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STATE BAR COURT
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LOS ANGELES

PUBLIC MATTER

**STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT - LOS ANGELES**

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In the Matter of)
)
 ROBERT LEWIS GORDON,)
)
 Member No. 125645,)
)
 A Member of the State Bar.)

Case No. 04-N-14871-RAP

**DECISION INCLUDING DISBARMENT
RECOMMENDATION AND ORDER OF
INVOLUNTARY INACTIVE
ENROLLMENT**

INTRODUCTION

This matter was initiated by the Office of the Chief Trial Counsel of the State Bar of California ("OCTC") alleging that respondent Robert Lewis Gordon failed to comply with rule 955, California Rules of Court ("CRC 955") as ordered by the Supreme Court. OCTC was represented by Diane J. Meyers. Respondent did not participate either in person or by counsel.

For the reasons stated below, it is recommended that respondent be disbarred.

PROCEDURAL HISTORY

The Notice of Disciplinary Charges ("NDC") was filed on December 3, 2004. It was properly served, by certified mail, return receipt requested, at the address shown on the official membership records of the State Bar ("official address") on December 6, 2004. (Business and Professions Code section 6002.1(c)¹; Rules 60(b) and 583, Rules Proc. of State Bar ("rule(s)").) Service was deemed complete as of the time of mailing. (*Lydon v. State Bar* (1988) 45 Cal.3d 1181, 1186.) This correspondence was returned as unclaimed by the United States Postal Service

¹Unless otherwise stated, all future references to "section(s)" are to the California Business and Professions Code.



1 ("USPS") on January 10, 2005.

2 On December 14, 2004, the State Bar Court properly served respondent by first-class
3 mail, postage prepaid at his official address with a notice scheduling a status conference on
4 January 6, 2005. The Court judicially notices its records that this correspondence was returned
5 as undeliverable by the USPS on January 4, 2005.

6 On December 22, 2005, an order reassigning this matter to the undersigned judge was
7 properly served on respondent. The order was returned as undeliverable on January 4, 2005.

8 Respondent did not appear at the status conference. On January 6, 2005, an order
9 memorializing the status conference was properly served on respondent at his official address. It
10 was returned as undeliverable on January 14, 2005.

11 Respondent did not file a response to the NDC. On January 25, 2005, OCTC filed and
12 properly served on respondent a motion for entry of default by certified mail, return receipt
13 requested, at his official address. (Rule 200(a), (b).) The motion advised respondent that OCTC
14 would seek his disbarment if he was found culpable. (Rule 200(a)(3).)

15 Respondent did not respond to the default motion. Orders entering respondent's default
16 and involuntarily enrolling him inactive were filed and properly served on him on February 10,
17 2005, by certified mail, return receipt requested at his official address. This document advised
18 respondent, among other things, that he was enrolled inactive pursuant to section 6007(e)
19 effective three days after service of the order. The Court judicially notices its records which
20 indicate that the USPS returned this correspondence as undeliverable on February 22, 2005.

21 OCTC's efforts to locate and contact respondent were fruitless.

22 The case was submitted for decision on February 18, 2005, after OCTC filed a brief on
23 culpability and waived a hearing in this matter.

24 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

25 The Court's findings are based on the allegations contained in the NDC as they are
26 deemed admitted and no further proof is required to establish the truth of those allegations.
27 (Section 6088; Rule 200(d)(1)(A).) The findings are also based upon matters admitted into
28 evidence or judicially noticed.

1 Respondent was admitted to the practice of law in California on December 15, 1986, and
2 has been a member of the State Bar at all times since.

3 On August 4, 2004, the California Supreme Court filed an order, number S124962,
4 ("August 4, 2004, order") in State Bar Court case nos. 02-O-13200, 02-O-14683, 02-O-15681;
5 03-O-02879, 03-O-05210, 04-O-10081, 04-O-10184 (Cons.), in which respondent was ordered,
6 among other things, to be actually suspended for six months. He was also ordered to comply
7 with CRC 955(a) and (c) within 30 and 40 days, respectively, of the effective date of the
8 August 4, 2004, order. The August 4, 2004, order was effective on September 3, 2004. (Rule
9 953(a), Cal. Rules of Court.) Accordingly, respondent was to comply with CRC 955(a) no later
10 than October 3, 2004, and with CRC 955(c) no later than October 13, 2004.

11 Upon filing of the August 4, 2004, order, the Supreme Court sent respondent a copy of
12 the said order imposing discipline and directing his compliance with CRC 955.²

13 A copy of the August 4, 2004, order also was attached to the NDC in the instant
14 proceeding.

15 On September 10, 2004, the State Bar's Probation Office wrote a letter to respondent
16 reminding him of the obligation to comply with rule 955, Cal. Rules of Court, which included a
17 form for reporting compliance therewith and a copy of the Supreme Court's August 4, 2004,
18 order. The letter indicated that the CRC 955(c) affidavit must be filed by October 13, 2004. The
19 letter was sent by first-class mail, postage prepaid, to respondent's State Bar membership records
20 address. The letter was not returned as undeliverable.

