

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of) Case No.: **11-N-19131-PEM**
)
FELICIA FAYE BLAKLEY,) **DECISION AND ORDER OF**
) **INVOLUNTARY INACTIVE**
Member No. 139374,) **ENROLLMENT**
)
A Member of the State Bar.)

Respondent Felicia Faye Blakley (respondent) was charged with willfully violating California Rules of Court, rule 9.20, by willfully disobeying or violating a court order requiring compliance with rule 9.20. She failed to participate either in person or through counsel, and her 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.¹

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.²

¹ Unless otherwise indicated, all references to rules are to this source.

² 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 February 6, 1989, and has been a member since then.

Procedural Requirements Have Been Satisfied

On May 8, 2012, the State Bar filed and properly served an amended NDC on respondent by certified mail, return receipt requested, at her membership records address. Courtesy copies of the amended NDC were also sent to three other alternate addresses. The amended NDC notified respondent that her failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.) The amended NDC sent to her official address and to two of the other addresses were returned by the U.S. Postal Service. But the State Bar received a signed return card for the courtesy copy sent to “1152 Kelton Road, San Diego, CA 92114.”

In addition, reasonable diligence was also used to notify respondent of this proceeding.

The State Bar attempted to reach respondent at her official membership records telephone number and at two other telephone numbers found through a record search. The State Bar was unable to reach her. The State Bar also attempted to contact respondent by email on four occasions. Respondent did not reply to the emails.

Respondent failed to file a response to the amended NDC. On June 21, 2012, the State Bar filed and properly served upon respondent 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 she did

not timely move to set aside her default, the court would recommend her disbarment.

Respondent did not file a response to the motion, and her default was entered on July 6, 2012.

The order entering the default was served on respondent at her membership records address by certified mail, return receipt requested. A courtesy copy of the order was also sent to an alternate address. 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 she has remained inactively enrolled since that time.

Respondent also did not seek to have her default set aside or vacated. (Rule 5.83(C)(1) [attorney has 180 days to file motion to set aside default].) On February 21, 2013, the State Bar filed and properly served the petition for disbarment on respondent at her membership records address by certified mail, return receipt requested. As required by rule 5.85(A), the State Bar reported in the petition that: (1) there has been no contact with respondent since her default was entered; (2) there are two other disciplinary matters pending against respondent;³ (3) respondent has no prior record of discipline; and (4) the Client Security Fund has not made payments resulting from respondent's misconduct. 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 March 29, 2013.

The Admitted Factual Allegations Warrant the Imposition of Discipline

Upon entry of respondent's default, the factual allegations in the amended 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 amended NDC support the

³ The State Bar's petition for disbarment indicated that there are no disciplinary charges pending (p. 4 of the petition). But Deputy Trial Counsel William Todd noted in his declaration that there are two other disciplinary matters pending. The court takes judicial notice that there are, in fact, two conviction referral matters pending: State Bar Court case Nos. 11-C-14103 and 11-C-16979. Case No. 11-C-14103 is the underlying case in this instant matter.

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

Case Number 11-N-19131 (Rule 9.20 Matter)

Respondent willfully violated California Rules of Court, rule 9.20 (duties of disbarred, resigned or suspended attorneys) by failing to file proof of compliance as required by rule 9.20(c), as ordered by the Review Department of the State Bar Court in its August 29, 2011 order in case No. 11-C-14103.

Disbarment is Recommended

Based on the above, the court concludes that the requirements of rule 5.85(E) have been satisfied, and respondent's disbarment is recommended. In particular:

(1) the NDC was properly served on respondent under rule 5.25;

(2) reasonable diligence was used to notify respondent of the proceedings prior to the entry of her default, as the amended NDC was served on respondent at her membership records address and three alternate addresses by certified mail; the State Bar attempted to reach respondent by email and by telephone at three telephone numbers;

(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 recommends disbarment.

RECOMMENDATION

Disbarment

The court recommends that respondent Felicia Faye Blakley be disbarred from the practice of law in the State of California and that her 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 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 Felicia Faye Blakley, State Bar number 139374, 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. (Rule 5.111(D).)

Dated: June _____, 2013

PAT McELROY
Judge of the State Bar Court