

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES

In the Matter of	)	Case Nos.: <b>12-O-15510-DFM</b>
	)	(12-O-15877; 12-O-16380)
<b>JENNIFER MARIE URQUIZU,</b>	)	12-J-17378 (Cons.)
	)	
<b>Member No. 231134,</b>	)	<b>DECISION AND ORDER OF</b>
	)	<b>INVOLUNTARY INACTIVE</b>
A Member of the State Bar.	)	<b>ENROLLMENT</b>
_____	)	

In this matter, respondent Jennifer Marie Urquizu (Respondent) was charged with 15 counts of misconduct stemming from four separate matters. Respondent failed to participate, either in person or through counsel, and her default was entered. The Office of the Chief Trial Counsel of the State Bar of California (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>

---

<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 June 1, 2004, and has been a member since then.

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

On December 17, 2012, the State Bar properly filed and served an NDC on Respondent by certified mail, return receipt requested, at her membership records address. The NDC notified Respondent that her failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.) The NDC was not returned to the State Bar as undeliverable or for any other reason.

In addition, Respondent had actual notice of this proceeding. On January 10, 2013, Deputy Trial Counsel Kim Kasreliovich (DTC Kasreliovich) spoke to Respondent in-person regarding the NDC in this matter. DTC Kasreliovich and Respondent discussed the charges contained in the NDC, the upcoming State Bar Court status conference, and the importance of filing a response to the NDC. After Respondent failed to appear for the January 22, 2013 status conference, the State Bar made various attempts to contact Respondent. These attempts included calling Respondent and leaving her a message at a cellular number previously provided by Respondent, sending Respondent an email at an email address previously provided by Respondent, and mailing copies of the NDC to Respondent at her membership records address and a home address contained in Respondent's case file.

Respondent failed to file a response to the NDC. On February 1, 2013, 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 DTC Kasreliovich 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 default motion, and her default was entered on February 21, 2013. The order entering the default was served on Respondent at her 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 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 September 20, 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) it has had no contact with Respondent since the default was entered; (2) Respondent had no other disciplinary matters pending; (3) Respondent has one prior record of discipline; and (4) the Client Security Fund has not made any 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 October 17, 2013.

Respondent has been disciplined on one prior occasion. Pursuant to a Supreme Court order filed on May 31, 2013, Respondent was suspended for three years, the execution of which was stayed, and she was placed on probation for three years, including a two-year minimum period of suspension. In this matter, Respondent stipulated to twenty-nine counts of misconduct stemming from five client matters, including failing to perform legal services competently (five counts), failing to respond to reasonable client inquiries (five counts), failing to notify clients of significant developments (three counts), failing to refund unearned fees (five counts), aiding the

unauthorized practice of law, failing to account (five counts), failing to cooperate in a State Bar investigation, failing to maintain a current address with the State Bar, failing to promptly pay out client funds (two counts), and failing to promptly return a client file.

### **The Admitted Factual Allegations Warrant the Imposition of Discipline**

Upon entry of a 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 violated a statute, rule, or court order that would warrant the imposition of discipline. (Rule 5.85(E)(1)(d).)

#### **Case Number 12-O-15510 (Fenton Matter)**

Count One – Respondent willfully violated Business and Professions Code section 6068, subdivision (m) (failing to communicate), by failing to respond to multiple telephone messages and emails from her clients requesting status updates.

Count Two – Respondent willfully violated rule 3-700(A)(2) of the Rules of Professional Conduct (improper withdrawal from employment) by withdrawing from employment and failing to inform her clients that she would no longer be working on their legal matter.

Count Three – Respondent willfully violated rule 3-700(D)(1) of the Rules of Professional Conduct (failure to release file) by failing to release her clients' file upon termination of employment.

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 her clients upon termination of employment.

Count Five – Respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct (failure to account) by failing to provide her clients with an accounting of the fees advanced to Respondent.

