



FILED

NOV 18 2010

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of)	Case No.: 00-O-013397-PEM
)	
JENNIFER LYN KLIEWER,)	
)	ORDER RE RELIEF FROM PAYMENT
Member No. 159885,)	OF FINAL INSTALLMENT OF
)	DISCIPLINARY COSTS
<u>A Member of the State Bar.</u>)	

On January 3, 2005, respondent Jennifer Lyn Kliewer (Kliewer) was originally ordered to pay disciplinary costs in three equal installments in 2006, 2007, and 2008. (Supreme Court case No. S125998.)¹ On September 13, 2010, Kliewer filed a Motion for Relief from Payment of Final Installment of Disciplinary Costs (motion). Kliewer’s request for relief is based on financial hardship. (Rules Proc. of State Bar, rule 282.)

Rule 282 of the Rules of Procedure of the State Bar of California provides that “[u]pon grounds of hardship, special circumstances or other good cause, a respondent against whom costs have been assessed under rule 280 may move for relief, in whole or in part, from the order assessing costs. . . .”

Kliewer requests that she be relieved from paying the final installment of her disciplinary costs due to financial hardship as the result of disability. In support of her motion for relief, Kliewer has submitted the State Bar Court’s form declaration approved by the State Bar Executive Committee entitled, “Financial Declaration In Support of Motion For Relief From Or

¹ Respondent has previously sought and received extensions of time to pay the 2008 installment of disciplinary costs.

Extension Of Time To Pay Disciplinary Costs,” which she signed under penalty of perjury. (Rules Proc. of State Bar, rule 282(b)(2).)

As has been documented throughout the course of this case, including through Kliewer’s declarations, made under penalty of perjury, Kliewer has severe financial difficulties, which are related to her serious, ongoing health problems. Attached to Kliewer’s current declaration, made in support of her motion, is a Notice of Award from the Social Security Administration stating that it has found her to be disabled. Moreover, Kliewer states in her current declaration that she is receiving financial assistance under the Food Stamps Program.

On October 5, 2010, the Office of the Chief Trial Counsel of the State Bar of California (State Bar) filed an opposition to Kliewer’s motion, on the grounds that her declaration is deficient in that it is “missing several pages” and that the State Bar “cannot discern why the petitioner is seeking relief from paying her discipline costs.”

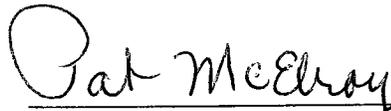
The information that the State Bar claims is lacking is exactly the same information requested in questions two through eight of the State Bar Court’s form declaration. That form declaration, however, explicitly and in large bold-face type instructs the member completing said declaration not to complete the remainder of the form, other than to sign the form, if question one of the declaration was answered in the affirmative. Kliewer clearly responded in the affirmative to question one by indicating that she is receiving financial assistance under the Food Stamps Program. Thus, Kliewer was exempt from responding to the information, requested in questions two through eight, which the State Bar contends that she should have provided.

Additionally, the Social Security Administration Notice of Award, submitted with Kliewer’s motion, finding that Kliewer became disabled on December 2, 2007, and remains so, provides evidence of a special circumstance and also provides strong support to her claim of hardship.

Thus, after carefully considering all issues set forth in the Motion for Relief from Payment of Final Installment of Disciplinary Costs and the evidence provided therewith, as well as the State Bar's opposition thereto, the court finds that Kliever demonstrated severe financial hardship. Accordingly, the court GRANTS Jennifer Lyn Kliever's Motion for Relief from Payment of Final Installment of Disciplinary Costs and ORDERS that she be relieved from paying the final installment of her assessed disciplinary costs and any interest having accrued as a result of those costs. (Bus. & Prof. Code, § 6086.10, subd.(c).)

IT IS SO ORDERED.

Dated: November 18, 2010.



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 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 San Francisco, on November 18, 2010, I deposited a true copy of the following document(s):

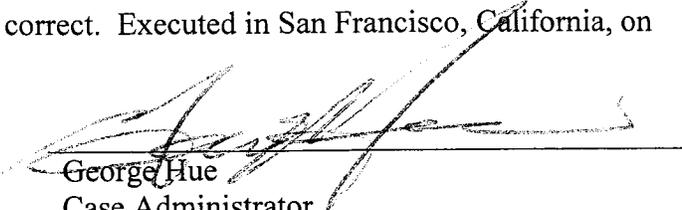
ORDER RE RELIEF FROM PAYMENT OF FINAL INSTALLMENT OF DISCIPLINARY COSTS

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 San Francisco, California, addressed as follows:
- JENNIFER L. KLIEWER
PO BOX 437
MENDOCINO, CA 95460
- by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- by overnight mail at , California, addressed as follows:
- by fax transmission, at fax number . No error was reported by the fax machine that I used.
- By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Maria J. Oropeza, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on November 18, 2010.


George Hue
Case Administrator
State Bar Court