State Bar Court of California kwiktag* 022 606 911 **Hearing Department** Los Angeles Counsel For The State Bar Case Number (s) (for Court's use) 04-O-13932-RAH Jean Cha, Deputy Trial Counsel State Bar of California 1149 South Hill Street Los Angeles, California 90015-2299 (213) 765-1000 STATE BAR COURT CLERK'S OFFICE Bar # 228137 LOS ANGELES in Pro Per Respondent Joseph E. Rowland 17592 Irvine Boulevard, Ste 204 Tustin, California 92780 (714) 281-0567 Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND Bar # 147636 DISPOSITION AND ORDER APPROVING In the Matter Of: Joseph E. Rowland STAYED SUSPENSION; NO ACTUAL SUSPENSION Bar # 147636 ☐ PREVIOUS STIPULATION REJECTED

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

A Member of the State Bar of California

(Respondent)

- (1) Respondent is a member of the State Bar of California, admitted July 13, 1990.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 12 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."

(7)	No per	more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any nding investigation/proceeding not resolved by this stipulation, except for criminal investigations.
(8)	Pa ₁	yment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 10.7. (Check one option only):
		costs added to membership fee for calendar year following effective date of discipline. costs to be paid in equal amounts prior to February 1 for the following membership years: (hardship, special circumstances or other good cause per rule 284, Rules of Procedure) costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs" costs entirely waived
ı	Prof	eavating Circumstances [for definition, see Standards for Attorney Sanctions for essional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances equired.
(1)		Prior record of discipline [see standard 1.2(f)]
	(a)	State Bar Court case # of prior case
	(b)	Date prior discipline effective
	(c)	Rules of Professional Conduct/ State Bar Act violations:
	(d)	Degree of prior discipline
	(e)	If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline.
(2)		Dishonesty: Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
(3)		Trust Violation: Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
(4)		Harm: Respondent's misconduct harmed significantly a client, the public or the administration of justice.
(5)		Indifference: Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
(6)		Lack of Cooperation: Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
(7)		Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
(8)		No aggravating circumstances are involved.

(Do not write above this line.)

Additional aggravating circumstances

N/A

C. I	Mitiç circu	pating Circumstances [see standard 1.2(e)]. Facts supporting mitigating umstances are required.
(1)		No Prior Discipline: Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
(2)		No Harm: Respondent did not harm the client or person who was the object of the misconduct.
(3)		Candor/Cooperation: Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
(4)		Remorse: Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
(5)		Restitution: Respondent paid \$ on in restitution to without the threat or force of disciplinary, civil or criminal proceedings.
(6)		Delay: These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
(7)		Good Faith: Respondent acted in good faith.
(8)		Emotional/Physical Difficulties: At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
(9)		Severe Financial Stress: At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
10)		Family Problems: At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
11)		Good Character: Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
12)		Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
13)		No mitigating circumstances are involved.
Addit	tiona	l mitigating circumstances
	Res	pondent has no prior record of discipline over many years of pratice.

D.	Discipline:			
(1)	\boxtimes	Stay	yed Sı	uspension:
	(a)	\boxtimes	Resp	condent must be suspended from the practice of law for a period of Two (2) Years.
		l.		and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
		ii.		and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
		iii.		and until Respondent does the following:
	The	abov	ve-refe	erenced suspension is stayed.
(2)	\boxtimes	Prol	bation	
	Res	spond he Su	lent is preme	placed on probation for a period of Two (2) Years , which will commence upon the effective date court order in this matter. (See rule 9.18 California Rules of Court)
E	Addi	tiona	al Co	nditions of Probation:
(1)	\boxtimes	Duri Prof	ng the ession	probation period, Respondent must comply with the provisions of the State Bar Act and Rules of all Conduct.
(2)	\boxtimes	State infor	e Bar a mation	(10) days of any change, Respondent must report to the Membership Records Office of the and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of n, including current office address and telephone number, or other address for State Bar as prescribed by section 6002.1 of the Business and Professions Code.
(3)	 information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code. Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probati and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request. Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state 			
(4)		July whet cond are a curre	10, an ther Re litions any pro ent stat	In the must submit written quarterly reports to the Office of Probation on each January 10, April 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state espondent has complied with the State Bar Act, the Rules of Professional Conduct, and all of probation during the preceding calendar quarter. Respondent must also state whether there occedings pending against him or her in the State Bar Court and if so, the case number and tus of that proceeding. If the first report would cover less than 30 days, that report must be on the next quarter date, and cover the extended period.
		In ad twen	ldition ty (20)	to all quarterly reports, a final report, containing the same information, is due no earlier than days before the last day of the period of probation and no later than the last day of probation.
(5)		cond Durir in ad	itions ng the dition	nt must be assigned a probation monitor. Respondent must promptly review the terms and of probation with the probation monitor to establish a manner and schedule of compliance. period of probation, Respondent must furnish to the monitor such reports as may be requested, to the quarterly reports required to be submitted to the Office of Probation. Respondent must fully with the probation monitor.

