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STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of)	Case No. 02-Q-13193 (S108971)
)	
GERALD V. UNDERWOOD, JR.,)	
)	
Former Member No. 84497,)	ORDER GRANTING PARTIAL RELIEF
)	FROM COSTS AND EXTENDING TIME
A Former Member of the State Bar.)	TO PAY COSTS
)	
)	

TO ALL PARTIES AND COUNSEL IN THE ABOVE ENTITLED MATTER:

On February 2, 2010, **Gerald V. Underwood, Jr.** (Underwood) filed a motion for relief from order assessing costs and a memorandum of points and authorities in support thereof. (Rules Proc. of State Bar, rule 282.) Underwood also submitted a financial statement in support of his motion. (Rules Proc. of State Bar, rule 282(b)(2).) Specifically, Underwood is seeking to be relieved from payment of costs assessed against him by the Supreme Court in its August 13, 2002 order in case No. S108971 (State Bar Court case No. 02-Q-13193) on grounds of financial hardship or, in the alterative, is seeking an extension of time to pay the disciplinary costs. (See Underwood's Financial Declaration in Support of Motion for Relief From or Extension of Time to Pay Disciplinary Costs.) Included as one of the exhibits attached to Underwood's motion is a

letter from the State Bar informing him that the discipline charges in case No. 02-Q-13193 totaled \$6,522.07.

On February 10, 2010, the Office of the Chief Trial Counsel of the State Bar of California (State Bar) filed a response to Underwood's motion, opposing Underwood's request for total relief from payment of costs. But, acknowledging Underwood's "limited income and resources," the State Bar stated its non-opposition to allowing Underwood an extension of two years for payment of the costs.

On February 19, 2010, Underwood filed a reply to the State Bar's response.

After carefully considering all issues and evidence set forth in Underwood's motion, the State Bar's response thereto, and Underwood's reply to the State Bar's response, the court finds as follows:

Underwood has established sufficient grounds of financial hardship for this court to waive \$1,630.52 (or 25 percent) of the \$6,522.07 in assessed costs. Additionally, Underwood has established sufficient financial hardship for this court to **GRANT** him an extension of time to pay the remaining reduced costs of \$4,891.55. (Bus. & Prof. Code, § 6086.10, subd. (c); Rules Proc. of State Bar, rule 282.)

ORDER

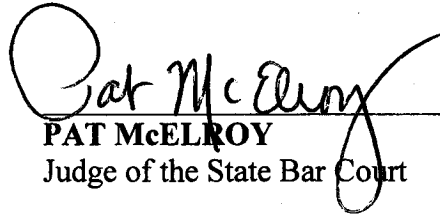
Gerald V. Underwood, Jr.'s February 19, 2010 motion for relief from the order assessing disciplinary costs is **GRANTED** to the extent that the court **ORDERS** that the disciplinary costs assessed against him under Supreme Court order No. S108971 (State Bar Court case No. 02-Q-13193) are reduced from \$6,522.07 to \$4,891.55, and that Gerald V. Underwood, Jr. must pay the reduced costs of \$4,891.55 as follows: Beginning July 1, 2010, Underwood must pay \$203.82 per calendar quarter for the next six years until the entire \$4,891.55 is paid. These

quarterly installment payments are due no later than the 10th day of each January, April, July, and October. Thus, Underwood's first installment payment is due no later than July 10, 2010.

The court further **ORDERS** that Underwood submit his payments directly to the State Bar's Membership Billing Office in San Francisco and that he promptly submit proof of each payment to the State Bar's Office of Probation in Los Angeles.

Finally, the court **ORDERS** that if Underwood fails to pay any installment payment more than 10 days after its due date without the *prior written approval* of the State Bar's Office of Probation, the remaining unpaid balance of the costs is due immediately and is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Dated: March 1, 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 March 2, 2010, I deposited a true copy of the following document(s):

ORDER GRANTING PARTIAL RELIEF FROM COSTS AND 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:

GERALD V. UNDERWOOD, JR.
574 BUTTON AVE # 165
MANTECA, CA 95336

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:

ERICA L. M. DENNINGS, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on March 2, 2010.



Bernadette C.O. Molina
Case Administrator
State Bar Court