditions, including that he be suspended for the first six months of probation and until he makes specified restitution.

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(2).) 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 16-O-17420

Count One – Respondent willfully violated rule 3-110(A) of the Rules of Professional Conduct (failure to perform legal services with competence) in his representation of his client in an immigration matter by (1) failing to perform any work on his client's case after March 11, 2016, and (2) having had notice of, but failing to provide, the United States Citizenship and Immigration Services with requested additional information, and failing to comply with the additional information request within the stated time period.

Count Two – Respondent willfully violated section 6068, subdivision (m) (failure to respond to client inquiries), by failing to respond promptly to reasonable status inquiries made by his client between April 2016 and June 2016.

Count Three – Respondent willfully violated rule 3-700(A)(1) of the Rules of Professional Conduct (failure to obtain court permission to withdraw) in March 2016 by effectively withdrawing from employment when he failed to take any further action on behalf of

his client in an immigration matter, and failing to obtain permission of the court to withdraw when the rules of the court required him to do so.

Count Four – Respondent willfully violated section 6068, subdivision (i) (failure to cooperate in disciplinary investigation), by failing to provide any response to two letters which he received from the State Bar, that requested his response to allegations of misconduct being investigated in case number 16-O-17420.

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) reasonable diligence was used to notify Respondent of the proceedings prior to the entry of his default;
- (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.

RECOMMENDATIONS

Disbarment

The court recommends that Respondent Lauro Nick Pacheco, Jr., State Bar number 173391, be disbarred from the practice of law in the State of California and that his 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, 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 Lauro Nick Pacheco, Jr., State Bar number 173391, 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: April 4, 2018


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 April 4, 2018, 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:

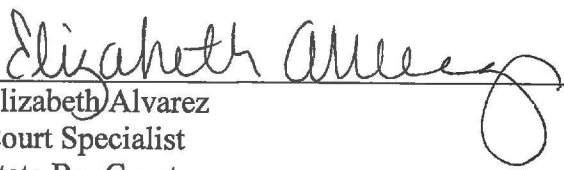
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

LAURO NICK PACHECO JR.
NICK PACHECO LAW GROUP, APC
15515 SAN FERNANDO MISSION BL
STE A3
MISSION HILLS, CA 91345

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

Ross E. Viselman, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 4, 2018.


Elizabeth Alvarez
Court Specialist
State Bar Court