

# PUBLIC MATTER

FILED

FEB 23 2016

STATE BAR COURT  
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LOS ANGELES



STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES



In the Matter of )  
MICHAEL PARRA, )  
Member No. 216596, )  
A Member of the State Bar. )

Case Nos.: **15-O-11331-YDR**

**DECISION AND ORDER OF  
INVOLUNTARY INACTIVE  
ENROLLMENT**

Respondent Michael Parra (“Respondent”) was charged with willfully violating Business and Professions Code section 6068, subdivision (k), by failing to comply with the conditions attached to his disciplinary probation in State Bar Court case numbers 12-O-13356 et al. 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.<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>

<sup>1</sup> Unless otherwise indicated, all references to rule(s) 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).)

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 4, 2001, and has been a member since that date.

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

On June 5, 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 on June 16, 2015, but the signature was unintelligible. The NDC notified Respondent that his failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.) On June 16, 2015, the State Bar sent Respondent a copy of the NDC to his membership record address by regular first class mail. It was not returned as undeliverable.

Respondent had actual notice of this proceeding. On June 17, 2015, the deputy trial counsel ("DTC"): 1) called Respondent at his membership records telephone number<sup>3</sup>; 2) left a message for Respondent at an alternate telephone number, informing him that an NDC had been filed and his response was due; and 3) emailed Respondent the same information contained in his voicemail message and attached a copy of the NDC to the email. Respondent returned the DTC's phone call on June 17, acknowledging that he received the DTC's prior message and email. The DTC returned Respondent's call on June 18 and left a voicemail message. Later that day, Respondent called the DTC and spoke to him. Respondent wanted to discuss a possible resolution to the matter, but the DTC informed him that an NDC had been filed.

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<sup>3</sup> The DTC was unable to leave a message because Respondent's voicemail box was full.

Respondent failed to file a response to the NDC. On July 1, 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 DTC 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 July 24, 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 October 28, 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 after the entry of Respondent's default, the DTC spoke with Respondent the week of August 10, 2015, explaining that if Respondent wanted to participate in these proceedings, he had to move to set aside the default. The DTC sent a confirmation email on August 18. During the week of August 18, the DTC spoke with Respondent again and made clear that Respondent would have to file a motion to set aside the default if he wanted to participate in these proceedings. The DTC has had no contact with Respondent since August 21, 2015. Additionally, the State Bar reported that: (1) there is one other disciplinary matter pending against Respondent; (2) Respondent has three prior records of discipline; and (3) the

Client Security Fund has paid \$14,806 in claims as a result of Respondent's misconduct.<sup>4</sup> The case was submitted for decision on December 15, 2015.

### **Prior Record of Discipline**

Respondent has three prior records of discipline. Pursuant to an order of the Supreme Court filed on June 18, 2013, Respondent was suspended for one year, the execution of which was stayed, and he was placed on probation for two years subject to conditions including that he be actually suspended from the practice of law for six months and until he paid restitution and complied with certain fee arbitration provisions. Respondent stipulated to misconduct in five client matters: 1) intentionally, recklessly or repeatedly failing to perform legal services with competence (three counts); 2) failing to communicate (three counts); 3) failing to refund unearned fees (three counts); 4) failing to deposit client funds into a client trust account; 5) failing to provide an accounting to a client; 6) failing to maintain a membership address with the State Bar; and 7) appearing as an attorney on behalf of a party without the party's consent.

In his second prior, pursuant to an order of the Supreme Court filed on February 13, 2014, Respondent was suspended for two years, the execution of which was stayed, and he was placed on probation for three years subject to conditions including that he be actually suspended from the practice of law for six months and until he paid restitution. Respondent stipulated to misconduct in three client matters: 1) failing to obey a court order; 2) failing to report court-ordered sanctions to the State Bar; 3) failing to cooperate during disciplinary proceedings (two counts); 4) failing to communicate with clients (two counts); 5) failing to render appropriate accountings to a client (two counts); 6) failing to return a client's file (two counts); 7) failing to refund unearned fees (two counts); and 8) failing to provide any legal services of value on behalf of a client.

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<sup>4</sup> As of October 19, 2015, Respondent also owed the Client Security Fund \$735 in processing costs and \$1,712.52 in interest was owed as well.

In Respondent's third prior, the Supreme Court ordered Respondent suspended for three years, the execution of which was stayed, and he was placed on probation for four years subject to conditions including that he be suspended from the practice of law for a minimum two years and until he proves his rehabilitation, fitness to practice and learning and ability in the general law. The Supreme Court's order was filed on January 29, 2015.<sup>5</sup> Respondent stipulated to: 1) failing to promptly return his client's file; 2) making a misrepresentation in his California Rules of Court, rule 9.20 affidavit, which involved moral turpitude; 3) failing to cooperate in a disciplinary investigation; and 4) failing to comply with a condition attached to his disciplinary probation.

**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-O-11331 (Failure to Comply with Probation Conditions)**

Respondent willfully violated Business and Professions Code section 6068, subdivision (k), (duty to comply with probation conditions) by failing to comply with eleven specified conditions attached to his disciplinary probation in State Bar case number 12-O-13356 et al.

**Disbarment Is Recommended**

Based on the above, this 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;

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<sup>5</sup> The misconduct in all of Respondent's priors occurred during the same time period.

(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. As set forth in the Rules of Procedure of the State Bar, this Court recommends Respondent's disbarment.

### **RECOMMENDATION**

#### **Disbarment**

The Court recommends that respondent **Michael Parra**, State Bar number 216596, 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 **Michael Parra**, State Bar number 216596, 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 22, 2016



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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 February 23, 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:

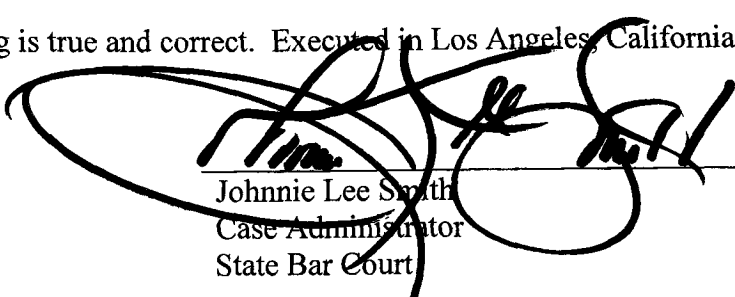
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**MICHAEL PARRA  
MICHAEL PARRA  
2539 E GELID AVE  
ANAHEIM, CA 92806**

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

**DREW MASSEY, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 23, 2016.

  
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Johnnie Lee Smith  
Case Administrator  
State Bar Court