(Do not write above this line.)

(Do no	ot write	e above this line.)		
(6)	\boxtimes	Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.		
(7)		Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.		
		□ No Ethics School recommended. Reason: .		
(8)		Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.		
(9)		The following conditions are attached hereto and incorporated:		
		☐ Substance Abuse Conditions ☐ Law Office Management Conditions		
		Medical Conditions		
F. C)the	r Conditions Negotiated by the Parties:		
(1)		Multistate Professional Responsibility Examination: Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.		
		☐ No MPRE recommended. Reason:		
(2)		Other Conditions:		
		N/A		

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:

JOSEPH E. ROWLAND

CASE NUMBER:

04-O-13932-RAH

JURISDICTION

Joseph Edward Rowland ("Respondent") was admitted to the practice of law in the State of California on July 13, 1990, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

Respondent admits that the following facts are true and that he is culpable of violations of the specified Rule of Professional Conduct and Business and Professions Code sections.

FACTS

- 1. On October 15, 2002, Lisa Connor ("Connor") employed Respondent to represent her in a house-forfeiture matter filed in the United States District Court for the Central District of California entitled *United States v. Real Property Located at 21081 Foxtail, Mission Viejo, California*, Case No. SACV 02-808-GLT (the "forfeiture matter"). Connor paid Respondent \$5,000.00 in advanced attorney fees to undertake representation in the forfeiture matter.
- 2. On October 15, 2002, Respondent mailed a letter to the Assistant U.S. Attorney, who was assigned to the forfeiture matter, Ann Wolf ("Wolf"), informing her that he would be filing an answer to the complaint and a statement of interest on behalf of Connor by November 11, 2002.
- 3. Thereafter, on January 23, 2003, Respondent filed the answer to the complaint. That was the last substantive work that Respondent performed on behalf of Connor. Respondent failed to perform any additional work on behalf of Connor from the time he filed the answer to the time he was terminated in early November 2003.
- 4. During the period of his representation, Respondent failed to send verification of Connor's income to Wolf as requested, despite his receipt of the request from Wolf and his agreement to provide the information. Respondent also failed to respond to interrogatories properly served on Respondent as Connor's attorney, and failed to appear at a settlement

conference despite the fact that he received proper notice of the hearing. Respondent failed to negotiate with the U.S. Attorney's office on behalf of Connor during the period of his representation.

- 5. During the time period from Fall 2002 through October 2003, Connor spoke with Respondent on multiple occasions and requested that he provide her with an accounting for the advanced fees that she paid him, detailing the work he performed on her behalf.
- 6. On October 29, 2003, Connor sent a letter to Respondent requesting an accounting from Respondent and an explanation for his inaction in the forfeiture matter. Connor clearly stated in her letter that if Respondent did not respond by November 3, 2003, she would obtain substitute counsel. Connor faxed her letter to Respondent's office fax number, which he had provided to her. Connor's letter also was placed in a sealed envelope correctly addressed to Respondent at his State Bar of California official membership records address. Connor's letter was mailed by first class mail, postage prepaid, by depositing for collection by the United States Postal Service in the ordinary course of business. The United States Postal Service did not return Connor's letter as undeliverable or for any other reason. Respondent received Connor's letter but failed to respond.
- 7. In early November 2003, Connor terminated Respondent's services and employed attorney Stephen W. Hogie ("Hogie") to undertake representation of her interests in the forfeiture matter. Hogie called Respondent informed him of the substitution of attorney and requested Respondent to turn over Connor's client file.
- 8. On November 4, 2003, Respondent sent a letter by fax and regular mail to Connor confirming that he had been contacted by Hogie and that he signed the substitution of attorney form.
- 9. On November 18, 2003, Connor sent Respondent a letter informing him that attorney Hogie had settled her matter with the U.S. Attorney's office. Connor faxed her letter to Respondent's office fax number, which he had provided to her, and also sent the letter to Respondent's e-mail address, which Respondent had previously used to communicate with Connor. Connor's letter also was placed in a sealed envelope correctly addressed to Respondent at his State Bar of California official membership records address. Connor's letter was mailed by first class mail, postage prepaid, by depositing for collection by the United States Postal Service in the ordinary course of business. The United States Postal Service did not return Connor's letter as undeliverable or for any other reason. In her letter to Respondent, Connor requested a full refund of the \$5,000.00 that she paid him for attorney fees. Respondent received the letter.

