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STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCOSTATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of)	Case No. 16-O-15552
)	(16-O-16329)-PEM
JENNIFER MARIE FARRIS,)	
)	DECISION AND ORDER OF
A Member of the State Bar, No. 266923.)	INVOLUNTARY INACTIVE
)	ENROLLMENT

Jennifer Marie Farris (Respondent) was charged with seven counts of misconduct. She failed to participate in these proceedings either in person or through counsel, and her default was entered. Thereafter, the Office of Chief Trial Counsel (OCTC) 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, OCTC will file a petition requesting that the court recommend the attorney's disbarment.²

¹ Unless otherwise indicated, all references to rules are to this source. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

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

Jurisdiction

Respondent was admitted to practice law in California on December 2, 2009, and has been a member since then.

Procedural Requirements Have Been Satisfied

On October 11, 2017, OCTC filed and properly served the NDC on Respondent by certified mail, return receipt requested, at Respondent's membership records address. The NDC notified Respondent that her failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.) OCTC did not receive a return receipt, and the NDC was not returned as undeliverable.

Thereafter, OCTC acted with reasonable diligence to notify Respondent about these proceedings by: 1) conducting an Internet and LexisNexis search to obtain alternate contact information for Respondent; 2) sending a copy of the NDC to Respondent at two alternate addresses; 3) attempting to contact Respondent at Respondent's membership records email address and at an alternate email address; and 4) attempting to contact Respondent at her membership records telephone number, membership records facsimile number, and two alternate telephone numbers. OCTC was unable to make contact with Respondent.

Respondent failed to file a timely response to the NDC. On November 7, 2017, OCTC filed and properly served a motion for entry of Respondent's default on Respondent at her membership records address. The motion complied with all of the requirements for a default, including a supporting declaration of reasonable diligence by OCTC 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 November 27, 2017. The order entering the default was served on Respondent at her 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. She has remained inactively enrolled since that time.

On March 5, 2018, OCTC properly filed and served the petition for disbarment on Respondent at her membership records address. As required by rule 5.85(A), OCTC reported in the petition that: (1) there has been no contact with Respondent since her default was entered; (2) there are no other matters pending against Respondent; (3) Respondent has no prior record of discipline; and (4) the Client Security Fund has not paid any claims as a result of Respondent's misconduct. Respondent did not respond to the petition for disbarment. The case was submitted for decision on April 9, 2018.

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, except as otherwise noted, 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-16239 (The Richmond Matter)

Count One - Respondent willfully violated rule 3-700(A)(1) of the Rules of Professional Conduct (failure to obtain court permission to withdraw) by withdrawing from employment in a

proceeding before a court without its permission when the rules of the court required that she obtain the court's permission.

Count Two - Respondent willfully violated rule 3-700(A)(2) of the Rules of Professional Conduct (improper withdrawal) by constructively withdrawing from employment when she failed to take any action on her client's behalf after February 24, 2016, and failed to inform her client that she was withdrawing from employment.

Count Three - Respondent willfully violated section 6068, subdivision (m) (failure to respond to client status inquiries), by failing to respond to her client's reasonable status inquiries from May 1, 2016, through June 30, 2016.

Case No. 16-O-15552 (The Khan Matter)

Count Four - Respondent willfully violated rule 3-700(A)(2) of the Rules of Professional Conduct by constructively withdrawing from employment when she failed to take any action on her client's behalf after April 20, 2016, and failed to inform her client that she was withdrawing from employment.

Count Five - Respondent willfully violated section 6068, subdivision (m), by failing to respond to her client's reasonable status inquiries from April 21, 2016, through June 30, 2016.

Count Six - Respondent willfully violated rule 3-700(D)(2) (failure to refund unearned fees) by failing to promptly refund, upon termination of her employment, any part of the unearned \$2,200 advanced fee paid by her client.

Count Seven - Respondent willfully violated section 6068, subdivision (j) (failure to update membership records address) by failing to notify the State Bar of the change in her membership records address within 30 days, thereby failing to comply with the requirements of 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.

RECOMMENDATION

Disbarment

The court recommends that respondent Jennifer Marie Farris, State Bar number 266923, 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 Muhammad B. Khan in the amount of \$2,200 plus 10 percent interest per year from April 20, 2016. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

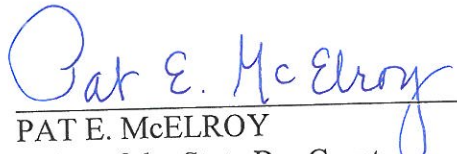
Costs

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 Jennifer Marie Farris, State Bar number 266923, 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: May 1, 2018


PAT E. 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 Court Specialist 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 May 1, 2018, 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:

JENNIFER M. FARRIS
JENNIFER M. FARRIS ATTORNEY
333 E CHANNEL ST STE 2
STOCKTON, CA 95202

JENNIFER M. FARRIS
1717 NORTH HUNTER STREET
STOCKTON, CA 95204

JENNIFER M. FARRIS
1919 QUAIL LAKES DRIVE
STOCKTON, CA 95207-9101

- ☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

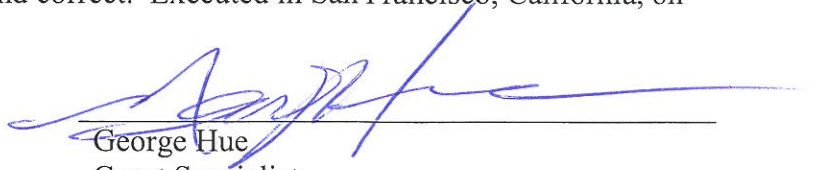
- ☐ by overnight mail at , California, addressed as follows:

- ☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Sherrie B. McLetchie, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on May 1, 2018.


George Hue
Court Specialist
State Bar Court