



PUBLIC MATTER

FILED

OCT 22 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-O-01520-LMA
)	
JUNE PAMELA GORDY,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
Member No. 142553,)	ENROLLMENT
)	
A Member of the State Bar.)	
_____)	

In this matter, respondent June Pamela Gordy was charged with one count of misconduct alleging moral turpitude. She twice failed to appear at trial and her default was entered. 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.¹

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.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 December 11, 1989, and has been a member since then.

Procedural Requirements Have Been Satisfied

On October 21, 2014, the State Bar filed and properly served a notice of disciplinary charges (NDC) on Respondent at her membership records address by certified mail, return receipt requested. The NDC notified Respondent that her failure to appear at the State Bar Court trial would result in a disbarment recommendation. (Rule 5.41.) On December 10, 2014, Respondent filed her response to the NDC. On January 5, 2015, Respondent appeared in court for a status conference.

On February 18, 2015, the State Bar appeared for trial but Respondent did not. Finding that all of the requirements of rule 5.81(A) were satisfied, the court issued and properly served an order entering Respondent's default that same day. The order notified Respondent that if she did not timely move to set aside or vacate her default, the court would recommend her disbarment. The order also placed Respondent on involuntary inactive status under Business and Professions Code section 6007, subdivision (e).

On April 6, 2015, Respondent filed a motion to set aside her default. On June 8, 2015, Respondent appeared in court for a status conference. By order filed that same day, the court granted her motion to set aside her default and she was ordered transferred back to active status. In that same order, the court rescheduled the pretrial and trial dates for July 6, 2015, and

July 9, 2015, respectively. Respondent was present in court when this order was issued and a copy was properly served on her at her membership records address. (Rule 5.81(A).)

On July 6, 2015, Respondent failed to appear for the pretrial conference. On July 9, 2015, the State Bar appeared for trial but Respondent did not. Finding that all of the requirements of rule 5.81(A) were satisfied, the court issued and properly served an order entering Respondent's default that same day. The order notified Respondent that if she did not timely move to set aside or vacate her default, the court would recommend her disbarment. The order also placed Respondent on involuntary inactive status under Business and Professions Code section 6007, subdivision (e), and she has remained inactive since that time.

Respondent did not seek to have her second default set aside or vacated. (Rule 5.83(C)(2) [attorney has 45 days after order entering default is served to file motion to set aside default].) On August 31, 2015, the State Bar filed the petition for disbarment. As required by rule 5.85(A), the State Bar reported in the petition that: (1) since default was entered, the State Bar's only contact with Respondent was its receipt of a "cc" copy of an email she addressed to the State Bar Court Administrator; (2) Respondent has no other disciplinary matters pending in investigation; (3) Respondent has no prior record of discipline; and (4) the Client Security Fund has not made any payments resulting from Respondent's misconduct. Respondent has not responded to the petition for disbarment or moved to set aside or vacate the default. The case was submitted for decision on September 28, 2015.

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 14-O-01520 (The MCLE Matter)

Count One – Respondent willfully violated Business and Professions Code section 6106 (moral turpitude – misrepresentation) by falsely reporting under penalty of perjury to the State Bar that Respondent had fully complied with her minimum continuing legal education (MCLE) requirements for the period of February 1, 2010 to January 31, 2013, when Respondent knew or was grossly negligent in not knowing that she had failed to complete the MCLE requirements for that period.

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 the proceedings prior to the entry of her default, as she filed a response to the NDC, appeared for several hearings, had a prior order of default set aside, and was properly served with notice of the trial date;
- (3) the default was properly entered under rule 5.81; and
- (4) the factual allegations in the NDC deemed admitted by the entry of default support a finding that Respondent violated a statute, rule, or court order that would warrant the imposition of discipline.

Despite actual notice and opportunity, Respondent failed to appear for the trial 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 June Pamela Gordy be disbarred from the practice of law in the State of California and that her 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 June Pamela Gordy, State Bar number 142553, 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: October 22, 2015



LUCY ARMENDARIZ
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 October 22, 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:

JUNE P. GORDY
2443 FILLMORE ST #199
SAN FRANCISCO, CA 94115

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

CATHERINE E. TAYLOR, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on October 22, 2015.



Mazie Yip
Case Administrator
State Bar Court