

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES

In the Matter of) Case Nos.: **09-O-10380-RAP**
) 10-N-04898 (Cons.)
LISA RENAE HAMMOND)
) **DECISION AND ORDER OF**
Member No. 219196) **INVOLUNTARY INACTIVE**
) **ENROLLMENT**
A Member of the State Bar.)

I. Introduction

In this default disciplinary matter, respondent Lisa Renae Hammond (“respondent”) is found culpable, among other things, of failing to comply with California Rules of Court, rule 9.20, as ordered by the California Supreme Court on February 24, 2010, in case number S178783 (State Bar Court case nos. 08-O-12813 (08-O-13125)).

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”) in case no. 10-N-04898 was filed and properly served via certified mail, return receipt requested, on respondent at her official membership records address on June 28, 2010.

On August 10, 2010, the State Bar filed and properly served a second NDC in case no. 09-O-10380. This matter was subsequently consolidated with case no. 10-N-04898.

Respondent failed to file a timely response to either NDC. (Rules Proc. of State Bar, rule 103) Respondent also failed to appear at the scheduled status conference on August 12, 2010.

On motion of the State Bar, respondent's default was entered on October 1, 2010. A copy of the order of entry of default was properly mailed to respondent's official membership records address. Said mailing was subsequently returned to the State Bar Court as undeliverable. Respondent was enrolled as an inactive member under Business and Professions Code section 6007, subdivision (e),¹ on October 4, 2010.

The court took this matter under submission on October 21, 2010, 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's 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).)

A. Jurisdiction

Respondent was admitted to the practice of law in California on May 13, 2002, 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 or about February 24, 2010, the California Supreme Court filed Order No. S178783 ("Order") in State Bar Court case numbers 08-O-12813 (08-O-13125).

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

The Order included a requirement that respondent comply with rule 9.20, California Rules of Court, by performing the acts specified in subdivisions (a) and (c) of that rule within thirty (30) and forty (40) days, respectively, after the effective date of the Order.

Notice of the Order was properly served upon respondent in the manner prescribed by rule 9.18, subdivision (b), California Rules of Court, at the address respondent maintained with the State Bar of California in accordance with Business and Professions Code section 6002.1, subdivision (a). Respondent received the Order.

The Order became effective on March 26, 2010, thirty (30) days after the Order was filed and at all times subsequent has remained in full force and effect. Pursuant to the Order, respondent was ordered to comply with subdivision (a) of rule 9.20, California Rules of Court, no later than on or about April 26, 2010, and was ordered to comply with subdivision (c) of rule 9.20, California Rules of Court, no later than on or about May 5, 2010.

As of June 28, 2010, respondent had failed to file with the clerk of the State Bar Court a declaration of compliance with rule 9.20, subdivisions (a) and (b), California Rules of Court, as required by rule 9.20, subdivision (c), California Rules of Court.²

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].)

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

² There is no indication in the record that respondent has since complied with rule 9.20, subdivision (c).

C. The Youngblood Matter

On or about November 2, 2007, Jerry Youngblood (“Youngblood”) employed respondent to represent him in the prosecution of a personal injury matter. Respondent never performed any legal services on Youngblood’s behalf.

On or about January 11, 2008, Youngblood called respondent seeking an update on his matter, and left a message with respondent’s employee requesting a return call from respondent. Respondent received the message but did not return Youngblood’s call.

On or about April 21, 2008, Youngblood called respondent seeking an update on his matter, and left a message with respondent’s employee requesting a return call from respondent. Respondent received the message but did not return Youngblood’s call.

On or about July 14, 2008, Youngblood called respondent seeking an update on his matter, and left a message with respondent’s employee requesting a return call from respondent. Respondent received the message but did not return Youngblood’s call.

On or about December 29, 2008, the State Bar of California opened a disciplinary investigation of respondent’s conduct in case no. 09-O-10830.

On or about February 11, 2009, a State Bar investigator sent respondent a letter, which she received, in which the investigator directed respondent to provide a written response to Youngblood’s allegations, no later than by February 27, 2009. Respondent failed to provide a written response to the letter or otherwise communicate with the investigator concerning the Youngblood matter.

On or about March 10, 2009, the investigator sent respondent another letter, which she received, in which the investigator directed respondent to provide a written response to Youngblood’s allegations, no later than by March 24, 2009. Respondent failed to provide a

written response to the letter or otherwise communicate with the investigator concerning the Youngblood matter.

By not performing any legal services on Youngblood's behalf, respondent intentionally and recklessly failed to perform legal services with competence, in willful violation of rule 3-110(A) of the California Rules of Professional Conduct.

By not responding to Youngblood's messages left on January 11, 2008, April 21, 2008, or July 14, 2008, respondent failed to promptly respond to reasonable status inquiries of a client, in willful violation of section 6068, subdivision (m).

By not providing a written response or any response to the allegations of misconduct in the Youngblood matter or otherwise cooperating in the investigation, respondent failed to cooperate and participate in a disciplinary investigation pending against her, in willful violation of section 6068, subdivision (i).

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).)³

B. Aggravation

Respondent's prior record of discipline is an aggravating circumstance. (Std. 1.2(b)(i).) Respondent has one prior imposition of discipline.

On February 24, 2010, the California Supreme Court, in the underlying matter, issued an order (S178783) suspending respondent from the practice of law for two years, stayed, subject to a 90-day actual suspension and/until the State Bar Court grants a motion to terminate her

³ All further references to standard(s) are to this source.

suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. In this default proceeding, respondent was found culpable of multiple acts of professional misconduct, including failing to perform competently, failing to communicate, failing to cooperate with the State Bar, and committing an act of dishonesty. In aggravation, respondent committed multiple acts of misconduct, caused significant harm to her clients, and failed to participate in the disciplinary proceedings. No mitigating circumstances were involved.

V. Discussion

Respondent's willful failure to comply with rule 9.20, subdivision (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.)

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 an order of the California Supreme Court.

VI. Recommended Discipline

The court recommends that respondent Lisa Renae Hammond be disbarred from the practice of law in 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 rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that

rule within 30 and 40 days, respectively, after the effective date of its order imposing discipline in this matter.⁴

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: December 20, 2010.

RICHARD A. PLATEL
Judge of the State Bar Court

⁴ Respondent 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.)