

**FILED**

FEB 11 2009

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**STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES**

In the Matter of	)	Case No. <b>02-O-13160-PEM; 03-0-05017-PEM</b>
	)	<b>(S163947)</b>
<b>DONALD JAMES LOFTUS,</b>	)	
	)	
<b>Member No. 150417,</b>	)	<b>ORDER GRANTING PARTIAL RELIEF</b>
	)	<b>FROM COSTS &amp; EXTENDING TIME TO</b>
A Member of the State Bar.	)	<b>PAY COSTS</b>
_____	)	

This matter is before the court on respondent DONALD JAMES LOFTUS'S January 7, 2009, motion for compromise and/or relief and/or extension of time to pay the \$16,376.63 in disciplinary costs<sup>1</sup> that were assessed against him under the Supreme Court's October 1, 2008, order in *In re Donald J. Loftus on Discipline*, case number S163947 (State Bar Court case numbers 02-O-13160-PEM; 03-0-05017-PEM). The Office of the Chief Trial Counsel of the State Bar of California did not file a response to respondent's motion. (Rules Proc. of State Bar, rule 282(c).)

In his motion, respondent requests:

in the interest of justice . . . that he be relieved of the entirety of the Judgment for costs in this matter. In the alternative Respondent requests that he be relieved of a substantial portion of the costs and/or that [the] pay off date be extended for at least five (5) years.

<sup>1</sup> In his motion, respondent incorrectly states that \$16,476.33 in costs were assessed against him.

Moreover, according to respondent, “the principle reason for [his] motion is one of hardship.” Respondent further states (1) that, after his disciplinary proceedings, he became (and remains) financially destitute; (2) that it is “extremely difficult for [him] to meet his basic monthly living expenses”; (3) that he is presently unable to pay all or any part of the assessed costs; and (4) that he has “no viable prospects at this date and time for income generating employment.” Respondent opines that “At age 63 it is unlikely that [he] will obtain gainful employment in the future.” Finally, respondent filed a financial declaration that supports his claim of financial hardship.

The court finds good cause (e.g., serious financial hardship) to grant respondent partial relief from the \$16,376.63 in assessed disciplinary costs and to extend the time in which respondent must pay the reduced amount.

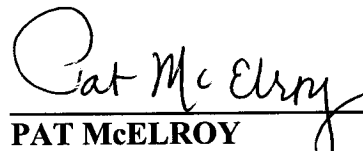
#### **ORDER**

Respondent DONALD JAMES LOFTUS’S January 7, 2009, motion for relief from disciplinary costs and for extension of time to pay those costs is GRANTED. The court ORDERS that the costs imposed on Donald James Loftus under the Supreme Court’s October 1, 2008, order in *In re Donald J. Loftus on Discipline*, case number S163947 (State Bar Court case numbers 02-O-13160-PEM; 03-0-05017-PEM) be reduced by one-third from \$16,376.63 to \$10,917.75 and that one-fifth of said \$10,971.75 in costs is to be paid with Loftus’s annual State Bar membership fees for the years 2010, 2011, 2012, 2013, and 2014. The court further ORDERS that, if Loftus fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to Business and Professions Code section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar

of California (Rules Proc. of State Bar, rule 286). The payment of costs remains enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Upon the finality of this order (see Rules Proc. of State Bar, rules 224, 282(e), 300(b)), the State Bar of California is DIRECTED to promptly adjust Loftus's annual State Bar membership fees for the year 2009 to effectuate this order. (Bus. & Prof. Code, § 6086.10, subd. (c); Rules Proc. of State Bar, rule 282(a).)

Dated: February 11, 2009.

  
\_\_\_\_\_  
**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 February 11, 2009, I deposited a true copy of the following document(s):

ORDER GRANTING PARTIAL RELIEF FROM COSTS & EXTENDING TIME TO PAY 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:

DONALD J. LOFTUS  
4944 CASS ST #710  
SAN DIEGO, CA 92109

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:

LAWRENCE J. DAL CERRO, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on February 11, 2009.

  
George Hye  
Case Administrator  
State Bar Court

**AMENDED 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 February 17, 2009, I deposited a true copy of the following document(s):

ORDER GRANTING PARTIAL RELIEF FROM COSTS & EXTENDING TIME TO PAY 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:

DONALD J. LOFTUS  
4944 CASS ST #710  
SAN DIEGO, CA 92109

DON MIKE ANTHONY  
HAHN & HAHN  
301 E COLORADO BLVD #900  
PASADENA, CA 91101-1977

- 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:

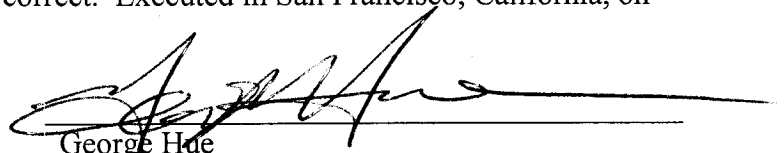
- by fax transmission, at fax number . No error was reported by the fax machine that I used.

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

Scott Drexel, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on February 17, 2009.

  
George Hue  
Case Administrator  
State Bar Court