



PUBLIC MATTER
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STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of)	Case No.: 05-O-03488-LMA (07-O-13146)
)	
THOMAS WESLEY PACK,)	ORDER GRANTING MOTION FOR
)	RECONSIDERATION; ORDER
Member No. 144236,)	AMENDING DECISION
)	
<u>A Member of the State Bar.</u>)	

On February 17, 2010, the court filed its Decision and Discipline Order; Order Sealing Certain Documents (Decision) in the above-entitled matter. On February 25, 2010, the Office of the Chief Trial Counsel, State Bar of California (State Bar) filed a motion requesting reconsideration of the court's February 17, 2010 Decision. Specifically, the State Bar requested that the Decision be modified/amended to delete the reference in the Decision to automatic suspension for failure to pass the MPRE and to require respondent to attend Ethics School.

Respondent did not file a response or objection to the State Bar's request.

After reviewing and considering the motion, the court **GRANTS** the State Bar's motion for reconsideration, and it is ordered that the court's Decision filed on February 17, 2010, is hereby amended as follows:

1. On page 6 of the Decision, the last paragraph, which states, "The court will not order Thomas Wesley Pack to attend a session of the Ethics School, as a reproof condition, since he completed Ethics School given by the State Bar of California on October 25, 2007," is deleted.

And, the following language is inserted on page 6, following paragraph number 6 of the reproof conditions:

7. Within one year of the effective date of 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.

2. On page 7 of the Decision, the following language, which is the last sentence of the first paragraph on that page and the citation that follows, is deleted:

Failure to pass the MPRE may result in automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

On its own motion, the court amends the February 17, 2010 Decision, by inserting on page 7, immediately after the sentence that states, “[p]ursuant to the provisions of rule 270(a) . . . , the public reproof will be effective when this decision becomes final,” the following language:

Furthermore, pursuant to rule 9.19(a) of the California Rules of Court and rule 271 of the Rules of Procedure, the court finds that the interest of respondent and the protection of the public will be served by the specified conditions being attached to the public reproof in this matter, which are listed *ante* as reproof conditions 1 through 7. Failure to comply with any condition(s) attached to this public reproof may constitute cause for a separate proceeding for willful breach of rule 1-110 of the Rules of Professional Conduct of the State Bar of California.


The court further amends the Decision, by inserting an additional sentence to the cost language on page 7, so that the cost language reads as follows:

Costs are 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. Thomas Wesley Pack must also reimburse the Client Security Fund to the extent that the misconduct in this matter results in payment of funds and such payment is enforceable as provided under Business and Professions Code section 6140.5.

The amendments ordered herein are not clerical corrections. Accordingly, the time for filing a motion to reopen the record, for a new trial and/or for reconsideration of the court's February 17, 2010, Decision under rules 222, 223 and/or 224, respectively, of the Rules of Procedures of the State Bar of California and the time for filing a request for review of the Decision under rule 301 of the Rules of Procedure must be calculated from the date this Order is served on the parties.

IT IS SO ORDERED.

Dated: April 19, 2010



LUCY ARMENDARIZ
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 San Francisco, on April 20, 2010, I deposited a true copy of the following document(s):

ORDER GRANTING MOTION FOR RECONSIDERATION; ORDER AMENDING DECISION

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

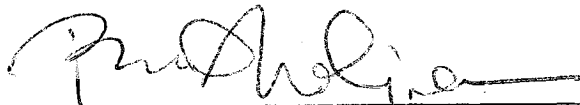
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**THOMAS W. PACK
1567 PARK RIDGE DR
SAN JOSE, CA 95118**

- 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 L. M. DENNINGS, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on April 20, 2010.



Bernadette C.O. Molina
Case Administrator
State Bar Court