

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES

In the Matter of) Case Nos.: **04-O-15533** (05-O-03682;
) 05-O-04182); 06-O-14318;
ROBERT DAVIS BILLS JR,) 07-O-10084; 07-O-14372 (Cons.)
)
Member No. 147012,) **DECISION AND ORDER SEALING**
) **CERTAIN DOCUMENTS**
A Member of the State Bar.)
)
_____)

The State Bar of California, Office of the Chief Trial Counsel (State Bar), filed a Notice of Disciplinary Charges (NDC) against respondent Robert Davis Bills Jr (respondent) on June 23, 2006, in case nos. 04-O-15533 (05-O-03682; 05-O-04182). This matter was assigned to the Honorable Richard A. Honn.¹

On September 7, 2006, respondent contacted the State Bar of California's Lawyer Assistance Program (LAP) to assist him with his mental health issue.

On September 8, 2006, the court referred respondent to the undersigned judge for evaluation for the State Bar Court's Alternative Discipline Program (ADP).

On October 5, 2006, an order was filed reassigning this matter to the undersigned judge for all further proceedings.

¹ Although the Notice of Assignment and Notice of Initial Status Conference filed on June 29, 2006, reflects that this matter was assigned to another judge, this is an error. (See Order Pursuant to In Person Status Conference filed on September 8, 2006.)

Respondent submitted a declaration to the court which was received on February 23, 2007, establishing a nexus between his mental health issue and his misconduct in case nos. 04-O-15533 (05-O-03682; 05-O-04182).²

Respondent executed a Participation Plan with the LAP on May 2, 2007.

The parties entered into a Stipulation Re Facts and Conclusions of Law (Stipulation) in case nos. 04-O-15533 (05-O-03682; 05-O-04182) in August 2007. The Stipulation was received by the court on August 14, 2007.

The State Bar filed a NDC against respondent on November 28, 2007, in case no. 07-O-10084.

On February 22, 2008, respondent executed the Contract and Wavier for Participation in the State Bar Court's ADP (Contract) in case nos. 04-O-15533 (05-O-03682; 05-O-04182). On that same date, the court executed an order regarding the parties' Stipulation in case nos. 04-O-15533 (05-O-03682; 05-O-04182) and executed a Confidential Statement of Alternative Dispositions and Orders (Confidential Statement) in case nos. 04-O-15533 (05-O-03682; 05-O-04182) which set forth the discipline which would be recommended to the Supreme Court if respondent successfully completed the ADP and the discipline which would be recommended if respondent was terminated from, or failed to successfully complete, the ADP. The Contract, Stipulation, and Confidential Statement were lodged on February 28, 2008.

Also on February 28, 2008, the court filed an order finding that respondent is accepted into the ADP, and the start date of respondent's participation in the ADP is February 22, 2008.

Respondent submitted a declaration to the court which was received on April 22, 2008, establishing a nexus between his mental health issue and his misconduct in case no. 07-O-10084.

² This document was entitled Proposed Amended Nexus Statement.

The State Bar filed a NDC against respondent on August 1, 2008, in case no. 06-O-14318.

The parties entered into a Stipulation Re Facts and Conclusions of Law (Stipulation) in case no. 07-O-10084 on September 9, 2008, which was received by the court that same date.

On September 11, 2008, the court filed an order consolidating case nos. 06-O-14318 and 07-O-10084 with case nos. 04-O-15533 (05-O-03682; 05-O-04182).

The State Bar filed a NDC against respondent on October 27, 2008, in case no. 07-O-14372.

Respondent submitted a declaration to the court which was received on November 6, 2008, establishing a nexus between his mental health issue and his misconduct in case nos. 04-O-15533 (05-O-03682; 05-O-04182); 06-O-14318 (Cons.) and 07-O-14372.

The parties entered into a Stipulation Re Facts and Conclusions of Law (Stipulation) in case no. 06-O-14318 on November 6, 2008, which was received by the court that same date.

On November 10, 2008, the court filed an order consolidating case no. 07-O-14372 with case nos. 04-O-15533 (05-O-03682; 05-O-04182); 06-O-14318; 07-O-10084 (Cons.).

The parties entered into a Stipulation Re Facts and Conclusions of Law (Stipulation) in case no. 07-O-14372 on December 15, 2008, which was received by the court that same date.

