

FILED

JUN 24 2014

P.B.

**STATE BAR COURT
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LOS ANGELES**

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

In the Matter of)
)
JAMES JEFFERY PETERS,)
)
Member No. 227842,)
)
A Member of the State Bar.)
_____)

Case Nos.: **12-O-15658 (13-O-10283)-DFM**
**ORDER VACATING ORDER ENTERING
DEFAULT AND ORDER ENROLLING
INACTIVE; ORDER VACATING ORDER
SUBMITTING DEFAULT MATTER FOR
DECISION; PETITION FOR
DISBARMENT MOOT**

The above-entitled matter was reassigned to the undersigned on May 9, 2014, the same date that the judge originally assigned to this matter, the Honorable Richard A. Honn, submitted this matter for decision.

After reviewing this matter, the court finds that default was not properly entered in this matter, as the declarations attached to the State Bar of California, Office of the Chief Trial Counsel's (State Bar) motion for the entry of default are inadequate to establish "that the deputy trial counsel acted with reasonable diligence to notify the member of the proceedings." (Rules Proc. of State Bar, rule 5.80(B).) The deputy trial counsel's declaration does not "state whether a signed return receipt for the notice of disciplinary charges was received from the member" or "show the deputy trial counsel or agent took those additional steps a reasonable person would have taken under the circumstances to provide notice." (Rules Proc. of State Bar, rules 5.80(B)(1) & (B)(2).) The court notes that there is no evidence of any efforts to notify the

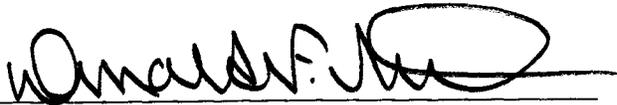
member of the proceedings after the filing of the notice of disciplinary charges (NDC). Efforts by State Bar Investigator Chin Eronobi to contact Respondent James Jeffery Peters were made more than two months before the NDC was filed. While Investigator Eronobi's declaration may be sufficient to establish efforts to notify Respondent of the investigation of these matters, it does not establish that efforts were made to notify Respondent of the filed disciplinary proceedings. Further, Deputy Trial Counsel Timothy G. Byer's statement in his declaration that "I have not been contacted by Respondent in response to any of the messages left with him via voicemail, email, or correspondence" fails to set forth when and by whom these efforts to notify Respondent of this proceeding were made. Accordingly, the court finds that due process requires the order entering respondent's default be vacated. (See *Jones v. Flowers* (2006) 547 U. S. 220.)

Accordingly, the court issues the following orders:

1. The court August 22, 2013 order entering Respondent's default and enrolling him inactive under Business and Professions Code section 6007, subdivision (e), is hereby vacated, nunc pro tunc, to August 22, 2013;
2. The State Bar's petition for disbarment filed on April 8, 2014, is moot; and
3. The court's May 9, 2014 order submitting this default matter for decision is hereby vacated.

IT IS SO ORDERED.

Dated: June 24, 2014


DONALD F. MILES
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 June 24, 2014, I deposited a true copy of the following document(s):

ORDER VACATING ORDER ENTERING DEFAULT AND ORDER ENROLLING INACTIVE; ORDER VACATING ORDER SUBMITTING DEFAULT MATTER FOR DECISION; PETITION FOR DISBARMENT MOOT

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 Los Angeles, California, addressed as follows:

**JAMES JEFFERY PETERS
PETERS LAW GROUP, APC
PO BOX 2075
JANESVILLE, WI 53547**

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

Timothy G. Byer, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 24, 2014.



Paul Barona
Case Administrator
State Bar Court