

PUBLIC MATTER

FILED *JS*

MAY 23 2017

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

In the Matter of)	Case No. 17-AE-02629-DFM
)	
CAROLINA ANN ANDRADE HAUCK,)	ORDER GRANTING MOTION FOR
)	INVOLUNTARY INACTIVE
)	ENROLLMENT [Bus. & Prof. Code,
)	§ 6203, subd. (d); Rules Proc. of State
<u>A Member of the State Bar, No. 230178.</u>)	Bar, rule 5.360 et seq.]

On May 5, 2017, the Mandatory Fee Arbitration Program of the State Bar of California (State Bar), appearing through Kenneth E. Bacon, its Presiding Arbitrator, filed a motion seeking the involuntary inactive enrollment of Award Debtor Carolina Ann Andrade Hauck (Award Debtor) pursuant to Business and Professions Code section 6203, subdivision (d), and rules 5.360 et seq. of the Rules of Procedure of the State Bar (Rules of Procedure), due to Award Debtor's failure to pay a binding fee arbitration award (motion). A copy of the motion was properly served on Award Debtor at her official membership records address (official address) on May 4, 2017, by certified mail, return receipt requested, and by U. S. mail, postage prepaid.

A copy of a Notice of Assignment was properly served by this court on Award Debtor at her official address on May 8, 2017, and was not returned to the State Bar Court by the U.S. Postal Service as undeliverable or for any other reason.

Despite the service on Award Debtor of the above two documents, she did not file a response to the motion or request a hearing. (Rules Proc. of State Bar, rules 5.362 & 5.364.) As a result, this matter was submitted for decision on May 22, 2017.



Jurisdiction

Award Debtor was admitted to the practice of law in California on March 3, 2004.

Facts

On July 15, 2015, the San Diego County Bar Association served a Stipulated Award in the Mandatory Fee Arbitration case between Jason Tejeda (Tejeda) and attorney Carolina Ann Andrade Hauck (Award Debtor). In the Stipulated Award, the parties agreed that Award Debtor was to refund Tejeda \$2,628.00 of previously paid but unearned attorney's fees. The stipulated award was binding when issued and neither party filed a request to vacate the binding award within one hundred days of the service of the award.

On November 3, 2015, Tejeda wrote Award Debtor a letter, demanding that she pay the award. When Tejeda did not receive payment of the award or any response from Award Debtor, he sent her a second demand letter on March 22, 2016. Then, when Award Debtor neither paid the award nor responded to the March 22, 2016 letter, Tejeda filed a request for enforcement of an arbitration award with the State Bar on July 18, 2016.

The State Bar served Tejeda's request for enforcement on Award Debtor on July 19, 2016, along with copies of the applicable rules and statutes. This mailing also included a cover letter from the State Bar, advising Award Debtor of the potential ramifications of her continued failure to comply with the arbitration award. These documents were served on Award Debtor at her then State Bar official membership records address by both regular and certified mail. Neither copy was returned as undeliverable.

When Award Debtor failed to respond to the State Bar's July 19, 2016 mailing, the State Bar sent a warning letter on August 26, 2016, again advising Award Debtor of the ramifications of her continued non-compliance with the arbitration award, including the imposition of an administrative penalty and the consequences of her continued failure to pay the administrative

penalty. Despite being sent to Award Debtor's then official membership address by regular mail, this letter was returned as undeliverable.

Following Award Debtor's non-responsiveness and her continued failure to pay the arbitration award, the State Bar issued an Order re Administrative Penalties (Order) on September 7, 2016. That Order was stayed for fourteen days to give Award Debtor the opportunity to comply with the arbitration award. When Award Debtor did not pay the outstanding arbitration award within fourteen days of the service of the Order, an administrative penalty of \$300.00 was levied against her. The Order was served on Award Debtor at her then State Bar address of record on September 7, 2016, by both regular and certified mail; however, both copies were returned as undeliverable.

Shortly thereafter, the State Bar sent a warning letter to Award Debtor on October 21, 2016, advising her of its intention to file the instant motion. Again, the letter was returned as undeliverable despite being mailed to Award Debtor at her then official membership records address.

