

OCT 27 2005

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

PUBLIC MATTER



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**THE STATE BAR COURT
HEARING DEPARTMENT – SAN FRANCISCO**

In the Matter of)	Case Nos. 00-O-13576-JMR;
GEORGE A. HARRIS III,)	02-O-15061
Member No. 178771,)	
<u>A Member of the State Bar.</u>)	DECISION

I. Introduction

In this default matter, respondent **George A. Harris III** is found culpable, by clear and convincing evidence, of engaging in unauthorized practice of law and committing misconduct in two client matters involving (1) failure to perform services competently; (2) improper withdrawal from employment; (3) failure to deposit client funds in a client trust account; (4) acts of dishonesty; (5) failure to maintain an official address with the State Bar; (6) failure to report judicial sanctions; and (7) failure to cooperate with the State Bar.

In light of respondent's culpability in this proceeding, and after considering any and all aggravating and mitigating circumstances surrounding respondent's misconduct, the court recommends, among others, that respondent be suspended from the practice of law for two years, that execution of said suspension be stayed, and that respondent be actually suspended from the practice of law for six months and until he makes restitution; and until the State Bar Court grants a motion to terminate respondent's actual suspension. (Rules Proc. of State Bar, rule 205.)

II. Pertinent Procedural History

On March 17, 2005, the Office of the Chief Trial Counsel of the State Bar of California (State Bar) initiated this proceeding by filing and properly serving a Notice of Disciplinary Charges

1 (NDC) on respondent by certified mail, return receipt requested, at his official membership records
2 address (official address) under Business and Professions Code section 6002.1, subdivision (a).¹ The
3 NDC was returned as undeliverable.

4 On March 17, 2005, the State Bar also sent courtesy copies of the NDC to respondent by
5 regular first class mail at 4229 Florida Ave., Richmond, California 94804 and at 3603 Cutting Blvd.,
6 #C, Richmond, California 94804 (the Cutting Blvd. address). The mailings were not returned as
7 undeliverable.

8 Respondent did not file a response to the NDC. (Rules Proc. of State Bar, rule 103.)

9 The State Bar attempted to contact respondent by telephone but to no avail.

10 On the State Bar's motion, respondent's default was entered on July 13, 2005, and respondent
11 was enrolled as an inactive member on July 16, 2005, under section 6007(e). An order of entry of
12 default was sent to respondent's official address. It was returned as undeliverable.

13 Respondent did not participate in the disciplinary proceedings. This matter was submitted
14 for decision on August 2, 2005. The State Bar did not file any brief on the issues of culpability and
15 discipline.

16 III. Findings of Fact and Conclusions of Law

17 A. Jurisdiction

18 Respondent was admitted to the practice of law in California on December 7, 1995, was a
19 member at all times pertinent to these charges, and is currently a member of the State Bar of
20 California.

21 B. The Sobichevsky Matter

22 Six year ago, on July 19, 1999, Manga Sobichevsky (Sobichevsky) hired respondent to
23 represent her in a suit against the San Francisco Unified School District (the civil suit), pursuant to
24 a discrimination claim based on the Americans with Disabilities Act of 1990 (ADA) and the Age
25 Discrimination in Employment Act (ADEA).

26
27 ¹References to section are to the California Business and Professions Code, unless
28 otherwise noted.

1 On July 21, 1999, respondent received \$1,000 in advanced costs from Sobichevsky. Instead
2 of depositing the check into his client trust account, he deposited it into his business account held
3 at Bank of the West, account number 114-007081.

4 On December 10, 1999, respondent filed the civil suit, but failed to properly serve the named
5 defendants.

6 On February 16, 2000, respondent and Sobichevsky met to discuss her case. When she
7 inquired whether respondent had served the complaint on the named defendants, respondent
8 informed her that he had. But in fact, at the time he made that statement, respondent had not served
9 the named defendants with the complaint.

10 A few days later, on February 24, Sobichevsky again spoke with respondent. He told her that
11 the named defendants had filed their responses to the civil suit. As a matter of fact, respondent was
12 fully aware that the defendants had not filed any response. Respondent knew or should have known
13 that the statements made on February 16 and 24 to Sobichevsky were false and misleading and that
14 he was making the statements to conceal the fact that he had not served the named defendants and
15 that no such responses had been received.

