

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES

In the Matter of	)	Case Nos.: <b>10-O-06148 (10-O-07119;</b>
	)	<b>10-O-07680)-RAH</b>
<b>RONALD AVENT JACKSON,</b>	)	
	)	<b>DECISION AND ORDER OF</b>
<b>Member No. 49536,</b>	)	<b>INVOLUNTARY INACTIVE</b>
	)	<b>ENROLLMENT</b>
A Member of the State Bar.	)	

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Respondent Ronald Avent Jackson (respondent) was charged with ten counts of violations of the Rules of Professional Conduct (RPC) and the Business and Professions Code. He failed to participate either in person or through counsel, and his 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.<sup>1</sup>

Rule 5.85 provides the procedure to follow when an attorney fails to participate in a disciplinary proceeding after receiving adequate notice and opportunity. The rule provides that if an attorney's default is entered for failing to respond to the notice of disciplinary charges (NDC), and the attorney fails to have the default set aside or vacated within 180 days, the State Bar will file a petition requesting the court to recommend the attorney's disbarment.<sup>2</sup>

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<sup>1</sup> Unless otherwise indicated, all references to rules are to this source.

<sup>2</sup> 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 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 practice law in this state on June 25, 1971, and has been a member since then.

#### **Procedural Requirements Have Been Satisfied**

Respondent has actual knowledge of this disciplinary proceeding. On December 29, 2010, a 20-day letter was mailed to respondent at his official membership records address. The letter was not returned by the U.S. Postal Service, and on March 2, 2011, respondent sent a letter to a State Bar investigator advising the investigator that he now resides in Mexico. Attached to the letter was, among other things, a declaration by respondent in support of resignation and a Resignation with Charges Pending form which appeared improperly printed as some of the text was obscured.

On April 7, 2011, the State Bar filed and properly served the NDC on respondent by certified mail, return receipt requested at his membership records address. The NDC notified respondent that his failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.)

Thereafter, the State Bar attempted to reach respondent by email to his email address listed in his membership records,<sup>3</sup> by letters sent to respondent's membership records address and to an address in Mexico which respondent had provided on his resignation form, and by telephone to respondent's official membership records telephone number.

Respondent failed to file a response to the NDC. On June 1, 2011, the State Bar filed and

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<sup>3</sup> Effective February 1, 2010, all attorneys are required to maintain a current email address to facilitate communications with the State Bar. (Cal. Rules of Court, rule 9.7(a)(2).)

properly served a motion for entry of respondent's default. The motion complied with all the requirements for a default, including a supporting declaration of reasonable diligence by the State Bar deputy trial counsel declaring the additional steps taken to provide notice to respondent. (Rule 5.80.) The motion also notified respondent that if he did not timely move to set aside his default, the court would recommend his disbarment.

Thereafter, between June 4 and June 7, 2011, respondent and the deputy trial counsel assigned to this matter exchanged emails. In one email, respondent acknowledged that he received notice from the State Bar regarding these three cases; he tried to resign from the State Bar; he retired in January 2010 and moved to Mexico; he has no intention of returning to California or practicing law again; and he was aware of the default motion. On June 8, 2011, respondent and the assigned deputy trial counsel had a telephone conversation.

Despite having actual knowledge of this proceeding, respondent did not file a response to the motion, and his default was entered on June 17, 2011. The order entering the default was served on respondent at his membership records address by certified mail, return receipt requested. The court also ordered respondent's involuntary inactive enrollment as a member of the State Bar under Business and Professions Code section 6007, subdivision (e), effective three days after service of the order, and he has remained inactively enrolled since that time.

Respondent also did not seek to have his default set aside or vacated. (Rule 5.83(C)(1) [attorney has 180 days to file motion to set aside default].) On January 13, 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 charges pending against him; (3) respondent has two prior records of discipline; and (4) the Client Security Fund has not paid out any claims as a result of respondent's conduct. Respondent did not respond to the petition for disbarment or

move to set aside or vacate the default. The case was submitted for decision on February 8, 2012.

Respondent has been disciplined on two prior occasions. Effective January 18, 1991, respondent was privately reprovved with conditions. The misconduct involved respondent's failure to properly supervise an attorney employee and respondent's failure to perform all services for which he was employed. Respondent and the State Bar entered into a stipulation as to facts, conclusions of law and the disposition in this matter.