On November 19, 2009, the State Bar filed a Motion for an Order to Show Cause Re: Termination or, in the Alternative, Inactive Enrollment Based on Non-Compliance with ADP Court Orders.

On December 15, 2009, the court filed an Order to Show Cause (OSC) in this consolidated matter advising of the court's intent to terminate respondent from participation in the ADP for failing to comply with terms and conditions of the ADP. Respondent and the State Bar were ordered to appear for an OSC Hearing on January 21, 2010; however, respondent failed

to appear at the OSC hearing. The court therefore issued an order on January 21, 2010, granting the State Bar's motion and terminating respondent from the ADP.

Thereafter, on January 21, 2010, the court signed an order approving the parties' Stipulation in case no. 07-O-10084, case no. 06-O-14318, and case no. 07-O-14372. The Stipulations in case nos. 04-O-15533 (05-O-03682; 05-O-04182), case no. 07-O-10084, case no. 06-O-14318, and case no. 07-O-14372 were filed on January 21, 2010, and this consolidated matter was submitted for decision on that same date.³

FINDINGS OF FACT AND CONCLUSIONS OF LAW

With respect to case no. 04-O-15533, respondent was employed on June 23, 2004 to represent Rosa Garcia Medina (Medina) in a "Petition to Establish Parental Relationship, Child Support, Child Custody, and Visitation" (Petition for Custody and Support) with respect to Medina's daughter.⁴ Respondent was paid advanced fees; however, he provided no legal service of value to Medina and failed to respond to reasonable client status inquiries. Respondent stipulated that he: (1) failed to respond promptly to reasonable client status inquiries in willful violation of Business and Professions Code section⁵ 6068, subdivision (m) by failing to respond to requests for status reports made by Medina or Garcia; (2) failed to render appropriate accounts to a client regarding all funds of the client coming into respondent's possession in willful violation of rule 4-100(B)(3) of the Rules of Professional Conduct of the State Bar of California⁶

³ As the court found that the inclusion of case nos. 07-O-10084, 06-O-14318 and 07-O-14372 warranted no additional discipline and no additional ADP Contract requirements, no Agreement and Order Amending Contract or Order Amending Confidential Statement was necessary in this matter. It was the parties' intention, however, that all these matters be resolved in this consolidated ADP proceeding.

⁴ As Medina was on active duty with the United States Navy and was stationed in Guam in June 2004, respondent was hired by Araceli Garcia (Garcia), Medina's sister, who had power of attorney for Medina.

⁵ Unless otherwise indicated, all further references to section(s) refer to provisions of the Business and Professions Code.

⁶ Unless otherwise indicated, all further references to rules are to this source.

by failing to provide Medina with an accounting; (3) willfully violated rule 3-700(D)(1) by failing to return, at the client's request or upon termination of his employment, all the client's papers and property; (4) failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of rule 3-700(D)(2); (5) intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of rule 3-110(A) by failing to finalize or file with the Superior Court all forms relating to the Petition for Custody and Support at any time between June 23 and September 13, 2004; and (6) failed to cooperate and participate in a disciplinary investigation in willful violation of section 6068, subdivision (i) by not providing a written response to the allegations in the Medina matter or otherwise cooperating in the State Bar's investigation of the Medina matter.

In case no. 05-O-03682, respondent was employed in late fall of 2003 by Kevin J. Apman (Apman) to appeal a Superior Court order granting defendant's motion to dismiss in a matter entitled *Apman v. Kaller, et al.* Respondent filed a "Notice of Appeal" and "Designation of Reporter's Transcript on Appeal and Election to Proceed Under California Rules of Court, Rule 5.1, in Lieu of Clerk's Transcript" in *Apman v. Kaller, et al.* and a "Civil Case Information Statement" with the Court of Appeal in the matter entitled *Apman v. Kaller, et al. (Apman Appeal)*. Thereafter, respondent failed to respond to Apman's status inquiries or those on his behalf or otherwise communicate with Apman; failed to file an opening brief on Apman's behalf in the *Apman Appeal* which led to the dismissal of the appeal; and failed to inform Apman that respondent had not filed the opening brief, that the appeal had been dismissed, and that Apman had been ordered to pay defense costs. Furthermore, although respondent did not earn any of the advanced fees paid by Apman, he did not refund any portion of the fee. He also failed to cooperate in the State Bar investigation of Apman's complaint. Respondent stipulated that he: (1) failed to respond promptly to reasonable status inquiries of a client in willful violation of

