



PUBLIC MATTER

FILED

MAY 24 2017

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

P.B.

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

In the Matter of)	Case No. 16-O-13517-CV
)	
FREDERICK JAMES WOOD,)	ORDER SETTING ASIDE DEFAULT;
)	TERMINATING INVOLUNTARY INACTIVE
)	ENROLLMENT; AND FILING RESPONSE
)	TO NDC
<u>A Member of the State Bar, No. 121994.</u>)	

This matter is before the court on respondent FREDERICK JAMES WOOD'S April 20, 2017, motion to set aside his default, which the court entered on January 20, 2017. The Office of the Chief Trial Counsel of the State Bar of California (OCTC) does not oppose respondent's motion.

Even though a respondent attorney's default has been properly entered in a State Bar Court disciplinary proceeding, the respondent may have the default set aside because of "mistake, inadvertence, surprise or excusable neglect." (Rules Proc. of State Bar, rule 5.83(C).) When determining whether a respondent has met his or her burden to establish the requisite mistake, inadvertence, surprise, or excusable neglect, the court is to resolve all doubts in respondent's favor because the law and the public policy of this state strongly favor resolution of matters on the merits. (*In the Matter of Morone* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 207, 214-215, quoting *Elston v. City of Turlock* (1985) 38 Cal.3d 227, 233 [*Elston* was superseded by statute on another point, see *Wilcox v. Birtwhistle* (1999) 21 Cal.4th 973, 978-980].) Moreover, this court need only "require 'very slight' evidence to justify [setting aside a

respondent's default], as long as the granting of such relief will not cause prejudice [to the State Bar]. [Citation.]” (*In the Matter of Carver* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 348, 354.)

Respondent's motion was timely filed under Rules of Procedure of the State Bar, rule, rule 5.83(C)(1) (i.e., respondent filed his motion to set aside default within 90 days after the default order was served on him plus an additional 5 days as the default order was served on respondent by mail (Rules Proc. of State Bar, rule 5.28(A)). Nothing in the record suggests, much less establishes, that the State Bar will be prejudiced if respondent's default is set aside. Therefore, respondent need show very slight evidence of mistake, inadvertence, surprise, or excusable neglect to justify setting aside his default.

The court finds that the entry of respondent's default was the result of respondent's mistake, excusable neglect, or both. For at least the last half of 2016, respondent was suffering from debilitating stress and anxiety as a result of his representing himself in a divorce proceeding that his then wife filed against him; being forced to relocate his law office after 25 years with little advanced warning; and representing a client in a seven-week trial in October and November 2016. As a result of that stress and anxiety, respondent overlooked the notice of disciplinary charges (NDC) that was served on him in late November 2016. Respondent did not learn of the NDC until sometime in late January 2017 after his default had already been entered. In short, the court finds that respondent has established good cause to grant his motion to set aside the default. (Rules Proc. of State Bar, rule 5.83(H)(1) [court may grant motion to set aside default upon a showing of good cause].)

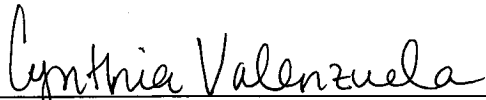
ORDER

The court orders that respondent Frederick James Wood's April 20, 2017, motion to set aside the entry of his default is GRANTED for good cause shown; that the court's January 20,

2017, entry of respondent's default is SET ASIDE; that respondent's involuntary inactive enrollment under Business and Professions Code section 6007, subdivision (e) in accordance with this court's January 20, 2017, order entering respondent's default is TERMINATED FORTHWITH;¹ and that the verified response to the NDC that respondent submitted with his motion be FILED as of the date this order is filed.

An in-person status conference will be held on June 12, 2017 at 10:45 a.m. All counsel are directed to participate.

Dated: May 24, 2017.



CYNTHIA VALENZUELA
Judge of the State Bar Court

¹ Of course, this order does not affect respondent's ineligibility to practice law that has resulted or that may hereafter result from any other cause.

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 May 24, 2017, I deposited a true copy of the following document(s):

ORDER SETTING ASIDE DEFAULT; TERMINATING INVOLUNTARY INACTIVE ENROLLMENT; AND FILING RESPONSE TO NDC

in a sealed envelope for collection and mailing on that date as follows:

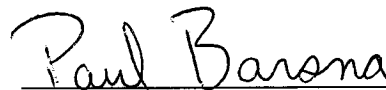
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**FREDERICK JAMES WOOD
7070 MORRO RD STE C
ATASCADERO, CA 93422 - 4434**

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

DREW D. MASSEY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 24, 2017.



Paul Barona
Case Administrator
State Bar Court