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STATE BAR COURT
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PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES

In the Matter of)	Case No.: 14-O-05793-YDR
)	
ERIC LEONARD NORDSKOG,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
Member No. 120935,)	ENROLLMENT
)	
<u>A Member of the State Bar.</u>)	

Respondent **Eric Leonard Nordskog** ("Respondent") was charged with seven counts of misconduct. He failed to participate either in person or through counsel, and his default was entered. Thereafter, 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

Jurisdiction

Respondent was admitted to practice law in this state on December 10, 1985, and has been a member since then.

Procedural Requirements Have Been Satisfied

On July 10, 2015, the State Bar filed and properly served the NDC on Respondent by certified mail, return receipt requested, at his membership records address. The NDC notified Respondent that his failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.) The State Bar never received the return receipt.

Thereafter, the State Bar took additional steps to notify Respondent of these proceedings. From August 6, 2015, through September 18, 2015, the State Bar: (1) called Respondent at his membership records phone number on four occasions, but could not leave a voicemail because Respondent's mailbox was full; (2) sent an email to Respondent at his membership records email address³ notifying Respondent of the State Bar's intent to file a motion for default with a copy of the NDC attached; (3) conducted electronic searches to find alternative contact information for Respondent; (4) called Respondent at an alternative phone number, but the line was disconnected; (5) sent Respondent an email at an alternative email address, but the email was returned as undeliverable; and (6) sent a courtesy letter to Respondent's membership records address by regular first-class mail informing Respondent that a motion for entry of default would be filed with a copy of the NDC enclosed.

³ Effective February 1, 2010, all attorneys are required to maintain a current email address to facilitate communications with the State Bar. (Cal. Rules of Court, rule 9.7(a)(2).)

Despite the State Bar's efforts, Respondent failed to file a response to the NDC. On September 23, 2015, the State Bar filed and properly served a motion for entry of Respondent's default on Respondent at his membership records address. The motion complied with all of 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 he did not timely move to set aside his default, the court would recommend his disbarment. Respondent did not file a response to the motion, and his default was entered on October 9, 2015. The order entering the default was served on Respondent at his 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. He has remained inactively enrolled since that time.

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

On January 15, 2016, the State Bar properly filed and served the petition for disbarment on Respondent at his 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 his default was entered; (2) there are no other investigative matters pending against Respondent; (3) Respondent has no prior disciplinary record; and (4) the Client Security Fund has not paid any claims as a result of Respondent's misconduct. The case was submitted for decision on February 22, 2016.

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, except as otherwise noted, and, therefore, violated a statute, rule or court order that would warrant the imposition of discipline. (Rule 5.85(F)(1)(d).)

Case No. 14-O-05793 (The Shannon-Yeganhe Matter)

Count One – The court finds Respondent culpable of willfully violating Rules of Professional Conduct, rule 3-110(A) (failure to perform) by repeatedly failing to perform with competence. Respondent failed to respond to defendants' discovery requests; failed to oppose defendants' motions to compel discovery requests; failed to oppose defendants' motion for summary judgment; and failed to appear at the summary judgment hearing.

Count Two – Respondent willfully violated Rules of Professional Conduct, rule 3-700(D)(1) (failure to release client's file) by failing to return his client's file as requested, upon the client's termination of Respondent's employment.

Count Three – Respondent willfully violated Business and Professions Code section 6068, subdivision (m),⁴ (failure to respond to client inquiries) by failing to promptly respond to his client's telephonic status inquiries.

Count Four – Respondent willfully violated section 6068, subdivision (m), (failure to inform client of significant developments) by failing to inform his client that the defendants propounded discovery; that the superior court granted defendants' motions to compel, requests for sanctions, and motions to deem requests for admissions admitted; and that Respondent and

⁴ Unless otherwise indicated, all further references to sections are to the Business and Professions Code.

his client were jointly and severally ordered to pay \$600 in sanctions to each defendant in a civil matter.

Count Five – Respondent willfully violated section 6068, subdivision (i), (failure to cooperate) by failing to provide a substantive response to five letters from the State Bar which he had received. The letters requested his response to allegations of misconduct being investigated in case No. 14-O-05793.

Count Six – Respondent willfully violated section 6103 (duty to obey court order) by failing to comply with the superior court's order granting defendants request for sanctions.

Count Seven – Respondent willfully violated Rules of Professional Conduct, rule 3-700(A)(2) (improper withdrawal) by constructively terminating his employment with his client, Jennifer Shannon-Yeganhe, without notice.

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) reasonable diligence was used to notify Respondent of the proceedings prior to the entry of his default;
- (3) the default was properly entered under rule 5.80; 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 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 **Eric Leonard Nordskog**, State Bar number 120935, be disbarred from the practice of law in the State of California and that his 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 **Eric Leonard Nordskog**, State Bar number 120935, 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: May 2, 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 May 3, 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:

ERIC LEONARD NORDSKOG
LAW OFFICE OF ERIC NORDSKOG
PO BOX 41603
LONG BEACH, CA 90853

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

SUE K. HONG , Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 3, 2016.


Johnnie Lee Smith
Case Administrator
State Bar Court