

19, 2007, the State Bar filed a response to respondent's motion. Then, on April 26, 2007, respondent's filed a first supplement to motion to terminate actual suspension. And, on May 2, 2007, the State Bar filed a response to respondent's first supplement. Finally, on June 6, 2007, respondent filed a reply to the State Bar's response.

In his motion, respondent explained why he failed to participate in this proceeding and permitted his default to be entered. (Rules Proc. of State Bar, rule 205(c)(3).) In addition, respondent stated that he is willing to fully comply with any probation conditions imposed on him by this court as a condition for the termination of his actual suspension. (Rules Proc. of State Bar, rule 205(c)(4).) Moreover, respondent previously complied with former rule 955 (now rule 9.20) of the California Rules of Court in accordance with the Supreme Court's June 28, 2005, order in this proceeding. (Rules Proc. of State Bar, rule 205(c)(5).)

The State Bar contends that, if the court grants respondent's rule 205(c) motion to terminate his six-month actual suspension, the court should order respondent to comply with various specified conditions of probation for five years. Respondent agrees to the specified proposed probation conditions, but contends that he should be ordered to comply with them for only three years. The court concludes that the specified probation conditions are reasonably related to the proceedings. The court further concludes that placing respondent on four years' probation on conditions similar to those specified and agreed to by the parties will adequately fulfill the primary purposes of attorney disciplinary proceedings. (See, generally, Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std 1.3; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

ORDER

Respondent Thomas Laurance Hyatt's April 6, 2007, motion to terminate actual suspension is GRANTED. The six-month actual suspension imposed on Hyatt in the Supreme

Court's June 28, 2005, order in case number S132867 is TERMINATED, and Hyatt is entitled to return to the practice of law in the State of California upon payment of all applicable State Bar fees and previously assessed costs (e.g., Bus. & Prof. Code, § 6140.7; but see also Bus. & Prof. Code, § 6086.10, subd. (c); Rules Proc. of State Bar, rules 282, 284).²

Further, as a condition for terminating his actual suspension, Hyatt is PLACED ON PROBATION for four years on the following conditions.

1. Within 30 days after the date this order is filed, Hyatt must (1) enter into a participation plan with the State Bar's Lawyer Assistance Program (hereafter LAP); (2) provide proof satisfactory to the State Bar's Office of Probation in Los Angeles that he has entered into such an agreement; and (3) provide, to LAP, a written waiver authorizing LAP to provide, to the Office of Probation and to the State Bar Court, information and medical records regarding Hyatt's condition and treatment, his LAP participation agreement, and his compliance or noncompliance with the conditions of that agreement (any revocation of this waiver is a violation of this probation condition). Hyatt must comply with the conditions of his LAP participation agreement and promptly report, to the Office of Probation, any noncompliance with those conditions. This probation condition will terminate without the necessity of further court order upon Hyatt providing proof satisfactory to the Office of Probation that he has successfully completed his LAP participation agreement.

As an alternative to participating in LAP or, if Hyatt initially elects to participate in LAP, but is terminated from LAP before successfully completing his participation agreement, Hyatt must (1) obtain, at his own expense, an examination of his mental and physical condition with respect to his substance abuse, mental health issues, or both (see Rules Proc. of State Bar, rule 184) from a qualified practitioner approved by the Office of Probation; (2) participate, at his own expense, in any treatment and monitoring plan recommended by the examining practitioner; (3) provide, to the Office of Probation, written waivers of confidentiality and authorizations for release of information and medical records regarding Hyatt's condition and treatment, his recommended treatment and monitoring plan, and whether he is complying with the conditions of that plan (any revocation of this waiver (or authorization) is a violation of this probation condition). Hyatt must complete his examination, begin any recommended treatment and monitoring plan, and provide the written waivers and authorizations to the Office of Probation within the earlier of (1) thirty days after the date this order is filed or (2) thirty days after he is terminated from LAP before successfully completing his LAP participation agreement. Hyatt must comply with the conditions of any recommended treatment and monitoring plan and promptly report, to the Office of Probation, any noncompliance with those conditions. If Hyatt's substance abuse, mental health issues, or both are adequately

² This order does not affect Hyatt's ineligibility to practice law that has resulted or that may hereafter result from any other cause or order.

addressed under the recommended treatment and monitoring plan before the end of his probation, he may seek to modify or terminate this probation condition in a motion filed in strict compliance with Rules of Procedure of the State Bar, rule 550 et seq.

