



Respondent has not responded to the petition for disbarment or moved to set aside or vacate the default. The case was submitted for decision on May 16, 2017, following the State Bar's filing of respondent's prior record of discipline.

#### **Prior Record of Discipline**

Respondent has one prior record of discipline. Pursuant to a Supreme Court order filed on August 4, 2016, respondent was suspended for one year, the execution of which was stayed, placed on probation for two years, and actually suspended for six months. Respondent committed five counts of misconduct in one matter, including acts of moral turpitude and misleading the court.

#### **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-15171 (Messersmith Matter)**

Count 1 – Respondent willfully violated section 6106 (moral turpitude, dishonesty, or corruption) by misappropriating \$9,701.91 by August 31, 2012, which the client's medical provider, Marvin Pietruszka, M.D., was entitled to receive.

Count 2 – 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 a balance of \$9,830.78 in a client trust account on behalf of the client's medical provider.

Count 3 – Respondent willfully violated rule 4-100(B)(4) of the Rules of Professional Conduct (failure to promptly pay funds to client) by failing, upon the client's request made on

May 26, 2015, to promptly pay any portion of the \$9,830.78 in respondent's possession to the medical provider.

Count 4 – Respondent willfully violated rule 4-100(A) of the Rules of Professional Conduct by commingling in that she issued 12 checks from her client trust account to pay for her personal expenses.

### **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 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 her disbarment.

### **RECOMMENDATIONS**

#### **Disbarment**

The court recommends that respondent **Julia Susanna Swanson**, State Bar number 165039, 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 **Julia Susanna Swanson**, State Bar number 165039, 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: June 9, 2017

  
PAT McELROY  
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 San Francisco, On June 9, 2017, 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:

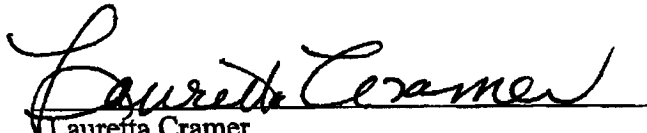
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

JULIA S. SWANSON  
461 W 6TH ST STE 202  
SAN PEDRO, CA 90731 - 2695

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

Ann J. Kim, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on June 9, 2017.

  
Laurretta Cramer  
Case Administrator  
State Bar Court