

FILED

JAN 08 2014



**STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO**

**STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – SAN FRANCISCO**

In the Matter of)	Case No.: 02-O-14508; 04-O-15353 (Cons.)
)	(S144121)
CARY O. LINDSTROM,)	
)	ORDER GRANTING RESPONDENT'S
Member No. 129700,)	MOTION TO TERMINATE PROBATION
)	
A Member of the State Bar.)	
)	

On December 16, 2013, respondent Cary O. Lindstrom (respondent) filed a motion to terminate probation on the grounds that he has complied with all of the terms and conditions of his probation with the exception of payment of the remaining restitution to Loreto Somera. Respondent requests that he be allowed to deposit the restitution balance of \$280.95 into the Client Security Fund instead of paying the amount to Loreto Somera, who has refused to accept payment.

On December 16, 2013, the State Bar of California, Office of Probation (State Bar), filed a response stating that it does not oppose respondent's request that he pay the \$280.95 amount owed in restitution into the State Bar Client Security Fund instead of Loreto Somera.

Having considered the parties' contentions and good cause appearing, the motion is GRANTED. Pursuant to a Supreme Court order filed on August 15, 2006, respondent was suspended from practice for two years, execution of which was stayed, and respondent was

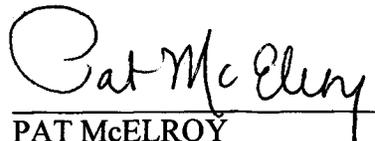


placed on probation for two years on the condition that he be actually suspended for 60 days. Respondent was also ordered to comply with the other conditions of probation, including that he contact the Office of Probation and schedule a meeting with the assigned probation deputy, submit quarterly reports to the Office of Probation, provide satisfactory proof of attendance and passage of the State Bar Ethics School, and pay restitution to Loreto Somera in the amount of \$2,698.56, with interest accruing from October 6, 1995. Respondent represents that he has complied with all conditions of probation by paying all fines and fees, and passage of all required examinations. Respondent only has to pay the remaining \$280.95 restitution to Loreto Somera. However, Mr. Somera has refused to accept payment of the remaining restitution amount. The State Bar's response does not dispute that respondent has complied with all of the terms of his probation, and does not oppose respondent's request to deposit of the \$280.95 into the Client Security Fund instead of Loreto Somera.

The court finds that respondent's motion to terminate probation is consistent with protecting the public, the member's successful rehabilitation, and maintaining the integrity of the legal profession. (Rules Proc. of State Bar, rule 5.300(B).) Accordingly, respondent's probation is ordered terminated once respondent has deposited the remaining amount of restitution owed to Loreto Somera into the State Bar Client Security Fund.

IT IS SO ORDERED.

Dated: January 7, 2014


PAT McELROY
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); 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 January 8, 2014, I deposited a true copy of the following document(s):

ORDER GRANTING RESPONDENT'S MOTION TO TERMINATE PROBATION

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:

CARY O. LINDSTROM
LAW OFFICE OF CARY O LINDSTROM
65 E TAYLOR ST
SAN JOSE, CA 95112

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:

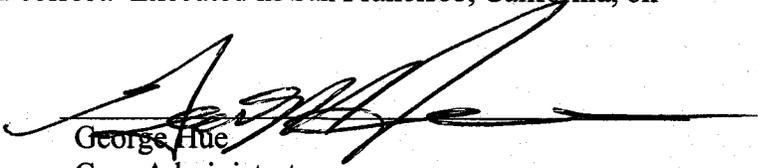
by fax transmission, at fax number . No error was reported by the fax machine that I used.

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:

Terrie Goldade, Office of Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on January 8, 2014.


George Hue
Case Administrator
State Bar Court