

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

In the Matter of)	Case No. 07-N-13245-LMA
)	
JULIE L. WOLFF,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
Member No. 142531,)	ENROLLMENT
)	
<u>A Member of the State Bar.</u>)	

I. Introduction

In this default disciplinary matter, respondent Julie L. Wolff (respondent) is found culpable, by clear and convincing evidence, of failing to comply with California Rules of Court, rule 9.20, as ordered by the California Supreme Court on May 15, 2007, in S151309 (State Bar Court Case No. 00-O-13294).

The court recommends that respondent be disbarred from the practice of law.

II. Pertinent Procedural History

This proceeding was initiated by the Office of the Chief Trial Counsel of the State Bar of California (State Bar). The Notice of Disciplinary Charges (NDC) was filed and properly served via certified mail, return receipt requested, on respondent at her official membership records address on September 25, 2007. The mailing was returned as undeliverable.

Efforts to contact or locate respondent, both by telephone and through various internet-based directory assistance websites, were unsuccessful. The State Bar also searched the 2007 Parker Directory of California Attorneys and the Daily Journal's January 2007 California Directory of Attorneys. Neither of these sources contained any current contact information for respondent. As of November 7, 2007, the State Bar had not had any contact with respondent.

On motion of the State Bar, respondent's default was entered on November 27, 2007. A copy of the order of entry of default was properly mailed to respondent's official membership records address. The mailing was returned as undeliverable. Respondent was enrolled as an inactive member under Business and Professions Code section 6007, subdivision (e)¹ on November 30, 2007.

Respondent never filed a response to the NDC. (Rules Proc. of State Bar, rule 103.)

Respondent did not participate in the disciplinary proceedings. The court took this matter under submission on December 17, 2007, following the filing of the State Bar's brief on culpability and discipline which requested waiver of a hearing in this matter.

III. Findings of Fact and Conclusions of Law

All factual allegations of the NDC are deemed admitted upon entry of respondent's default unless otherwise ordered by the court based on contrary evidence. (Rules Proc. of State Bar, rule 200(d)(1)(A).) Pursuant to Evidence Code section 452, subdivision (e), the court also takes judicial notice of California Rules of Court, rule 9.20.

A. Jurisdiction

Respondent was admitted to the practice of law in California on December 11, 1989, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

B. Violation of California Rules of Court, Rule 9.20

On May 15, 2007, the California Supreme Court filed an order in case number S151309 (State Bar Court Case Number 00-O-13294).

The May 15, 2007 order required respondent to comply with California Rules of Court, rule 9.20 (rule 9.20), and to perform the acts specified in paragraphs (a) and (c) of that rule within 30 days after the effective date of the order.²

¹All references to section(s) are to the Business and Professions Code, unless otherwise indicated.

²The NDC alleges that the May 15, 2007 order required respondent to perform the acts specified in paragraphs (a) and (c) of rule 9.20 within 30 and 40 days, respectively, after the effective date of the order. However, after reviewing the May 15, 2007 order, a certified copy of

Notice of the order was duly and properly served upon respondent in the manner prescribed by California Rules of Court, rule 8.532, at respondent's address as maintained by the State Bar in accordance with Business and Professions Code section 6002.1.

The May 15, 2007 order became effective on June 14, 2007, and at all times thereafter remained in full force and effect.

Rule 9.20, paragraph (c), mandates that respondent "file with the Clerk of the State Bar Court an affidavit showing that he or she has fully complied with those provisions of the order entered under this rule."

The deadline for respondent to comply with rule 9.20, paragraph (c), expired on July 14, 2007.³ Respondent failed to comply with rule 9.20, paragraph (c), on or prior to the July 14, 2007 deadline.

Respondent was to have filed the rule 9.20 affidavit by July 14, 2007, but to date, she has not done so and has offered no explanation to this court for her noncompliance.⁴ Whether respondent is aware of the requirements of rule 9.20 or of her obligation to comply with those requirements is immaterial. "Willfulness" in the context of rule 9.20 does not require actual knowledge of the provision which is violated. The Supreme Court has disbarred attorneys whose failure to keep their official addresses current prevented them from learning that they had been ordered to comply with rule 9.20. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341 [referring to the rule by its previous number designation, rule 955].)

which was attached to the State Bar's brief on culpability and discipline, respondent was actually required to perform the acts specified in paragraphs (a) and (c) of rule 9.20 within 30 days after the effective date of the order.

³As alluded to in footnote #2, the NDC mistakenly alleged that the deadline for respondent to comply with rule 9.20, paragraph (c), was July 24, 2007, 40 days after the effective date of the order.

