

**THE STATE BAR COURT  
HEARING DEPARTMENT - LOS ANGELES**

In the Matter of )  
JACQUE BOYLE, )  
Member No. 20912, )  
A Member of the State Bar. )

Case No. 03-AE-03309-RMT

**ORDER GRANTING MOTION FOR  
INVOLUNTARY INACTIVE  
ENROLLMENT**

**I. INTRODUCTION**

On August 15, 2003, the Presiding Arbitrator of the State Bar's Mandatory Fee Arbitration Program filed a motion seeking the involuntary inactive enrollment of Award Debtor **JACQUE BOYLE** pursuant to Business and Professions Code section 6203(d)<sup>1</sup> due to his failure to pay a fee arbitration award. The motion was properly served on August 14, 2003, at Award Debtor's official membership records address, by certified mail, return receipt requested, and by regular mail. (Bus. & Prof. Code, § 6002.1, subd. (c); Rules Proc. of State Bar, rule 701(b).)

Award Debtor did not file a response to the motion or request a hearing. (Rules Proc. of State Bar, rules 702(a) and (b) and 704.)

The court ordered the matter submitted for decision without a hearing on January 15, 2004.

**II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**A. Jurisdiction**

Award Debtor was admitted to the practice of law in California on June 7, 1949, and has

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<sup>1</sup>References to "section" are to the provisions of the Business and Professions Code unless otherwise stated.



1       been a member of the State Bar at all times since.

2       **B.     Facts**

3             On October 25, 2002, the Los Angeles County Bar Association served a nonbinding fee  
4       arbitration award in *In the Matter of Arbitration Between Jesus Zamora and Jacque Boyle*, directing  
5       Award Debtor to refund to his former client, Jesus Zamora, \$2,937.50, plus interest on \$2,500 in  
6       unearned attorney fees at 10% simple interest running from January 18, 1998, to the date of  
7       payment.

8             The award became final by operation of law on November 24, 2002, when the time for  
9       Award Debtor to move for trial after arbitration pursuant to section 6204 expired.

10            On November 25, 2002, Zamora sent a letter to Award Debtor demanding payment of the  
11       award. But Award Debtor did not reply to the letter or pay any portion of the award to Zamora.

12            On December 27, 2002, the State Bar received Zamora's request for enforcement of the  
13       arbitration award pursuant to section 6203(d)(5). On March 11, 2003, the State Bar served the  
14       enforcement request on Award Debtor by certified mail and regular mail at his official membership  
15       records address, along with a letter notifying him of the potential consequences for failing to comply  
16       with the award or to respond to the enforcement request by April 10, 2003. The return receipt  
17       indicated the letter was received on March 14, 2003. Award Debtor did not respond to the  
18       enforcement request.

19            By letter dated April 11, 2003, the State Bar confirmed Award Debtor's failure to reply and  
20       advised him that the matter was being forwarded to the Presiding Arbitrator for the issuance of an  
21       order imposing administrative penalties in the amount of \$1,000 under section 6203(d).

22            On April 18, 2003, Award Debtor telephoned the State Bar and stated that he would file a  
23       motion to set aside the award under Civil Code section 473. He was advised to memorialize his  
24       plans in writing and provide evidence to the State Bar of his filed motion.

25            On May 16, 2003, the State Bar sent a letter to Award Debtor advising him that it had not  
26       received his reply or evidence of his motion to set aside the award. Award Debtor did not respond  
27       to this letter.

28            On June 26, 2003, the Presiding Arbitrator issued an order imposing administrative penalties

1 against Award Debtor in the amount of \$1,000 for his failure to comply with the award or to respond  
2 to the enforcement request within the required time period. The order stayed the imposition of the  
3 penalty for 14 days to allow him a final opportunity to comply with the award. Copies of the order  
4 were served on Award Debtor at his official membership records address by certified and regular  
5 mail. The return receipt indicates that he received the order on June 30, 2003. Since Award Debtor  
6 did not respond, the penalty of \$1,000 was imposed and added to his State Bar membership dues for  
7 the 2004 calendar year.

