



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

### **A. Jurisdiction**

Award Debtor was admitted to the practice of law in California on April 20, 1995, and has been a member of the State Bar at all times since.

### **B. Case No. 06-AE-10699**

#### **1. Facts**

On March 11, 2005, the Riverside County Bar Association served a non-binding arbitration award directing Ronald Jeffrey Isles to refund to his former client Kevin R. Smith, the sum of \$3,762.50 in attorney's fees and program filing fees. Since neither party filed an action in court seeking a trial de novo, the award became binding by operation of law on April 10, 2005.

On April 11, 2005, Smith sent a letter to Award Debtor demanding payment of the award. Award Debtor did not respond to the demand for payment. The letter was sent to his official membership address.

On June 27, 2005, Smith submitted a Client's Request for Enforcement of an Arbitration Award form (Client's Enforcement Request) to the State Bar Office of Mandatory Fee Arbitration (State Bar) pursuant to section 6203, subdivision (d).

On June 29, 2005, the State Bar served the Client Enforcement Request on Award Debtor by regular and certified mail at his official State Bar membership address pursuant to rule 46.2 of the Fee Arbitration Rules. The State Bar also advised Award Debtor by letter of the potential consequences of failing to comply with the arbitration award or respond to the Client's Enforcement Request by June 29, 2005. Both the certified and regular mail were returned to the State Bar by the United States Postal Service (Postal Service) marked "box closed unable to forward".

The State Bar sent a letter to Award Debtor on August 23, 2005, to his official State Bar membership address, confirming his failure to reply to the Client's Enforcement Request and advising him that the matter was being forwarded to the Presiding Arbitrator for the issuance of an order imposing administrative penalties in the of \$1,000. This letter was also returned by the United States Postal Service marked "box closed".

On September 29, 2005, the State Bar filed and served an Order Re: Administrative Penalties on Award Debtor at his official State Bar membership address by both certified mail and regular mail. Both mailings were returned by the Postal Service marked "box closed". The order provided that administrative penalties would not be imposed if Award Debtor complied with the arbitration award within two weeks of service of the order.

On November 16, 2005, the State Bar sent a letter to Award Debtor at an updated membership address enclosing copies of all the materials sent to him by the State Bar that had been returned by the Postal Service. The letter advised Award Debtor that the State Bar was preparing a motion to enroll him inactive and offered him a last opportunity to comply with the arbitration award. This letter was not returned by the Postal Service as undeliverable. However, Award Debtor did not respond to the Client's Enforcement Request or communicate with the State Bar concerning this matter.

To date, Award Debtor has failed to pay any portion of the arbitration award and has not responded to the Client Enforcement Request.

## **2. Legal Conclusions**

The court finds that the Presiding Arbitrator 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 produced a payment plan acceptable to the client or the State Bar (Section 6203(d)(2); Rule 705(a).)

Since respondent did not participate in this proceeding, he has not met the burden of demonstrating by clear and convincing evidence that he not personally responsible for making or ensuring payment of the award; that he is unable to pay it; or that he has proposed and agrees to comply with a payment plan which the State Bar has unreasonably rejected as unsatisfactory. (Section 6203(d)(2)(B); Rule 705(b).)

## **B. Case No. 06-AE-10700**

### **1. Facts**

On January 13, 2005, the Orange County Bar Association served a binding arbitration award directing Ronald J. Isles to refund his former client Maggie Tavares, the sum of \$187.50 in

attorney's fees and program filing fees.

On January 18, 2005, Tavares sent an e-mail to respondent demanding payment of the award. Award Debtor did not respond to the demand for payment. On or about May 2, 2005, Tavares submitted a Client's Request for Enforcement to the State Bar pursuant to section 6203, subdivision (d).

On May 9, 2005, the State Bar served Client's Enforcement Request on Award Debtor by regular and certified mail at his official State Bar membership address pursuant to rule 46.2 of the Fee Arbitration Rules. The State Bar also advised Award Debtor by letter of the potential consequences of failing to comply with the arbitration award of respond to the Client's Enforcement by June 8, 2005. Both the certified and regular mail were returned by the Postal Service marked "box closed unable to forward."

The State Bar sent a letter to Award Debtor on June 10, 2005, to his official State Bar membership address, confirming his failure to reply to the Client's Enforcement Request and advising him that the matter was being forwarded to the Presiding Arbitrator for the issuance of an order imposing administrative penalties in the amount of \$1,000. This also was returned by the Postal Service marked "box closed."

On July 1, 2005, the State Bar filed and served an Order Re: Administrative Penalties on Award Debtor at his official State Bar membership address by both certified and regular mail. Both letters were returned by the Postal Service marked "box closed." The order provided that administrative penalties would not be imposed if Award Debtor complied with the arbitration award within two weeks of the date of service of the order.

On November 16, 2005, the State Bar sent a letter to Award Debtor at an updated official State Bar membership address enclosing copies of the Client's Enforcement Request materials that had been returned by the Postal Service. The letter advised Award Debtor that the State Bar was preparing a motion to enroll him inactive and offered him a last opportunity to comply with the arbitration award. This letter was not returned by the Postal Service as undeliverable.

To date, Award Debtor has failed to pay any portion of the arbitration award and has not responded to the Client's Enforcement Request.

## **2. Legal Conclusions**

The court finds that the Presiding Arbitrator 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 of to the State Bar. (Section 6203d)(2)(a); Rule 705(a).

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 the award; or the he has proposed and agrees to comply with the payment plan which the State Bar has unreasonably rejected as unsatisfactory. (Section 6203(d)(2)(B); Rule 705(b).)

### **III. ORDER**

**IT IS ORDERED** that Award Debtor, Ronald Jeffrey Isles, be enrolled as an inactive member of the State Bar of California pursuant to Business and Professions Code section 6203, subdivision (d)(1), effective five days from the date of service of this order. (Rules Proc. of State Bar, rule 708(b)(1).)

**IT IS FURTHER ORDERED** that Award Debtor shall remain involuntarily enrolled as an inactive member of the State Bar until 1) he has paid the arbitration award and judgment to Kevin R. Smith, in the amount of \$3,762. 50, plus interest at the rate of ten percent per annum from March 11, 2005, the date the award was served; 2) he has paid the administrative penalty of \$1,000 assessed by the Presiding Arbitrator's order filed on July 1, 2005; 3) he has paid the arbitration award and judgment to Maggie Travares, in the amount of \$187.50, plus interest at the rate of ten percent per annum from January 13, 2005, the date the award was served; 4) he has paid the administrative penalty of \$1,000 assessed by the Presiding Arbitrator's order filed July 1, 2005; and 5) the court grants a motion to terminate the inactive enrollment pursuant to Rule 710, Rules Proc. of State Bar.

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

Dated: March 30, 2006

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RICHARD A. PLATEL  
Judge of the State Bar Court