section 6068, subdivision (m) by failing to respond to messages left on his telephone voice message system by Apman and Apman's attorney in the superior court action; (2) intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of rule 3-110(A) by failing to file Apman's opening brief with the Court of Appeal after requesting and receiving two extensions of time to file that opening brief and being warned that the appeal would be dismissed if the opening brief was not filed; (3) failed to take reasonable steps, upon termination of his employment, to avoid reasonably foreseeable prejudice to his client in willful violation of rule 3-700(A)(2) by failing to take any action to mitigate the dismissal of the *Apman Appeal* after receiving notice from the Court of Appeal that the appeal had been dismissed; (4) failed to keep a client reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services in willful violation of section 6068, subdivision (m) by failing to inform Apman that respondent had failed to file the opening brief, that the appeal had been dismissed by the Court of Appeal for failure to file the opening brief, and that Apman had been ordered to pay costs to the defendants; (5) failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of rule 3-700(D)(2); and (6) failed to cooperate and participate in a disciplinary investigation in willful violation of section 6068, subdivision (i) by not providing a written response to the allegations in the Apman matter or otherwise cooperating in the State Bar's investigation of the Apman matter.

In case no. 05-O-04182, respondent was given notice by the State Bar Court on February 28, 2005, that he would be involuntarily enrolled as an inactive member of the State Bar of California on March 3, 2005. Respondent received this notice and was involuntarily enrolled as an inactive member of the State Bar of California from March 3, 2005, to and including May 25, 2005. Nevertheless, on April 28, 2005, Gregg M. Howe (Howe) hired respondent to represent him with regards to an Order to Show Cause to modify his child support payments. Respondent

charged and collected fees from Howe. From April 28, 2005, to and including May 25, 2005, respondent held himself out as an active member of the State Bar when he met with Howe, discussed Howe's legal problems, accepted legal fees from Howe, and reviewed documents for Howe. Respondent stipulated that he: (1) failed to support the laws of this state in willful violation of section 6068, subdivision (a) by practicing law in California while enrolled as an inactive member of the State Bar; (2) failed to respond promptly to reasonably client status inquiries in willful violation of section 6068, subdivision (m) by failing to respond to several messages that Howe left for him between June 20 and September 12, 2005; (3) entered into an agreement for, charged, and collected an illegal fee in willful violation of rule 4-200(A) by entering into an agreement to charge Howe \$250 an hour for legal fees and by charging and collecting \$275 from Howe while respondent was enrolled as an inactive member of the State Bar of California; (4) failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of rule 3-700(D)(2) by failing to promptly refund the \$275 that respondent charged and collected from Howe while respondent was enrolled as an inactive member of the State Bar of California; and (5) committed an act involving moral turpitude, dishonesty or corruption in willful violation of section 6106 by holding himself out as an active member of the State Bar while he was enrolled as an inactive member of the State Bar of California.

In aggravation, respondent has a prior record of discipline. Effective June 2, 2004, respondent was privately reprimanded with duties in case no. 03-O-04916 for a violation of rule 3-110(A). (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(b)(i).) In addition, respondent's current misconduct evidences multiple acts of wrongdoing. (Standard 1.2(b)(ii).) Finally, respondent's misconduct harmed a client in that Apman's appeal

was dismissed as a result of respondent's failure to file an opening brief on Apman's behalf. There were no mitigating circumstances.

With respect to case no. 07-O-10084, respondent: (1) committed an act or acts involving moral turpitude, dishonesty or corruption in willful violation of section 6106 by issuing four checks when he knew, or in the absence of gross negligence, should have known that there were insufficient funds in his client trust account, and by presenting four checks for payment when he knew, or in the absence of gross negligence, should have known that there were insufficient funds in his client trust account; and (2) failed to cooperate and participate in a disciplinary investigation pending against him in willful violation of section 6068, subdivision (i) by not providing a written response to the State Bar regarding the client trust account matter or otherwise cooperating or participating in the investigation. Other than respondent's prior record of discipline noted above, there were no aggravating circumstances. Furthermore, there were no mitigating circumstances in this matter.