16 After their February meeting, respondent took no further action on behalf of Sobichevsky.
17 Respondent did not inform his client that he intended to terminate their attorney-client relationship.

18 In the following month, Sobichevsky wrote to respondent on at least three occasions
19 regarding her case. On March 3, 2000, Sobichevsky requested that he respond to her questions
20 concerning service of process, defendants' response, and the next appropriate steps. On March 15,
21 2000, Sobichevsky requested a meeting to discuss her case and review her file. Finally, on April 24,
22 2000, Sobichevsky requested her entire client file. Respondent received the three letters but did not
23 reply to her requests.

24 **C. Respondent's Official Address**

25 Effective March 4, 1998, and continuing to the present date, respondent's official address is
26 1300 Clay Street, Suite #600, Oakland, California 94612.

27 Five years ago, the State Bar began an investigation in the Sobichevsky matter. On July 17,
28 2000, the State Bar sent correspondence to respondent's official address, asking that respondent

1 respond to the allegations contained in Sobichevsky's complaint. The State Bar's correspondence
2 was returned as undeliverable.

3 Prior to July 17, 2000, respondent ceased receiving mail at his official address and did not
4 execute a change of address form with the State Bar within 30 days of his move. As a result,
5 respondent did not receive the letters from the State Bar requesting his reply to the allegations of
6 misconduct.

7 During its investigation, the State Bar obtained a second address where respondent received
8 mail – the Cutting Blvd. address.

9 On October 3 and 26, 2000, the State Bar again wrote to respondent regarding the
10 Sobichevsky matter and sent the letters to respondent at the Cutting Blvd. address. The letters were
11 not returned as undeliverable or for any other reason.

12 Respondent did not change his official State Bar address of record after abandoning his
13 official membership records address.

14 ***Count 1 – Failure to Perform (Rules Prof. Conduct, Rule 3-110(A))²***

15 Rule 3-110(A) provides that a member must not intentionally, recklessly or repeatedly fail
16 to perform legal services with competence.

17 By not properly serving the named defendants in Sobichevsky's civil suit and by failing to
18 pursue it after he had filed the suit, respondent recklessly failed to perform legal services with
19 competence in wilful violation of rule 3-110(A).

20 ***Count 2 – Improper Withdrawal From Employment (Rule 3-700(A)(2))***

21 The State Bar proved by clear and convincing evidence that respondent wilfully violated rule
22 3-700(A)(2). Rule 3-700(A)(2) states: "A member shall not withdraw from employment until the
23 member has taken reasonable steps to avoid reasonably foreseeable prejudice to the rights of the
24 client, including giving due notice to the client, allowing time for employment of other counsel,
25 complying with rule 3-700(D), and complying with applicable laws and rules." Rule 3-700(D)

26
27 ²Unless otherwise indicated, all further references to rules refer to the Rules of
28 Professional Conduct of the State Bar of California.

1 requires an attorney, upon termination of employment, to promptly return client papers and refund
2 unearned fees.

3 By taking no action on behalf of Sobichevsky after February 2000, respondent effectively
4 withdrew from representation of Sobichevsky and did not inform her that he was withdrawing from
5 employment. He further failed to refund any portion of the \$1,000 in advanced costs. Although he
6 had filed the civil suit on behalf of Sobichevsky, respondent's services were of minimal value since
7 he never properly served the named defendants or pursued the matter. Furthermore, despite
8 Sobichevsky's three letters in March and April 2000 – requesting a meeting with respondent,
9 inquiring about her case status, and asking the return of her file – respondent did not respond to her
10 demands. Thus, respondent wilfully failed to take steps to avoid reasonably foreseeable prejudice
11 to his client, in wilful violation of rule 3-700(A)(2).

12 ***Count 3 – Failure to Maintain Client Funds in Trust Account (Rule 4-100(A))***

13 Rule 4-100(A) provides that all funds received for the benefit of clients must be deposited
14 in a client trust account and that no funds belonging to the attorney will be deposited therein or
15 otherwise commingled therewith.

16 By failing to deposit the \$1,000 check received for the benefit of Sobichevsky as advanced
17 costs in a client trust account, respondent wilfully violated rule 4-100(A).

