



PUBLIC MATTER

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STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES

In the Matter of)	Case No.: 14-O-03704-YDR
)	
CATALINA LOREDO MANZANO,)	
)	DECISION AND ORDER OF
Member No. 191928,)	INVOLUNTARY INACTIVE ENROLLMENT
)	(Bus. & Prof. Code, § 6007, subd. (c)(4).)
A Member of the State Bar.)	

INTRODUCTION

Respondent Catalina Loredo Manzano (Respondent) is charged with two counts of misconduct, none of which involved clients. She failed to participate either in person or through counsel, and her default was entered. The Office of Chief Trial Counsel of the State Bar of California (OCTC) 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 if the attorney fails to have the default set aside or vacated within 90 days, OCTC will file a petition requesting that the State Bar Court recommend the attorney's disbarment.²

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

² If the State Bar Court determines that any due process requirement is 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. (Cf. rule 5.85(F)(2).)

In the instant case, the court concludes that the requirements of rule 5.85 have been satisfied and that the petition for disbarment should be granted. Accordingly, the court will recommend that Respondent be disbarred from the practice of law.

FINDINGS AND CONCLUSIONS

Jurisdiction

Respondent was admitted to the practice of law in this state on December 4, 1997, and has been a member of the State Bar of California since that time.

Procedural Requirements Have Been Satisfied

On March 22, 2016, OCTC filed the NDC and properly served the NDC on Respondent at her membership-records address by certified mail, return receipt requested. The NDC notified Respondent that her failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.)

OCTC did not receive a signed return receipt for the NDC from Respondent. Thus, on March 25, 2016, OCTC sent courtesy copies of the NDC to Respondent both at a possible alternative address in Irvine, California and at her membership-records address by first class mail (regular delivery). On that same day, OCTC also sent courtesy copies of the NDC to Respondent both at her membership-records email address³ and at an alternative email address that Respondent had previously used when communicating with the State Bar's Office of Probation.

On March 29, 2016, an OCTC investigator received an email from Respondent acknowledging receipt of the NDC and requesting additional information. Later that same day, the assigned Deputy Trial Counsel (DTC) sent Respondent a reply email confirming the need for her to file a response to the NDC. Thereafter, Respondent still failed to file a response to the

³ Effective February 1, 2010, every attorney is required to maintain, on the official membership records of the State Bar, a current email address to facilitate communications with the State Bar. (Cal. Rules of Court, rule 9.7(a)(2).)

NDC. However, on April 1, 2016, Respondent updated her address on the State Bar's official membership records..

On April 20, 2016, OCTC filed a motion for entry of default and properly served it on Respondent at her updated membership-records address by certified mail, return receipt requested. The motion complied with the requirements for a default, including a supporting declaration from the assigned DTC. (Rule 5.80.) The motion 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 NDC or to the motion for entry of default, and the court properly entered her default on May 9, 2016. The court properly served the default order on Respondent at her membership-records address by certified mail, return receipt requested. Thereafter, the court received a return receipt for the default order, which Respondent signed on May 27, 2016.

In the default order, the court advised Respondent that, if she did not timely move to set aside her default, the court would recommend that she be disbarred. In the default order, the court also ordered that Respondent be involuntarily enrolled as an inactive member of the State Bar of California under Business and Professions Code section 6007, subdivision (e).⁴ Thereafter, on May 9, 2016, Respondent was involuntarily enrolled inactive in accordance with the court's order, and Respondent has remained on involuntary inactive enrollment under the court's order since that time.

Respondent has not sought to have her default set aside or vacated. (Rule 5.83(C)(1) [attorney has 90 days to file motion to set aside default].) Thus, on August 16, 2016, OCTC filed a petition for disbarment and properly served it on Respondent at her membership-records address by certified mail, return receipt requested. As required by rule 5.85(A), OCTC reported in the petition for disbarment that (1) Respondent has not contacted OCTC since her default was

⁴ All further statutory references are to the Business and Professions Code.

entered; (2) there are no disciplinary matters pending against Respondent;⁵ (3) Respondent has one prior record of discipline; and (4) the Client Security Fund has not made any payments on Respondent's behalf. Respondent did not respond to the petition for disbarment or move to set aside or vacate the default. The court took the petition for disbarment under submission for decision on September 22, 2016.

