

PUBLIC MATTER

FILED *V.A.*

DEC 12 2016

**STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – SAN FRANCISCO**

**STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO**

In the Matter of)	Case No.: 16-O-12282-LMA
)	
RONI LYNN DEUTCH,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
Member No. 152429,)	ENROLLMENT
)	
<u>A Member of the State Bar.</u>)	

In this matter, respondent Roni Lynn Deutch (Respondent) was charged with five counts of misconduct, including failing to perform legal services with competence, failing to respond to client inquiries, failing to refund unearned fees, failing to cooperate in a disciplinary investigation, and failing to update her membership records address. Respondent failed to participate either in person or through counsel, and her default was entered. The Office of Chief Trial Counsel of the State Bar of California (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 rules 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 this state on June 6, 1991, and has been a member since then.

Procedural Requirements Have Been Satisfied

On May 23, 2016, the State Bar properly filed and served an NDC on Respondent by certified mail, return receipt requested, at her membership records address. The NDC notified Respondent that her failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.) The NDC was returned to the State Bar by the U.S. Postal Service as undeliverable.

In addition, reasonable diligence was used to notify Respondent of this proceeding. The State Bar began investigating Respondent over five years ago. In May 2011, Respondent instructed the State Bar to send all further correspondence to her at an address in Folsom, California (the Folsom address). In or about that same time period, Respondent vacated her membership records address³ and tendered her resignation with the State Bar.⁴

In connection with these proceedings, the State Bar attempted to contact Respondent without success. These efforts included calling Respondent prior to filing the NDC at a telephone number listed on Respondent's business website (RoniDeutch.Com);⁵ mailing a copy of the NDC via certified and regular mail to Respondent at the Folsom address; and calling

³ Despite moving in 2011, Respondent has not updated her membership records address.

⁴ In January 2012, the California Supreme Court rejected Respondent's resignation.

⁵ On February 10, 2016, Respondent returned the State Bar's telephone call – leaving a voicemail insisting that all further State Bar communications with her be in writing. Respondent also confirmed that she still receives her mail at the Folsom address.

Respondent, prior to filing the default motion, at her membership records telephone number and fax number, as well as at an alternative telephone number previously provided by Respondent.

Respondent failed to file a response to the NDC. On June 20, 2016, the State Bar filed and properly 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 deputy trial counsel declaring the additional steps taken to provide notice to Respondent. (Rule 5.80.) The motion also notified Respondent that if she did not timely move to set aside her default, the court would recommend her disbarment. Respondent did not file a response to the motion, and her default was entered on July 6, 2016. The order entering the default was served on Respondent at her membership records address by certified mail, return receipt requested.⁶ 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, and she has remained inactively enrolled since that time.

Respondent also did not seek to have her default set aside or vacated. (Rule 5.83(C)(1) [attorney has 90 days to file motion to set aside default].) On October 11, 2016, the State Bar filed the petition for disbarment. As required by rule 5.85(A), the State Bar reported in the petition that: (1) it has had no contact with Respondent since the default was entered; (2) Respondent has several other disciplinary matters pending; (3) Respondent has no prior record of discipline; and (4) the Client Security Fund has not made any payments resulting from Respondent's conduct. 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 November 8, 2016.

⁶ A courtesy copy was also mailed to Respondent at the Folsom address.

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 No. 16-O-12282 – The DeSpain Matter

Count One – Respondent willfully violated rule 3-110(A) of the Rules of Professional Conduct (failing to perform legal services with competence) by failing to perform the services for which she was employed.

Count Two – Respondent willfully violated Business and Professions Code section 6068, subdivision (m) (failure to respond to client inquiries) by failing to respond to numerous reasonable client status inquiries.

Count Three – Respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct (failing to refund unearned fees) by failing to refund unearned advanced fees.

Count Four – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failing to cooperate in a disciplinary investigation) by failing to provide a substantive response to the allegations in a disciplinary investigation after being contacted by the State Bar.

Count Five – Respondent willfully violated Business and Professions Code 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.

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 disbarment.

RECOMMENDATIONS**Disbarment**

The court recommends that respondent Roni Lynn Deutch be disbarred from the practice of law in the State of California and that her name be stricken from the roll of attorneys.

Restitution

The court also recommends that Respondent be ordered to make restitution to Deborah DeSpain in the amount of \$3,687 plus 10 percent interest per year from May 25, 2011. 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 Roni Lynn Deutch, State Bar number 152429, 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: December 12, 2016



LUCY ARMENDARIZ
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 December 12, 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 San Francisco, California, addressed as follows:

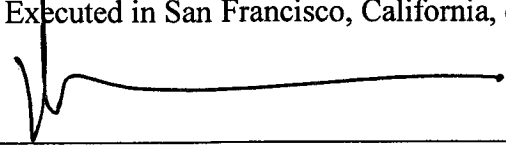
RONI L. DEUTCH
LAW OFC RONI LYNN DEUTCH
4815 WATT AVE
NORTH HIGHLANDS, CA 95660

COURTESY COPY:
RONI LYNN DEUTCH
2795 E. BIDWELL ST.,
SUITE 100-118
FOLSOM, CA 95630

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

Donald Robert Steedman, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on December 12, 2016.



Vincent Au
Case Administrator
State Bar Court