

# PUBLIC MATTER

FILED

MAY 24 2011

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

## STATE BAR COURT OF CALIFORNIA HEARING DEPARTMENT - LOS ANGELES

In the Matter of	)	Case Nos. 13-O-12062
	)	(13-O-12860)-DFM
	)	
WILLIAM DENNETT GOODRICH,	)	DECISION AND ORDER OF
	)	INVOLUNTARY INACTIVE
	)	ENROLLMENT
A Member of the State Bar, No. 119144.	)	
	)	

Respondent William Dennett Goodrich (Respondent) was charged with four counts of misconduct in two client matters. Although Respondent had actual notice of this proceeding, he failed to appear at trial and his default was entered for his failure to appear. 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 appear at trial after receiving adequate notice and opportunity. The rule provides that, if an attorney's default is entered for failing to appear at trial and the attorney fails to have the default set aside or vacated within 45 days, the State Bar will file a petition requesting the court to recommend the attorney's disbarment. Rule 5.85 also 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

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<sup>1</sup> Unless otherwise indicated, all further references to rules are to the Rules of Procedure of the State Bar of California.

(NDC) and the attorney fails to have the default set aside or vacated within 90 days, the State Bar will file a petition requesting the court to recommend the attorney's disbarment.<sup>2</sup>

In the instant case, the court concludes that all of 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.

## **FACTS AND CONCLUSIONS**

### **Jurisdiction**

Respondent was admitted to the practice of law in California on October 8, 1985, and has been a member of the State Bar since then.

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

On November 21, 2013, the State Bar filed and properly served the Notice of Disciplinary Charges (NDC) on Respondent by international certified mail, return receipt requested, at Respondent's official membership records address in Jerusalem, Israel (the Jerusalem address).<sup>3</sup> The NDC notified Respondent that his failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.) The return receipt for the NDC was not returned to the State Bar. However, on November 27, 2013, Respondent called the DTC and confirmed that he had received the NDC. Yet, despite having actual knowledge of this matter, Respondent failed to file a response to the NDC.

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<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(F)(2).)

<sup>3</sup> Copies of the NDC were also served on Respondent at his official membership email address and at a facsimile number as a courtesy, based on a request by Respondent to the State Bar. On November 1, 2013, the State Bar sent a letter to Respondent stating that at Respondent's request all courtesy correspondence would be sent to Respondent at Respondent's official membership record email address and to Respondent's specified official facsimile number until such time as he updated his membership records address. On November 3, 2013, Respondent emailed the State Bar acknowledging receipt of State Bar's November 1<sup>st</sup> letter.

The initial status conference of which Respondent was noticed, took place on January 13, 2014. The State Bar appeared at the status conference; Respondent did not. At that status conference, the court issued its "Order re: Trial Date, Pretrial Conference, Trial Preparation Requirements." Among other things in the order, the court set the matter for trial to commence on March 25, 2014. On January 14, 2014, the court order that had been issued on January 13, 2014, was filed and properly served on Respondent at his official membership records address in Jerusalem, Israel.

The State Bar appeared for trial on March 25, 2014; but Respondent did not. The following day, on March 26, 2014, the court entered Respondent's default, based on his failure to appear at trial. The order was properly served by United Parcel Service, return receipt requested, addressed to Respondent at his official membership records address in Jerusalem, Israel. (Rule 5.81(B).) The order notified Respondent that, if he did not timely move to set aside his default, the court would recommend his disbarment. The order also placed Respondent on involuntary inactive status 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.

In July 2014, the State Bar began receiving and having limited communications by email with an individual, who self-identified herself in the emails as "Mrs. Goodrich" and/or "Mrs. William Goodrich." The purported Mrs. Goodrich<sup>4</sup> claimed to be Respondent's wife, who was living in Israel. In sum, Mrs. Goodrich informed the State Bar that Respondent's health precluded him from participating in this proceeding. Consequently, on July 25, 2014, the State Bar filed a motion to vacate the default entered in this matter in order to be given time to investigate the claims of Mrs. Goodrich. The information that the State Bar had received from

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<sup>4</sup> The purported "Mrs. Goodrich" and "Mrs. William Goodrich" will be referred to herein as "Mrs. Goodrich." Ascribing that name to the sender of the emails, which were directed to the State Bar, in no way indicates that this court has determined that the sender of the emails is in fact the spouse or a former spouse of Respondent.

Mrs. Goodrich, raised concerns regarding Respondent's medical condition and whether granting a petition for disbarment after default would be unjust.

