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STATE BAR COURT
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**STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES**

In the Matter of)
LAURA ANN FURUTA,)
Member No. 210198)
A Member of the State Bar.)

Case No.: 12-O-14077 et. al.

**ORDER ON MOTIONS; ENTERING
DEFAULT; AND ENROLLING MEMBER
INACTIVE**

On April 16, 2014, respondent Laura Ann Furuta filed a motion to withdraw her answer to the notice of disciplinary charges (NDC). The State Bar opposes the motion. On April 14, 2014, the State Bar filed a motion for an order striking respondent's answer to the NDC and entering her default as a sanction for her failure to comply with a discovery request, or in the alternative, for an order compelling respondent to comply with the request. Respondent opposes the motion.

Motion to Withdraw Answer

At a status conference on April 3, 2014, respondent, through counsel, informed the court that she did not wish to participate further in this proceeding and would not appear at trial. She subsequently filed the present motion to withdraw her answer. Respondent states in her declaration in support of the motion that she understands that withdrawing her answer will result in her default and that her default will result in her disbarment. She has decided to default after fully considering various factors, both personal and professional, and after discussing the matter



with her attorney. The State Bar opposes the motion, asserting that while there is no rule expressly prohibiting the action sought by respondent, there is no rule or authority authorizing it.

The court agrees that the Rules of Procedure of the State Bar and Rules of Practice of the State Bar Court do not expressly provide for the withdrawal of an answer. Nevertheless, when “jurisdiction is, by the Constitution or this Code, or by any other statute, conferred on a Court or judicial officer, all the means necessary to carry it into effect are also given; and in the exercise of this jurisdiction, if the course of proceeding be not specifically pointed out by this Code or the statute, any suitable process or mode of proceeding may be adopted which may appear most conformable to the spirit of this Code.” (Code Civ. Proc., § 187; see also *Rutherford v. Owens-Illinois, Inc.* (1997) 16 Cal.4th 953, 967 [judges possess “fundamental inherent equity, supervisory, and administrative powers” to control the litigation before them as well as to carry out their duties]; *Jones v. State Bar* (1989) 49 Cal.3d 273, 287 [hearing referee had discretion to exercise reasonable control over proceedings to avoid unnecessary delay].) The lack of a specific procedure for withdrawal of an answer is therefore not a bar to consideration of the motion if it is a suitable process that is consistent with the rules.

The default procedures set forth in Rules of Procedure of the State Bar rule 5.80 (default for failing to answer) and rule 5.81 (default for failing to appear at trial) contain many due process provisions designed to ensure that a member is notified of the discipline proceeding and the consequences of not participating (disbarment). In addition, they ensure that the member has ample opportunity to participate before disbarment proceedings are initiated by providing waiting periods of 180 days (failure to answer) and 90 days (failure to appear at trial) after the member’s default is entered before a petition for disbarment can be filed.

These due process concerns are not an issue in this case. Respondent does not wish to participate further and she clearly recognizes the consequences of failing to do so. She has stated

without reservation that she will not appear at trial. Permitting this case to remain set for trial will require the State Bar to prepare for a trial that will not occur, including having witnesses present to testify. In addition, the court will be required to maintain the trial dates on its calendar, making them unavailable for other cases that will be tried. After default is entered, the case will be delayed many months before disposition to provide respondent an opportunity to participate in a case in which she does not want to participate.

If respondent's answer is withdrawn, her default will be entered. The facts alleged in the notice of disciplinary charges will be deemed admitted (Rules Proc. of State Bar, rule 5.82) and a disbarment decision will be posted on the State Bar's website and available to the public. The outcome of this case will be no different than entering the default after respondent fails to appear at trial, except that significant delay will be avoided. Permitting respondent to withdraw her answer under the unique circumstances presented here is a suitable process to advance the goals of protecting the public, courts and profession and is not inconsistent with the Rules of Procedure and Practice.

Good cause having been shown, respondent's motion to withdraw her answer is granted and the answer is withdrawn. As there is no answer, respondent's default is entered, effective upon the filing of this order. All previously scheduled court dates are vacated.

The State Bar has 20 days from service of this order to file the petition for disbarment. Rule 5.85(A), (C), (D) and (E) of the Rules of Procedure of the State Bar apply to the petition and ruling.

Motion for Discovery Sanctions

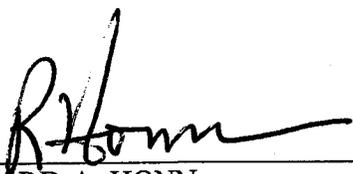
As respondent's default has been entered, the State Bar's motion for an order striking respondent's answer to the NDC for failing to comply with discovery, or in the alternative, for an order compelling compliance, is denied as moot.

ORDER ENROLLING INACTIVE

The conditions of Business and Professions Code section 6007, subdivision (e)(1), having been met, respondent is enrolled as an inactive member of the State Bar of California under Business and Professions Code section 6007, subdivision (e). The inactive enrollment is effective three (3) days after service of this order. (Rules Proc. of State Bar, rule 5.250.)

IT IS SO ORDERED.

Dated: May 2, 2014



RICHARD A. HONN
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 Los Angeles, on May 2, 2014, I deposited a true copy of the following document(s):

ORDER ON MOTIONS; ENTERING DEFAULT; AND ENROLLING MEMBER
INACTIVE

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

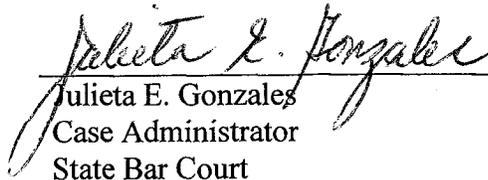
- by certified mail, No. 7160 3901 9848 5951 2284, with return receipt requested, through the United States Postal Service at Los Angeles, California, addressed as follows:

ARTHUR LEWIS MARGOLIS
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DR
LOS ANGELES, CA 90039

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

Kimberly G. Anderson, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 2, 2014.



Julieta E. Gonzales
Case Administrator
State Bar Court