21 As of December 3, 2004, respondent had not filed with the State Bar Court the affidavit
22 required by CRC 955(c). He still has not done so.³ He has offered no explanation to this Court
23 for his failure to comply with CRC 955(c).

24 Based on the foregoing, it has been proved by clear and convincing evidence that
25

26 ²See, rule 24(a), California Rules of Court, and Evidence Code section 664.

27 ³Pursuant to Evidence Code section 452(d), the Court judicially notices that its records still do
28 not contain a CRC 955(c) affidavit from respondent.

1 respondent wilfully violated the August 4, 2004, order directing his compliance with CRC 955.
2 This constitutes a violation of section 6103, which, in relevant part, makes it a cause for
3 disbarment or suspension for an attorney to wilfully disobey or violate a court order requiring
4 him or her to do or to forbear an act connected with or in the course of his or her profession,
5 which he or she ought in good faith to do or forbear.

6 **FINDINGS AND CONCLUSIONS AS TO MITIGATING CIRCUMSTANCES**

7 Respondent did not participate in these proceedings or present any mitigating
8 circumstances pursuant to standard 1.2(e), Rules of Procedure of the State Bar of California, Title
9 IV, Standards for Attorney Sanctions for Professional Misconduct, ("standards"). Since
10 respondent he bears the burden of establishing mitigation by clear and convincing evidence, the
11 Court has been provided no basis for finding mitigating factors.

12 **FINDINGS AND CONCLUSIONS AS TO AGGRAVATING CIRCUMSTANCES**

13 Respondent's prior discipline record is an aggravating circumstance. (Standard 1.2(b)(i).)
14 As previously discussed, in S124962, the Supreme Court imposed discipline consisting of stayed
15 suspension of three years and until he made restitution and three years probation on conditions
16 including six months actual suspension and restitution, among other things. In that matter,
17 respondent was found culpable, in seven matters, of violating Rules of Professional Conduct 3-
18 110(A) (five counts), 3-700(A)(2) (one count), 3-700(D)(2) (four counts) and section 6068(m)
19 (five counts).

20 Respondent demonstrated indifference toward rectification of or atonement for the
21 consequences of his misconduct by failing to comply with CRC 955(c) even after the NDC in the
22 instant proceeding was filed. (Standard 1.2(b)(v).)

23 Respondent's failure to participate in proceedings prior to the entry of default is also an
24 aggravating factor. (Standard 1.2(b)(vi).) He has demonstrated his contemptuous attitude toward
25 disciplinary proceedings as well as his failure to comprehend the duty of an officer of the court to
26 participate therein, a serious aggravating factor. (*In the Matter of Stansbury* (Review Dept.
27 2000) 4 Cal. State Bar Ct. Rptr. 103, 109 - 110.)

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1 no explanation for his noncompliance with the Supreme Court's order.

2 Respondent's disbarment is necessary to protect the public, the courts and the legal
3 community, to maintain high professional standards and to preserve public confidence in the
4 legal profession. It would undermine the integrity of the disciplinary system and damage public
5 confidence in the legal profession if respondent were not disbarred for his unexplained wilful
6 disobedience of the Supreme Court's order.

7 **DISCIPLINE RECOMMENDATION**

8 IT IS HEREBY RECOMMENDED that respondent ROBERT LEWIS GORDON be
9 DISBARRED from the practice of law in the State of California and that his name be stricken
10 from the rolls of attorneys in this state.

11 It is also recommended that the Supreme Court order respondent to comply with rule 955,
12 paragraph (a), of the California Rules of Court within 30 calendar days of the effective date of
13 the Supreme Court order in the present proceeding, and to file the affidavit provided for in
14 paragraph (c) within 40 days of the effective date of the order showing his compliance with said
15 order.

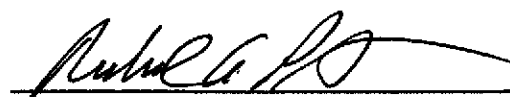
16 **COSTS**

17 The Court recommends that costs be awarded to the State Bar pursuant to Business and
18 Professions Code section 6086.10, and that those costs be payable in accordance with section
19 6140.7.

20 **ORDER REGARDING INACTIVE ENROLLMENT**

21 It is ordered that respondent be transferred to involuntary inactive enrollment status
22 pursuant to section 6007(c)(4). The inactive enrollment shall become effective three days from
23 the date of service of this order and shall terminate upon the effective date of the Supreme
24 Court's order imposing discipline herein or as otherwise ordered by the Supreme Court pursuant
25 to its plenary jurisdiction.

26
27 Dated: May 2, 2005



28 RICHARD A. PLATEL
Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; 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 Los Angeles, on May 4, 2005, I deposited a true copy of the following document(s):

**DECISION INCLUDING DISBARMENT RECOMMENDATION AND
ORDER OF INVOLUNTARY INACTIVE ENROLLMENT, filed May 4, 2005**

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:

**ROBERT L GORDON
UNITED LAW CENTER
P O BOX 21
ALPINE CA 91903**

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

DIANE MEYERS A/L, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 4, 2005.


Angela Owens-Carpenter
Case Administrator
State Bar Court