

**FILED**

**FEB 13 2015**

STATE BAR COURT  
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LOS ANGELES

**STATE BAR COURT HEARING DEPARTMENT-LOS ANGELES**

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In the Matter of:  
JON J. EARDLEY,  
No.:132577,  
  
A Member of the State Bar.

Case No.14-N-02737  
VERIFIED RESPONSE  
TO NOTICE OF  
DISCIPLINARY  
CHARGES



1 Jon J. Eardley responds as follows:

- 2 1. Respondent Jon Jay Eardley hereby admits paragraph 1 of the complaint that  
3 he was admitted to the practice of law in the State of California on  
4 December 11, 1987, was a member at all times pertinent to these charges,  
5 and is currently a member of the State Bar of California.  
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7 Respondent Jon Jay Eardley hereby denies COUNT ONE in its entirety in  
8 that respondent did not willfully fail to file a declaration of compliance with  
9 California Rules of Court , Rule 9.20. Respondent's medical condition since  
10 2010 to January 2015 sufficiently warranted abatement per State Bar Rule  
11 5.51 in that Respondent has been and remains unable to assist in his own  
12 defense due to medical illness and has been federally adjudicated as  
13 incapable of practicing law. Respondent remained entitled to abatement and  
14 tolling of all time in which to comply due to disability. It is well settled that  
15 mental incompetence and medical disability may establish tolling. Bills v.  
16 Clark 628 F.3d 1092 (9<sup>th</sup> Cir 2010); Staten v. State Bar 46, C3d 48, 55, 249  
17 CR 289,294 (1988). *An SSI adjudication is a federal binding*  
18 *administrative adjudication of disability.* See 60 FR 47475, Sept. 13, 1995,  
19 as amended at 75 FR 33168, June 11, 2010. Respondent underwent  
20 emergency surgery and was diagnosed with a congenital disease in late 2014  
21 that has remain undiagnosed and undetected since 2007 or earlier according  
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1 to physicians. Respondent's circumstances are such that he has not been able  
2 to receive regular mail for over a year, through no fault of his own. Further,  
3 his password to his email account with gmail was changed without  
4 respondent's authority. Respondent has been hospitalized over 12 times in  
5 the last 4 months. For approximately the year prior to this, respondent's  
6 circumstances were extraordinarily dire to the extent that he was forcibly  
7 relocated out of state at due to his disability, unable to return to California  
8 until late 2014. Respondent receives aid from others in reading his  
9 electronic and other mail. When Respondent learned from a third party  
10 reading his mail from jon.eardley@aol.com in January 2015 on his aol email  
11 account, through which he has previously contacted the Bar and the court, he  
12 immediately sought assistance in responding with the appropriate form  
13 declaration pursuant to Rule 9.20, and emailed, faxed, and sent said form by  
14 U.S. mail to the State Bar of California despite not receiving  
15 accommodations for his disabilities.  
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### 22 AFFIRMATIVE DEFENSES

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24 Respondent member has already complied and served the California State  
25 Bar with a copy of the 9.20 Compliance form before the initiation of Case  
26 No.14-N-02737. Respondent's compliance remained contingent upon his  
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1 being medically capable of doing so in addition to relying upon extrinsic aid  
2 including third parties to read to him all orders of the court and mail  
3 received from the California State Bar due to lack of accommodations.  
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6 2. Throughout 2014 to present time, Respondent has and remains physically  
7 disabled as defined by section 423 of Title II of the federal Social Security  
8 Act and is a protected individual as defined by 42 U.S.C. sec. 401 et seq. and  
9 covered by part 416.906 of Title 20 of the Federal Code of Regulations. *An*  
10 *SSI adjudication is a federal binding administrative adjudication of*  
11 *disability.* See 60 FR 47475, Sept. 13, 1995, as amended at 75 FR 33168,  
12 June 11, 2010.  
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16 3. Respondent is unable to read fine print without accommodations and relies  
17 upon third parties to read his electronic and written mail that does not  
18 comply with those accommodations provided for by SSA. As part of  
19 Respondent's accommodation for being legally visually impaired all official  
20 writings sent to him appear in special enlarged typeface as confirmed by all  
21 official communications from Social Security Administration.  
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25 4. Respondent's ongoing medical illness prevented Respondent from assisting  
26 in any and all legal matters including those arising from any and all State  
27 Bar disciplinary matters until very recently.  
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1 5. Responding member's physical and mental illness required abatement of all  
2 disciplinary proceedings to present time per State Bar Rule 5.51(b); member  
3 is recovering from multiple surgeries performed to correct an undetected  
4 congenital disease diagnosed in late 2014.

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8 6. Respondent's medical and mental condition tolled all time periods in which  
9 to comply. See Bills v. Clark (9thCir. 2010) 628 F.3d 1092; Laws v.  
10 Lamarque (9th Cir. 2003) 351 F.3d 919, 922-923 (9<sup>th</sup> Cir. 20013); Cal. State  
11 Bar Rule 5.50(A); State Bar Court Rules Prac. 1132(a)

12  
13 7. The California State Bar engaged in waiver.

14 8. The California State Bar is not acting in good faith.

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16 9. The Respondent was entitled to the appointment of counsel in all previous  
17 actions and has been cumulatively prejudiced such that the prejudice has  
18 prevented him and will prevent him from receiving a fair trial or proceeding.  
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22 Date: January 31, 2015

By: 

23  
24 Jon Eardley

25  
26 VERIFICATION

27  
28 I, Jon Jay Eardley, declare as follows:

- 1 1. I am the respondent in the above-entitled matter.
- 2 2. I have read the foregoing pleading and know the contents thereof.
- 3
- 4 3. The same is true of my own knowledge except as to those matters which are
- 5 therein stated on information and belief, and, as to those matters, I believe it
- 6 to be true.
- 7

8 Executed on January 31, 2015, at Laguna Hills, Orange County, California.

9 I declare under penalty of perjury that the foregoing is true and correct.

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12 Jon Earley  
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*PROOF OF SERVICE*

*I, Michelle Spirtos, declare that:*

*I am of Orange County CA. I am*

*over the age of eighteen years. On February 12th, 2015 I served the attached VERIFIED RESPONSE TO NOTICE OF DISCIPLINARY CHARGES on the following in said case by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully paid, in the United State mail at the following address and individual:*

*State Bar of CA/OCTC  
845 S Figueroa St  
Los Angeles, CA 90017  
c/o Mia Ellis Esq.*

*Michelle Spirtos*

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