8 To date, Award Debtor has not paid the award nor demonstrated that he has set aside the  
9 award.

### 10 C. Legal Conclusions

11 The court finds that the Presiding Arbitrator has met the burden of demonstrating by clear  
12 and convincing evidence that Award Debtor has failed to comply with the arbitration award and has  
13 not proposed a payment plan acceptable to the client or to the State Bar. (Section 6203(d)(2)(A);  
14 Rules Proc. of State Bar, rule 705(a).)

15 The court also finds that Award Debtor has not met the burden of demonstrating by clear and  
16 convincing evidence that he is not personally responsible for making or ensuring payment of the  
17 award; that he is unable to pay it; or that he has proposed and agrees to comply with a payment plan  
18 which the State Bar has unreasonably rejected as unsatisfactory. (Section 6203(d)(2)(B); Rules  
19 Proc. of State Bar, rule 705(b).)

### 20 III. ORDER

21 **ACCORDINGLY, IT IS ORDERED** that Award Debtor **JACQUE BOYLE** be enrolled  
22 as an inactive member of the State Bar of California pursuant to section 6203(d)(1), effective five  
23 days from the date of service of this order. (Rules Proc. of State Bar, rule 708(b)(1).)

24 **IT IS FURTHER ORDERED** that Award Debtor shall remain involuntarily enrolled as an  
25 inactive member of the State Bar until (1) he has paid the arbitration award to Jesus Zamora in the

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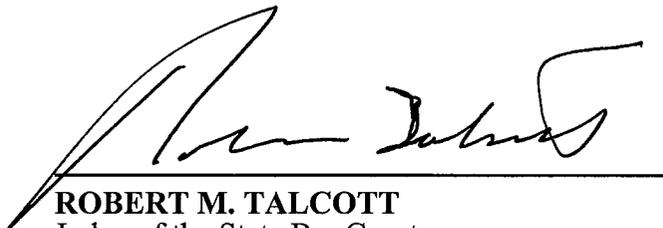
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amount of \$3,688.36,<sup>2</sup> plus interest at the rate of 10% per annum from October 25, 2002, the date of service of the award,<sup>3</sup> (2) he has paid the administrative penalty of \$1,000 assessed by the Presiding Arbitrator by order filed June 26, 2003, and (3) the court grants a motion to terminate his inactive enrollment pursuant to rule 710 of the Rules of Procedure of the State Bar.

Reasonable costs are awarded to the State Bar upon the Presiding Arbitrator's submission of a bill of costs. (Section 6203(d)(3); Rules Proc. of State Bar, rule 708(b)(2).)

Dated: February 6, 2004



**ROBERT M. TALCOTT**  
Judge of the State Bar Court

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<sup>2</sup>The State Bar calculated this amount pursuant to the arbitration award: \$2,937.50, plus interest on \$2,500 at 10% simple interest running from January 18, 1998, to October 25, 2002, the date of the award.

<sup>3</sup>Robert C. Miller is entitled to receive interest from the date of the underlying arbitration award in this matter. (See *Pierotti v. Torian* (2000) 81 Cal.App.4th 17, 26-27; *Britz, Inc. v. Alfa-Laval Food & Dairy Co.* (1995) 34 Cal. App.4th 1085, 1106-1107; Civ. Code section 3287.)

**CERTIFICATE OF SERVICE**  
**[Rule 62(b), Rules Proc.; 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 February 10, 2004, I deposited a true copy of the following document(s):

**ORDER GRANTING MOTION FOR INVOLUNTARY INACTIVE  
ENROLLMENT, filed February 10, 2004**

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:

**JACQUE BOYLE**  
**3800 ALAMEDA AVE., #1150**  
**BURBANK CA 91505**

**John S. Chang**  
**2600 Mission St. #100**  
**San Marino, CA 91108**

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

**JILL SPERBER, Director/Fee Arbitration, San Francisco**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **February 10, 2004.**



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**Tammy R. Cleaver**  
Case Administrator  
State Bar Court