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In the Matter of  
**LAWRENCE RODGER DORSA,**  
Member No. 176730,  
A Member of the State Bar.

Case No. 04-O-14861-PEM  
**DECISION AND ORDER OF  
INVOLUNTARY INACTIVE  
ENROLLMENT**

**INTRODUCTION**

In this disciplinary matter, Eli D. Morgenstern appeared for the Office of the Chief Trial Counsel of the State Bar of California ("State Bar"). Respondent Lawrence Rodger Dorsa did not appear in person or by counsel.

After considering the evidence and the law, the court recommends that respondent be disbarred.

**SIGNIFICANT PROCEDURAL HISTORY**

The Notice of Disciplinary Charges ("NDC") was filed on March 22, 2005, and was properly served on respondent on that same date at his official membership records address, by certified mail, return receipt requested, as provided in Business and Professions Code section<sup>1</sup> 6002.1(c) ("official address"). A courtesy copy was also served by regular mail at an alternate address for respondent.<sup>2</sup> Service was deemed complete as of the time of mailing. (*Lydon v. State*

<sup>1</sup>All future references to "section(s)" are to the Business and Professions Code unless otherwise specified.

<sup>2</sup>Respondent's official address is: 43460 Ridge Park Drive, #220, Temecula, California 92590. The alternate address is: 1385 Oak Hill Drive, Escondido, California 92027. All future



1 *Bar* (1988) 45 Cal.3d 1181, 1186.) The certified mail was returned to the State Bar. The copy  
2 sent to the alternate address was not returned.

3 On April 5, 2005, respondent was properly served at his official address with a notice  
4 advising him, among other things, that a status conference would be held on May 2, 2005. This  
5 correspondence was returned as undeliverable.

6 Respondent did not file a responsive pleading to the NDC. On April 20, 2005, a motion  
7 for entry of default was filed and properly served on respondent at his official and alternate  
8 addresses by certified mail, return receipt requested. The motion advised him that minimum  
9 discipline of disbarment would be sought if he was found culpable. He did not respond to the  
10 motion.

11 Respondent did not appear at the May 2 status conference. On that same date, he was  
12 properly served with a status conference order at his official address by first-class mail, postage  
13 prepaid. The order also advised him that the matter was going to proceed by default.

14 On May 5, 2005, the court entered respondent's default and enrolled him inactive  
15 effective three days after service of the order. The order was properly served on him at his  
16 official address on that same date by certified mail, return receipt requested. This  
17 correspondence was returned. A courtesy copy was also sent by regular mail to the alternate  
18 address. This correspondence was not returned.

19 The matter was submitted for decision without hearing on May 25, 2005, after the State  
20 Bar waived hearing and filed a brief regarding respondent's culpability and the proposed level of  
21 discipline.

22 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

23 The court's findings are based on the allegations contained in the NDC as they are  
24 deemed admitted and no further proof is required to establish the truth of those allegations.

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28 references to "alternate address" are to the Escondido address.

1 (Section 6088; Rules Proc. of State Bar, rule 200(d)(1)(A).<sup>3</sup>) The findings are also based on any  
2 evidence admitted.

3 It is the prosecution's burden to establish culpability of the charges by clear and  
4 convincing evidence. (*In the Matter of Glasser* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr.  
5 163, 171.)

6 **Jurisdiction**

7 Respondent was admitted to the practice of law in California on June 9, 1995, and has  
8 been a member of the State Bar at all times since.

9 **Facts**

10 On July 21, 2004, the California Supreme Court entered order no. S126357 suspending  
11 respondent from the practice of law for not complying with court-ordered child and family  
12 support obligations. The order became effective on August 23, 2004.

13 On August 27, 2004, the California Supreme Court entered order no. S126962  
14 suspending respondent from the practice of law for not paying State Bar of California annual  
15 membership fees. The order became effective on September 16, 2004.

16 On July 26 and August 27, 2004, the State Bar's membership records office properly  
17 served a copy of each of these orders on respondent at his official address. As of March 22,  
18 2005, respondent remained actually suspended from the practice of law pursuant to each of the  
19 orders.

20 On September 28, 2004, while suspended from the practice of law, respondent sent a  
21 letter to attorney Gary Sirota stating that he had been retained to represent Apolonia Ruiz in a  
22 dispute with one of Sirota's clients. The letter was written on respondent's letterhead which  
23 designated him as an attorney at law. Respondent did not tell Sirota that he was not entitled to  
24 practice law.

25 On October 15, 2004, the State Bar opened an investigation on case no. 04-O-14861  
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28 <sup>3</sup>Future references to "rule" are to the Rules of Procedure of the State Bar unless otherwise  
specified.

1 pursuant to a complaint filed by Sirota regarding allegations of misconduct. On November 1,  
2 2004, a State Bar investigator sent respondent a letter asking that respondent answer in writing  
3 specific allegations of misconduct regarding this complaint. The letter was addressed to  
4 respondent's official address and sent by first-class mail, postage prepaid. The letter was  
5 returned as undeliverable but noted a forwarding address. The forwarding address is one of  
6 respondent's former addresses at which the State Bar had not succeeded in contacting him in the  
7 past.