⁴Pursuant to Evidence Code section 452, subdivision (d), the court takes judicial notice of its court records.

Therefore, the State Bar has established by clear and convincing evidence that respondent willfully failed to comply with rule 9.20, paragraph (c), as ordered by the Supreme Court.⁵

C. Violation of Business and Professions Code Section 6103

Respondent's willful failure to comply with rule 9.20, paragraph (c), constitutes a violation of section 6103, which requires attorneys to obey court orders and provides that the willful disobedience or violation of such orders constitutes cause for disbarment or suspension.

IV. Mitigating and Aggravating Circumstances

A. Mitigation

No mitigating evidence was offered or received, and none can be gleaned from the record. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(e).)⁶

B. Aggravation

Respondent's prior record of discipline is an aggravating circumstance. (Std. 1.2(b)(i).) Respondent has a record of two prior impositions of discipline. In the matter underlying this rule 9.20 proceeding, California Supreme Court Case No. S151309, effective June 14, 2007, respondent was suspended for three years, stayed, with three years probation, and was actually suspended for eighteen months and until she has shown proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law in accordance with standard 1.4(c)(ii). Her misconduct consisted of her abandoning over 300 indigent dependency clients and failing to appear in 39 matters as a result of her belief that she did not have to follow the orders and rules of the Sacramento Superior Court. In aggravation, respondent's misconduct involved multiple acts of wrongdoing, caused significant harm to the administration of justice, and demonstrated indifference and lack of remorse regarding the consequences of her misconduct. In mitigation, respondent had no prior record of discipline and the State Bar delayed filing disciplinary charges for nearly five years.

⁵Rule 9.20, paragraph (d), provides that a suspended attorney's willful failure to comply with rule 9.20 constitutes a cause for disbarment or suspension and for revocation of any pending probation.

⁶All further references to standard(s) are to this source.

In a subsequent matter, California Supreme Court Case No. S153714, effective September 9, 2007, respondent was suspended for eighteen months, stayed, with two years probation, and was actually suspended for six months. Her misconduct, in this single-client matter, consisted of failing to promptly return her client's file and failing to respond to her client's reasonable status inquiries. In aggravation, the court noted respondent's prior record of discipline and her multiple acts of misconduct. In mitigation, the court considered respondent's pro bono and volunteer work.

V. Discussion

Respondent's willful failure to comply with rule 9.20, paragraph (c), is extremely serious misconduct for which disbarment is generally considered the appropriate sanction. (*Bercovich v. State Bar* (1990) 50 Cal.3d 116, 131.) Such failure undermines its prophylactic function in ensuring that all concerned parties learn about an attorney's suspension from the practice of law. (*Lydon v. State Bar* (1988) 45 Cal.3d 1181, 1187.)

Furthermore, standard 1.7(b) provides that if an attorney is found culpable of misconduct in any proceeding and the member has a record of two prior impositions of discipline, the degree of discipline to be imposed in the current proceeding must be disbarment, unless the most compelling mitigating circumstances clearly predominate. In this matter, respondent has a record of two prior impositions of discipline, and no mitigating circumstances were found.

Respondent has demonstrated an unwillingness to comply with the professional obligations and rules of court imposed on California attorneys although she has been given opportunities to do so. Therefore, her disbarment is necessary to protect the public, the courts and the legal community, to maintain high professional standards and to preserve public confidence in the legal profession. It would undermine the integrity of the disciplinary system and damage public confidence in the legal profession if respondent were not disbarred for her willful disobedience of the order of the California Supreme Court.

VI. Recommended Discipline

The court recommends that respondent Julie L. Wolff be disbarred from the practice of law in the State of California and that her name be stricken from the roll of attorneys in this state.

It is also recommended that the Supreme Court order respondent to comply with California

Rules of Court, rule 9.20, paragraphs (a) and (c), within 30 and 40 days, respectively, after the effective date of its order imposing discipline in this matter.⁷

VII. Costs

The court recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in section 6140.7 and as a money judgment.

VIII. Order of Involuntary Inactive Enrollment

It is ordered that respondent be transferred to involuntary inactive enrollment status under section 6007, subdivision (c)(4), and rule 220(c) of the Rules of Procedure of the State Bar of California. The inactive enrollment will become effective three calendar days after this order is filed.

Dated: March ___, 2008

LUCY ARMENDARIZ
Judge of the State Bar Court

⁷Respondent is required to file a rule 9.20(c) affidavit even if she has no clients to notify. (*Powers v. State Bar, supra*, 44 Cal.3d at p. 341.)