18 ***Count 4 – Misrepresentations (Bus. & Prof. Code, § 6106)***

19 Section 6106 prohibits an attorney from engaging in conduct involving moral turpitude,
20 dishonesty or corruption.

21 By informing Sobichevsky on February 16, and February 24, 2000, that he had served the
22 complaint on the defendants and that he had received their responses, respondent knew or should
23 have known that the statements were false and misleading and that he was making the statements
24 to conceal the fact that he had not served the named defendants and that no such responses had been
25 received, thereby engaging in acts of dishonesty, in wilful violation of section 6106.

26 ***Count 5 – Failure to Update Membership Address (§ 6068, Subdivision (j))***

27 Section 6068, subdivision (j), states that a member must comply with the requirements of
28 section 6002.1, which provides that respondent must maintain on the official membership records

1 of the State Bar a current address and telephone number to be used for State Bar purposes.

2 By clear and convincing evidence, respondent wilfully violated section 6068, subdivision (j),
3 when he failed to maintain a current official membership records address and did not provide the
4 State Bar with an alternative address to be used for State Bar purposes. His official address has not
5 been changed since March 1998. As a result, the letters sent to his official address from the State
6 Bar were returned as undeliverable.

7 **D. The Diamond Health Care Services and Butler Matter**

8 On January 8, 1999, Diamond Health Care Services (Diamond) and Kevin Butler (Butler)
9 retained respondent to defend them in a civil suit filed by the Estate of Bertrand Hutchings. On the
10 same day, respondent filed an answer and a cross-complaint.

11 On May 28, 1999, defendant Meals on Wheels served interrogatories on respondent with a
12 response date of July 2, 1999. Respondent failed to timely respond to the interrogatories.

13 On July 8, 1999, respondent told Meals on Wheels' counsel that he would submit responses
14 to the interrogatories by July 16, 1999. But he did not do so. As a result, on July 19, 1999, Meals
15 on Wheels filed a motion to compel and a request for sanctions.

16 On August 16, 1999, the court granted the motion to compel and imposed sanctions on
17 respondent's clients in the amount of \$403 and ordered a response to the interrogatories to be filed
18 by August 17, 1999. Although respondent was served with the court's order, he never informed his
19 clients of the order to respond and to pay sanctions.

20 On January 28, 2000, the court held a case management conference. The court issued an
21 order to show cause (OSC) directing respondent and his clients to show cause why monetary
22 sanctions and striking of the defendants' answer and other pleadings for failure to appear at the case
23 management conference. Respondent was served with the court's order but never informed his
24 clients of the OSC.

25 On February 3, 2000, respondent was served with the OSC, and the court set the OSC hearing
26 for April 28, 2000. The court later rescheduled the OSC hearing to May 26, 2000.

27 On August 18, 2000, the court held a trial setting conference but respondent did not appear.

28 On January 29, 2001, the court issued a case management order, striking respondent's clients'

1 answer, imposing sanctions on respondent in the sum of \$1,001. Respondent was served with the
2 order.

3 Respondent was to notify the State Bar about the sanctions issued against him by March 1,
4 2001, but did not do so. To date, respondent has not notified the State Bar of the sanctions.

5 On May 16, 2001, the court entered a default judgment against respondent's client, Diamond.
6 Respondent was served with the entry of default judgment but did not inform his clients of the entry
7 of default.

8 **E. Unauthorized Practice of Law**

9 On August 17, 2001, the California Supreme Court ordered respondent suspended from the
10 practice of law due to his failure to pay membership dues, effective since September 1, 2001. (Order
11 No. S099547.) Respondent remains suspended pursuant to this Order. On the same day, the Clerk
12 of the Supreme Court served respondent with the Order.

13 On September 1, 2001, respondent was also placed on administrative inactive status due to
14 his noncompliance with the Minimum Continuing Legal Education (MCLE) requirements.

15 On October 11, 2002, respondent held himself out as a licensed attorney, when he was not
16 entitled to practice law, by placing his name and the word "attorney" on his office building registry.

17 On December 2, 2002, respondent held himself out as a licensed attorney by filing a
18 complaint in the Alameda County Superior Court on behalf of Fred Godinez. Respondent's
19 pleadings identified himself as an attorney and provided his State Bar member number.