- 10. On Wednesday, November 19, 2003, Respondent sent a letter by fax and regular mail to Hogie informing him that he would comply with Connor's request for a refund of the \$5,000.00 advanced fees "as soon as [he] return[ed] to the office Tuesday morning."
- 11. On Tuesday, November 25, 2003, Respondent did not refund any portion of the \$5,000.00 advanced fees to Connor as promised despite the fact that Respondent had not earned the entire \$5,000.00 paid by Connor.

From November 25, 2003 to September 10, 2004, Connor left several messages for Respondent requesting a refund from Respondent. Respondent did not refund any portion of the \$5,000.00 advanced fee to Connor.

- 12. On September 10, 2004, Connor brought a Small Claims action against Respondent seeking a return of the \$5,000.00 in unearned advanced fees that she had paid Respondent, because Respondent failed to refund the unearned fees.
- 13. On October 19, 2004, Connor was awarded \$5,052.00 against Respondent in Small Claims Court in Orange County, Case No. 04CS005384. Despite receiving proper notice of the hearing in the Small Claims Court matter, Respondent failed to appear.
- 14. On October 26, 2004, the Clerk of the Small Claims Court properly served Respondent with a copy of the notice of entry of judgment. Respondent received the notice.
- 15. On February 23, 2007, Respondent finally paid the \$5,052.00 Small Claims Court judgment to Connor.
- 16. On October 20, 2004, the State Bar opened an investigation, case number 04-O-13932, pursuant to a complaint filed by Connor (the "Connor matter").
- On June 2, 2005, a State Bar investigator wrote to Respondent regarding the Connor matter. The investigator's letter was placed in a sealed envelope correctly addressed to Respondent at his State Bar membership records address. The letter was properly mailed by first class mail, postage prepaid, by depositing for collection by the United States Postal Service in the ordinary course of business. The United States Postal Service did not return the investigator's letter as undeliverable or for any other reason.
- 18. The investigator's June 2, 2005 letter requested that Respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in the Connor matter. Respondent did not respond to the investigator's June 2, 2005 letter or otherwise communicate with the investigator.

- 19. On July 12, 2005, a State Bar investigator wrote to Respondent a second time regarding the Connor matter. The investigator's letter was placed in a sealed envelope correctly addressed to Respondent at his State Bar membership records address. The letter was properly mailed by first class mail, postage prepaid, by depositing for collection by the United States Postal Service in the ordinary course of business. The United States Postal Service did not return the investigator's letter as undeliverable or for any other reason.
- 20. The investigator's July 12, 2005 letter requested that Respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in the Connor matter and enclosed a copy of the investigator's June 2, 2005 letter. Respondent did not respond to the investigator's July 12, 2005 letter or otherwise communicate with the investigator.

CONCLUSIONS OF LAW

- 21. By failing to perform any legal services on behalf of Connor in the forfeiture matter after filing an answer on January 23, 2003, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence in wilful violation of Rule of Professional Conduct 3-110(A).
- By failing to refund to Connor the unearned portion of the advanced fees of \$5,000.00 that Connor had paid despite her request and despite received notice of the Small Claims Court judgment against him, Respondent failed to refund promptly any part of a fee paid in advance that had not been earned in wilful violation of Rule of Professional Conduct 3-700(D)(2).
- 23. By failing to provide a written response to the allegations in the Connor matter or to otherwise cooperate or participate in the investigation of the Connor matter, Respondent failed to cooperate in a disciplinary investigation in wilful violation of Business and Professions Code section 6068(i).

PENDING PROCEEDINGS

The disclosure date referred to, on page one, paragraph A.(7), was March 23, 2007.

COSTS OF DISCIPLINARY PROCEEDINGS

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of March 23, 2007, the estimated prosecution costs in this matter are approximately \$3,654.00. Respondent acknowledges that this figure is an estimate only and that it does not include incidental expenses (see Bus. & Prof. Code section 6068.10(c)) or taxable costs (see C.C.P. section 1033.5(a)) which will be included in any final cost assessment. Respondent

further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

SUPPORTING AUTHORITY

The primary purposes of imposing disciplinary sanctions are the protection of the public, the courts, and the legal profession; the maintenance of high professional standards by attorneys; and the preservation of public confidence in the legal profession. (Std 1.3¹; *In re Morse* (1995) 11 Cal.4th 184, 205, Std. 1.3; *Tarver v. State Bar* (1984) 37 Cal.3d 122, 133, 207 Cal.Rptr. 302, 688 P.2d 911; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

The appropriate range of discipline for a wilful failure to perform services or wilful failure to communicate with a client is reproval or suspension depending on the harm to his client. (Std. 2.4(b).)

