

STATE BAR COURT OF CALIFORNIA  
 HEARING DEPARTMENT – LOS ANGELES

In the Matter of <b>GEORGE A. JUAREZ,</b> Member No. 75295, A Member of the State Bar.	) ) ) ) )	Case No. <b>08-AE-12985-DFM</b>
		<b>ORDER GRANTING MOTION FOR                  INVOLUNTARY INACTIVE                  ENROLLMENT</b>
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**I. Introduction**

On July 31, 2008, the Presiding Arbitrator of the State Bar’s Mandatory Fee Arbitration Program, Arne Werchick (Presiding Arbitrator), and his designee, its Director and Special Deputy Trial Counsel, Jill A. Sperber, filed a motion seeking the involuntary enrollment of Award Debtor **GEORGE A. JUAREZ** (Award Debtor), under Business and Professions Code section 6203, subdivision (d)<sup>1</sup> due to his failure to pay a fee arbitration award. The motion was properly served on July 30, 2008, 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).<sup>2</sup>)

Award Debtor did not file a response to the motion or request a hearing. (Rules 702(a) and (b) and 704.)

The court ordered that the matter be submitted for decision without a hearing on August

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

<sup>2</sup>References to “rule” are to the Rules of Procedure of the State Bar, unless otherwise noted.

20, 2008.

## **II. Findings of Fact and Conclusions of Law**

### **A. Jurisdiction**

Award Debtor was admitted to the practice of law in California on July 14, 1977, and has been a member of the State Bar at all times since.

### **B. Facts**

On August 6, 2007, the Los Angeles County Bar Association served a nonbinding Statement of Decision and Award in the proceeding entitled *In the Matter of the Arbitration Between Susan Long, Petitioner and George A. Juarez, Esq., Respondent*, case no. M-303-06-SBM, directing Award Debtor to pay to his former client, Susan Long (Long), the sum of \$4,775, plus interest at the rate of 10% per annum from January 1, 2006.

The award became binding and final by operation of law on September 7, 2007, when the time for the Award Debtor to seek a trial after arbitration pursuant to section 6203, subdivision (b), expired.

On September 20, 2007, Long sent a letter to Award Debtor demanding payment of the award. Award Debtor did not reply to the letter or pay any portion of the award to Long.

On or about October 10, 2007, the Office of Mandatory Fee Arbitration (State Bar) received Long's request for enforcement of the arbitration award pursuant to section 6203, subdivision (d)(5), dated October 1, 2007. On November 15, 2007, the State Bar served the enforcement request on Award Debtor by certified mail and regular mail at his official membership records address, along with a letter notifying him of the potential consequences for failing to comply with the award or to respond to the enforcement request by December 17, 2007. The certified mailing was signed for and that signed receipt returned to the State Bar. The letter and other enclosures sent by regular mail were not returned as undeliverable. Nonetheless, Award Debtor did not respond to the enforcement request.

By letter dated December 18, 2007, the State Bar confirmed Award Debtor's failure to reply and advised him that the matter was being forwarded to the Presiding Arbitrator for issuance of an order imposing administrative penalties under section 6203, subdivision (d).

Award Debtor did not respond to the letter.

On January 3, 2008, the Presiding Arbitrator served an order imposing administrative penalties against Award Debtor in the amount of \$500 for his failure to comply with the award or respond to the enforcement request within the required time period. The order stayed imposition of the penalty for 14 days to allow Award Debtor a final opportunity to comply with the award. Copies of the order were served on Award Debtor at his official membership records address by certified mail and regular mail. The certified mailing was signed for on January 4, 2008, and the regular mail was not returned. Since Award Debtor did not respond, the penalty of \$500 was imposed and added to his State Bar membership dues for the 2007 calendar year.

To date, Award Debtor has not paid any portion of the arbitration award and has not responded to the client's enforcement request.

### **C. 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 or to the State Bar. (Section 6203, subd. (d)(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 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, subd. (d)(2)(B); rule 705(b).)

### **III. Order of Involuntary Inactive Enrollment**

**Accordingly, IT IS HEREBY ORDERED** that the State Bar's motion for involuntary inactive enrollment is **GRANTED** and that Award Debtor **GEORGE A. JUAREZ** be enrolled as an inactive member of the State Bar of California pursuant to section 6203, subdivision (d)(1), effective five days from the date of service of this order. (Rule 708(b)(1).)

**IT IS FURTHER ORDERED** that Award Debtor must remain involuntarily enrolled as

an inactive member of the State Bar until:

- (1) he has paid the arbitration award to Susan Long in the amount of \$4,775, plus interest at the rate of 10% per annum from January 1, 2006; and
- (2) the court grants a motion to terminate his inactive enrollment pursuant to rule 710.

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

Dated: August 29, 2008

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DONALD F. MILES  
Judge of the State Bar Court