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STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES



In the Matter of)
)
ROBERT ELMER SCHROTH, JR.,)
)
Member No. 212936,)
)
A Member of the State Bar.)

Case No.: 05-C-03326-RAP

**ORDER EXTENDING TIME FOR
RESPONDENT TO COMPLY WITH HIS
MPRE REPROVAL CONDITION**

This matter is before the court on the second motion for extension of time to complete a condition of reapproval filed by respondent Robert Elmer Schroth, Jr., on September 19, 2011. The State Bar's Office of Probation filed an opposition to respondent's motion on September 20, 2011.¹ Respondent is representing himself in this matter. The Office of Probation is represented by Supervising Attorney Terry Goldade.

On June 30, 2010, this court filed a decision imposing, on respondent, a private reapproval with conditions attached. One of those reapproval conditions required that respondent take and pass the Multistate Professional Responsibility Examination (MPRE) within one year of the effective date of the reapproval.

¹ In its opposition, the Office of Probation's contends, inter alia, that respondent's motion should be heard in the review department. That office, however, failed to cite to any authority to support its contention, and the court is unaware of any such authority. In fact, the review department's jurisdiction over a motion to modify a reapproval condition is limited to reviewing the hearing department's ruling on the motion if a party files a timely petition for review under Rules of Procedure of the State Bar, rule 5.150. (Rules Proc. of State Bar, rule 5.305.)

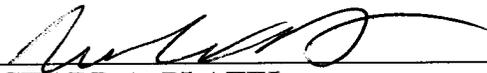
In an order filed on June 13, 2011, this court granted respondent's first request for an extension of time to take and pass the MPRE and extended the time for respondent to take and pass the MPRE until one week after the results of the August 2011 examination were released. Respondent took, but did not pass, the August 2011 examination. Accordingly, respondent now seeks a second extension of time in the present motion. Specifically, respondent seeks to extend the time in which he must take and pass the MPRE until July 21, 2012.

Respondent's declaration in support of the present motion does not establish sufficient good cause to grant respondent almost another full year to take and pass the MPRE. But, in light of the facts that respondent's prior misconduct did not involve client misconduct (it involved respondent's driving under the influence of alcohol), that respondent has diligently taken but not passed the MPRE, and that respondent has complied with all the other conditions attached to his reproof, the record establishes sufficient good cause to extend the time for respondent to take and pass the MPRE until the release of the results of the November 2011 examination. (See, generally, Rules Prof. Conduct, rule 1-110.)

ORDER

The court orders that respondent's September 19, 2011 motion for extension of time to complete a condition of reproof is GRANTED to the extent that the time in which respondent must take and pass the MPRE under the reproof conditions imposed on him in the court's June 30, 2010 decision is EXTENDED until the release of the results of the November 2011 examination. (Rules Proc. of State Bar, rule 5.128.)

Dated: September 23, 2011.



RICHARD A. PLATEL
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 Los Angeles, on September 23, 2011, I deposited a true copy of the following document(s):

ORDER EXTENDING TIME FOR RESPONDENT TO COMPLY WITH HIS MPRE REPROVAL CONDITION

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

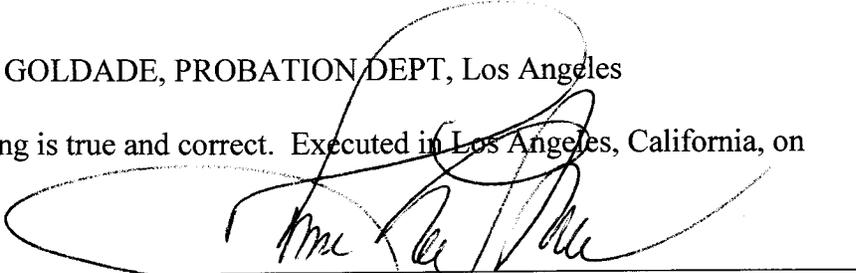
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

ROBERT E. SCHROTH JR
2044 1ST AVE #200
SAN DIEGO, CA 92101

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

TERRIE GOLDADE, PROBATION DEPT, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 23, 2011.



Johnnie Lee Smith
Case Administrator
State Bar Court