Pursuant to a Supreme Court order filed on July 8, 1993, respondent was suspended for 60 days, the execution of which was stayed, and he was placed on probation for two years subject to conditions of probation. Respondent was disciplined for his failure to perform legal services with competence, failing to maintain the respect due to the courts and judicial officers, and failing to keep a client reasonably informed about significant developments in the client's matter. Respondent and the State Bar entered into a stipulation as to facts, conclusions of law and the disposition in this matter.

### **The Admitted Factual Allegations Warrant the Imposition of Discipline**

Upon entry of 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 support the conclusion that respondent is culpable as charged, except as otherwise noted, and, therefore, violated a statute, rule or court order that would warrant the imposition of discipline. (Rule 5.85, subd. (E)(1)(d).)

#### **1. Case Number 10-O-06148 (The Tai Matter)**

Count One - respondent willfully violated rule 3-700(A)(2) of the RPC (withdrawing from employment without taking reasonable steps to avoid reasonably foreseeable prejudice to a

client's rights) by ceasing to represent his client without notice and without returning the client file or any unearned fees.

Count Two – respondent willfully violated rule 3-700(D)(2) of the RPC (failing to refund unearned fees) by failing to refund promptly any part of a \$3,500 fee paid in advance that has not been earned.

Count Three – respondent willfully violated rule 4-100(B)(3) of the RPC (failure to maintain records of client property/render appropriate accounts) by failing to provide an itemized accounting for the attorney's fees paid by his client.

Count Four – respondent violated section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by not providing a written response to the allegations or otherwise cooperating in the investigation of his client's matter.

**2. Case Number 10-O-07119 (The Mancini Matter)**

Count Five – respondent willfully violated rule 3-700(A)(2) of the RPC by ceasing to represent his client without notice, without returning the client file, and without refunding unearned fees.

Count Six - respondent willfully violated rule 3-700(D)(2) of the RPC by failing to refund promptly any part of a \$2,500 fee paid in advance that has not been earned.

Count Seven – respondent willfully violated rule 4-100(B)(4) of the RPC (promptly pay/deliver client funds) by not returning the \$300 in advanced costs as requested by his client.

**3. Case Number 10-O-07680 (The Voeller Matter)**

Count Eight - respondent willfully violated rule 3-700(A)(2) of the RPC by ceasing to represent his client without notice, without returning the client file, and without refunding unearned fees.

Count Nine - respondent willfully violated rule 3-700(D)(2) of the RPC by failing to refund promptly any part of a \$3,500 fee paid in advance that has not been earned.

Count Ten - respondent willfully violated rule 4-100(B)(3) of the RPC by failing to provide an itemized accounting for the attorney's fees and advanced costs paid by his client.

**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 prior to the entry of his default, as he unsuccessfully sought to resign from the State Bar with charges pending; respondent acknowledged to the deputy trial counsel that he received notice from the State Bar regarding these three pending cases; he tried to resign from the State Bar; he retired in January 2010; he moved to Mexico; he had no intention of returning to California or practicing law again; and he was aware of the default motion.

(3) the default was properly entered under rule 5.80; 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 participate in this disciplinary proceeding. As set forth in the Rules of Procedure of the State Bar, the court must recommend his disbarment.

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## **RECOMMENDATION**

### **Disbarment**

The court recommends that respondent Ronald Avent Jackson be disbarred from the practice of law in the State of California and that his 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) James M. Tai in the amount of \$3,500 plus 10 percent interest per year from February 1, 2010;
- (2) Federico Mancini in the amount of \$2,800<sup>4</sup> plus 10 percent interest per year from February 1, 2010; and
- (3) Patrick Voeller in the amount of \$3,500 plus 10 percent interest per year from February 1, 2010.

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.

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<sup>4</sup> This figure represents the \$2,500 in advanced fees and the \$300 in advanced costs that Mancini paid to respondent.

**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 Ronald Avent Jackson, State Bar number 49536, 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: April \_\_\_\_\_, 2012

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RICHARD A. HONN  
Judge of the State Bar Court