In case no. 06-O-14318, respondent was employed on May 14, 2004, by Steve and Robin McGee to represent them in a breach of contract action. The McGees had previously been represented in this matter by other counsel. The McGees paid respondent \$2,500 in advanced attorney's fees. Although a substitution of attorney was signed, respondent never filed it with the court. Respondent thereafter did not perform any services of value on behalf of the McGees in the breach of contract action and did not earn the advanced fee paid by the McGees. He also failed to respond to Steve McGee's (McGee) calls and e-mails, failed to provide the accounting requested by McGee, and failed to cooperate in the State Bar's investigation of the matter. Respondent stipulated that he: (1) intentionally, recklessly or repeatedly failed to perform legal services with competence in willful violation of rule 3-110(A) by failing to complete discovery in the breach of contract action, by failing to retain an expert on the McGees' behalf, by failing

to file a substitution of attorney, and by failing to perform any legal services of value on behalf of the McGees; (2) failed to respond promptly to reasonable status inquiries of a client by failing to respond to McGee's calls and e-mails in willful violation of section 6068, subdivision (m); (3) failed to render an appropriate accounting to McGee despite his requests in willful violation of rule 4-100(B)(3); (4) failed to refund any unearned fees to the McGees in willful violation of rule 3-700(D)(2); and (5) failed to cooperate in a disciplinary matter in willful violation of section 6068, subdivision (i) by not providing a written response to the allegations in the McGee matter or otherwise cooperating in the investigation of the McGee matter. Other than respondent's prior record of discipline noted above, there were no aggravating circumstances. In addition, there were no mitigating circumstances in this matter.

In case no. 07-O-14372, respondent repeatedly issued checks drawn upon his client trust account against insufficient funds between October 20 and October 31, 2007, and failed to respond to letters from a State Bar investigator regarding the NSF checks matter. Respondent stipulated that he: (1) committed acts involving moral turpitude, dishonesty or corruption in willful violation of section 6106 by repeatedly issuing checks drawn on a client trust account when he knew or in the absence of gross negligence should have known that there were insufficient funds in the client trust account to pay the checks; and (2) failed to cooperate in a disciplinary investigation in willful violation of section 6068, subdivision (i) by not providing a written response to the allegations in the NSF checks matter or otherwise cooperating in the investigation of the NSF checks matter. Other than respondent's prior record of discipline noted above, there were no aggravating circumstances. In addition, there were no mitigating circumstances in this matter.

The parties' stipulations as to facts and conclusions of law, including the court's orders regarding the stipulations, are attached hereto and hereby incorporated by reference, as if fully

set forth herein. The stipulations as to facts and conclusions of law set forth the factual findings, legal conclusions, and aggravating circumstances in these consolidated matters.

DISCUSSION

The purpose of State Bar disciplinary proceedings is not to punish the attorney but, rather, to protect the public, to preserve public confidence in the legal profession, and to maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

After reviewing respondent's brief on the issue of discipline, which was received by the court on October 18, 2007, and the State Bar's brief on the issue of discipline, which was received by the court on October 24, 2007, and considering the Standards for Attorney Sanctions for Professional Misconduct and case law cited therein, the parties' stipulation setting forth the facts, conclusions of law, and the aggravating circumstances in case nos. 04-O-15533 (05-O-03682; 05-O-04182), and respondent's declaration⁷ regarding the nexus between his mental health issue and his misconduct in these three matters, the court advised the parties of the discipline which would be recommended to the Supreme Court if respondent successfully completed the ADP and the discipline which would be recommended if respondent was terminated from, or failed to successfully complete, the ADP.

In determining the appropriate discipline to recommend in this matter if respondent is terminated from, or fails to successfully complete, the ADP, the court considered the discipline recommended by the parties, as well as certain standards and case law. In particular, the court considered standards 1.2, 1.3, 1.4, 1.5, 1.6, 1.7(a), 2.2(b), 2.3, 2.4(b), 2.6 and 2.10, and the case law cited in the parties' discipline briefs, including *Middleton v. State Bar* (1990) 51 Cal.3d 548; *In the Matter of Burckhardt* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 343; *Hawes v. State*

⁷ Respondent's declaration was received by the court on February 23, 2007.

Bar (1990) 51 Cal.3d 587; *Finch v. State Bar* (1981) 28 Cal.3d 659; *In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896; *In the Matter of Greenwood* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 831; *Wren v. State Bar* (1983) 34 Cal.3d 81; and *Calvert v. State Bar* (1991) 54 Cal.3d 765.

