

# PUBLIC MATTER

**FILED**

**JUL 06 2016**

P.B.

**STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES**

**STATE BAR COURT OF CALIFORNIA**

**HEARING DEPARTMENT – LOS ANGELES**

In the Matter of	)	Case No.: <b>15-O-11979-WKM</b>
	)	
<b>BETSY ANNE STANSELL,</b>	)	<b>DECISION AND ORDER OF</b>
	)	<b>INVOLUNTARY INACTIVE</b>
<b>Member No. 201543,</b>	)	<b>ENROLLMENT</b>
	)	
<u>A Member of the State Bar.</u>	)	

Respondent Betsy Anne Stansell (respondent) was charged with one count of failing to cooperate in a disciplinary investigation in willful violation of Business and Professions Code section 6068, subdivision (i).<sup>1</sup> Even though respondent had notice of the trial date, she failed to appear at the trial, and her default was entered. Thereafter, OCTC filed a petition for disbarment under rule 5.85 of the Rules of Procedure of the State Bar.<sup>2</sup> Rule 5.85 provides the procedure to

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<sup>1</sup> The Notice of Disciplinary Charges (NDC) filed in this matter also included an allegation that respondent had violated Business and Professions Code section 6106. However, on November 13, 2015, respondent filed a motion to dismiss the NDC, withdraw charges and expunge all notices of disciplinary proceedings. The Office of the Chief Trial Counsel (OCTC) opposed respondent's motion. On December 21, 2015, the court filed an order granting respondent's motion to the limited extent that count one was dismissed without prejudice. In all other respects, the motion was denied. The order also provided that, within 20 days after service of the order, OCTC could file a first amended NDC which contained a count one that comports with due process, the Rules of Procedure of the State Bar, and the Business and Professions Code. OCTC, however, did not file an amended NDC. Thus, the matter proceeded to trial only on the remaining count (count two).

<sup>2</sup> Unless otherwise indicated, all further references to rules are to the Rules of Procedure of the State Bar of California.

follow when an attorney fails to appear at trial after receiving adequate notice and opportunity. The rule provides that, if an attorney's default is entered for failing to appear at trial, and, if the attorney fails to have the default set aside or vacated within 45 days, OCTC will file a petition requesting the court to recommend the attorney's disbarment.<sup>3</sup>

In the instant case, the court concludes that all of the requirements of rule 5.85 have been satisfied. Therefore, the court grants the petition and recommends that respondent be disbarred from the practice of law.

### **FINDINGS AND CONCLUSIONS**

Respondent was admitted to the practice of law in California on June 8, 1999. She has continuously been a member of the State Bar since then.

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

On October 9, 2015, OCTC filed and properly served a NDC on respondent by certified mail, return receipt requested, at her membership records address. The NDC was also sent to respondent by U.S. first-class mail.<sup>4</sup> Respondent filed a response to the NDC on November 13, 2015.

Although she was sent proper notice of an in-person status conference, respondent failed to participate in a status conference on November 13, 2015. On November 13, 2015, the court filed an order setting a pretrial conference for January 19, 2016, at 9:30 a.m. and setting trial for

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<sup>3</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).)

<sup>4</sup> The declaration of service attached to the NDC reflects that, although the NDC was served by U.S. first-class mail to respondent's correct street address, the name of respondent's firm (Stansell & Associates) was misspelled as Stanstell & Associates.

10:00 a.m. on January 25, 2016. The order setting the trial was properly served by first-class mail, postage prepaid, to respondent at the address in her response to the NDC.<sup>5</sup> (Rule 5.81(A).)

Respondent failed to participate in the January 19, 2016, pretrial conference. OCTC appeared for trial on January 25, 2016, but respondent did not. Because of respondent's failure to appear at trial, the court entered respondent's default in an order filed on January 25, 2016. The order was properly served on respondent by certified mail, return receipt requested, at respondent's membership records address. (Rule 5.81(B).) The order notified respondent that, if she did not timely move to set aside her default, the court would recommend her disbarment. The order also placed respondent on involuntary inactive status 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. The order was returned unclaimed to the State Bar Court by the United States Postal Service.<sup>6</sup>

Respondent did not seek to have her default set aside or vacated. (Rule 5.83(C)(2) [attorney has 45 days after order entering default is served to file motion to set aside default].) On March 18, 2016, OCTC properly filed and served a petition for disbarment on respondent.<sup>7</sup> As required by rule 5.85(A), the OCTC reported in the petition that: (1) OCTC has not had any contact with respondent since her default was entered;<sup>8</sup> (2) there are no investigations pending

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<sup>5</sup> This address was respondent's membership records address.

<sup>6</sup> However, the green return receipt was returned to the State Bar Court signed by Jong Hyun Kim, as agent for respondent, on February 29, 2016.

<sup>7</sup> The petition for disbarment was served by certified mail, return receipt requested, to respondent at her membership records address.

<sup>8</sup> The declaration of Deputy Trial Counsel Elizabeth Stine reflects that there has been no contact with respondent since the date the order entering respondent's default was served. However, this is the same date that respondent's default was entered.

against respondent;<sup>9</sup> (3) respondent does not have a prior record of discipline; and (4) the Client Security Fund has not paid out any claims resulting from respondent's conduct. Respondent did not respond to the petition for disbarment or move to set aside or vacate her default. The case was submitted for decision on April 13, 2016.

### **The Admitted Factual Allegations Warrant the Imposition of Discipline**

Upon entry of a 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 on count two and, therefore, violated a statute, rule or court order that would warrant the imposition of discipline. (Rule 5.85(F)(1)(d).)

Count Two – OCTC charges that respondent willfully violated section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation), by failing to provide a substantive response to the OCTC's June 22, 2015, and July 7, 2015, investigative letters, which respondent received. The letters requested her response to the allegations of misconduct being investigated in this matter, yet she did not respond. Therefore, respondent violated the statute.

### **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) respondent had actual notice of this proceeding and adequate notice of the trial date prior to entry of the default;
- (3) the default was properly entered under rule 5.81; and

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<sup>9</sup> The petition did not address whether any pending disciplinary charges exist against the respondent.

(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 appear for trial 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 Betsy Anne Stansell 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.

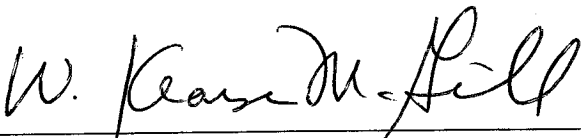
#### **Costs**

The court further recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and that the costs be 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 Betsy Anne Stansell, State Bar Number 201543, 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: July 6, 2016

  
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W. KEARSE MCGILL  
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 July 6, 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:

**BETSY A. STANSELL  
STANSELL & ASSOCIATES  
7111 SEAWIND DR  
LONG BEACH, CA 90803**

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

**ELIZABETH G. STINE, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 6, 2016.



Paul Barona  
Case Administrator  
State Bar Court