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SEP -2 2016 *HC*

STATE BAR COURT  
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LOS ANGELES

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

In the Matter of ) Case Nos.: **15-C-10988,**  
) **15-O-14580-DFM**  
**DAVID WILLIAM CLARK,** ) **(not consolidated)**  
) **ORDER DENYING PETITIONS FOR**  
**Member No. 264125** ) **DISBARMENT, VACATING PRIOR**  
) **ENTRIES OF DEFAULTS, AND**  
A Member of the State Bar. ) **ABATING ACTIONS**

On October 5, 2015, the State Bar and Respondent filed a Stipulation for Transfer to Inactive Enrollment Pursuant to Business and Professions Code section 6007(b)(3)(i) in case No. 15-TT-14849. In that stipulation, the parties agreed that Respondent was not capable of performing competently the functions of an attorney. While the stipulation authorized the State Bar to continue to investigate and file disciplinary actions against Respondent, the agreement also contemplated that such actions would be abated, given Respondent's incapacity.

Since the filing of that stipulation, the State Bar, represented by a deputy trial counsel not involved in the filing of the above stipulation, has pursued the captioned two matters, including securing defaults in both cases. The default in case No. 15-C-10988 was based on Respondent's failure to appear at trial. The default in case No. 15-O-14580 was secured by a motion for entry of default due to Respondent's failure to file a response to the NDC in that matter. The State Bar has now filed petitions seeking Respondent's disbarment in both cases. Neither the motion for entry of Respondent's default nor either of the two petitions for disbarment mentions the prior pendency or resolution of case No. 15-TT-14849. The court also notes that in case No. 15-C-10988, the Statement of Facts and Circumstances, contemplated and authorized by rule 5.346(C)(2), was not filed within the five-day window contemplated by that rule.



In view of the agreed incapacity of Respondent to act competently in representing himself and the language of the stipulation in case No. 15-TT-14849, this court concludes that Respondent's defaults should not have been entered in either of the two captioned cases. Accordingly, those defaults, and the accompanying orders enrolling Respondent ineligible to practice pursuant to section 6007(d), are hereby vacated.

Further, for the above reason and because of the procedural deficiencies underlying the petitions seeking Respondent's disbarment in those cases, the court denies both of those petitions.

Finally, because Respondent remains ineligible to practice due to his stipulated incapacity, this court orders the captioned two actions abated until further order of this court.

A status conference will be held on October 17, 2016, at 10:00 a.m., to discuss the status of the two matters.

**IT IS SO ORDERED.**

Dated: September 1, 2016



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 September 2, 2016, I deposited a true copy of the following document(s):

### **ORDER DENYING PETITIONS FOR DISBARMENT, VACATING PRIOR ENTRIES OF DEFAULTS, AND ABATING ACTIONS**

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:

**DAVID W. CLARK  
PO BOX 825  
PORT HUENEME, CA 93044**

**DAVID W. CLARK  
27240 TURNBERRY LN.  
VALENCIA, CA 91355**

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

**SHATAKA SHORES-BROOKS, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 2, 2016.



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Tammy Cleaver  
Case Administrator  
State Bar Court