

The State Bar contends that, if the court grants respondent's rule 205(c) motion to terminate his sixty-day actual suspension, the court should order respondent to comply with various specified conditions of probation for two years. The court concludes that placing respondent on three years' probation on the conditions set forth below will adequately fulfill the primary purposes of attorney disciplinary proceedings. (See, generally, Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std 1.3; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

ORDER

Respondent James Kenneth Hedges's January 26, 2009, motion to terminate actual suspension is GRANTED. The sixty-day actual suspension imposed on Hedges in the Supreme Court's July 31, 2008, order in case number S163896 is TERMINATED, and Hedges is entitled to return to the practice of law in the State of California upon payment of all applicable State Bar fees and previously assessed costs (e.g., Bus. & Prof. Code, § 6140.7; but see also Bus. & Prof. Code, § 6086.10, subd. (c); Rules Proc. of State Bar, rules 282, 284).¹

Further, as a condition for terminating his actual suspension, Hedges is PLACED ON PROBATION for three years on the following conditions.

1. Hedges must comply with the provisions of the State Bar Act, the Rules of Professional Conduct of the State Bar of California, and all the terms and conditions of this probation.
2. Hedges must maintain, with the State Bar's Membership Records Office *and* the State Bar's Office of Probation in Los Angeles, his current office address and telephone number or, *if no office is maintained*, an address to be used for State Bar purposes. (Bus. & Prof. Code, § 6002.1, subd. (a)(1).) Hedges must also maintain, with the State Bar's Office of Probation in Los Angeles, his current home address and telephone number. (See Bus. & Prof. Code, 6002.1, subd. (a)(5).) Hedges's home address and telephone number will *not* be made available to the general public. (Bus. & Prof. Code, 6002.1, subd. (d).) Hedges must notify the Membership Records Office and the Office of Probation of any change in any of this information no later than 10 days after the change.

¹ This order does not affect Hedges's ineligibility to practice law that has resulted or that may hereafter result from any other cause or order.

3. Hedges must report, in writing, to the State Bar's Office of Probation in Los Angeles no later than January 10, April 10, July 10 and October 10 of each year or part thereof in which he is on probation (reporting dates). However, if Hedges's probation begins less than 30 days before a reporting date, he may submit the first report no later than the second reporting date after the beginning of his probation. In each report, Hedges must state that it covers the preceding calendar quarter or applicable portion thereof and certify by affidavit or under penalty of perjury under the laws of the State of California as follows:
 - (a) in the first report, whether he has complied with all the provisions of the State Bar Act, the Rules of Professional Conduct of the State Bar, and all the terms and conditions of probation since the beginning of probation; and
 - (b) in each subsequent report, whether he has complied with all the provisions of the State Bar Act, the Rules of Professional Conduct of the State Bar, and all the terms and conditions of probation during that period.

During the last 20 days of this probation, Hedges must submit a final report covering any period of probation remaining after and not covered by the last quarterly report required under this probation condition. In this final report, Hedges must certify to the matters set forth in subparagraph (b) of this probation condition by affidavit or under penalty of perjury under the laws of the State of California.

4. Subject to the proper or good faith assertion of any applicable privilege, Hedges must fully, promptly, and truthfully answer any inquiries of the State Bar's Office of Probation that are directed to him, whether orally or in writing, relating to whether he is complying or has complied with the terms and conditions of this probation.
5. Within the first year of his probation, Hedges is (1) to attend and satisfactorily complete the State Bar's Ethics School and (2) to provide satisfactory proof of completion of that school (i.e., passage of the test given at the end of the school) to the State Bar's Office of Probation. Ethics School is offered periodically both at 180 Howard Street, San Francisco, California 94105-1639 and at 1149 South Hill Street, Los Angeles, California 90015-2299. Arrangements to attend the school must be made in advance by calling (213) 765-1287 and by paying the required fee. This condition of probation is separate and apart from Hedges's California Minimum Continuing Legal Education (hereafter MCLE) requirements; accordingly, he is ordered not to claim any MCLE credit for attending and completing Ethics School. (Accord, Rules Proc. of State Bar, rule 3201.)
6. Within the first year of his probation, Hedges is to attend and satisfactorily complete the State Bar's Ethics School -- Client Trust Accounting School; and to provide satisfactory proof of completion of that program to the State Bar's Office of Probation. The school is offered periodically both at 180 Howard Street, San Francisco, California 94105-1639 and at 1149 South Hill Street, Los Angeles, California 90015-2299. Arrangements to attend the school must be made in advance by calling (213) 765-1287 and by paying the required fee. This condition of probation is separate and apart from Hedges's MCLE requirements; accordingly, he is ordered not to claim any MCLE credit for attending and completing this school. (Accord, Rules Proc. of State Bar, rule 3201.)

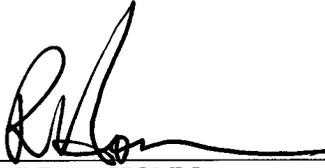
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7. Hedges's probation will commence on the date this order is filed. And, at the end of the probationary term, if Hedges has complied with the terms and conditions of probation, the Supreme Court order suspending him from the practice of law for two years will be satisfied, and the suspension will be terminated.

This order is EFFECTIVE forthwith.

Dated: February 6
January , 2009.



RICHARD A. HONN
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 February 6, 2009, I deposited a true copy of the following document(s):

ORDER

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:

JAMES KENNETH HEDGES
122 E FOOTHILL BLVD #A-327
ARCADIA, CA 91006
- 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:

Paul T. O'Brien, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 6, 2009.



Cristina Potter
Case Administrator
State Bar Court