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STATE BAR COURT
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PUBLIC MATTER
STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES

In the Matter of)	Case No.: 13-O-12169-YDR
)	
DON HARDING HAYCOCK,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
Member No. 49508,)	ENROLLMENT
)	
<u>A Member of the State Bar.</u>)	

Respondent **Don Harding Haycock** (respondent) was charged with five counts of violations of the Business and Professions Code.¹ He 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.²

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 90 days, the State Bar will file a petition requesting the court to recommend the attorney's disbarment.³

¹ Unless otherwise indicated, all further references to section(s) refer to provisions of the Business and Professions Code.

² Unless otherwise indicated, all references to rules are to this source.

³ 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).)

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 California on June 29, 1971, and has been a member since then.

Procedural Requirements Have Been Satisfied

On June 25, 2014, the State Bar properly filed and served the NDC on respondent by certified mail, return receipt requested, to his membership records address. Although the return card was returned to the State Bar and signed by someone, the NDC was later returned to the State Bar as unable to forward. The State Bar found out that the return receipt was signed in error. On July 30, 2014, the State Bar properly re-served the NDC on respondent by certified mail, return receipt requested, to his membership records address. The NDC notified respondent that his failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.)

On July 29, 2014, the State Bar left a message for respondent at the telephone number found on his letterhead, informing him that his response to the NDC was due. On August 1, 2014, the State Bar sent respondent an email with a copy of the NDC attached. Thereafter, the State Bar left him voicemail messages on August 5, 6, and 8, 2014. On August 8, 2014, the State Bar sent respondent another email advising him that he needed to file a response to the NDC or that a motion seeking entry of his default would be filed. To date, respondent has not contacted the State Bar.

Respondent failed to file a response to the NDC. On August 25, 2014, the State Bar properly filed and 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 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 September 11, 2014. 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. He has remained inactively enrolled since that time.

Respondent did not seek to have his default set aside or vacated. (Rule 5.83(C)(1) [attorney has 90 days to file motion to set aside default].)

On February 17, 2015, the State Bar properly filed and served the petition for disbarment on respondent at his official membership records address. As required by rule 5.85(A), the State Bar reported in the petition that: (1) there has been no contact with respondent since his default was entered; (2) there are three disciplinary matters pending against respondent; (3) respondent has no record of prior discipline; and (4) the Client Security Fund has not paid any claims as a result of respondent's misconduct.

Respondent has not responded to the petition for disbarment or moved to set aside or vacate the default.⁴ The case was submitted for decision on April 17, 2015.

⁴ On March 17, 2015, the court rejected a document from respondent for failing to comply with filing requirements. The document was entitled "Re-submittal of the September 10, 2014 reply to: 'Order Entering Default and Order Enrolling Inactive Status under Rule 580' of September 11, 2014."

Similarly, on April 30, 2015, the court rejected another document from respondent for failing to meet filing requirements. The document was entitled "Motion for Relief from Default."

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 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 Number 13-O-12169

Count 1 – Respondent willfully violated section 6068, subdivision (o)(3) (failure to report judicial sanctions), by failing to report the \$3,000 court sanctions ordered by the appellate court on October 30, 2012, in *Don H. Haycock v. General Electric Money Bank et al.*, Court of Appeal of the State of California, Second Appellate District, Division Three (the appellate court), case No. YC 063 286.

Count 2 – Respondent willfully violated sections 6125 and 6126 (unauthorized practice of law) and thereby violated section 6068, subdivision (a) (support the laws of the State of California), by holding himself out as entitled to practice law when he was not an active member of the State Bar of California and not entitled to practice law on April 20, 2013, by sending a letter on his law office letterhead, which he signed as "Don H. Haycock, Attorney."

Count 3 – Respondent willfully violated section 6106 by holding himself out as entitled to practice law and actually practicing law when he was not entitled to practice law, thereby committing an act involving moral turpitude.

Count 4 – Respondent willfully violated section 6106 (moral turpitude) by making a misrepresentation in his letter to the State Bar on June 19, 2015.

Count 5 – Respondent willfully violated section 6106 (moral turpitude) by making a misrepresentation in an application to the appellate court on February 18, 2014.

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) Reasonable diligence was used to notify respondent of the proceedings prior to the entry of his 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 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 **Don Harding Haycock**, State Bar number 49508, be disbarred from the practice of law in the State of California and that his name be stricken from the roll of attorneys.

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 **Don Harding Haycock**, State Bar number 49508, 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: July 9, 2015



Yvette D. Roland
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 July 9, 2015, 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:

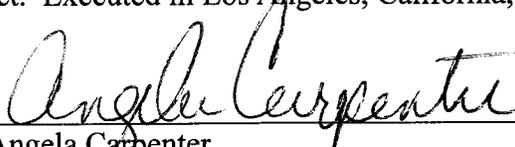
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DON HARDING HAYCOCK
7321 WESTLAWN AVENUE
LOS ANGELES, CA 90045

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

TIMOTHY BYER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 9, 2015.



Angela Carpenter
Case Administrator
State Bar Court