20 **F. Failure to Cooperate with the State Bar**

21 In or about April 2000, the State Bar opened case number 00-O-13576 pursuant to a
22 complaint made by Sobichevsky.

23 As discussed above, in July 2000, the State Bar wrote to respondent regarding the
24 Sobichevsky matter and sent the letter to his official address. However, because it was returned as
25 undeliverable and the State Bar obtained another address at Cuttling Blvd., the State Bar wrote to
26 respondent regarding the Sobichevsky matter on October 3 and 26, 2000. The letters were sent by
27 first class mail and they were not returned as undeliverable or for any other reason. Respondent
28 received the October letters.

1 Respondent never responded to the allegations in the Sobichevsky matter.

2 In October 2002, the State Bar opened a second State Bar Investigation against respondent
3 (case No. 02-O-15061).

4 On November 5 and December 27, 2002, the State Bar wrote to respondent regarding the
5 second State Bar Investigation. The letters were sent to respondent at the Cutting Blvd. address.
6 They were not returned as undeliverable or for any other reason. Respondent received the November
7 and December letters.³

8 ***Count 6 – Failure to Perform (Rule 3-110(A))***

9 By failing to respond to interrogatories, abide by court orders, appear at case management
10 conferences, and inform his clients of the hearing dates and orders, respondent intentionally,
11 recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of rule
12 3-110(A).

13 ***Count 7 – Failure to Report Court Sanctions (§ 6068, Subd. (o)(3))***

14 Section 6068, subdivision (o)(3), requires an attorney to report to the State Bar, in writing,
15 within 30 days of the time the attorney has knowledge of the imposition of any judicial sanctions
16 against the attorney, except for sanctions for failure to make discovery or monetary sanctions of less
17 than \$1,000.

18 The time for reporting judicial sanctions runs from the time the attorney knows the sanctions
19 were ordered, regardless of the pendency of any appeal. (*In the Matter of Respondent Y* (Review
20 Dept. 1998) 3 Cal. State Bar Ct. Rptr. 862.) The wilful violation of section 6068, subdivision
21 (o)(3)'s reporting requirement does not require a bad purpose or an evil intent. All that is required
22 is a general purpose of willingness to commit the act or omission. (*Ibid.*)

23 Therefore, by failing to report to the State Bar, in writing, within 30 days of the time
24 respondent had knowledge of the \$1,001 sanctions, respondent wilfully failed to report the
25 imposition of judicial sanctions against him in wilful violation of section 6068, subdivision (o)(3).

26
27 ³While the State Bar did not send the letters to respondent at his official address but to a
28 Cutting Blvd. address, the allegation that respondent received those letters as set forth in the
NDC are deemed admitted. (Rules Proc. of State Bar, rule 200.)

1 **Count 8 – Unauthorized Practice of Law (§§ 6068, Subd. (a), 6125 and 6126)**

2 Section 6068, subdivision(a), provides that an attorney has a duty to support the laws of the
3 United States and of this state. Section 6125 prohibits the practice of law by anyone other than an
4 active attorney and section 6126 prohibits holding oneself out as entitled to practice law by anyone
5 other than an active attorney.

6 By clear and convincing evidence, respondent wilfully violated sections 6068, subdivision
7 (a), 6125 and 6126. While he was on suspension for failing to pay his State Bar dues and to comply
8 with the MCLE requirements, respondent knew or should have known that he was not entitled to
9 practice law effective since September 1, 2001. Yet, he held himself out as entitled to practice law
10 by posting his name as an “attorney” on his office building registry and actually practiced law by
11 filing a complaint on behalf of Fred Godinez before the Alameda County Superior Court.

12 **Count 9 – Failure to Cooperate With the State Bar (§ 6068, Subd. (i))**

13 Section 6068, subdivision (i), provides that an attorney must cooperate and participate in any
14 disciplinary investigation or proceeding pending against the attorney. By not providing a written
15 response to the allegations in the Sobichevsky matter and the State Bar Investigation or otherwise
16 cooperate in the investigation of the Sobichevsky matter and the State Bar Investigation, respondent
17 failed to cooperate in a disciplinary investigation in wilful violation of section 6068, subdivision (i).

