

FILED

APR 11 2017

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES



PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA HEARING DEPARTMENT - LOS ANGELES

In the Matter of)	Case No. 15-O-15111-YDR
)	
LOUISA MORITZ NETTO,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
A Member of the State Bar, No. 232509.)	ENROLLMENT
_____)	

Respondent Louisa Moritz Netto (Respondent) was charged with failing to comply with certain conditions attached to her disciplinary probation. She failed to file a response to the Notice of Disciplinary Charges (NDC) in this matter, 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 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 November 24, 2004, and has been a member since then.

Procedural Requirements Have Been Satisfied

On April 14, 2016, the State Bar filed and properly served the NDC in this matter on Respondent by both certified mail, return receipt requested, and regular United States (U.S.) mail to 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.) Although the return receipt for the NDC was returned to the State Bar on April 20, 2016, bearing an illegible signature, on April 22, 2016, the NDC was returned to the State Bar “as return to sender, attempted not known, unable to forward.”³

Thereafter, DTC Shores-Brooks attempted to contact Respondent at a telephone number discovered through an internet search for Respondent. DTC Shores-Brooks spoke with Arthur Bornstein who informed her that Respondent was no longer at his facility. Mr. Bornstein provided DTC Shores-Brooks with the name and telephone number of Respondent’s caregiver. DTC Shores-Brooks thereafter attempted to contact Respondent’s caregiver by telephone and left a voice mail message requesting a return call.

A courtesy letter informing Respondent of DTC Shores-Brooks’s intention to file a motion for entry of Respondent’s default, along with a copy of the NDC and the Notice of Assignment and Initial Status Conference, was sent to Respondent on June 20, 2016, at her

³ Declaration of Deputy Trial Counsel Shataka Shores-Brooks (DTC Shores-Brooks) attached to the State Bar’s motion for the entry of Respondent’s default.

membership records address and at three other addresses identified in an internet search for Respondent for the time period of July 2009 to May 2016.

On July 15, 2016, DTC Shores-Brooks (1) sent an email to Respondent at her membership records email address and at her private email address⁴ informing Respondent of DTC Shores-Brook's intent to file a motion for the entry of Respondent's default; (2) attempted four times over a four-hour period to contact Respondent at her membership records telephone number; and (3) again attempted to contact Respondent's caregiver and left a voice mail message asking for a return call.

DTC Shores-Brooks again attempted to contact Respondent at her membership records telephone number on July 18, 2016, but she received a busy signal.

Respondent failed to file a response to the NDC. On July 18, 2016, the State Bar filed and properly served a motion for entry of default on Respondent by certified mail, return receipt requested, and by regular U.S. mail to her membership records address. The motion complied with all the requirements for a default, including a supporting declaration of reasonable diligence by the State Bar deputy trial counsel declaring the additional steps taken to provide notice to Respondent (rule 5.80). The motion 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 August 11, 2016. The order entering the default was served on Respondent at her membership records address by certified mail, return receipt requested.⁵ 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),

⁴ Effective February 1, 2010, all attorneys are required to maintain a current email address to facilitate communications with the State Bar. (Cal. Rules of Court, rule 9.7(a)(2).)

⁵ The return receipt was returned to the court reflecting that the order was received by "Susely M."

effective three days after service of the order. 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 November 15, 2016, the State Bar filed and properly served the petition for disbarment on Respondent at her membership records address by certified mail, return receipt requested, and by regular U.S. mail. As required by rule 5.85(A), the State Bar reported in the petition that: (1) it has not received any contact from Respondent since her default was entered; (2) there are no other investigations or disciplinary charges pending against Respondent; (3) Respondent has a record of prior discipline; and (4) the Client Security Fund has not paid out any claims as a result of Respondent's misconduct. 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 February 10, 2017.⁶

Prior Record

Respondent has two prior records of discipline. On July 16, 2013, the State Bar Court filed an order imposing a public reproof with conditions on Respondent based on her willful violation of rule 1-320(A) of the State Bar Rules of Professional Conduct for sharing legal fees with a non-lawyer. Respondent stipulated to discipline in this prior disciplinary matter.

Pursuant to a Supreme Court order filed on May 26, 2015, Respondent was suspended for one year, the execution of which was stayed, and she was placed on probation for two years with conditions, including that she be suspended for the first 60 days of probation. Respondent entered into a stipulation as to facts, conclusions of law and disposition in this prior disciplinary

⁶ This matter was originally submitted for decision on December 14, 2016. However, the State Bar failed to include copies of Respondent's prior records of discipline with its disbarment petition. Therefore, on February 8, 2017, the court filed an order vacating the submission date and reopening the record in this matter. The court ordered the State Bar to file certified copies of Respondent's prior records. On February 10, 2017, the State Bar filed a response to the court's order, attaching certified copies of Respondent's prior records of discipline.

matter. Respondent stipulated that she failed to comply with certain conditions of her earlier imposed public reproof in willful violation of rule 1-110 of the Rules of Professional Conduct.

The Admitted Factual Allegations Warrant the Imposition of Discipline

Upon entry of a 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 Number 15-O-15111 (Probation Violation Matter)

By failing to contact the Office of Probation to schedule a meeting by July 25, 2015, and failing to file two quarterly reports by their due dates, Respondent failed to comply with certain conditions attached to the disciplinary probation in State Bar Court case number 14-H-02687 in willful violation of Business and Professions Code section 6068, subdivision (k) (duty to comply with probation conditions).

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 Louisa Moritz Netto be disbarred from the practice of law in the State of California and that her name be stricken from the roll of attorneys.

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.

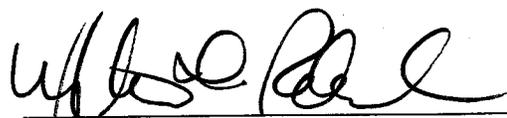
Costs

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 Louisa Moritz Netto, State Bar number 232509, 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: April 7, 2017



YVETTE D. ROLAND
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 April 11, 2017, 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:

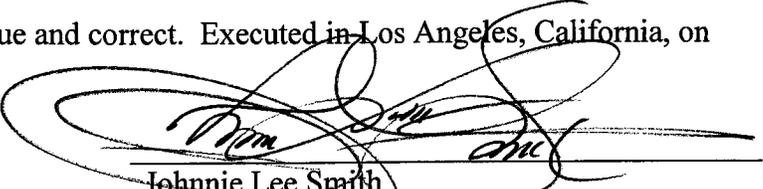
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**LOUISA MORITZ NETTO
426 PIEDMONT AVE
GLENDALE, CA 91206 - 3448**

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

SHATAKA A. SHORES-BROOKS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 11, 2017.



Johnnie Lee Smith
Case Administrator
State Bar Court