

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT - LOS ANGELES

In the Matter of	)	Case No.: 12-O-14103 -LMA (12-O-15707)
	)	
LAWRENCE VICTOR HARRISON,	)	DECISION AND ORDER OF
	)	INVOLUNTARY INACTIVE
Member No. 202689,	)	ENROLLMENT
	)	
<u>A Member of the State Bar.</u>	)	

In this matter, respondent Lawrence Victor Harrison was charged with (1) failing to comply with probation conditions; (2) improper withdrawal from employment; (3) failing to communicate; (4) failing to return unearned fees; (5) failing to render account of client funds; and (6) failing to release a client file. Respondent 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 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 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 November 9, 1999, and has been a member since then.

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

On November 29, 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 was returned by the U.S. Postal Service bearing a stamp “NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD.” The NDC notified respondent that his failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.)

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

On January 15, 2013, Deputy Trial Counsel Lara Bairamian (DTC) asked a State Bar investigator to perform a search for respondent using Lexis/Nexis PeopleSearch. On the date of the DTC’s request, i.e. January 15, 2013, the investigator provided the Lexis/Nexis PeopleSearch report to the DTC. The DTC reviewed the report, which identified two potential addresses for respondent.

On January 18, 2013, a courtesy copy of the NDC was sent to respondent by regular first class mail to each of the two potential addresses for respondent that had been identified in the Lexis/Nexis PeopleSearch report. As of January 22, 2013, neither of those two mailings had been returned to the State Bar.

On January 18, 2013, the State Bar mailed a courtesy copy of the NDC to respondent by regular first class mail to his official membership records address. As of January 22, 2013, that letter had not been returned to the State Bar.

Additionally, on January 18, 2013, a courtesy copy of the NDC was mailed to respondent by regular first class mail to his prior official membership records address. As of January 22, 2013, that letter had not been returned to the State Bar.

On January 18, 2013, the DTC also sent an email to the email address for respondent maintained by Membership Records for the State Bar, notifying respondent that an NDC had been filed against him in the State Bar Court. A copy of the NDC was attached to the email.

Respondent has not filed a response to the NDC.

On January 22, 2013, the State Bar properly served a motion for entry of respondent's default. The motion was filed with the State Bar Court on January 24, 2013. 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 February 7, 2013. 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 August 21, 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 September 16, 2013.

Respondent has been disciplined on two prior occasions.<sup>3</sup> Pursuant to a Supreme Court order filed on July 2, 2003, respondent was suspended for two years, the execution of which was stayed, and he was placed on probation for three years on condition that he be actually suspended for 30 days. In this matter, respondent stipulated to making false representations to the court.

Pursuant to a Supreme Court order filed on April 29, 2010, respondent was suspended for two years, the execution of which was stayed, and he was placed on probation for two years, subject to certain conditions, including that he be suspended from the practice of law for the first 60 days of probation. Respondent stipulated in this matter to six counts of misconduct stemming from three client matters, including failing to perform legal services with competence, failing to obey a court order, failing to report the imposition of sanctions in excess of \$1,000 to the State Bar, and failing to cooperate and participate in a disciplinary investigation (three counts).

### **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

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<sup>3</sup> As the State Bar has failed to submit respondent's prior record of discipline into evidence, the court, on its own motion, 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.

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 No. 12-O-14103 (Probation Matter)**

Count One – respondent violated section 6068, subdivision (k) (failing to comply with conditions of probation), by failing to comply with probationary conditions in case No. S180457, requiring that he: (1) timely submit the quarterly reports due on October 10, 2010, and the reports due on April 10 and July 10, 2011; (2) submit quarterly reports due on October 10, 2011, and January 10 and April 10, 2012; (3) submit a final quarterly report due no later than May 29, 2012; and (4) attend a session of Ethics School and provide proof of passage of the test given at the end of a session of Ethics School within one year of the disciplinary order, i.e., no later than May 29, 2012.

**Case No. 12-O-15707 (Escalante Matter)**

Count Two – respondent willfully violated rule 3-700(A)(2) of the Rules of Professional Conduct (improper withdrawal from employment) by ceasing all contact with his client prior to completing the services for which respondent was retained and failing to notify the client of respondent's withdrawal.

Count Three – respondent willfully violated Business and Professions Code section 6068, subdivision (m) (failing to communicate), by failing to: (1) communicate with his client from 2009 to the present; (2) notify his client of the changes to respondent's official membership records address; (3) notify his client that respondent became ineligible and remains ineligible to practice law, effective July 1, 2011; and (4) notify his client that effective September 26, 2011, respondent was suspended from the practice of law and continues to remain suspended.

Count Four – respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct (failure to refund unearned fees) by failing to refund unearned fees to his client upon termination of employment.

Count Five – respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct (failing to render appropriate accounts of client funds) by failing at any time to provide his client or the client’s parents with an accounting of the \$6,000 advanced fee respondent had received to represent Escalante.

Count Six – respondent willfully violated rule 3-700(D)(1) of the Rules of Professional Conduct (failure to return client papers/property) by failing to return the *People v. Escalante* transcript, as requested by the client in his letter to respondent.

### **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 his default, as the State Bar (a) filed and properly served the NDC on respondent by certified mail, return receipt requested, at his membership records address; (b) sent a copy of the NDC to respondent by regular first class mail at his official membership records address, (c) sent courtesy copies of the NDC to respondent at two potential addresses at which he might be located; (d) sent a courtesy copy of the NDC to respondent by regular first class mail to his prior official membership records address and; (e) sent an email, which included a copy of the NDC, to respondent at the email address maintained by the State Bar in its official membership records notifying respondent that the NDC had been filed against him in the State Bar Court.

- (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 his disbarment.

### **RECOMMENDATION**

#### **Disbarment**

The court recommends that respondent Lawrence Victor Harrison 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 Angel Escalante in the amount of \$6,000 plus 10 percent interest per year from December 31, 2009. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

#### **California Rules of Court, 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 Lawrence Victor Harrison, State Bar number 202689, 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: December \_\_\_\_, 2013

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LUCY ARMENDARIZ  
Judge of the State Bar Court