Prior Record of Discipline

Respondent has one prior record of discipline.⁶ Respondent's prior record of discipline is the Supreme Court's January 7, 2016, order in case number S230216 (State Bar Court case numbers 13-O-11569, etc.) in which Respondent was placed on one year's stayed suspension and two years' probation on conditions, including actual suspension for at least six months and until Respondent makes restitution totaling \$4,000 plus interest thereon to two of her former clients. The Supreme Court imposed that discipline on Respondent in accordance with a stipulation regarding facts, conclusions of law, and disposition that Respondent and OCTC entered into and that was approved by the State Bar Court in an order filed on September 3, 2015. In that stipulation, Respondent stipulated that she was culpable on one count of failing to obey court orders (§ 6103); one count of failing to communicate (§ 6068, subd. (m)); one count of failing to account (Rules Prof. Conduct, rule 4-100(B)(3)); two counts of failing to cooperate in a disciplinary investigation (§ 6068, subd. (i)); two counts of failing to perform legal services with competence (Rules Prof. Conduct, rule 3-110(A)); two counts of issuing insufficiently funded

⁵ This is no longer true. On August 22, 2016, OCTC transmitted a certified copy of Respondent's June 24, 2016, misdemeanor conviction for violating Vehicle Code section 23152, subdivision (b) (driving with blood alcohol level content of .08 percent or more). Then, on September 22, 2016, the review department referred Respondent's conviction to the hearing department for hearing on the issues of whether circumstances surrounding Respondent's conviction involved moral turpitude or other misconduct warranting discipline and, if so, for recommendation as to the discipline to be imposed.

⁶ The court admits into evidence the certified copy of Respondent's prior record of discipline, which is attached to the August 16, 2016, petition for disbarment.

checks drawn on her client trust account for personal expenses (Rules Prof. Conduct, rule 4-100(A); § 6106). Respondent's stipulated misconduct involved five separate client matters.

The Factual Allegations Deemed Admitted by Default Warrant the Imposition of Discipline

Under section 6088 and rule 5.82, the factual allegations (but not the charges or the conclusions of law) set forth in the NDC are deemed admitted by the entry of Respondent's default. As set forth *post*, the admitted factual allegations support a finding that Respondent is culpable of the misconduct charged in both counts. Therefore, the factual allegations in the NDC admitted by default "support a finding that [Respondent] violated a statute, rule or court order that would warrant the imposition of discipline." (Rule 5.85(F)(1)(d).)

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Count One – Respondent willfully violated section 6068, subdivision (i) (failing to cooperate/participate in a bar disciplinary investigation) by not providing a substantive response to a letter that the State Bar sent to her on October 7, 2014, requesting that she respond to the allegations of misconduct it was investigating in case number 14-O-03704.

Count Two – Respondent willfully violated section 6068, subdivision (j) (failing to update membership-records address) on about August 25, 2015, by failing to comply with section 6002.1, which requires that attorneys maintain, on the official membership records of the State Bar, their current office address and phone number or, if no office is maintained, a current address to be used for State Bar purposes.

Disbarment will be Recommended

In light of the foregoing, the court finds that the requirements of rule 5.85(F) have been satisfied and that it is appropriate to recommend Respondent's disbarment. In particular:

- (1) the NDC was properly served on Respondent under rule 5.25;
- (2) Respondent had adequate notice of this proceeding before the entry of her default;
- (3) Respondent's default was properly entered under rule 5.80; and

(4) the factual allegations in the NDC deemed admitted by the entry of Respondent's default support a finding that Respondent violated a statute, rule, or court order that would warrant the imposition of discipline.

Despite adequate notice of and opportunity to participate in this disciplinary proceeding, Respondent failed to appear or participate in this proceeding in any way. As set forth in the Rules of Procedure of the State Bar, the court will recommend disbarment.

RECOMMENDATIONS

Disbarment

The court recommends that Respondent Catalina Loreda Manzano 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 further recommends that Respondent be ordered to comply with 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


Finally, the court recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and that the costs be 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 Catalina Loreda Manzano, State Bar number 191928, 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 by mail. (Rules Proc. of State Bar, rule 5.111(D).)

Dated: November 14, 2016.



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 November 15, 2016, 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:

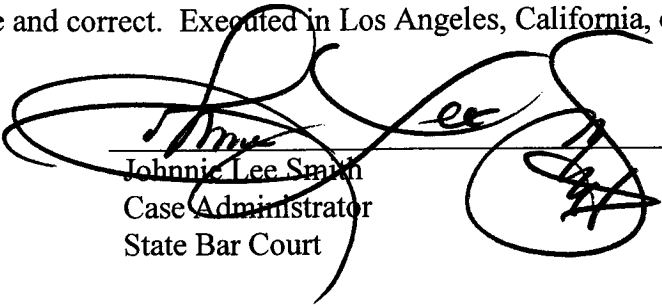
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**CATALINA L. MANZANO
CATALINA L. MANZANO
18325 VANOWEN ST
STE 155
RESEDA, CA 91335**

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

DREW MASSEY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 15, 2016.



Johnnie Lee Smith
Case Administrator
State Bar Court