Count Six – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate in a State Bar investigation), by failing to respond to the State Bar investigator’s letters.

**Case Number 12-O-15877 (Edwards Matter)**

Count Seven – Respondent willfully violated rule 3-110(A) of the Rules of Professional Conduct (failure to competently perform legal services) by failing to file a Chapter 7 bankruptcy petition or perform any other legal services of value for her clients.

Count Eight – Respondent willfully violated Business and Professions Code section 6068, subdivision (m) (failing to communicate), by failing to respond to multiple telephone messages and emails from her clients requesting status updates.

Count Nine – 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 her clients upon termination of employment.

Count Ten – Respondent willfully violated rule 4-100(B)(4) of the Rules of Professional Conduct (failure to pay client funds) by failing to refund unused advanced costs to her clients upon termination of employment.

**Case Number 12-O-16380 (Pereyra Matter)**

Count Eleven – Respondent willfully violated rule 3-110(A) of the Rules of Professional Conduct (failure to competently perform legal services) by failing to file a Chapter 13 bankruptcy petition or perform any other legal services of value for her client.

Count Twelve – Respondent willfully violated Business and Professions Code section 6068, subdivision (m) (failing to communicate), by failing to respond to multiple telephone messages and emails from her client requesting status updates.

Count Thirteen – 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 her client upon termination of employment.

Count Fifteen<sup>3</sup> – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate in a State Bar investigation), by failing to respond to the State Bar investigator’s letters.

**Case Number 12-J-17378 (Bankruptcy Court Matter)**

Count Sixteen – Section 6049.1(a) provides, in pertinent part, that a certified copy of a final order made by any court of record (or any body authorized by law or by rule of court to conduct disciplinary proceedings against attorneys of the United States) determining that a member of the State Bar committed professional misconduct in that jurisdiction shall be conclusive evidence that, subject to limited exceptions, the member is culpable of professional conduct in this state. The court finds, as a matter of law, that Respondent’s culpability in the United States Bankruptcy Court of the Central District of California (Bankruptcy Court) proceeding would warrant the imposition of discipline in California under the laws or rules applicable in this State at the time of Respondent’s misconduct in the Bankruptcy Court proceeding, as follows.

*Rules of Professional Conduct, Rule 3-110(A) [Failure to Perform Legal Services Competently]*

By not providing competent legal service, Respondent willfully violated rule 3-110(A) of the Rules of Professional Conduct.<sup>4</sup>

---

<sup>3</sup> The NDC does not contain a Count Fourteen.

*Business and Professions Code section 6103 [Failure to Obey a Court Order]*

By failing to comply with disgorgement orders, Respondent failed to obey an order of the court, in willful violation of Business and Professions Code section 6103.

**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) Respondent had actual notice of the proceedings prior to the entry of her default, as she discussed the matter in-person with the State Bar; was properly served with a copy of the NDC; and was warned by the State Bar that this matter would proceed by default;
- (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 actual 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.

**RECOMMENDATIONS**

**Disbarment**

The court recommends that respondent Jennifer Marie Urquizu be disbarred from the practice of law in the State of California and that her name be stricken from the roll of attorneys.

---

<sup>4</sup> The Bankruptcy Court has adopted the State Bar Act and Rules of Professional Conduct of the State Bar of California as standards of professional conduct; and any violation of such may be a basis for the imposition of discipline. (Local Civ. Rule 83-3.1.2.)

## **Restitution**

The court also recommends that Respondent be ordered to make restitution to the following payees:

- (1) Dave and Lori Fenton in the amount of \$500 plus 10 percent interest per year from June 14, 2012;
- (2) Renee and Todd Edwards in the amount of \$1,205 plus 10 percent interest per year from June 26, 2012; and
- (3) Maria Pereyra in the amount of \$500 plus 10 percent interest per year from August 20, 2012.

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 Jennifer Marie Urquizu, State Bar number 231134, 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

---

DONALD F. MILES  
Judge of the State Bar Court