

FILED

JUN 09 2011

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of) Case Nos.: 04-C-14475-PEM; 05-C-01805
) (Cons.)
MICHAEL IRA BURTON,)
)
Member No. 83380,) **ORDER GRANTING PARTIAL RELIEF**
) **FROM COSTS & EXTENDING TIME TO**
) **PAY DISCIPLINARY COSTS**
A Member of the State Bar.)
)
_____)

TO ALL PARTIES AND COUNSEL IN THE ABOVE ENTITLED MATTER:

On March 4, 2011, **Michael Ira Burton** (Burton) filed a Motion for Relief from or Extension of Time to Pay Disciplinary Costs (motion) based on financial hardship. (Rules Proc. of State Bar, rule 5.130(B).) Burton submitted a financial statement in support of his motion. Specifically, Burton is seeking to be relieved from payment of disciplinary costs as ordered by this court in its Decision and Discipline Order in *In the Matter of Michael Ira Burton*, filed on June 7, 2010, effective July 13, 2010. (State Bar Court case Nos. 04-C-14475-PEM; 05-C-01805 Cons.)

On May 10, 2011, the Office of the Chief Trial Counsel of the State Bar of California (State Bar) filed its response to Burton's motion. The State Bar stated its opposition to relief from payment of disciplinary costs; but, acknowledging the fact that Burton is currently



receiving financial assistance through the Food Stamps Program, it stated its non-opposition to allowing Burton an extension of two years for payment of the disciplinary costs.

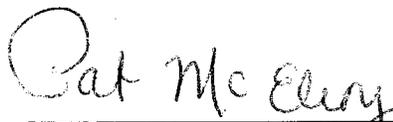
In view of Burton's financial hardship and for good cause appearing, the court finds that Burton has established sufficient grounds of hardship and special circumstances to waive \$1,244.70 (i.e., 30 percent) of the \$4,149 costs assessed by the State Bar. Similarly, Burton has established sufficient financial hardship and special circumstances for the court to grant him an extension of time to pay the remaining reduced costs of \$2,904.30 (\$4,149 less \$1,244.70).

ORDER

Michael Ira Burton's May 4, 2011 motion for relief from order assessing costs is GRANTED to the extent that the court ORDERS that: (1) the disciplinary costs assessed against Burton in this court's Decision and Discipline Order in *In the Matter of Michael Ira Burton*, filed on June 7, 2010, effective July 13, 2010, State Bar Court case Nos. 04-C-14475-PEM; 05-C-01805 Cons., are reduced from \$4,149 to \$2,904.30 and (2) Michael Ira Burton must pay one-fifth of the reduced costs of \$2,904.30 (i.e., \$580.86) with his annual State Bar membership fees for the years 2012, 2013, 2014, 2015, and 2016. (Bus. & Prof. Code, § 6086.10, subd. (c).)

The court further ORDERS that, if Burton fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court under Business and Professions Code section 6086.10, subdivision (c) and Rules of Procedure of the State Bar, rule 5.130 or 5.132, the remaining balance of the costs is due and payable immediately. (Rules Proc. of State Bar, rule 5.134.) The payment of costs remains enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Dated: June 9, 2011


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 June 9, 2011, I deposited a true copy of the following document(s):

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

MICHAEL IRA BURTON
454 LAS GALLINAS AVE #133
SAN RAFAEL, CA 94903

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:

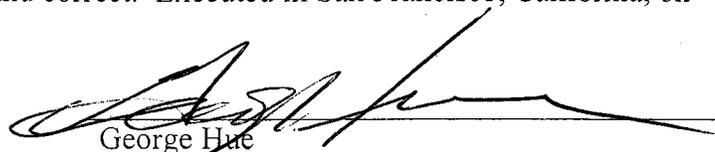
by fax transmission, at fax number . No error was reported by the fax machine that I used.

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 Dennings, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on June 9, 2011.


George Hue
Case Administrator
State Bar Court