The appropriate range of discipline for a wilful failure to promptly refund unearned fees is reproval or suspension according to the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3. (Std. 2.10.)

The appropriate range of discipline for a wilful failure to respond to a State Bar investigation is disbarment or suspension with regard to the purposes of imposing discipline in accordance with standard 1.3. (Std. 2.6.)

As different sanction ranges are recommended in this matter, the sanction imposed shall be the more or most severe of the different applicable sanctions. Thus, suspension to disbarment is considered. (Std. 1.6.(a).)

The determination of discipline involves an analysis of the standards, a balancing of both the mitigating and aggravating circumstances, and case law. (Std. 1.6(b); Segal v. State Bar (1988) 44 Cal.3d 1077, 1089; Snyder v. State Bar (1990) 49 Cal.3d 1302, 1310-11.)

Mitigation:

The fact that Respondent had been in practice a little over twelve years when the present misconduct began constitutes a mitigating circumstance. (Std. 1.2.(e)(i).)

When Respondent ultimately refunded the advanced fees to Connor, he apologized to Connor.

¹Future references to standard or Std. are to the Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct.

Further Respondent did perform a minor level of services that were of value at the outset of the representation, and later waived any claim to such fees.

Aggravation:

Respondent delayed in refunding unearned fees to Connor for a little over three years. Connor was harmed in that she was deprived of these funds that rightfully belonged to her. (Std. 1.2(b)(vi).)

When balancing aggravation and mitigation, a result which protects the public is achieved with the present sanction. (Std. 1.4.)

Case Law:

In Layton v. State Bar (1990) 50 Cal 3d 889, an attorney received a 30-day actual suspension, a three-year probation and a three-year stayed suspension for repeatedly failing to perform as the executor of a trust and estate. Significant harm to the estate was found. The attorney in Layton failed to timely file tax returns, failed to preserve estate assets, and failed to timely distribute estate property. The estate was deprived of distributions from a trust for over five years, the estate incurred tax penalties, and the estate lost interest on trust funds not maintained in an interest-bearing account. The harm was egregious in terms of the financial harm suffered by the estate for an exceedingly lengthy period of time without justification. The attorney had no prior record of discipline in over 30 years of practice. The court found that on balance the harm to the several beneficiaries was far greater than the attorney's mitigation.

As in Layton, Respondent does not have a prior record of discipline. Respondent had been in practice for 12 years prior to the misconduct, which is less than the attorney in Layton. Although the fact that Connor had to hire new counsel and expend additional money is certainly some harm, it is far less than that in Layton. Thus, for purposes of this stipulation, this matter does not require actual suspension for the protection of the public.

77096.1A

(Do not write above this line.)	
In the Matter of	Case number(s):
Joseph E. Rowland	04-O-13932
	V4 0 10002

SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

3/27/08	Joseph El	Joseph E. Rowland	
Date	Respondent's Signature	Print Name	
Date	Respondent's Counsel Signature	Print Name	
4/2/07 Date	Debuty Trial Counsel's Signature	<u>Jean Cha</u> Print Name	

n the Matter Of	line.)	Case Number(s):
Joseph E. Rowla	nd	04-O-13932
		ORDER
inding the stipu IS ORDERED rejudice, and:	lation to be fair to the that the requested d	e parties and that it adequately protects the public, dismissal of counts/charges, if any, is GRANTED without
	stipulated facts and c	disposition are APPROVED and the DISCIPLINE Supreme Court.
		disposition are APPROVED AS MODIFIED as set forth NE IS RECOMMENDED to the Supreme Court.
☐ All F	learing dates are vac	cated.
•		·
he stipulation, for further modifications for the following the followin	led within 15 days aft es the approved stipu f this disposition is	tion as approved unless: 1) a motion to withdraw or modify fter service of this order, is granted; or 2) this court modificulation. (See rule 135(b), Rules of Procedure.) The s the effective date of the Supreme Court order herein ee rule 9.18(a), California Rules of Court.)
04-04-6	7	Mule St. State
Date		Judge of the State Bar Court The Honorable Richard A. Platel

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 Los Angeles, on April 5, 2007, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

[X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JOSEPH E. ROWLAND
THE LAW OFFICE OF JOSEPH
E. ROWLAND
17592 IRVINE BLVD STE 204
TUSTIN, CA 92780 - 3126

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

Jean Cha, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **April** 5, 2007.

Milagro del R. Salmeron

Case Administrator State Bar Court