Since all of the most recent correspondence sent to Award Debtor at her then address of record had been returned as undeliverable, the State Bar then attempted to contact Award Debtor through other means. On November 16, 2016, a staff member called Award Debtor at the telephone number listed on her State Bar online profile and left a voicemail message, requesting that she provide a current mailing address because some mail the State Bar had recently sent to her had been returned as undeliverable. In addition, the staff member e-mailed Award Debtor on November 17, 2016, at the e-mail address listed on her State Bar online profile, again explaining that several past mailings sent to Award Debtor had been returned as undeliverable. This e-mail also requested an updated mailing address from Award Debtor and suggested that she update her address of record on her State Bar profile.

Several days later, on November 21, 2016, Award Debtor responded to the State Bar's November 17, 2016 e-mail and provided an updated mailing address. The State Bar responded with a letter of the same date, telling Award Debtor that her reply to Tejeda's request for enforcement had originally been due by August 18, 2016, but providing her with another opportunity to respond to Tejeda's request for enforcement so long as her response was received no later than December 6, 2016. Despite this renewed opportunity for Award Debtor to respond, she did not do so.

When Award Debtor failed to submit a reply by the extended deadline of December 6, 2016, the State Bar confirmed her lack of reply in a December 16, 2016 letter, which also admonished Award Debtor that its next communication to her would be the service of the instant motion if she did not pay the arbitration award in full or propose an acceptable payment plan. Award Debtor did not respond to the State Bar's December 16, 2016 letter, so in a final effort to encourage her to respond to client's request for enforcement, the State Bar sent Award Debtor a final letter on January 12, 2017, enclosing a courtesy copy of all correspondence it had mailed to her since the commencement of the potential enforcement case in July 2016.

At the time the instant motion was filed and served,¹ no further communication from Award Debtor had been received by the State Bar since November 21, 2016, and no portion of the arbitration award has been paid by her to Tejeda.

Legal Conclusions

The court finds that the Presiding Arbitrator has met the burden of demonstrating by clear and convincing evidence that Award Debtor has failed to comply with the arbitration award and

¹ Award Debtor changed her official membership address, effective November 21, 2016, to the new address she provided to the State Bar at that same time. The State Bar's motion in this matter was sent by certified mail to this new address, as were notices and orders of this court.

has not proposed a payment plan acceptable to the client or to the State Bar. (Rules Proc. of State Bar, rule 5.365(A)(1); Bus. & Prof. Code, § 6203, subd. (d)(2)(A) & (d)(2)(B).)

The court also finds that Award Debtor has not met the burden of demonstrating by clear and convincing evidence that she is not personally responsible for making or ensuring payment of the award; that she is unable to pay it; or that she has proposed and agreed to comply with a payment plan which the State Bar has unreasonably rejected as unsatisfactory. (Rules Proc. of State Bar, rule 5.365(B); Bus. & Prof. Code, § 6203, subd. (d)(2)(B).)

ORDER

IT IS ORDERED that award debtor **Carolina Ann Andrade Hauck**, State Bar number 230178, be enrolled as an inactive member of the State Bar of California pursuant to Business and Professions Code section 6203, subdivision (d)(1), effective five days after the date of service of this order. (Rules Proc. of State Bar, rule 5.368(B)(1).)

IT IS FURTHER ORDERED that Award Debtor must remain involuntarily enrolled as an inactive member of the State Bar until: (1) she has paid the arbitration award to Jason Tejada in the amount of \$2,628.00, plus interest at the rate of ten percent per year from August 14, 2015, 30 days after the date the arbitration award was served; (2) she has paid reasonable costs, if any; and (3) the court grants a motion to terminate the inactive enrollment pursuant to rule 5.370 of the Rules of Procedure of the State Bar of California.

Reasonable costs are awarded to the State Bar upon the Presiding Arbitrator's submission of a bill of costs. (Bus. & Prof. Code, § 6203, subd. (d)(3); Rules Proc. of State Bar, rule 5.368(B)(2).)

Dated: May 23, 2017



DONALD F. MILES
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 May 23, 2017, I deposited a true copy of the following document(s):

ORDER GRANTING MOTION FOR INVOLUNTARY INACTIVE ENROLLMENT
[Bus. & Prof. Code, § 6203, subd. (d); Rules Proc. of State Bar, rule 5.360 et seq.]

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:

CAROLINA A. ANDRADE HAUCK
LAW OFFICES OF CAROLINA HAUCK
10620 TREENA ST
STE 230
SAN DIEGO, CA 92131 - 1140

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

KENNETH E. BACON, Fee Arbitration, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 23, 2017.



Mazie Yip
Case Administrator
State Bar Court