

**FILED**

**MAR 13 2015**

**STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES**



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

In the Matter of	)	Case Nos.: <b>13-O-17137-YDR</b>
	)	(13-O-17225; 14-O-03839)
<b>ROBERT ROMAN,</b>	)	
	)	<b>ORDER VACATING ORDER ENTERING</b>
<b>Member No. 93369,</b>	)	<b>DEFAULT AND ORDER ENROLLING</b>
	)	<b>INACTIVE; ORDER VACATING ORDER</b>
A Member of the State Bar.	)	<b>SUBMITTING DEFAULT MATTER FOR</b>
	)	<b>DECISION; PETITION FOR</b>
	)	<b>DISBARMENT MOOT</b>

The above-entitled matter was reassigned to the undersigned on November 6, 2014, after the Honorable Richard A. Platel, the judge originally assigned to this matter, issued an order of entry of default on respondent Robert Roman for his failure to file a timely response in this proceeding.

After reviewing this matter, the court finds that default was not properly entered, as the declaration attached to the State Bar of California, Office of the Chief Trial Counsel (State Bar)'s motion for the entry of default does not satisfy the requirements of rule 5.80(B) of the Rules of Procedure of the State Bar of California. Specifically, the court finds that: (1) the declaration fails to establish that the deputy trial counsel acted with reasonable diligence to notify the



member of the proceedings;<sup>1</sup> and (2) the declaration fails to state whether a signed return receipt for the notice of disciplinary charges was received from the member. Therefore, the court finds that due process requires that the order entering respondent's default be vacated. (See *Jones v. Flowers* (2006) 547 U. S. 220.)

Accordingly, the court issues the following orders:

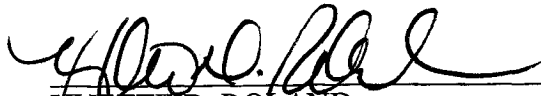
1. The October 29, 2014, order entering respondent's default and enrolling him inactive under Business and Professions Code section 6007, subdivision (e), is hereby **VACATED**, nunc pro tunc, to October 29, 2014;

2. The State Bar's petition for disbarment filed on February 10, 2015, is **MOOT**, as the court is vacating the order entering respondent's default in this matter; and

3. The March 10, 2015, order submitting this default matter for decision is hereby **VACATED**.

**IT IS SO ORDERED.**

Dated: March 12, 2015

  
\_\_\_\_\_  
YVETTE D. ROLAND  
Judge of the State Bar Court

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<sup>1</sup> The court finds that sending respondent a single email does not demonstrate "additional steps a reasonable person would have taken under the circumstances to provide notice." (Rules Proc. of State Bar, rule 5.80(B)(2).)

**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 March 13, 2015, 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:

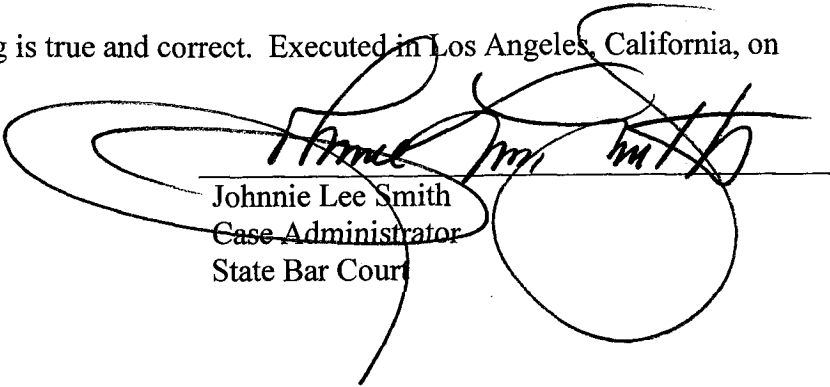
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ROBERT ROMAN  
ROMAN LAW FIRM  
13089 PEYTON DR # C160  
CHINO HILLS, CA 91709**

- 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 March 13, 2015.



Johnnie Lee Smith  
Case Administrator  
State Bar Court