

**PUBLIC MATTER
FILED**

MAR 29 2018

**STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO**

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

In the Matter of)	Case No. 14-O-04010-LMA
)	
M. FRANCESCA HANNAN,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
A Member of the State Bar, No. 139170.)	ENROLLMENT
)	

Respondent M. Francesca Hannan (Respondent) is charged with six ethical violations. Respondent failed to appear at trial, and her default was entered. Thereafter, the Office of 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 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 if the attorney fails to have the default set aside or vacated within 45 days, then the State Bar will file a petition requesting that the State Bar Court recommend the attorney's disbarment.²

¹ Unless otherwise indicated, all further references to rules are to the Rules of Procedure of the State Bar of California.

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 all of 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 the practice of law in California on January 5, 1989, and has been a member of the State Bar of California since that time.

Procedural Requirements Have Been Satisfied

On July 27, 2015, the State Bar filed and properly served the NDC on Respondent by certified mail, return receipt requested, at Respondent's membership records address.

Respondent filed an answer to the NDC on September 18, 2015. On April 5, 2016, the State Bar filed and properly served a First Amended NDC on Respondent by certified mail, return receipt requested, at Respondent's membership records address.

The court held a pretrial conference on September 18, 2017, that Respondent attended. The court set the trial for one day, commencing on December 11, 2017, at 9:30 a.m. On September 18, 2017, the court filed an order setting forth the forgoing trial date in this matter. The order was properly served on Respondent at Respondent's membership records address by first-class mail, postage prepaid.

On November 6, 2017, the court held a status conference. Respondent failed to appear. The court confirmed the trial date was set to commence on December 11, 2017, at 9:30 a.m. On November 6, 2017, the court filed an order confirming the forgoing trial date in this matter. The order was properly served on Respondent at Respondent's membership records address by first-class mail, postage prepaid.

Respondent failed to appear for trial on December 11, 2017; however, the State Bar was in attendance. The court entered Respondent's default in an order filed on December 11, 2017.

The order was properly served on Respondent at Respondent's membership records address by certified mail, return receipt requested. (Rule 5.81(B).) The order notified Respondent that, if she did not timely move to set aside 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),³ effective three days after service of the order, and Respondent has remained inactively enrolled since that time.

On December 18, 2017, Respondent filed a motion to set aside the default. She asserted that she was unable to attend the trial because she had significant respiratory problems and her physician advised her to stay indoors and not to travel. The court denied the motion because: (1) Respondent failed to provide a declaration from her treating physician; (2) Respondent failed to explain her failure to file her pretrial statement and exhibit list; and (3) Respondent's motion failed to comply with the Rules of Procedure of the State Bar of California.

On January 31, 2018, Respondent filed, in the Review Department, a petition for review of the order denying her motion to set aside default. On February 8, 2018, the Review Department denied the petition because Respondent failed to show an abuse of discretion or error of law by the hearing judge.

Respondent failed to have the default set aside or vacated. On February 9, 2018, the State Bar filed and properly served the petition for disbarment on Respondent at her membership records address. (Rule 5.85(A) [if the member fails to have the default set aside or vacated, the State Bar must file a petition for disbarment].) As required by rule 5.85(A), the State Bar reported in the petition that: (1) the State Bar has had contact with Respondent once since her default was entered on December 11, 2017;⁴ (2) there are no other disciplinary matters or

³ All further references to sections are to the Business and Professions Code.

⁴ Respondent requested that the State Bar's opposition to her motion to set aside the default be e-mailed to her, a request that the State Bar accommodated.

disciplinary investigations pending against Respondent; (3) Respondent has no prior record of discipline; and (4) the Client Security Fund has not paid out any claims resulting from Respondent's conduct.

Respondent did not respond to the petition for disbarment and her default was never set aside. The case was submitted for decision on March 7, 2018.⁵

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-04010

Count One - Respondent willfully violated section 6103 (duty to obey court order) by failing to comply with the court's order in *Ramona Anaya v. Port Hueneme School District, et al.*, directing Respondent to pay \$995 in judicial sanctions.

Count Two - Respondent willfully violated section 6103 by failing to comply with the court's order in *Ramona Anaya v. Port Hueneme School District, et al.*, directing Respondent to pay \$10,030.20 in reasonable attorney's fees and costs to defense counsel.

Count Three - Respondent willfully violated section 6103 by failing to comply with the court's order in *Julie Ann Cabeza v. Mary Health of the Sick, et al.*, directing Respondent to pay \$2,500 in judicial sanctions.

⁵ On March 12, 2018, Respondent attempted to file a Motion for Appointment of Legal Counsel and for Extension of Time to Respond to Petition for Disbarment. Respondent's pleading was rejected because it failed to comply with the rules and the Rules of Practice of the State Bar.

Count Four - Respondent willfully violated section 6103 by failing to comply with the court's order in *Robert Gomez v. Greif Brothers Corporation, et al.*, directing Respondent to pay \$1,000 in judicial sanctions

Count Five - Respondent willfully violated section 6068, subdivision (o)(3) (failure to report judicial sanctions), by failing to report in writing \$2,500 in judicial sanctions to the State Bar within 30 days of the time Respondent had knowledge of the imposition of those sanctions.

Count Six - Respondent willfully violated section 6068, subdivision (o)(3), by failing to report in writing \$1,000 in judicial sanctions to the State Bar within 30 days of the time Respondent had knowledge of the imposition of those sanctions.

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 this proceeding and was properly given notice of the trial date before the entry of the default;
- (3) the default was properly entered under rule 5.81; and
- (4) the factual allegations in the 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 actual notice and opportunity, Respondent failed to appear for 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 M. Francesca Hannan, State Bar number 139170, 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.

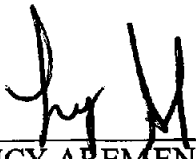
Costs

The court further recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 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 M. Francesca Hannan, State Bar number 139170, 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. (Rules Proc. of State Bar, rule 5.111(D).)

Dated: March 29, 2018



LUCY AREMENDARIZ
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 Court Specialist 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 March 29, 2018, 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:

M. FRANCESCA HANNAN
PO BOX 6806
OXNARD, CA 93031 - 6806

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

HUGH G. RADIGAN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on March 29, 2018.



Bernadette Molina
Court Specialist
State Bar Court