



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

**FILED**  
**FEB 10 2016**  
STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

In the Matter of ) Case No.: **15-H-12443-DFM**  
)  
**JULIA ANN TISCHLER,** )  
) **DECISION AND ORDER OF**  
) **INVOLUNTARY INACTIVE**  
) **ENROLLMENT**  
)  
A Member of the State Bar. )

Respondent **Julia Ann Tischler** (Respondent) was charged with failing to comply with conditions attached to a prior public reproof in violation of rule 1-110 of the Rules of Professional Conduct. She failed to participate, either in person or through counsel, and her default was entered. 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.<sup>1</sup>

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.<sup>2</sup>

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.

<sup>1</sup> Unless otherwise indicated, all references to rules are to this source.

<sup>2</sup> 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 this state on October 5, 1992, and has been a member since then.

### **Procedural Requirements Have Been Satisfied**

On June 12, 2015, the State Bar filed and properly served the NDC on Respondent by certified mail, return receipt requested, at her membership records address. The NDC notified Respondent that her failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.)

Reasonable diligence was used to notify Respondent of this proceeding and Respondent had actual notice of it. On June 16, 2015, the deputy trial counsel (DTC) assigned to this matter sent several letters and emails to Respondent at alternative addresses he had located through a public records search. The communications included copies of the NDC and advised Respondent both that the charges had been filed and that she needed to respond in order to prevent the court from entering her default.

Later in the same day, June 16, 2015, Respondent telephoned the DTC. During the course of their phone conversation, Respondent informed the DTC that she had numerous health and personal problems with which she had been struggling for several months. The DTC advised Respondent that, given the circumstances, she should have a doctor provide the court with the information about her health problems so that the matter could be abated until such time as her condition improved. The DTC further advised Respondent to submit the documentation from her doctor, as soon as possible, in order to avoid entry of default. Respondent claimed that she would produce the documentation by June 19, 2015. However, Respondent did not submit any documentation relating to her health problems; nor did she have any contact with the State

Bar after July 16, 2015 through July 31, 2015, the date on which the DTC executed his declaration in support of the Motion for Entry of Default and on which the Motion for Entry of Default was filed.

Respondent also failed to file a response to the NDC. On July 31, 2015, the State Bar filed and properly served a motion for entry of Respondent's default. The motion complied with all the requirements for a default, including a supporting declaration of reasonable diligence by the deputy trial counsel declaring the additional steps taken to provide notice to Respondent. (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 motion, and her default was entered on August 19, 2015. The order entering the default was served on Respondent at her 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, and she has remained inactively enrolled since that time.

Respondent did not seek to have her default set aside or vacated. (Rule 5.83(C)(1) [attorney has 90 days to file motion to set aside default].) On December 15, 2015, the State Bar filed and properly served a petition for disbarment on Respondent by certified mail, return receipt requested, at her membership records address. As required by rule 5.85(A), the State Bar reported in the petition that: (1) Respondent contacted the office of the State Bar after her default was entered on August 19, 2015, by leaving a voicemail message for the DTC after that date;<sup>3</sup> (2) Respondent has three other disciplinary matters pending; (3) Respondent has two prior

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<sup>3</sup> The DTC returned Respondent's call and advised her that she needed to file a motion to set aside the default within 90 days of the entry of default order.

records of discipline; and (4) the Client Security Fund has not made any payments resulting from Respondent's conduct.

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 January 20, 2016.

### **Prior Record of Discipline**

Respondent has been disciplined on two prior occasions.<sup>4</sup>

Effective April 25, 2014, Respondent was publicly reprovved with conditions in State Bar Court case Nos. 13-C-16124; 13-C-16125 (Cons.). Respondent stipulated that as the result of an incident, occurring on December 17, 2007, involving a non-injury automobile accident, she was convicted on February 7, 2008, of misdemeanor violations of (1) Vehicle Code sections 23152(a) [driving under the influence] and 23152(b) [driving with 0.08% or more BAC]. The superior court ordered that Respondent be placed on informal probation for three years with conditions that included confinement for 10 days.

And, in a second incident, occurring on March 13, 2008, Respondent caused another non-injury automobile accident. Consequently, she pled guilty to misdemeanor violations of Vehicle Code sections 23152(a) [driving under the influence], 23152(b) [driving with 0.08% or more BAC], and 14601.2(a) [driving on a suspended license]. The superior court ordered that she be placed on formal probation for five years with conditions that included confinement for 160 days.

Pursuant to a Supreme Court order, filed on February 10, 2015, in case No. S223074 (State Bar Court 13-O-16865, Respondent was again disciplined. She was suspended for one year, the execution of which was stayed and placed on probation for two years, subject to conditions, including that she be actually suspended from the practice of law for the first 30 days

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<sup>4</sup> The court admits into evidence the certified copies of Respondent's prior records of discipline attached to the December 15, 2015 petition for disbarment.

of her probation and that she comply with the conditions of probation recommended by the State Bar Court in its Order Approving Stipulation, filed on October 3, 2014. In that October 3, 2014 Order Approving Stipulation, Respondent stipulated to failing to competently perform legal services, failing to promptly refund unearned fees, failing to render an appropriate accounting to a client, and failing to cooperate and participate in a disciplinary investigation.

**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(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. 15-H-12443 (Reproval Conditions Matter)**

Count One – Respondent willfully violated rule 1-110 of the Rules of Professional Conduct by failing to comply, as charged, with conditions attached to a public reproval as administered by the State Bar in consolidated case Nos. 13-C-16124 and 13-C-16125.

Specifically, Respondent failed to: (a) submit three quarterly reports by their due dates; (b) submit to the Office of Probation three quarterly reports regarding her compliance with her criminal probation by their due dates; (c) submit to the Office of Probation three quarterly reports regarding her attendance at abstinence-based alcohol abuse self-help group meetings by their due dates; and (d) provide satisfactory proof of Ethics School attendance by the due date of April 25, 2015.

**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 her 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 and actual 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 **Julia Ann Tischler**, State Bar number 159864, 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.

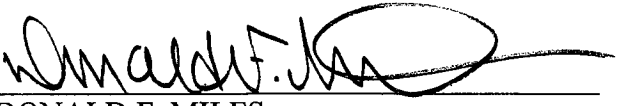
### **Costs**

The court further recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, 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 **Julia Ann Tischler**, State Bar number 159864, 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: February 8, 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 February 10, 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:

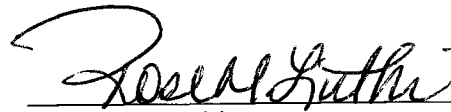
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JULIA A. TISCHLER  
LAW OFFICES OF JULIA A. TISCHLER  
1133 CAMELBACK ST # 7784  
NEWPORT BEACH, CA 92658

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

WILLIAM TODD, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 10, 2016.



Rose M. Luthi  
Case Administrator  
State Bar Court