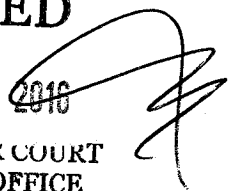


**PUBLIC MATTER**



**FILED**  
SEP 19 2016  
STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES



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

In the Matter of	)	Case Nos.: <b>15-O-10278 (15-O-12277;</b>
	)	<b>15-O-12373; 15-O-13144;</b>
<b>LAWRENCE ALLAN MOY,</b>	)	<b>15-O-13733)-YDR</b>
	)	
<b>Member No. 164060,</b>	)	<b>DECISION AND ORDER OF</b>
	)	<b>INVOLUNTARY INACTIVE</b>
<u>A Member of the State Bar.</u>	)	<b>ENROLLMENT</b>

Lawrence Allan Moy (Respondent) was charged with 23 counts of misconduct. He failed to participate in these proceedings either in person or through counsel, and his default was entered. Thereafter, the Office of 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 that the court recommend the attorney's disbarment.<sup>2</sup>

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<sup>1</sup> Unless otherwise indicated, all references to rules are to this source. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

<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).)

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 April 26, 1993, and has been a member since that date.

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

On November 9, 2015, the State Bar filed the NDC. On November 16, 2015, the NDC was properly served on Respondent by certified mail, return receipt requested, at 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.) On November 30, 2015, the United States Postal Service (USPS) returned the NDC to the State Bar with a label attached that read, "Return to Sender, Unable to Forward, Unable to Forward, Return to Sender."

Thereafter, the State Bar took additional steps to notify Respondent about these proceedings. From November 16, 2015, through December 9, 2015, the State Bar: (1) sent a courtesy copy of the NDC by certified mail, return receipt requested, to Respondent at an alternate address; (2) emailed a copy of the NDC to Respondent at his membership records email address; and (3) left a voicemail for Respondent at Respondent's cellular telephone number.

Respondent received actual notice of these proceedings. On December 11, 2015, Respondent sent the State Bar an email where he requested an extension of time to file an Answer to the NDC. The State Bar extended the time for Respondent to respond to the NDC until Friday, December 18, 2015. On December 18, 2015, Respondent sent the State Bar an email indicating that he would file his response "by Monday morning."

Respondent failed to file a timely response to the NDC. On December 23, 2015, the State Bar filed and properly served a motion for entry of Respondent's default on Respondent at his membership records address.<sup>3</sup> 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 January 26, 2016. 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.

On April 29, 2016, Respondent filed a motion to set aside his default. (Rule 5.83(C)(1) [attorney has 90 days to file motion to set aside default].) On May 2, 2016, the State Bar filed an opposition to Respondent's motion to set aside the default. On May 23, 2016, finding no good cause, the court denied Respondent's motion to set aside the default.

On May 24, 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) Respondent telephoned the State Bar on January 28, 2016, indicating he intended to file a motion to set aside the default by February 1, 2016, and since January 28, 2016, the State Bar has had no contact with Respondent other than receipt of the motion to set aside the default filed on April 29, 2016; (2) there are 17 other matters pending against Respondent; (3) Respondent does not have a prior disciplinary record; and (4) the Client

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<sup>3</sup> On the same date, the State Bar served a courtesy copy of the default motion on Respondent by regular first-class mail at his alternate address.

Security Fund has not paid any claims as a result of Respondent's misconduct. Respondent did not respond to the petition for disbarment. The case was submitted for decision on June 30, 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. 15-O-13733 (The Lau Matter)**

Count One – Respondent willfully violated rule 4-100(A) of the Rules of Professional Conduct (failure to maintain client funds in trust account) by failing to maintain \$33,333 in client settlement proceeds in his CTA.

Count Two – Respondent willfully violated section 6106 (moral turpitude – misappropriation) by dishonestly or gross negligently misappropriating for Respondent's own purposes, \$33,333 owed to Respondent's client and his client's insurance provider.

Count Three – Respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct (failure to account) by failing to provide his client with an accounting of the \$50,000 in settlement proceeds Respondent received on his client's behalf.

Count Four – Respondent willfully violated rule 4-100(B)(4) of the Rules of Professional Conduct (failure to promptly pay client funds) by failing to promptly pay his client or her insurance company, as his client requested, any portion of the \$33,333 in settlement proceeds that Respondent held on his client's behalf.

Count Five – Respondent willfully violated section 6068, subdivision (i) (failure to cooperate), by failing to provide a substantive response to a State Bar letter that Respondent received, which requested a response to the allegations of misconduct being investigated.

**Case No. 15-O-13144 (The Ordonez Matter)**

Count Six – Respondent willfully violated rule 4-100(A) of the Rules of Professional Conduct by failing to maintain \$6,666 in client settlement proceeds in his CTA.

Count Seven – Respondent willfully violated section 6106 by dishonestly or gross negligently misappropriating for Respondent’s own purposes, \$6,666 owed to his client.

Count Eight – Respondent willfully violated rule 4-100(B)(3) of the Rules of Professional Conduct by failing to provide his client with an accounting of the \$10,000 in settlement proceeds Respondent received on his client’s behalf.

Count Nine – Respondent willfully violated rule 4-100(B)(4) of the Rules of Professional Conduct by failing to promptly pay his client, upon his client’s request, any portion of the \$6,666 in settlement proceeds that Respondent held on his client’s behalf.

Count Ten – Respondent willfully violated rule 3-700(D)(1) of the Rules of Professional Conduct (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 Eleven – Respondent willfully violated section 6068, subdivision (i), by failing to provide a substantive response to two State Bar letters that Respondent received, which requested a response to the allegations of misconduct being investigated.