After agreeing to the discipline which the court would recommend to the Supreme Court if respondent successfully completed or was terminated from, or failed to successfully complete, the ADP, respondent executed the Contract to participate in the ADP and began his participation in the ADP. However, on November 19, 2009, the State Bar filed its Motion for an Order to Show Cause Re: Termination or, in the Alternative, Inactive Enrollment Based on Non-Compliance with ADP Court Orders. The court thereafter issued an Order to Show Cause (OSC) of the court's intent to terminate respondent from participation in the ADP for failing to comply with terms and conditions of the ADP. Although the State Bar and respondent were ordered to appear for the OSC on January 21, 2010, respondent failed to appear. The court therefore filed an order on January 21, 2010, granting the State Bar's motion and terminating respondent from the ADP. Accordingly, in light of respondent's termination from the ADP, the court will recommend to the Supreme Court the imposition of the discipline set forth in the court's Confidential Statement of Alternative Dispositions and Orders if respondent was terminated from, or failed to successfully complete, the ADP.⁸

RECOMMENDED DISCIPLINE

IT IS HEREBY RECOMMENDED that respondent **ROBERT DAVIS BILLS JR**, State Bar Number 147012, be suspended from the practice of law in California for three years,

⁸ As noted earlier, the inclusion of case nos. 07-O-10084; 06-O-14318 and 07-O-14372 did not increase or otherwise alter the court's alternative discipline recommendations this consolidated matter.

that execution of that period of suspension be stayed, and that he be placed on probation for four (4) years⁹ subject to the following conditions:

1. Respondent Robert Davis Bills Jr is suspended from the practice of law for the first eighteen (18) months of probation.
2. Respondent Robert Davis Bills Jr must also comply with the following additional conditions of probation:
 - a. During the probation period, respondent must comply with the provisions of the State Bar Act and the Rules of Professional Conduct of the State Bar of California;
 - b. Within ten (10) days of any change, respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California (Office of Probation), all changes of 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;
 - c. Within thirty (30) days after the effective date of discipline, respondent must contact the Office of Probation 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;
 - d. 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 whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than thirty (30) days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of the probation period;

⁹ The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

- e. Subject to the assertion of applicable privileges, respondent must answer fully, promptly and truthfully, any inquiries of the Office of Probation which are directed to respondent personally or in writing relating to whether respondent is complying or has complied with the probation conditions;
- f. 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;
- g. If, on the effective date of the Supreme Court's final disciplinary order in this matter, respondent has not been terminated from the Lawyer Assistance Program (LAP), respondent must comply with all provisions and conditions of his Participation Agreement/Plan with the LAP and must provide the Office of Probation with certification of completion of the LAP. Respondent must immediately report any non-compliance with any provision(s) or condition(s) of his Participation Agreement/Plan to the Office of Probation. Respondent must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and his compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. Respondent will be relieved of this condition upon providing to the Office of Probation satisfactory certification of completion of the LAP.

If, on the effective date of the Supreme Court's final disciplinary order in this matter, respondent has been terminated from the LAP prior to his successful completion of the LAP, respondent must obtain an examination of his mental and physical condition with respect to his mental health issue pursuant to rule 184 of the Rules of Procedure of the State Bar of California from a qualified practitioner approved by the Office of Probation and must comply with any treatment/monitoring plan recommended following such examination. The examination and any further help/treatment/monitoring recommended by the examining practitioner will be at respondent's own expense. The examination must be conducted no later than thirty (30) days after the effective date of the Supreme Court's final disciplinary order in this matter.

Help/treatment/monitoring should commence immediately after said examination and, in any event, no later than thirty (30) days after said examination. With each quarterly report, respondent must furnish to the Office of Probation sufficient evidence, as specified by the Office of Probation, that he is so complying with this condition of probation. Treatment/monitoring must continue for the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If the examining or treating practitioner determines that there has been a substantial change in respondent's condition, respondent or the State Bar's Office of Probation or the Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 550 of the Rules of Procedure. The motion must be supported by a written statement from the examining or treating practitioner, by affidavit or under penalty of perjury, in support of the proposed modification.