This court, however, did not vacate the default; rather, on September 9, 2014, the court ordered that this proceeding be abated so that the State Bar would have time to further investigate the claims and statements of Mrs. Goodrich.

Meanwhile, the information provided by Mrs. Goodrich remained insufficient to support the conclusion that Respondent's health precluded his ability to participate in these proceedings, as there was no reliable way to obtain proof of the identity of the person sending the emails or the validity of the statements made in the emails. Nor, did the State Bar have any means to communicate directly by phone or in person with Respondent, who purportedly had been living in Israel.

Between July 2014 and March 2015, numerous status conferences took place regarding the State Bar's extensive efforts to obtain verifiable information regarding Respondent's health/medical status. On March 1, 2015, a message that the DTC received, which was signed by "Mrs. William Goodrich," stated that Respondent was in a long-term care facility. But, there was no additional information provided, which might aid in verifying that statement.

On March 16, 2016, this court ordered that the abatement be lifted. Shortly thereafter, the DTC received an email from the purported Mrs. Goodrich in Israel, notifying the State Bar that Respondent had died. As a result, this court issued an order on April 7, 2016, again abating the case and directing the State Bar to file a motion to dismiss after obtaining a death certificate or other legally sufficient proof of Respondent's death.

On June 3, 2016, the State Bar filed a statement regarding its efforts to secure a death certificate. The State Bar reported that it had received conflicting information regarding whether Respondent was alive or dead. First, Respondent's purported widow in Israel declined to

cooperate in obtaining and providing to the State Bar a death certificate; and, the State Bar's efforts to obtain a death certificate from the Israeli authorities were equally unfruitful.

Additionally, evidence was found, which indicated that Respondent has or had many legal problems in states other than California. Moreover, allegations made by Respondent's former wife, i.e., Respondent's first wife, who resides in the United States, indicated that it was plausible that Respondent could still be alive. Of note, was the fact that Respondent's first wife reported to State Bar investigators that she was "fairly certain" that Respondent is not deceased, based on the fact that if he were dead, she would know, since his death would have impacted her Social Security benefits. This new and conflicting information caused this court to take pause, so as not to prematurely reach the conclusion that this proceeding should be dismissed, rather than go forward for resolution.

Accordingly, this court directed the State Bar to make further efforts to obtain and provide verifiable evidence of Respondent's death. On July 18, 2016, the DTC filed a Declaration under penalty of perjury as to efforts it had made between April and May 2016, to obtain Respondent's death certificate. The DTC reported that a State Bar investigator, Craig von Freymann had gone to the Israeli Consulate in Los Angeles on June 28, 2016. Investigator Freymann was informed that the Israeli government could not assist in providing a death certificate, because pursuant to Israeli law only a "first -blood relative" can make such a request.

Moreover, despite further efforts to communicate with Respondent's purported widow in Israel, that individual has remained unresponsive or unwilling to provide the State Bar with the information it was requesting. Thus, despite extensive and diligent efforts by the State Bar, it was unable to obtain any "proof" of Respondent's death. And, it has remained unable to make contact with Respondent.

The efforts to contact Respondent and/or “Mrs. Goodrich” included sending approximately 15 emails to Respondent at his official membership email address, which included requests for medical updates on Respondent. Emails were also sent to Respondent, informing him of the abatement of this proceeding, and notifying him of the status conferences in this matter.

Eventually, in February 2016, the DTC advised Respondent in an email that the State Bar would be pursuing a petition for disbarment and requested that Respondent contact the DTC. The State Bar also sent additional emails to Respondent, including a March 2, 2017 email notifying Respondent of a status conference and the State Bar’s intention to file a petition for disbarment. On March 6, 2017, the DTC sent yet another email informing Respondent that: (1) the court ruled on that date that the abatement in this proceeding would be lifted; (2) Respondent is in default; and (3) the State Bar would be filing a petition for disbarment.

On March 7, 2017, the court filed an order terminating the abatement of these proceedings.

At no time did Respondent seek to have his default set aside or vacated. (Rule 5.83(C)(2) [attorney who has failed to appear at trial has 45 days after order entering default is served to file motion to set aside default].)

On March 16, 2017, the State Bar properly filed and served a petition for disbarment on Respondent.<sup>5</sup> As required by rule 5.85(A), the State Bar reported in the petition that: (1) the State Bar has not had any contact with Respondent since his first default (i.e., the default for failure to appear at trial) was entered; (2) there are two investigations pending against Respondent; (3) Respondent does not have a prior record of discipline; and (4) the Client

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<sup>5</sup> The petition for disbarment was served on Respondent at his official membership records address in Jerusalem, Israel, by certified mail, return receipt requested. A courtesy copy was sent by email to Respondent’s official membership email address.

