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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.: 15-N-11857-YDR
)	
LOUIS JOSEPH FERRARA,)	
)	DECISION AND ORDER OF
Member No. 73345,)	INVOLUNTARY INACTIVE
)	ENROLLMENT
<u>A Member of the State Bar.</u>)	

Respondent Louis Joseph Ferrara (“Respondent”) was charged with willfully violating California Rules of Court, rule 9.20, by failing to file a declaration of compliance as required by that rule and in conformity with the requirements of rule 9.20(c), as required by an order of the Supreme Court. He failed to participate, either in person or through counsel, and his 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.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 rule(s) 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

Respondent was admitted to practice law in California on December 30, 1976, and has been a member since then.

Procedural Requirements Have Been Satisfied

On June 19, 2015, the State Bar properly filed and served the NDC on Respondent by certified mail, return receipt requested, to his membership records address. The State Bar received the return card that was signed by a United States Postal Service (“USPS”) employee named “Charlie.” The employee’s last name was unintelligible, but the return receipt indicated that the certified mail was delivered to Respondent’s membership records address. The NDC notified Respondent that his failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.)

Thereafter, the State Bar took additional steps to notify Respondent about these proceedings. From June 26, 2015, through June 29, 2015, the State Bar: (1) attempted to contact Respondent by telephone at his membership records phone number, but the number was not accepting calls; (2) attempted to email a copy of the NDC to Respondent at his membership records email address,³ but Respondent’s mailbox was unavailable; (3) sent a courtesy copy of the NDC to Respondent by regular first-class mail to Respondent’s membership records address and an alternate address, but the letters were returned by USPS; (4) attempted to contact Respondent at two alternate phone numbers; (5) called a third alternate phone number for Respondent and left a voicemail about these proceedings on the voicemail box of “Joey Ferrara;”

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).)

(6) sent a courtesy email to Respondent's private email address with a copy of the NDC attached; and (7) sent a courtesy letter to Respondent's membership records address and two alternate addresses by regular first-class mail informing Respondent that a motion for entry of default would be filed with a copy of the NDC enclosed.

Respondent failed to file a response to the NDC. On August 7, 2015, the State Bar properly filed and 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 State Bar 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 September 1, 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 December 29, 2015, 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 two records of prior discipline; and (4) the Client Security Fund has not paid any claims 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 February 1, 2015.

Prior Record of Discipline

Respondent has two prior records of discipline.⁴ Pursuant to an order of the Supreme Court filed on November 28, 2012, Respondent was suspended for three years, the execution of which was stayed, and he was placed on probation for three years subject to conditions including that he be suspended from the practice of law for a minimum of two years and until he proved his rehabilitation and fitness to practice. Respondent stipulated that he was culpable of: (1) practicing law for the National Labor Relations Board (“NLRB”) while suspended from the practice of law; (2) holding himself out as licensed and authorized to practice law while suspended; (3) falsely certifying to the NLRB that he maintained an active license to practice law in California; (4) the unauthorized withdrawal of \$1,200 from the NLRB Union Local 27 bank account; and (5) failing to maintain a current membership address with the State Bar.

In his second prior, pursuant to an order of the Supreme Court filed on January 7, 2015, the Court revoked Respondent’s probation and suspended him for at least three years and until he proved his rehabilitation and fitness to practice. Respondent failed to participate in the probation revocation proceedings. This court found that he violated five out of the eight conditions of his disciplinary probation.

⁴ The court admits into evidence the certified copy of Respondent’s record of prior discipline that was attached to the State Bar’s December 29, 2015 petition for disbarment after default. The State Bar’s attachment contained a partial copy of the State Bar Court Hearing Department Decision in case No. 14-PM-04223. The court takes judicial notice of the Hearing Department Decision in case No. 14-PM-04223 filed on October 3, 2014, and directs the Clerk to include a copy of the decision in this default proceeding. (Evid. Code, § 452, subd. (d).)

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 15-N-11857 (The Rule 9.20 Matter)

Respondent willfully violated California Rules of Court, rule 9.20 (duties of disbarred, resigned or suspended attorneys) by not filing, with the clerk of the State Bar Court, by March 18, 2015, a declaration of compliance as required by California Rules of Court, rule 9.20 and in conformity with the requirements of rule 9.20(c), as required by Supreme Court order number S204144.

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 **Louis Joseph Ferrara**, State Bar number 73345, 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 **Louis Joseph Ferrara**, State Bar number 73345, 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 18, 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 April 19, 2016, I deposited a true copy of the following document(s):

DECISION AND ORDER OR 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:

LOUIS JOSEPH FERRARA
3625 W BOWLES AVE # 19
PMB 49
LITTLETON, CO 80123

LOUIS JOSEPH FERRARA
5856 LOWELL BLVD., #32
LITTLETON, CO 80123

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

Alex J. Hackert, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 19, 2016.



Angela Carpenter
Case Administrator
State Bar Court