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

In the Matter of)	Case Nos.: 14-O-01954-LMA
)	(14-O-05784); 14-O-02587 (Cons.)
VICKI SEGAL DALVA,)	
)	DECISION AND ORDER OF
Member No. 210683,)	INVOLUNTARY INACTIVE
)	ENROLLMENT
A Member of the State Bar.)	
_____)	

In this matter, respondent Vicki Segal Dalva (respondent) was charged with ten counts of misconduct stemming from two consolidated matters. Respondent failed to participate either in person or through counsel, 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 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 December 5, 2000, and has been a member since then.

Procedural Requirements Have Been Satisfied

On December 5, 2014, the State Bar properly filed and served an NDC, in case nos. 14-O-01954 and 14-O-05784, on respondent by certified mail, return receipt requested, at her membership records address. On December 23, 2014, the State Bar properly filed and served a second NDC, in case no. 14-O-02587, on respondent by certified mail, return receipt requested, at her membership records address.

Both of the NDCs notified respondent that her failure to participate in the proceedings would result in a disbarment recommendation. (Rule 5.41.) The two NDCs were subsequently consolidated. It is unclear whether the State Bar received a return receipt card from the U.S. Postal Service for either NDC.³

In addition, respondent had actual notice of this proceeding. On January 2, 2015, the deputy trial counsel (trial counsel) assigned to this matter received a voicemail from respondent indicating that she had received a letter from the State Bar. On January 5, 2015, trial counsel returned respondent's telephone call and left a voicemail message for her. Respondent then returned trial counsel's call and left another message.

³ Rule 5.80(B)(1) requires that a motion for entry of default be supported by a declaration stating whether the signed return receipt for the notice of disciplinary charges was received from the member. The State Bar's default declaration did not satisfy this requirement.

On January 6, 2015, respondent called trial counsel and they discussed respondent's options in the present proceeding. Respondent agreed she would call back in the coming days and advise how she intended to proceed. Respondent, however, did not follow-up with trial counsel. And on January 12, 2015, respondent failed to appear for the initial status conference in this matter.

Respondent failed to file a response to either NDC. On January 23, 2015, the State Bar filed and properly served a motion for entry of respondent's default. Respondent did not file a response to the motion, and her default was entered on February 6, 2015. 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, and she has remained inactively enrolled since that time.

Respondent also 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 May 14, 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) it has had no contact with respondent since the default was entered; (2) respondent has other disciplinary matters pending; (3) respondent has a prior record of discipline; and (4) the Client Security Fund has not made any payments resulting from respondent's conduct. 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 June 9, 2015.

Respondent has been disciplined on one prior occasion. Pursuant to a Supreme Court order filed on August 28, 2013, respondent was suspended for two years, the execution of which was stayed, and she was placed on probation for two years, including a six-month period of

actual suspension. In this matter, respondent was found culpable on six counts of misconduct, including failing to maintain client funds in trust, misappropriation, failing to perform legal services with competence, failing to promptly withdraw personal funds from a trust account, commingling, and paying personal and business expenses from her client trust account.

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 NDCs 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-01954 – The Unauthorized Practice of Law Matter

Count One – respondent willfully violated Business and Professions Code section 6068, subdivision (a) (failure to comply with all laws – unauthorized practice) by holding herself out as entitled to practice law and actually practicing law when she was not an active member of the State Bar, in willful violation of Business and Professions Code sections 6125 and 6126.

Count Two – respondent willfully violated Business and Professions Code section 6106 (moral turpitude) by holding herself out as entitled to practice law and actually practicing law when she was not an active member of the State Bar.

Count Three – by holding herself out as entitled to practice law, in violation of Business and Professions Code sections 6125; 6126; and 6068, subdivision (a), respondent failed to comply with the probation condition requiring her to obey the provisions of the State Bar Act, in willful violation of Business and Professions Code section 6068, subdivision (k) (failing to comply with conditions of probation).

Case Number 14-O-05784 – The Probation Matter

Count Four – respondent willfully violated Business and Professions Code section 6068, subdivision (k) (failing to comply with conditions of probation) by failing to timely: (1) provide proof of completion of the State Bar ethics school; (2) provide proof of completion of the State Bar client trust accounting school; and (3) submit one quarterly report.

Case Number 14-O-02587 – The Wang Matter

Count One – respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct (failing to account) by failing to provide her client with an accounting upon termination of employment.

Count Two – respondent willfully violated rule 4-100(B)(4) of the Rules of Professional Conduct (failing to promptly pay client funds) by failing to pay out funds, in the amount of \$2,700, in respondent's possession which the client was entitled to receive.

Count Three – respondent willfully violated Business and Professions Code section 6068, subdivision (m) (failure to respond to client inquiries) by failing to respond to multiple reasonable client status inquiries respondent received between April 2013 and April 2014.

Count Four – respondent willfully violated Business and Professions Code section 6103 (failure to obey a court order) by failing to notify her client of respondent's suspension pursuant to California Rules of Court, rule 9.20(a)(1), as ordered by the Supreme Court in case no. S211544.

Count Five – respondent willfully violated Business and Professions Code section 6106 (moral turpitude) by misrepresenting that she did not have any clients in her California Rules of Court, rule 9.20 compliance declaration.

Count Six – respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate in a disciplinary investigation) by failing to provide a

substantive response to the allegations in a disciplinary investigation after being contacted by the State Bar.

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 NDCs were 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 was properly served with copies of the NDCs and communicated with the State Bar regarding the present proceedings prior to the entry of default;

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

(4) the factual allegations in the NDCs 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 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.

RECOMMENDATIONS

Disbarment

The court recommends that respondent Vicki Segal Dalva 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 Kathy Wang in the amount of \$2,700 plus 10 percent interest per year from May 27, 2007. 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 Vicki Segal Dalva, State Bar number 210683, 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 17, 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 June 17, 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:

VICKI S. DALVA
LAW OFFICES OF DALVA & ASSOCIATES
9454 WILSHIRE BLVD STE 600
BEVERLY HILLS, CA 90212

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

WILLIAM TODD, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on June 17, 2015.



Bernadette C.O. Molina
Case Administrator
State Bar Court