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

In the Matter of	)	Case Nos. <b>04-C-10238-PEM</b> ; 04-C-10513;
	)	05-C-02624; 06-O-12003
<b>JAMES PAUL SWANSEEN,</b>	)	(06-O-13269) (Cons.)
	)	
Bar No. 159918,	)	<b>ORDER EXTENDING PROBATION</b>
	)	<b>PERIOD AND MODIFYING PROBATION</b>
A Member of the State Bar.	)	<b>CONDITION (RESTITUTION)</b>
	)	
_____	)	

**TO ALL PARTIES AND COUNSEL IN THE ABOVE ENTITLED MATTER:**

On September 29, 2010, respondent **James Paul Swanseen** asked the court to extend the time within which he must make restitution payment.

On October 12, 2010, the Office of Probation of the State Bar of California, represented by supervising attorney Terrie Goldade (Office of Probation), opposed respondent's motion to modify his probation.

Based on respondent's past history of multiple motions filed due to financial difficulties, the court recognizes respondent's predicament. But the Supreme Court considers restitution "a necessary condition of probation designed to effectuate [respondent's] rehabilitation and to protect the public from similar future misconduct." (*Sorensen v. State Bar* (1991) 52 Cal.3d 1036, 1044.)



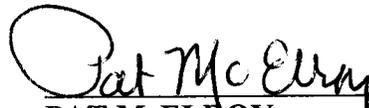
As such, the court must examine not only respondent's financial ability, but also his attitude toward restitution. (*In re Gaffney* (1946) 28 Cal.2d 761, 764-765.) In other word, respondent must make sufficient bona fide efforts to acquire the resources to pay. (*In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525, 537.) And one way to atone for his misconduct and demonstrate such good faith efforts is through installment payments.

Accordingly, in view of his compliance with most of his probation conditions and his financial hardship and good cause appearing, respondent's request to modify his probation is **GRANTED**<sup>1</sup> in that respondent's period of probation is extended to **November 30, 2011**, and the court hereby **ORDERS** the following:

1. Respondent must make a minimum monthly installment payment of \$100 to the designated client until the principal and interest are paid in full, beginning January 1, 2011;
2. Respondent must provide satisfactory proof of such payment to the Office of Probation on or before the 10<sup>th</sup> of each month in 2011;
3. No later than 20 days prior to the expiration of the probation period (November 30, 2010), respondent must make any necessary final payment in order to complete the payment of restitution, including interest, in full; and
4. Provide satisfactory evidence of full restitution payment to the Office of Probation on or before November 30, 2011.

**IT IS SO ORDERED.**

Dated: November 19, 2010

  
\_\_\_\_\_  
**PAT McELROY**  
Judge of the State Bar Court

<sup>1</sup> In light of this order, respondent's October 21, 2010 motion for extension of time to file a reply brief to State Bar's opposition to motion to modify probation is moot.

**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 19, 2010 I deposited a true copy of the following document(s):

ORDER EXTENDING PROBATION PERIOD AND MODIFYING PROBATION  
CONDITION (RESTITUTION)

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:

JAMES P. SWANSEEN  
TRIAL LAWYER  
19 ANCHORAGE CT  
SAN RAFAEL, CA 94903

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

TERRIE GOLDADE , PROBATION , Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on November 19, 2010.



Laurretta Cramer  
Case Administrator  
State Bar Court