

FILED

MAY 28 2013

STATE BAR COURT OF CALIFORNIA

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SAN FRANCISCO

HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of)	Case No.: 12-O-14621
)	
VICTORIA M. WALTER,)	
)	ORDER
Member No. 187805)	
)	
<u>A Member of the State Bar.</u>)	

By order filed January 15, 2013, respondent Victoria M. Walter's default was entered for failing to appear at trial. As a result of her default, she was enrolled as an inactive member of the State Bar under Business and Professions Code 6007, subdivision (e)(1). On April 22, 2013, she filed a motion to set aside the default. On the same day, the State Bar filed a petition for disbarment. On April 30, 2013, the State Bar filed opposition to the motion to set aside the default.

Respondent readily admits that she was aware of the trial date. She asserts that she did not appear because she was suffering from depression caused by "post-acute withdrawal symptom, or 'PAWS'." She explains that PAWS is a set of persistent impairments, including depression, that occur after withdrawal from long-term opiate addiction. She argues that her default was entered because of excusable neglect caused by her PAWS related depression.

The law favors a trial on the merits. Doubts in deciding whether to grant a motion to set aside a default are resolved in favor of the party seeking relief, and if that party has moved promptly for relief, only slight evidence will justify an order granting relief. (*Elston v. City of Turlock* (1985) 38 Cal.3d 227, 233.) Here, respondent moved for relief from the default within



the time required by rule 5.83(C)(2) of the Rules of Procedure of the State Bar. Although respondent did not present expert testimony supporting her claim, the court concludes that sufficient evidence has been presented to grant relief.

Good cause having been shown, the motion to set aside the default is granted and the default is set aside. As the default is set aside, the petition for disbarment is denied.

Respondent's inactive enrollment under Business and Professions Code 6007, subdivision (e)(1), is terminated, effective upon the filing of this order. (Bus. & Prof. Code, § 6007, subd. (e)(2).)

The parties are ordered to appear at an in-person status conference on June 10, 2013 at 9:30a.m., at the State Bar Court, 180 Howard St., 6th Fl., San Francisco, CA 94105-1639.

IT IS SO ORDERED.

Dated: May 28, 2013



LUCY ARMENDARIZ
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 May 28, 2013, I deposited a true copy of the following document(s):

ORDER

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:

VICTORIA M. WALTER
1012 SONOMA GLEN CIR
GLEN ELLEN, CA 95442

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

TREVA STEWART, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on May 28, 2013.



Mazie Yip
Case Administrator
State Bar Court