

FILED

JUN 03 2015

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – SAN FRANCISCO STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO

In the Matter of)	Case No.: 14-N-01149-PEM
)	
JENNY WONG,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
Member No. 248111,)	ENROLLMENT
)	
<u>A Member of the State Bar.</u>)	

Respondent Jenny Wong (respondent) was charged with willfully violating California Rules of Court, rule 9.20, by willfully disobeying or violating a court order requiring compliance with rule 9.20. She failed to participate either in person or through counsel, and her 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.¹

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.²

¹ Unless otherwise indicated, all references to rules are to this source.

² 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 this state on January 9, 2007, and has been a member since then.

Procedural Requirements Have Been Satisfied

On March 28, 2014, the State Bar filed and served a First Amended NDC on respondent by certified mail, return receipt requested, to her membership records address. The First Amended NDC notified respondent that her failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.) The return card was returned to the State Bar signed by respondent.

Because respondent is currently on disciplinary probation, the State Bar contacted his assigned probation deputy for any other alternate address and was advised of none. The deputy also informed the State Bar that she has not had any contact with respondent since May 2013.

On June 30, 2014, the State Bar also attempted to contact respondent at her official membership records telephone number. The State Bar left her a message but never received a reply from respondent. The State Bar attempted to reach respondent by email but did not receive any reply either. Furthermore, the State Bar attempted to locate respondent by using various computer data basis to search for her but to no avail.

To date, respondent has not contacted the State Bar.

Respondent failed to file a response to the First Amended NDC. On July 1, 2014, 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 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 she did not timely move to set aside her default, the court would recommend her disbarment. Respondent did not file a response to the motion, and her default was entered on July 17, 2014. 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. She has remained inactively enrolled since that time.

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

On November 10, 2014, the State Bar filed and properly served the petition for disbarment on respondent at her 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 her default was entered; (2) there are no other disciplinary matters pending against respondent; (3) respondent has two prior records of discipline; and (4) the Client Security Fund (CSF) has not made any payments as a result of respondent's conduct in the instant matter; CSF has paid out claims in respondent's prior discipline. 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 December 5, 2014.

However, on February 18, 2015, the court filed an order which, among other things, vacated, nunc pro tunc, the order entering respondent's default and directed the State Bar to file proof of proper service of the First Amended NDC. After the State Bar had filed a corrected proof of service of the First Amended NDC on February 24, 2015, respondent's default was re-

entered nunc pro tunc to July 17, 2014; respondent was ordered involuntarily enrolled inactive; and this matter was resubmitted for decision on March 17, 2015.

Prior Record Of Discipline

Respondent has two prior records of discipline. Pursuant to a Supreme Court order filed on January 10, 2012, respondent was suspended for one year, the execution of which was stayed, and placed on probation for three years subject to conditions including that she be suspended from the practice of law for 90 days. Respondent shared legal fees with a non-lawyer, failed to perform services competently, and violated loan modification laws. Respondent entered into a stipulation in this prior disciplinary matter.

Pursuant to a Supreme Court order filed on November 22, 2013, respondent's probation was revoked and she was actually suspended for one year and until she pays restitution for failing to comply with her probation conditions.

The Admitted Factual Allegations Warrant the Imposition of Discipline

Upon entry of respondent's default, the factual allegations in the First Amended 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 First Amended 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 14-N-01149 (Rule 9.20 Matter)

Respondent willfully violated California Rules of Court, rule 9.20 (duties of disbarred, resigned or suspended attorneys) by failing to file proof of compliance as required by rule 9.20(c), as ordered by the Supreme Court in its November 22, 2013 order.

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 First Amended NDC was properly served on respondent under rule 5.25;

(2) respondent had actual notice of the proceedings and reasonable diligence was used to notify respondent of the proceedings prior to the entry of her default, as the First Amended NDC was served on and received by respondent at her membership records address;

(3) the default was properly entered under rule 5.80; and

(4) the factual allegations in the First Amended 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 disbarment.

RECOMMENDATION

Disbarment

The court recommends that respondent Jenny Wong be disbarred from the practice of law in the State of California and that her 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) Soo Young Song in the amount of \$2,500 plus 10 percent interest per year from July 1, 2010;
- (2) Won Kyung Park in the amount of \$2,500 plus 10 percent interest per year from July 1, 2010; and

- (3) Teresa Osuna in the amount of \$3,500 plus 10 percent interest per year from July 1, 2010.

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 Jenny Wong, State Bar number 248111, 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: June 3, 2015


PAT McELROY
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 San Francisco, on June 3, 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 San Francisco, California, addressed as follows:

JENNY WONG
1050 SWEET PEA PL
MANTECA, CA 95336

- by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

- by overnight mail at , California, addressed as follows:

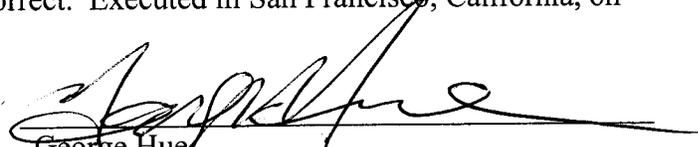
- by fax transmission, at fax number . No error was reported by the fax machine that I used.

- By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Susan Chan, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on June 3, 2015.


George Hue
Case Administrator
State Bar Court