8 On December 20, 2004, the State Bar investigator again wrote to respondent about  
9 Sirota's complaint, asking that respondent answer in writing specific allegations of misconduct.  
10 The letter was addressed to respondent's alternate address and sent by first-class mail, postage  
11 prepaid. It was not returned to the State Bar as undeliverable or for any other reason.  
12 Respondent received this letter. He did not answer the letter or otherwise communicate with the  
13 investigator.

#### 14 **Conclusions of Law**

##### 15 **Count One - Section 6068(a) (Engaging in the Unauthorized Practice of Law)**

16 Section 6068(a) requires an attorney to support the Constitution as well as state and  
17 federal laws.

18 Section 6125 requires an individual to be a member of the State Bar in order to practice  
19 law in California.

20 Section 6126(a) makes it a misdemeanor for an individual to advertise or to hold him- or  
21 herself out as practicing or entitled to practice law or otherwise practicing law when he is not an  
22 active member of the State Bar of California.

23 By sending a letter on his law office letterhead to opposing counsel while suspended from  
24 the practice of law, respondent held himself out as entitled to practice law when he was not so  
25 entitled. In so doing, he violated sections 6125 and 6126(a) and failed to support the laws of this  
26 State in wilful violation of section 6068(a).

##### 27 **Count Two - Section 6068(i) (Failure to Participate in a Disciplinary Investigation)**

28 Section 6068(i) requires an attorney to participate and cooperate in any disciplinary



1 was found culpable, in two matters, of seven acts of professional misconduct, including failing to  
2 perform and to communicate, improperly withdrawing from employment, not maintaining client  
3 funds in trust and committing acts of moral turpitude. The misconduct occurred between July  
4 2003 and May 2004.

5 Respondent's failure to participate in these proceedings prior to the entry of default is also  
6 an aggravating factor. (Std. 1.2(b)(vi).) He has demonstrated his contemptuous attitude toward  
7 disciplinary proceedings as well as his failure to comprehend the duty of an officer of the court to  
8 participate therein, a serious aggravating factor. ((Std. 1.2(b)(vi); Cf. *In the Matter of Stansbury*  
9 (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 104, 109.)

#### 10 Mitigating Circumstances

11 Since respondent did not participate in these proceedings and he bears the burden of  
12 establishing mitigation by clear and convincing evidence, the court has been provided no basis  
13 for finding mitigating factors.

#### 14 Discussion

15 The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to  
16 protect the public, to preserve public confidence in the profession, and to maintain the highest  
17 possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111;  
18 *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1025; std. 1.3.)

19 Standard 1.6 provides that the appropriate sanction for the misconduct found must be  
20 balanced with any mitigating or aggravating circumstances, with due regard for the purposes of  
21 imposing discipline. If two or more acts of professional misconduct are found in a single  
22 disciplinary proceeding, the sanction imposed shall be the most severe of the applicable  
23 sanctions. (Std. 1.6(a).)

24 Standard 2.6 applies in this matter. It recommends suspension or disbarment for  
25 violations of sections 6067 and 6068, depending on the gravity of the offense or harm, if any to  
26 the victim, with due regard to the purposes of imposing discipline. The standards, however, are  
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1 guidelines from which the court may deviate in fashioning the most appropriate discipline  
2 considering all the proven facts and circumstances of a given matter. (*In re Young* (1989) 49  
3 Cal.3d 257, 267, fn. 11; *Howard v. State Bar* (1990) 51 Cal.3d 215.) They are "not mandatory  
4 'sentences' imposed in a blind or mechanical manner." (*Gary v. State Bar* (1988) 44 Cal.3d 820,  
5 828.)

6 Respondent has been found culpable of practicing law while suspended and of not  
7 cooperating with the State Bar's investigation of possible misconduct. In aggravation,  
8 respondent has a recent disciplinary record and did not participate in these proceedings prior to  
9 the entry of default. He presented no mitigating circumstances in this default case.

10 The State Bar recommends disbarment and the court agrees.

11 In *Morgan v. State Bar* (1990) 51 Cal.3d 598, the attorney was disbarred for engaging in  
12 the unauthorized practice of law and acquiring an adverse pecuniary interest in one client matter.  
13 While on disciplinary suspension, the attorney accepted partial payment of legal fees in a  
14 dissolution of marriage matter; assisted in the preparation of legal documents for filing; court  
15 documents showed him as attorney of record although another attorney signed them; associated  
16 another attorney to make a court appearance; and entered an appearance in the case by discussing  
17 its settlement and a continuance with opposing counsel. The attorney also entered into an open-  
18 ended credit transaction with the client without fully explaining it to her and without reducing it  
19 to writing. Knowing the client's financial situation, he offered to but did not fully pay some  
20 delinquent credit card bills in exchange for being allowed to shop using her credit cards. After  
21 the bills were sent to collection and the client filed for Chapter 7 bankruptcy protection, the  
22 attorney paid the bills. In aggravation, it was found that the attorney had four prior instances of  
23 discipline<sup>7</sup>, one of which was for the unauthorized practice of law, engaged in a pattern of  
24 misconduct, demonstrated indifference to the court's disciplinary orders. Client harm was also  
25 noted. In mitigation, the attorney presented five character witnesses and evidence of community  
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28 <sup>7</sup>There were five prior instances of discipline but the court treated them as four because the  
fourth and fifth cases should have been consolidated.

