

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of)	Case No.: 11-O-10727-RAH
)	(11-O-16741; 12-O-10763)
RONALD DENNIS JAMAN,)	
)	DECISION AND ORDER OF
Member No. 48057,)	INVOLUNTARY INACTIVE
)	ENROLLMENT
A Member of the State Bar.)	
_____)	

Respondent Ronald Dennis Jaman was charged with seven counts of violations of the Rules of Professional Conduct and the Business and Professions Code.¹ He did not 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 rule 5.85 of the Rules of Procedure of the State Bar.²

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 not responding to the notice of disciplinary charges (NDC),

¹ Unless otherwise indicated, all further references to section(s) refer to provisions of the Business and Professions Code.

² Unless otherwise indicated, all references to rules are to this source.

and the attorney does not 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.³

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 January 7, 1971, and has been a member since then.

Procedural Requirements Have Been Satisfied

On July 13, 2012, 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.) The NDC was returned unclaimed. A copy of the NDC was also served later at respondent's membership records address by first-class mail. This copy was not returned.

In addition, reasonable diligence was also used to notify respondent of this proceeding. The State Bar called respondent at his membership records telephone number and at possible alternate telephone numbers obtained from those who answered the membership records telephone as well as from an internet search. A telephone message was left at one such number with respondent's son. Correspondence was also sent to respondent's home address and to his membership records email address. The State Bar also contacted the Office of Probation to ascertain whether it had additional contact information for respondent.

³ 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).)

Respondent did not file a response to the NDC. On August 31, 2012, the State Bar filed and 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.

Respondent did not file a response to the motion, and his default was entered on September 20, 2012. 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 May 1, 2013, 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 had no contact with the State Bar since the entry of default; (2) respondent has no disciplinary matters pending; (3) respondent has two prior records of discipline; and (4) the Client Security Fund (CSF) has not made payments resulting from 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 May 9, 2012.

Respondent has been disciplined on two prior occasions.⁴ Pursuant to a Supreme Court order filed on January 14, 2010, respondent was suspended for 60 days, the execution of which was stayed, and he was placed on probation for two years after successfully completing the State Bar Court's Alternative Discipline Program. In one client matter and a trust account matter, respondent did not perform competently or promptly inform his client about the receipt of client funds. He also commingled personal funds in a client trust account and did not cooperate in a disciplinary investigation.

Pursuant to a Supreme Court order filed on September 13, 2011, respondent's probation was revoked and he was placed on probation for two years on conditions including 60 days' actual suspension. Discipline was imposed because respondent did not comply with probation conditions imposed in the prior disciplinary 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 and, therefore, violated a statute, rule or court order that would warrant the imposition of discipline. (Rule 5.85(E)(1)(d).)

⁴ On the court's own motion, the court takes judicial notice of the relevant 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.

Case Number 11-O-10727 (Liu Matter)

Count One – respondent willfully violated rule 4-100(A) of the Rules of Professional Conduct⁵ (not maintaining client funds in trust account) by not maintaining \$732.66 of Liu’s settlement funds in his client trust account.

Counts Two and Three – respondent violated section 6106 (moral turpitude) by dishonestly or negligently misappropriating \$694.08 of Liu’s settlement funds and by knowingly or being grossly negligent in not knowing that he issued a client trust account check against insufficient funds.

Case Number 11-O-16741 (Kirby Matter)

Count Four–respondent violated sections 6068, subdivision (a) and 6125 and 6126 (unauthorized practice of law) by preparing and sending a settlement demand letter on behalf of clients to an insurance carrier while he was suspended from the practice of law for nonpayment of his State Bar membership fees.

Counts Five and Six– respondent violated section 6106 (moral turpitude) by knowingly or with gross negligence practicing law while suspended and misrepresenting his State Bar status to the insurance carrier.

Case Number 12-O-10763 (Probation Matter)

Count Seven– respondent violated sections 6068, subdivision (k) by violating probation conditions ordered by the Supreme Court in a disciplinary matter, including not timely filing the quarterly reports due on the 10th of January, April and July 2012; not contacting or conducting a meeting with the Office of Probation to discuss the terms and conditions of probation; not making restitution payments; and not providing proof that respondent had started his participation in the Lawyers Assistance Program again.

⁵ Further references to RPC are to this source.

Disbarment is Recommended 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 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 his default, as the State Bar served the NDC on respondent at his membership records address by certified mail and by first-class mail; and attempted to reach him by telephone, letter and email;

(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 did not 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 Ronald Dennis Jaman 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 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.

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 Dennis Jaman, State Bar number 48057, 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: August _____, 2013

RICHARD A. HONN
Judge of the State Bar Court