

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of)	Case Nos.: 06-O-12603 (07-O-12484;
)	07-O-13324; 07-O-14557;
HOLLY JEAN QUINT,)	07-O-14927; 08-O-10645)-LMA
)	
Member No. 183681,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
A Member of the State Bar.)	ENROLLMENT
)	

Respondent Holly Jean Quint was charged with thirteen counts of misconduct involving four different clients. She failed to appear at the trial of this case and her default was entered. The Office of the Chief Trial Counsel (State Bar) filed a petition for disbarment under the Rules of Procedure of the State Bar, rule 5.85.¹

Rule 5.85 provides the procedure to follow when an attorney fails to appear at trial after receiving adequate notice and opportunity. The rule provides that, if an attorney’s default is entered for failing to appear at trial 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.²

¹ Unless otherwise indicated, all references to rules are to this source.
² 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(E)(2).)

In the instant case, the court concludes that all of 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

Respondent was admitted to the practice of law in California on October 21, 1996, and has been a member of the State Bar since then.³

Procedural Requirements Have Been Satisfied

On July 1 and 5, 2011, respectively, the State Bar properly served on respondent and filed the notice of disciplinary charges (NDC) in this matter. The NDC notified respondent that her failure to appear at the State Bar Court trial would result in a disbarment recommendation. On August 5, 2011, respondent filed her response to the NDC.

By order filed August 8, 2011, the trial was set to start on November 1, 2011. The order setting the trial date was served on respondent at the address in her response to the NDC⁴ by first class mail, postage paid. (Rule 5.81(A).) The State Bar appeared for trial but respondent did not.

Finding that all of the requirements of rule 5.81(A) were satisfied, the court entered respondent's default by order filed November 1, 2011. The order notified respondent that if she did not timely move to set aside her default, the court would recommend her disbarment. The order also placed respondent on involuntary inactive status under Business and Professions Code section 6007, subdivision (e), and she has remained inactive since that time.

Respondent did not seek to have her default set aside or vacated. (Rule 5.83(C)(2) [attorney has 90 days after order entering default is served to file motion to set aside default].)

³ Respondent tendered her resignation with charges pending in 2009, but the Supreme Court declined to accept her resignation by order filed December 15, 2010.

⁴ This address was also respondent's membership records address.

On February 6, 2012, the State Bar filed the petition for disbarment. As required by rule 5.85(A), the State Bar reported in the petition that: (1) it has had no contact with respondent since the default was entered; (2) respondent has no other disciplinary investigations pending; however, the court takes judicial notice that there is another pending disciplinary matter that has been filed against respondent;⁵ (3) respondent has no prior record of discipline; and (4) the Client Security Fund has not made payments resulting from respondent's conduct; however, there are four applications pending. Respondent has not responded to the petition for disbarment or moved to set aside or vacate the default. The case was submitted for decision on March 5, 2012.

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.) As set forth below in greater detail, the factual allegations in the NDC here support the conclusion that respondent is culpable of violating a statute, rule or court order that would warrant the imposition of discipline. (Rule 5.85, subd. (E)(1)(d).)

1. Case Number 06-O-12603 (Lewis Matter)

Count One – respondent is culpable of willfully violating Business and Professions Code section⁶ 6106 (moral turpitude) by settling her client's case for \$60,524 when her client had not authorized such a settlement; by signing her client's name, or causing her client's name to be signed on two documents without her client's authorization; and by submitting a form with her client's unauthorized signature to an administrative court.

⁵ Respondent's default has been entered and the State Bar has filed a petition for disbarment in this matter.

⁶ All further references to section(s) are to provisions of the Business and Professions Code.

Count Two – respondent willfully violated section 6068, subdivision (d) by submitting a document with her client’s unauthorized signature to the Workers’ Compensation Appeals Board, thereby seeking to mislead a judicial officer.

2. Case Numbers 07-O-14557 & 07-O-14927 (Del Bino Matter)

Count Three – respondent willfully violated section 6106 by misappropriating \$19,492.67 from her client and his wife.⁷

Count Four – respondent willfully violated rule 4-100(A) of the Rules of Professional Conduct (RPC) (failure to maintain client funds in trust account) by not maintaining \$19,492.67 in her client trust account on behalf of her client and his wife.

Count Five - respondent violated section 6103 (failure to obey a court order) by not maintaining \$20,000 received in trust for her client and his wife in her attorney-client trust account and by not disbursing \$10,000 to the attorney for her client’s wife pursuant to court orders.

Count Six – respondent willfully violated section 6106 by altering, or causing to be altered, client trust account bank statements; presenting those statements to the State Bar; and by making a false representation to the State Bar.

3. Case Numbers 08-O-10645; 07-O-13324 (McKinney Matter)

Count Seven – respondent willfully violated section 6106 by misappropriating \$6,000 in client funds.

Count Eight – respondent willfully violated section 6106 by making a false representation to the State Bar.

⁷ No restitution is required in this matter as the court ultimately ordered that respondent pay, on behalf of the wife, \$20,000 plus interest accrued to her counsel, and counsel for the wife was able to obtain those funds.

4. Case Number 07-O-12484 (Ortega Matter)

Count Nine – respondent willfully violated rule 4-100(A) of the RPC by making disbursements of \$29,570.33 in funds that belonged to her client and his wife from her client trust account, which were unrelated to her client and his wife.

Count Ten – respondent willfully violated section 6106 by misappropriating \$29,570.33 of entrusted funds belonging to her client and his wife.

Count Eleven – respondent willfully violated section 6013 by violating a court order requiring net proceeds from the sale of the marital home of her client and his wife to be deposited into an interest-bearing, blocked account.

Count Twelve – respondent willfully violated section 6106 by falsifying, or causing to be falsified, client trust account bank statements; presenting those falsified bank statements to the State Bar; and by falsely representing to the State Bar that the bank statements accurately represented the monies in her client trust account.

Count Thirteen – respondent willfully violated section 6103 by failing to comply with a court order requiring her to disburse funds to counsel for her client’s wife by a certain date.

Disbarment is Mandated under the Rules of Procedure

Based on the above, the court concludes that the requirements of rule 5.85(E) have been satisfied and respondent’s disbarment must be recommended. In particular:

- (1) the NDC was properly served on respondent under rule 5.25;
- (2) respondent had actual notice of this proceeding and of the trial date prior to entry of the default;
- (3) the default was properly entered under rule 5.81; 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 appear for the trial of this disciplinary proceeding. As set forth in the Rules of Procedure of the State Bar, the court must recommend her disbarment.

RECOMMENDATION

Disbarment

The court recommends that respondent Holly Jean Quint be disbarred from the practice of law in the State of California and that her name be stricken from the roll of attorneys.

Restitution

The court also recommends that respondent be ordered to make restitution to the following payees:

- (1) Robert McKinney in the amount of \$6,000 plus 10 percent interest per year from May 3, 2007; and
- (2) Ricardo Ortega and Lilia Ortega in the amount of \$29,570.33 plus 10 percent interest per year from April 30, 2007.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

Rule 9.20

The court also recommends that respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, 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 Holly Jean Quint, State Bar Number 183681, 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. (Rules Proc. of State Bar, rule 5.111(D).)

Dated: May _____, 2012

LUCY ARMENDARIZ
Judge of the State Bar Court