

PUBLIC MATTER

FILED

AUG 25 2017

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

**STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – SAN FRANCISCO**

In the Matter of)	Case No. 17-AE-04411-PEM
)	
PETER JOHN COLERIDGE,)	ORDER GRANTING MOTION FOR
)	INVOLUNTARY INACTIVE
A Member of the State Bar, No. 170037.)	ENROLLMENT
_____)	

Introduction¹

This matter is before the court on motion filed by Kenneth E. Bacon, Presiding Arbitrator of the State Bar’s Mandatory Fee Arbitration Program (State Bar), seeking the involuntary inactive enrollment of Award Debtor Peter John Coleridge (Award Debtor), under Business and Professions Code section 6203, subdivision (d), and rule 5.361 of the Rules of Procedure of the State Bar due to his failure to pay an arbitration award.

Based on the State Bar’s motion and supporting documents, the court finds that Award Debtor has failed to comply with the arbitration award and has not produced a payment plan acceptable to the client or the State Bar. Accordingly, the motion is granted and Award Debtor

¹ Unless otherwise indicated, all references to rules refer to the Rules of Procedure of the State Bar of California. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

is enrolled as an inactive member of the State Bar of California, effective five days from the date of service of this order. (Rule 5.368.)

Significant Procedural History

On July 28, 2017, the State Bar filed a motion seeking the involuntary inactive enrollment of Award Debtor. (§ 6203, subd. (d); rule 5.361 et seq.) A copy of this motion was properly served on Award Debtor at his official membership records address on the same day, by certified mail, return receipt requested, and by regular mail.

On August 2, 2017, the court filed a Notice of Assignment. That same day, a copy of said notice was properly served on Award Debtor by first-class mail, postage fully prepaid, at his official membership records address. The copy of said notice was returned to the State Bar Court by the U.S. Postal Service as undeliverable. On August 12, 2017, a response to the motion for involuntary inactive enrollment was due. As of August 17, 2017, Award Debtor had not filed a response and requested a hearing. (Rule 5.362.) As a consequence, the matter was submitted for decision on August 17, 2017.

Findings of Fact and Conclusions of Law

Award Debtor was admitted to the practice of law in California on April 5, 1994, and has been a member of the State Bar at all times since.

Facts

On June 30, 2016, Claudia Dominguez (Dominguez), the mother of Alejandro Dominguez, requested mandatory fee arbitration to resolve a fee dispute with Award Debtor. The matter was submitted to non-binding arbitration in accordance with the Rules of Procedure of the State Bar of California Mandatory Fee Arbitration. The matter was heard on October 17, 2016, before Arbitrator Lorraine M. Walsh. Award Debtor did not appear at the hearing. On October 20, 2016, the State Bar served a non-binding arbitration award which found in favor of

Dominguez and ordered Award Debtor to pay \$10,500, plus interest of 10% per annum from the 30th day after the date of mailing (the Award).²

The award was non-binding but became binding on November 19, 2016, because neither the Award Debtor nor Dominguez filed an action requesting a trial to reject the award in court.

On December 30, 2016, Dominguez wrote Award Debtor a letter, demanding that he pay the award. Dominguez did not receive payment of the award or any response from Award Debtor. When Award Debtor neither paid the award nor responded to the December 30, 2016 letter, Dominguez filed a request for enforcement of an arbitration award with the State Bar on March 1, 2017.

The State Bar served Dominguez's request for enforcement on Award Debtor on March 3, 2017, with copies of the applicable rules and statutes. These documents were served on Award Debtor at his State Bar official membership records address by both regular and certified mail. Although an individual named Christin Hodges signed the return receipt upon delivery, the documents were returned as undeliverable with the handwritten words of "NOT HERE MOVED 2016 NO FORWARD."