1 service or pro bono work. Moreover, the court found that the present violation for unauthorized  
2 practice of law was an isolated incident as there was no indication that the attorney undertook to  
3 represent anyone else during his suspension.

4       In *In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, the  
5 attorney had committed serious misconduct in three client matters, including repeatedly  
6 practicing law while suspended, deceiving a court and client by filing an unauthorized lawsuit  
7 and not complying with his criminal probation by disobeying two separate court orders requiring  
8 him to provide support to his minor children. He also had a prior record of discipline and did not  
9 participate in either the present or past disciplinary proceedings. There were no mitigating  
10 circumstances. Accordingly, the Review Department found that respondent was not a good  
11 candidate for suspension and/or probation because "... these facts reflect respondent's disdain and  
12 contempt for the orderly process and rule of law and clearly demonstrate that the risk of future  
13 misconduct is great." (*Id.* at p. 581.)

14       *Morgan* and *Taylor* present greater misconduct than the present case. Respondent  
15 Morgan participated in the proceedings and presented mitigating circumstances, although neither  
16 of these factors was sufficient to save him from disbarment. The common thread in *Morgan*,  
17 *Taylor* and the present case is the attorneys' disdain for the process and rule of law which  
18 demonstrate that the risk of future misconduct is great.

19       Respondent's misconduct and lack of participation in this case and the prior disciplinary  
20 matter raises concerns about his ability or willingness to comply with his ethical responsibilities  
21 to the public and to the State Bar. He has "displayed total indifference and lack of remorse" by  
22 ignoring his disciplinary proceedings such that "far more severe discipline is required to achieve  
23 the purposes of attorney discipline set forth in standard 1.3." (*Taylor, supra*, 1 Cal. State Bar Ct.  
24 Rptr. at p. 581.) No explanation has been offered that might persuade the court otherwise.

25       Having considered the evidence and the law, the court believes that respondent's  
26 disbarment is necessary to protect the public, the courts and the legal community, to maintain  
27 high professional standards and to preserve public confidence in the legal profession. It would  
28 undermine the integrity of the disciplinary system and damage public confidence in the legal

1 profession if respondent were not disbarred for his unexplained wilful disregard of the Supreme  
2 Court's orders suspending him from the practice of law.

3 **DISCIPLINE RECOMMENDATION**

4 IT IS HEREBY RECOMMENDED that respondent **LAWRENCE RODGER DORSA** be  
5 **DISBARRED** from the practice of law in the State of California and that his name be stricken from  
6 the rolls of attorneys in this state.

7 It is also recommended that the Supreme Court order respondent to comply with rule 955,  
8 paragraph (a), of the California Rules of Court within 30 calendar days of the effective date of the  
9 Supreme Court order in the present proceeding, and to file the affidavit provided for in paragraph  
10 (c) within 40 days of the effective date of the order showing his compliance with said order.

11 **COSTS**

12 The court recommends that costs be awarded to the State Bar pursuant to Business and  
13 Professions Code section 6086.10, and that those costs be payable in accordance with section  
14 6140.7.

15 **ORDER REGARDING INACTIVE ENROLLMENT**

16 It is ordered that respondent be transferred to involuntary inactive enrollment status  
17 pursuant to section 6007(c)(4). The inactive enrollment shall become effective three days from  
18 the date of service of this order and shall terminate upon the effective date of the Supreme  
19 Court's order imposing discipline herein or as otherwise ordered by the Supreme Court pursuant  
20 to its plenary jurisdiction.

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23  
24 Dated: August 18, 2005

  
PAT McELROY  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**  
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. 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 August 18, 2005, I deposited a true copy of the following document(s):

**DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT,  
filed August 18, 2005**

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

- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

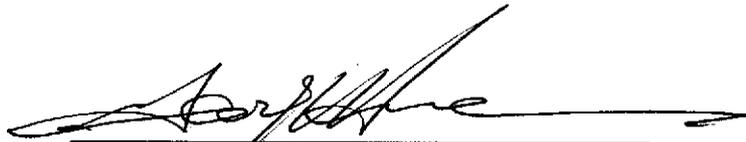
**LAWRENCE R. DORSA  
43460 RIDGE PARK DR #220  
TEMECULA CA 92590**

**LAWRENCE R. DORSA  
1385 OAK HILL DR  
ESCONDIDO CA 92027**

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

**ELI MORGENSTERN, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on August 18, 2005.



**George Hue**  
Case Administrator  
State Bar Court