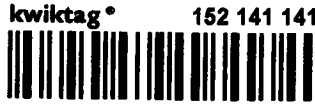


**FILED**

JUN 27 2012



STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

**STATE BAR COURT OF CALIFORNIA**

**HEARING DEPARTMENT - SAN FRANCISCO**

In the Matter of	)	Case No.: 11-N-12835-PEM
	)	
<b>LARRY PAUL JAMES,</b>	)	<b>DECISION AND ORDER OF</b>
	)	<b>INVOLUNTARY INACTIVE</b>
<b>Member No. 183769,</b>	)	<b>ENROLLMENT</b>
	)	
<u>A Member of the State Bar.</u>	)	

Respondent Larry Paul James (respondent) was charged with disobeying or violating a court order requiring him to comply with California Rules of Court, rule 9.20, and violating rule 9.20(c). He failed to appear at the trial of this case and his default was entered. The Office of the Chief Trial Counsel (State Bar) filed a petition for disbarment under rule 5.85 of the Rules of Procedure of the State Bar.<sup>1</sup>

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.<sup>2</sup>

<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 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 November 28, 1996, and has been a member of the State Bar since then.

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

On June 21, 2011, the State Bar filed and properly served the notice of disciplinary charges (NDC) on respondent at his membership records address by certified mail, return receipt requested. The NDC notified respondent that his failure to appear at the State Bar Court trial would result in a disbarment recommendation. (Rule 5.41.) On August 9, 2011, respondent filed his response to the NDC.

By order filed August 23, 2011, the trial was set to start on October 4, 2011. The order setting the trial date was served on respondent at the address provided in the response to the NDC, which also was his membership records address, 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 October 4, 2011. The order notified respondent that if he did not timely move to set aside or vacate his default, the court would recommend his disbarment. The order also placed respondent on involuntary inactive status under Business and Professions Code section 6007, subdivision (e), and he has remained inactive since that time.

Respondent did not seek to have his 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].) On February 27, 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) respondent has not contacted the State Bar since his default was entered; (2) respondent has six other disciplinary matters pending (which have not been filed in the State Bar Court); (3) respondent has two records of prior discipline; and (4) the Client Security Fund has not paid out any claims as a result of respondent's misconduct; but, there are three applications pending and under evaluation.

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 April 2, 2012.

Respondent has been disciplined on two prior occasions.<sup>3</sup> Pursuant to a Supreme Court order filed on February 2, 2011, respondent, who participated in the disciplinary proceeding, was suspended for one year, the execution of which was stayed, and was placed on probation for two years subject to conditions, including that he be suspended from the practice of law for the first 90 days of probation. Respondent was also ordered to comply with California Rules of Court, rule 9.20. The case involved four client matters and the misconduct included respondent's failure to: perform services competently, return \$11,100 in unearned fees, cooperate in a State Bar investigation, and communicate with his client.

Pursuant to a Supreme Court order filed on October 19, 2011, respondent was suspended from the practice of law for three years, the execution of which was stayed, and was placed on probation for three years subject to conditions, including that he be suspended from the practice of law for a minimum of the first two years of probation and until he paid specified restitution to two clients, and provided proof of his rehabilitation, fitness to practice and learning and ability in the general law. Respondent was also ordered to comply with California Rules of Court, rule 9.20. Respondent's misconduct, which involved two client matters, included failing to perform

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<sup>3</sup> The court takes judicial notice of the pertinent State Bar Court records regarding this prior discipline, admits them into evidence and directs the Clerk to include copies in the record of this case.

services competently, failing to return \$15,000 in unearned fees, failing to communicate with his client, and engaging in acts of moral turpitude. Respondent participated in the disciplinary proceeding.

**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, (E)(1)(d).)

**Case Number 11-N-12835 (Rule 9.20 Matter)**

Respondent violated California Rules of Court, rule 9.20(c) (duties of disbarred, resigned or suspended attorneys) and Business and Professions Code section 6103 (violation of court order) by failing to file proof of compliance as required by rule 9.20(c) as ordered by the Supreme Court in its February 2011 Order.

**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 his disbarment.

### RECOMMENDATION

#### Disbarment

The court recommends that respondent Larry Paul James be disbarred from the practice of law in the State of California and that his name be stricken from the roll of attorneys.

#### Rule 9.20

The court also recommends that respondent be ordered to comply with the requirements of the California Rules of Court, rule 9.20, 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 Larry Paul James, State Bar Number 183769, 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: June 27, 2012

  
PAT McELROY  
Judge of the State Bar Court

## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on June 27, 2012, I deposited a true copy of the following document(s):

### DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

in a sealed envelope for collection and mailing on that date as follows:

- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California; addressed as follows:

LARRY P. JAMES  
JAMES INTL LAW INC  
1207 FRONT ST #22  
SACRAMENTO, CA 95814 - 3200

- by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

- by overnight mail at , California, addressed as follows:

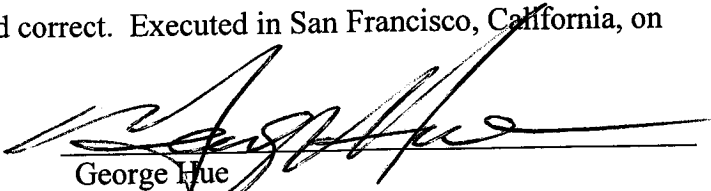
- by fax transmission, at fax number . No error was reported by the fax machine that I used.

- By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Bruce Horace Robinson, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on June 27, 2012.

  
George Hue  
Case Administrator  
State Bar Court