Upon the request of the Office of Probation, respondent must provide the Office of Probation with medical and confidentiality waivers and access to all of respondent's medical records necessary to monitor this probation condition. Revocation of any medical/confidentiality waiver is a violation of this condition. Any medical records obtained by the Office of Probation will be confidential and no information concerning them or their contents will be given to anyone except members of the Office of the Chief Trial Counsel, the Office of Probation, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition;

- h. Respondent must pay restitution to Araceli Garcia in the amount of \$1,610.00 plus 10% interest per annum from June 23, 2004 (or to the Client Security Fund to the extent of any payment from the fund to Araceli Garcia, plus interest and costs, in accordance with Business and Professions Code section 6140.5), and furnish satisfactory proof thereof to the State Bar's Office of Probation. Any restitution to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivision (c) and (d). To the extent the Client Security Fund has paid only principal amounts, respondent will still be liable for interest payments to Araceli Garcia as set forth above.

Respondent must pay restitution to Kevin J. Apman in the amount of \$4,000.00 plus 10% interest per annum from January 1, 2004 (or to the Client Security Fund to the extent of any payment from the fund to Kevin J. Apman, plus interest and costs, in accordance with Business and Professions Code section 6140.5), and furnish satisfactory proof thereof to the State Bar's Office of Probation. Any restitution to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivision (c) and (d). To the extent the Client Security Fund has paid only principal amounts, respondent will still be liable for interest payments to Kevin J. Apman as set forth above.

Respondent must pay restitution to Steve McGee in the amount of \$2,500.00 plus 10% interest per annum from June 29, 2006 (or to the Client Security Fund to the extent of any payment from the fund to Steve McGee, plus interest and costs, in accordance with Business and Professions Code section 6140.5), and furnish satisfactory proof thereof to

the State Bar's Office of Probation.¹⁰ Any restitution to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivision (c) and (d). To the extent the Client Security Fund has paid only principal amounts, respondent will still be liable for interest payments to Steve McGee as set forth above.

With each written quarterly report required herein, respondent must provide to the Office of Probation satisfactory proof of all restitution payments made by him during that quarter or applicable reporting period.

To the extent that respondent has paid any restitution prior to the effective date of the Supreme Court's final disciplinary order in this proceeding, respondent will be given credit for such payments provided satisfactory proof of such is or has been shown to the Office of Probation;

- i. Unless he has done so during his period of participation in the court's Alternative Discipline Program, within thirty (30) days after the effective date of the Supreme Court's final disciplinary order in this matter, respondent must return the entire original client file of Araceli Garcia to Ms. Garcia. Respondent must send this file by certified mail, return receipt requested, and retain a copy of this receipt for the period of his probation, making it available to the State Bar Court, the State Bar's Office of Probation or the Office of the Chief Trial Counsel upon request; and
 - j. Unless he has done so during his period of participation in the court's Alternative Discipline Program, respondent must provide proof that he has complied with the terms of the stipulation for Entry of Judgment filed in Orange County Superior Court Case No. 055502388.
3. At the expiration of the period of probation, if Robert Davis Bills Jr has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

It is also recommended that respondent Robert Davis Bills Jr be ordered to take and pass the Multistate Professional Responsibility Examination (MPRE) during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

¹⁰ Respondent stipulated to the payment of restitution to Steve McGee in the Stipulation lodged in case no. 06-O-14318 on November 6, 2008, and filed on January 21, 2010.

It is further recommended that respondent Robert Davis Bills Jr be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within thirty (30) and forty (40) calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

COSTS

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

DIRECTION RE DECISION AND ORDER SEALING CERTAIN DOCUMENTS

The court directs a court case administrator to file this Decision and Order Sealing Certain Documents. Thereafter, pursuant to rule 806(c) of the Rules of Procedure of the State Bar of California (Rules of Procedure), all other documents not previously filed in this matter are ordered sealed pursuant to rule 23 of the Rules of Procedure.

It is further ordered that protected and sealed material will only be disclosed to: (1) parties to the proceeding and counsel; (2) personnel of the Supreme Court, the State Bar Court and independent audiotape transcribers; and (3) personnel of the Office of Probation when necessary for their duties. Protected material will be marked and maintained by all authorized individuals in a manner calculated to prevent improper disclosure. All persons to whom protected material is disclosed will be given a copy of this order sealing the documents by the person making the disclosure.

IT IS SO ORDERED.

Dated: April 8, 2010.

RICHARD A. PLATEL
Judge of the State Bar Court