Security Fund has not paid out any claims as a result of Respondent's misconduct. 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 April 26, 2017.

### **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 is culpable as charged and, therefore, violated a statute, rule or court order that would warrant the imposition of discipline. (Rule 5.85(F)(1)(d).)

#### **Case No. 13-O-12062 (Sinsky Matter)**

Count One – Respondent, who was not licensed to practice law in the State of Maryland, willfully violated rule 1-300(B) (unauthorized practice of law in other jurisdiction) when he held himself out to his clients, Cindy Sinsky and Ed Sinsky, as entitled to practice law in Maryland, which was a violation of the regulations of the legal profession in that jurisdiction, namely rule 5.5 of the Maryland Lawyers' Rules of Professional Conduct; and, in so doing, Respondent willfully violated rule 1-300(B) of the California Rules of Professional Conduct.<sup>6</sup>

Count Two – Respondent willfully violated rule 4-200(A) of the Rules of Professional Conduct (charging and collecting an illegal fee) by charging and collecting a fee in the amount of \$3,500 from his clients, the Sinskys, to perform legal services, which fee Respondent charged and collected on May 19, 2011, when he was not entitled to practice law in that jurisdiction.

#### **Case No. 13-O-12860 (Glass Matter)**

Count Three – Respondent, who was not licensed to practice law in the State of Illinois, willfully violated rule 1-300(B) (unauthorized practice of law in other jurisdiction) when he held

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<sup>6</sup> Rule 1-3000(B) provides that an attorney must not practice law in a jurisdiction where to do so would be in violation of regulations of the profession in that jurisdiction.

himself out to Jamie Glass as entitled to practice law in Illinois, when Respondent was not licensed in that jurisdiction. To hold himself out as entitled to practice law in that jurisdiction was in violation of the regulations of the legal profession in Illinois, namely rule 5.5 of the Illinois Rules of Professional Conduct. By so doing, Respondent willfully violated rule 1-300(B) of the California Rules of Professional Conduct. (See, footnote 6, *infra*.)

Count Four – Respondent willfully violated rule 4-200(A) of the Rules of Professional Conduct (charging and collecting an illegal fee) by charging and collecting a fee from Jamie Glass to perform legal services in the amount of \$2,500, which fee Respondent charged and collected on September 28, 2011, when he was not entitled to practice law in Illinois.

**Disbarment is Recommended**

Based on the above, the court concludes that the requirements of rule 5.85(F) 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 this proceeding and adequate notice of the trial date prior to his default being entered on March 26, 2014, based on his failure to appear at trial ;
- (3) the default based on Respondent's failure to appear at trial, which was entered on March 26, 2014, was properly entered under rule 5.81; 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 and adequate notice and opportunity, Respondent failed to appear for trial in this disciplinary proceeding or participate in this disciplinary proceeding. As set forth in the Rules of Procedure of the State Bar, the court recommends disbarment.

## **RECOMMENDATION**

### **Disbarment**

The court recommends that respondent **William Dennett Goodrich**, State Bar number 119144, 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 the following payees:

- (1) Cindy Sinsky and Ed Sinsky in the amount of \$3,500 plus 10 percent interest per year from May 19, 2011; and
- (2) Jamie Glass in the amount of \$2,500 plus 10 percent interest per year from September 28, 2011.

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 and that the costs be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

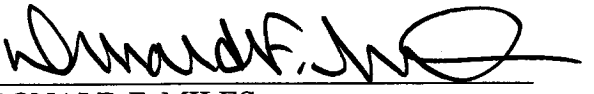
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## ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

In accordance with Business and Professions Code section 6007, subdivision (c)(4), the court orders that **William Dennett Goodrich**, State Bar Number 119144, 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: May 24, 2017

  
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 May 24, 2017, I deposited a true copy of the following document(s):

### DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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

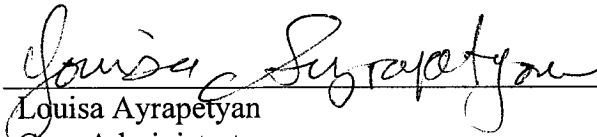
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

WILLIAM DENNETT GOODRICH  
60 SHAULZON  
JERUSALEM, ISRAEL

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

Rizamari C. Sitton, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 24, 2017.

  
Louisa Ayrapetyan  
Case Administrator  
State Bar Court