**Case No. 15-O-12373 (The Duro Matter)**

Count Twelve – The court does not find Respondent culpable of willfully violating rule 3-110(A) of the Rules of Professional Conduct (failure to perform legal services with competence) as the facts deemed admitted as a result of the entry of Respondent’s default do not

support a finding by clear and convincing evidence that Respondent intentionally, repeatedly, or recklessly failed to perform legal services with competence.

Count Thirteen – Respondent willfully violated section 6068, subdivision (m) (failing to communicate), by failing to respond to his client’s reasonable status inquiries made between January 2011 and December 2012.

Count Fourteen – Respondent willfully violated section 6068, subdivision (m) (failure to inform client of significant developments), by failing to inform his client that he received documents that the insurance company needed to be completed and returned for the insurance company to evaluate his client’s claim; and that the insurance company denied his client’s claim but the client had 30 days to file an appeal.

Count Fifteen – Respondent willfully violated section 6068, subdivision (i), by failing to provide a substantive response to two State Bar letters that Respondent received, which requested a response to the allegations of misconduct being investigated.

**Case No. 15-O-12277 (The Client Trust Account Matter)**

Count Sixteen – Respondent willfully violated section 6106 (moral turpitude) by issuing five checks drawn upon his client trust account (CTA) when he knew or was grossly negligent in not knowing that there were insufficient funds to pay them.

Count Seventeen – Respondent willfully violated rule 4-100(A) of the Rules of Professional Conduct (commingling) by depositing personal funds into his CTA.

Count Eighteen – Respondent willfully violated rule 4-100(A) of the Rules of Professional Conduct by using his client trust account to deposit personal funds and pay personal expenses from the account.

Count Nineteen – Respondent willfully violated section 6068, subdivision (i), by failing to provide a substantive response to three State Bar letters that Respondent received, which requested a response to the allegations of misconduct being investigated.

Count Twenty – Respondent willfully violated section 6068, subdivision (j) (failure to update membership address), by failing to notify the State Bar of the change in Respondent’s address within 30 days, as required by Business and Professions Code section 6002.1.

**Case No. 15-O-10278 (The Booth and McCrumb Matter)**

Count Twenty-One – Respondent willfully violated rule 4-100(A) of the Rules of Professional Conduct by failing to maintain \$4,300 in client settlement proceeds in his CTA.

Count Twenty-Two – Respondent willfully violated section 6106 by dishonestly or grossly negligently misappropriating for Respondent’s own purposes \$4,300 owed to his client’s medical provider.

Count Twenty-Three – Respondent willfully violated rule 4-100(B)(4) of the Rules of Professional Conduct by failing to promptly pay his clients, as his clients requested, any portion of the \$4,350 in settlement proceeds that Respondent held on his clients’ behalf.

**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 actual notice and opportunity, Respondent failed to participate in this disciplinary proceeding. Before granting this petition for disbarment, the court considered what, if any, relief was appropriate under the new default rules and has determined that no relief was appropriate, that the petition for disbarment should be granted, and that Respondent's disbarment should be recommended as the appropriate discipline in this matter. As set forth in the Rules of Procedure of the State Bar, the court recommends disbarment.

## **RECOMMENDATIONS**

### **Disbarment**

The court recommends that Respondent Lawrence Allan Moy, State Bar number 164060, be disbarred from the practice of law in the State of California and that his name be stricken from the roll of attorneys.

The court also recommends that Respondent be ordered to make restitution to the following payees:

- (1) Didi Lau in the amount of \$31,165.07 plus 10 percent interest per year from February 25, 2015;
- (2) Blue Cross Blue Shield of Georgia in the amount of \$2,167.93 plus 10 percent interest per year from February 25, 2015;
- (3) Denise Ordonez in the amount of \$6,666 plus 10 percent interest per year from February 25, 2015;
- (4) Department of Healthcare Services in the amount of \$4,300 plus 10 percent interest per year from February 25, 2015;
- (5) Tamara McCrumb in the amount of \$3,500 plus 10 percent interest per year from March 19, 2013; and



(6) Ronda Booth in the amount of \$850 plus 10 percent interest per year from March 19, 2013.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

**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.

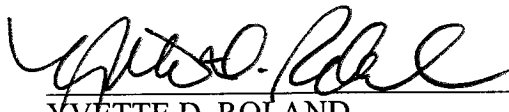
**Costs**

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 Lawrence Allan Moy, State Bar number 164060, 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: September 16, 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 September 19, 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:

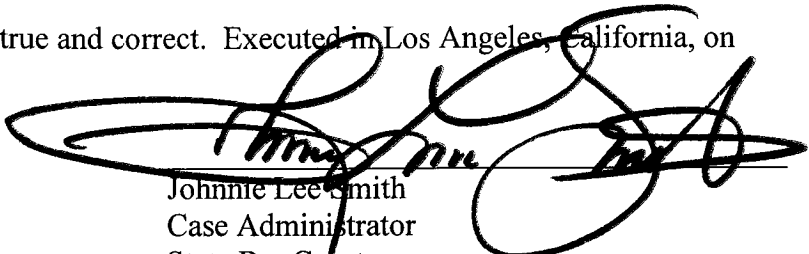
**LAWRENCE A. MOY  
2102 BUSINESS CENTER DR  
STE 213  
IRVINE, CA 92612**

**LAWRENCE ALLAN MOY  
15333 CULVER DRIVE #340  
IRVINE, CA 92604**

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

**ELI MORGENSTERN, Enforcement, Los Angeles**

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

  
Johnnie Lee Smith  
Case Administrator  
State Bar Court