



PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

FILED

APR 04 2016

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

In the Matter of)	Case No.: 14-O-06338-DFM
)	
GEORGE E. WEBER)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
Member No. 220592,)	ENROLLMENT
)	
A Member of the State Bar.)	
_____)	

Respondent George E. Weber (Respondent) was charged in three counts with violations of the Business and Professions Code.¹ He failed to participate, either in person or through counsel, and his 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.²

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.³

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.

¹ Unless otherwise indicated, all further references to section(s) refer to provisions of the Business and Professions Code.

² Unless otherwise indicated, all references to rules are to this source.

³ 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).)

FINDINGS AND CONCLUSIONS

Jurisdiction

Respondent was admitted to practice law in California on September 13, 2002, and has been a member since then.

Procedural Requirements Have Been Satisfied

On August 7, 2015, the State Bar filed and properly served the Notice of Disciplinary Charges (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.) An undated return receipt card was received by the State Bar bearing the signature, "R. Bunn."

On August 25, 2015, the deputy trial counsel (DTC) assigned to this matter received a telephone call from Richard Bunn (Bunn). Bunn stated that he was from the Schulman Bunn Firm and had received the NDC but that Respondent has not worked at that firm for several years. Bunn also informed the DTC that he did not know where Respondent currently lives or works. Bunn, however, did provide the DTC with the contact information he did have for Respondent, including (1) an address in Huntington Beach, California (the Huntington Beach address), (2) a telephone number in the 714 area code (the 714 telephone number), and (3) an email address.

Thereafter, the DTC made numerous efforts to contact Respondent, including mailing a copy of the NDC to Respondent at the Huntington Beach address; telephoning and leaving messages at his membership records telephone number and at the 714 telephone number; sending email messages to his email address; and conducting unsuccessful internet searches for new contact information for Respondent.

The initial status conference was held in this matter on September 14, 2015. The DTC appeared for the conference; Respondent failed to appear. Thereafter, on September 28, 2015, a

letter of intent to file a motion for default along with a courtesy copy of the NDC were sent to Respondent at the Huntington Beach address by regular first class mail. The mailing was not returned as undeliverable.

Despite the DTC's efforts, Respondent did not file a response to the NDC. On October 2, 2015, the State Bar filed and properly served a motion for entry of default. The motion complied with all the requirements for a default, including a supporting declaration of reasonable diligence by the DTC 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 and served on October 20, 2015. The order entering the default was served on Respondent at his membership records address by certified mail, return receipt requested, as well as at the Huntington Beach 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 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 February 1, 2016, the State Bar filed and properly served a 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 on October 20, 2015; (2) there are two investigation matters pending against Respondent; (3) Respondent has no prior record of discipline; and (4) the Client Security Fund has not made any payments as a result of Respondent's misconduct.

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 March 1, 2016.

The Admitted Factual Allegations Warrant the Imposition of Discipline

Upon entry of a 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(2).) 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 No. 14-O-063380 (SDA Entertainment Matter)

Count One – Respondent willfully violated section 6103 (failure to comply with court order) by failing to comply with the April 29, 2014 sanctions order in *SDA Entertainment v. Water Buffalo Pictures*, San Francisco County Superior Court, case No. CGC 12-520174 (*SDA Entertainment* matter), requiring Respondent to pay sanctions in the amount of \$4,037.50 within 30 days of the issuance of the court's order.

Count Two – Respondent, who had knowledge of the monetary sanction order imposed on him on April 29, 2014, willfully violated section 6068, subdivision (o)(3) (failure to report judicial sanctions), by failing to report that sanction order to the State Bar.

Count Three – Respondent willfully violated section 6068, subdivision (i) (failure to cooperate in a State Bar disciplinary investigation), by failing to provide a substantive response to the State Bar's investigation letters, which he received and which requested his response to the allegations of misconduct being investigated in case No. 14-O-06338.

Disbarment is Recommended

Based on the above, the court concludes that the requirements of rule 5.85(F) have been satisfied and that 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.

RECOMMENDATIONS

Disbarment

The court recommends that respondent **George E. Weber**, State Bar number 220592, 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 **George E. Weber**, State Bar number 220592, 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: April 4, 2016

A handwritten signature in black ink, appearing to read "Donald F. Miles", written over a horizontal line.

DONALD F. MILES
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 April 4, 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:

GEORGE E. WEBER
20341 SW BIRCH ST STE 320
NEWPORT BEACH, CA 92660

GEORGE E WEBER
9141 MADELINE DRIVE
HUNTINGTON BEACH, CA 92646

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

SUE HONG, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 4, 2016.



Rose M. Luthi
Case Administrator
State Bar Court