All information and medical records released to the Office of Probation or the State Bar Court under the waivers/authorizations required under this probation condition are confidential and may be given only to staff members of the State Bar's Office of the Chief Trial Counsel, the Office of Probation, and the State Bar Court who are involved with maintaining, monitoring, enforcing, or adjudicating this probation condition.

2. Hyatt must comply with the provisions of the State Bar Act, the Rules of Professional Conduct of the State Bar of California, and all the terms and conditions of this probation.
3. Hyatt must maintain, with the State Bar's Membership Records Office *and* the State Bar's Office of Probation in Los Angeles, his current office address and telephone number or, *if no office is maintained*, an address to be used for State Bar purposes. (Bus. & Prof. Code, § 6002.1, subd. (a)(1).) Hyatt must also maintain, with the State Bar's Membership Records Office *and* the State Bar's Office of Probation in Los Angeles, his current home address and telephone number. (See Bus. & Prof. Code, 6002.1, subd. (a)(5).) Hyatt's home address and telephone number will *not* be made available to the general public. (Bus. & Prof. Code, 6002.1, subd. (d).) Hyatt must notify the Membership Records Office and the Office of Probation of any change in any of this information no later than 10 days after the change.
4. Hyatt must report, in writing, to the State Bar's Office of Probation in Los Angeles no later than January 10, April 10, July 10 and October 10 of each year or part thereof in which he is on probation (reporting dates). However, if Hyatt's probation begins less than 30 days before a reporting date, he may submit the first report no later than the second reporting date after the beginning of his probation. In each report, Hyatt must state that it covers the preceding calendar quarter or applicable portion thereof and certify by affidavit or under penalty of perjury under the laws of the State of California as follows:
 - (a) in the first report, whether he has complied with all the provisions of the State Bar Act, the Rules of Professional Conduct of the State Bar, and all the terms and conditions of probation since the beginning of probation; and
 - (b) in each subsequent report, whether he has complied with all the provisions of the State Bar Act, the Rules of Professional Conduct of the State Bar, and all the terms and conditions of probation during that period.

During the last 20 days of this probation, Hyatt must submit a final report covering any period of probation remaining after and not covered by the last quarterly report required under this probation condition. In this final report, Hyatt must certify to the matters set forth in subparagraph (b) of this probation condition by affidavit or under penalty of perjury under the laws of the State of California.

5. Subject to the proper or good faith assertion of any applicable privilege, Hyatt must fully, promptly, and truthfully answer any inquiries of the State Bar's Office of Probation that are directed to him, whether orally or in writing, relating to whether he is complying or has complied with the terms and conditions of this probation.
6. Within one year after the effective date of the Supreme Court order in this matter, Hyatt must attend and satisfactorily complete the State Bar's Ethics School and provide satisfactory proof of such completion to the State Bar's Office of Probation in Los

Angeles. This condition of probation is separate and apart from Hyatt's California Minimum Continuing Legal Education (MCLE) requirements; accordingly, Hyatt is ordered not to claim any MCLE credit for attending and completing this course. (Accord Rules Proc. of State Bar, rule 3201.)

7. Hyatt's probation will commence on the date this order is filed. And, at the end of the probationary term, if Hyatt has complied with the terms and conditions of probation, the Supreme Court order suspending him from the practice of law for one year will be satisfied, and the suspension will be terminated.

This order is EFFECTIVE forthwith.

Dated: July 16, 2007.



RICHARD A. HONN
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 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 July 16, 2007, I deposited a true copy of the following document(s):

ORDER

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 Los Angeles, California, addressed as follows:

**MICHAEL E WINE
ATTORNEY AT LAW
301 N LAKE AVENUE
SUITE 800
PASADENA, CA 91101 5113**

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

Charles Murray, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **July 16, 2007**.



Milagro del R. Salmeron
Case Administrator
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 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 July 18, 2007, I deposited a true copy of the following document(s):

ORDER

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

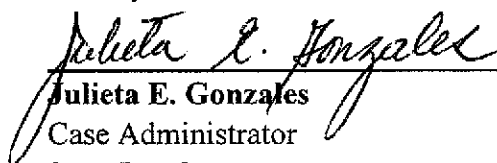
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

Not Applicable

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

Terrie L. Goldade, Office of Probationt, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **July 18, 2007**.



Julieta E. Gonzales
Case Administrator
State Bar Court