When Award Debtor failed to respond to the State Bar's March 3, 2017 mailing, the State Bar attempted to contact him by calling and e-mailing him at his State Bar telephone number and e-mail address of record. The State Bar left numerous messages advising him of the ramifications of his continued non-compliance with the arbitration award, including the imposition of an administrative penalty and the consequences of his continued failure to pay the administrative penalty.³ Following the emails, the State Bar sent Award Debtor another letter

² The Award was calculated as follows: \$20,000 in legal fees paid by Dominguez, plus a \$500 filing fee, less \$10,000 for the reasonable value of legal services provided.

³ Dates of emails sent: April 11 and 17, 2017; and May 1, 9, and 31, 2017. The response to each of the emails was: "The recipient's mailbox is full and can't accept messages now."

on May 31, 2017. In that letter, the State Bar again requested his response to the request for enforcement arbitration letter.

Following Award Debtor's non-responsiveness and his continued failure to pay the arbitration award, the State Bar issued an Order re Administrative Penalties (Order) on June 16, 2017. That Order was stayed for 14 days to give Award Debtor the opportunity to comply with the arbitration award. When Award Debtor did not pay the outstanding arbitration award within 14 days of the service of the Order, an administrative penalty of \$1,000 was levied against him. The Order was served on Award Debtor at his State Bar address of record on June 24, 2017, by both regular and certified mail; however, both copies were returned as undeliverable and unable to forward.

Shortly thereafter, the State Bar sent a warning letter to Award Debtor on July 5, 2017, advising him of its intention to file the instant motion. Again, the letter was returned as undeliverable despite being mailed to Award Debtor at his official membership records address.

At the time the instant motion was filed and served, no communication from Award Debtor had been received by the State Bar and no portion of the arbitration award has been paid by him to Dominguez.

Conclusions of Law

The court finds that the State Bar has met the burden of demonstrating by clear and convincing evidence that Award Debtor has failed to comply with the arbitration award and has not proposed a payment plan acceptable to the client or to the State Bar. (Rule 5.365(A)(1); § 6203, subd. (d)(2)(A) and (d)(2)(B).)

The court also finds that Award Debtor has not met the burden of demonstrating by clear and convincing evidence that he is not personally responsible for making or ensuring payment of

the award; that he is unable to pay it; or that he has proposed and agreed to comply with a payment plan which the State Bar has unreasonably rejected as unsatisfactory. (Rule 5.365(B); § 6203, subd. (d)(2)(B).)

Order of Involuntary Inactive Enrollment


ACCORDINGLY, IT IS ORDERED that the State Bar's motion for involuntary inactive enrollment is **GRANTED** and that Award Debtor **Peter John Coleridge**, State Bar number 170037, be enrolled as an inactive member of the State Bar of California effective five days from the date of service of this order. (§ 6203, subd. (d)(1); rule 5.368(B)(1).)

IT IS FURTHER ORDERED that Award Debtor must remain involuntarily enrolled as an inactive member of the State Bar until: (1) he has paid the arbitration award to Claudia Dominguez in the amount of \$10,500, plus interest at the rate of 10 percent per year from November 19, 2016, the 30th day from the date of the award. As of July 28, 2017, \$722.88 in interest has accrued on the arbitration award, with interest continuing to accrue at the rate of \$2.88 per day for a total of \$11,222.88 due to client (\$10,500 principal and \$722.88 interest); (2) he has paid reasonable costs, if any; and (3) the court grants a motion to terminate the inactive enrollment pursuant to rule 5.370.

Reasonable costs are awarded to the State Bar upon the State Bar's submission of a bill of costs. (§ 6203, subd. (d)(3); Rule 5.368(B)(2).)

IT IS SO ORDERED.

Dated: August 25, 2017


PAT McELROY
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 San Francisco, on August 25, 2017, I deposited a true copy of the following document(s):


ORDER GRANTING MOTION FOR 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 J. COLERIDGE
535 MAIN ST # 307
MARTINEZ, CA 94553 - 1102
- 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 fax transmission, at fax number . No error was reported by the fax machine that I used.
- 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:

Kenneth E. Bacon, Fee Arbitration, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on August 25, 2017.


George Hue
Case Administrator
State Bar Court