18 **IV. Mitigating and Aggravating Circumstances**

19 **A. Mitigation**

20 No mitigating factor was submitted into evidence. (Rules Proc. of State Bar, tit. IV, Stds.
21 for Atty. Sanctions for Prof. Misconduct, std. 1.2(e).)⁴

22 Respondent’s four years of trouble-free law practice at the time of his misconduct in 1999
23 is far too short to constitute mitigation. Where an attorney had practiced for only four years prior
24 to his misconduct, his lack of prior discipline was not mitigating. (*In the Matter of Hertz* (Review
25 Dept. 1991) 1 Cal. State Bar Ct. Rptr. 456; Std. 1.2(e)(i).)

26
27
28 ⁴All further references to standards are to this source.

1 years actual suspension and until respondent makes restitution to Sobichevsky (\$1,000) and to
2 Diamond and/or Butler (\$403) and until he complies with standard 1.4(c)(ii). The State Bar cited
3 neither standards nor case law in support of its recommendation.

4 In determining the appropriate degree of discipline to recommend, the court starts with the
5 standards, which serve as guidelines. It also considers whether the recommended discipline is
6 consistent with or disproportional to prior decisions of the Supreme Court on similar facts. (*In the*
7 *Matter of Mitchell* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 332.)

8 Accordingly, the court finds guidance in the following cases.

9 In *Conroy v. State Bar* (1991) 53 Cal.3d 495, discipline was imposed encompassing five
10 years stayed suspension, five years probation and one year actual suspension for improperly
11 withdrawing from representation, failing to perform and communicate and making
12 misrepresentations in one client matter. No mitigating circumstances were found. In aggravation,
13 it was noted that the attorney had two prior instances of discipline and that he had defaulted in the
14 present case and one of the prior disciplinary proceedings. Unlike *Conroy*, respondent has no prior
15 record of discipline.

16 In *In the Matter of Johnston* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 585, the attorney
17 who had no prior record of discipline in 12 years of practice was actually suspended for 60 days for
18 misconduct in a single client matter. The attorney failed to communicate with his client and failed
19 to perform competently which caused his client to lose her case. He also improperly held himself
20 out as entitled to practice law by misleading his client into believing he was still working on her case
21 while he was on suspension for not paying his State Bar dues. He defaulted in the disciplinary
22 proceedings as well. But because respondent's misconduct involved two clients and unauthorized
23 practice of law, his misconduct is more serious than that of *Johnston*.

24 In *Lester v. State Bar* (1976) 17 Cal.3d 547, the Supreme Court actually suspended an
25 attorney for six months for failing to perform services in four matters, failing to refund any portion
26 of advanced fees, failing to communicate with clients and with misrepresentation. Aggravation
27 included his lack of candor before the State Bar and general lack of insight into the wrongfulness of
28 his actions.

1 Finally, in *Farnham v. State Bar* (1976) 17 Cal.3d 605, the attorney abandoned two clients
2 and engaged in the unauthorized practice of law while under actual suspension. The Supreme Court
3 found that the attorney's actions "evidence a serious pattern of misconduct whereby he wilfully
4 deceived his clients, avoided their efforts to communicate with him and eventually abandoned their
5 causes." (*Id.* at p. 612.) He also had a prior record of discipline for abandonment of clients' interests
6 in four separate matters and lacked insight into the impropriety of his actions. As a result, he was
7 actually suspended for six months with a stayed suspension of two years upon conditions of
8 probation.

9 In this matter, the gravamen of respondent's misconduct is his failure to perform services in
10 two client matters and his unauthorized practice of law during his administrative suspension.
11 Respondent's misconduct reflects a blatant disregard of professional responsibilities. He had
12 flagrantly breached his fiduciary duties to his clients and abandoned their cause.

13 In light of the foregoing case law, the State Bar's recommendation of two years actual
14 suspension is excessive. In recommending discipline, the "paramount concern is protection of the
15 public, the courts and the integrity of the legal profession." (*Snyder v. State Bar* (1990) 49 Cal.3d
16 1302.)

17 Failing to appear and participate in the hearing shows that respondent comprehends neither
18 the seriousness of the charges against him nor his duty as an officer of the court to participate in
19 disciplinary proceedings. (*Conroy v. State Bar, supra*, 53 Cal.3d at pp. 507-508.) His failure to
20 participate in this proceeding leaves the court without information about the underlying cause of
21 respondent's misconduct or of any mitigating circumstances surrounding his misconduct.

22 Balancing all relevant factors – respondent's misconduct, the standards, the case law, and the
23 mitigating and aggravating evidence, the court finds that placing respondent on an actual suspension
24 of six months and until he makes restitution would be appropriate to protect the public and to
25 preserve public confidence in the profession.

26 Moreover, it has long been held that "[r]estitution is fundamental to the goal of
27 rehabilitation." (*Hippard v. State Bar* (1989) 49 Cal.3d 1084, 1094.) Restitution is a method of
28 protecting the public and rehabilitating errant attorneys because it forces an attorney to confront the

1 harm caused by his or her misconduct in real, concrete terms. (*Id.* at p. 1093.) Therefore, respondent
2 should refund all legal costs to his client if he had not done so.

3 VI. Recommended Discipline

4 Accordingly, the court hereby recommends that respondent **George A. Harris III** be
5 suspended from the practice of law for two years, that said suspension be stayed, and that respondent
6 be actually suspended from the practice of law for six months and until he makes restitution to
7 Manga Sobichevsky⁵ or the Client Security Fund, if appropriate, in the amount of \$1,000, plus 10%
8 interest per annum from March 1, 2000,⁶ and provide proof thereof to the Office of Probation; and
9 until he files and the State Bar Court grants a motion to terminate his actual suspension. (Rules Proc.
10 of State Bar, rule 205.)

11 It is also recommended that respondent be ordered to comply with any probation conditions
12 hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension.
13 (Rules Proc. of State Bar, rule 205(g).)

14 It is also recommended that if respondent is actually suspended for two years or more, he will
15 remain actually suspended until he has shown proof satisfactory to the State Bar Court of his
16 rehabilitation, fitness to practice, and learning and ability in the general law pursuant to standard
17 1.4(c)(ii).

18 It is further recommended that respondent take and pass the Multistate Professional
19 Responsibility Examination within one year after the effective date of this order or during the period
20 of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891,
21 fn. 8.)

22 It is also recommended that the Supreme Court order respondent to comply with rule 955,
23

24 ⁵Although the court had imposed sanctions of \$403 against Diamond and Butler, the
25 Notice of Disciplinary Charges alleged that respondent never informed his clients of the
26 sanctions order and at the same time, the NDC did not allege that the clients had paid the
sanctions. Thus, absent clear and convincing evidence, the court will not order respondent to pay
\$403 to Diamond and/or Butler.

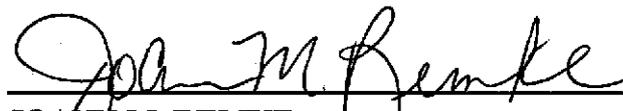
27 ⁶Respondent effectively withdrew from employment in March 2000 when he failed to
28 respond to his client's letters.

1 paragraphs (a) and (c), of the California Rules of Court, within 30 and 40 days, respectively, of the
2 effective date of its order imposing discipline in this matter. Wilful failure to comply with the
3 provisions of rule 955 may result in revocation of probation, suspension, disbarment, denial of
4 reinstatement, conviction of contempt, or criminal conviction.⁷

5 **VII. Costs**

6 The court recommends that costs be awarded to the State Bar pursuant to Business and
7 Professions Code section 6086.10, and paid in accordance with section 6140.7.

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12 Dated: October 21, 2005


13 **JOANN M. REMKE**
14 Judge of the State Bar Court

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⁷Respondent is required to file a rule 955(c) affidavit even if he has no clients to notify.
(*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.)

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 October 27, 2005, I deposited a true copy of the following document(s):

DECISION

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

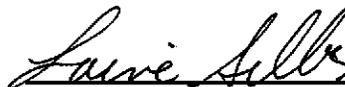
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

GEORGE A. HARRIS III
1300 CLAY ST #600
OAKLAND CA 94612

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

MANUEL JIMENEZ, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **October 27, 2005**.



Laine Silber
Case Administrator
State Bar Court