



FILED *[Signature]*

OCT 27 2009

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**STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – SAN FRANCISCO**

In the Matter of)	Case No.: 07-C-11625-LMA
)	
DAVID M. SMITH)	ORDER RE DISCIPLINARY COSTS
)	
Member No. 242063)	
)	
<u>A Member of the State Bar.</u>)	

On October 13, 2009, petitioner **David M. Smith** sought relief from or an extension of time to comply with the order assessing disciplinary costs in Supreme Court Case No. S168110 (State Bar Court Case Nos. 07-C-11625 and 07-C-12707). (Rules Proc. of State Bar, rule 282.)
Petitioner's motion was based on financial hardship.

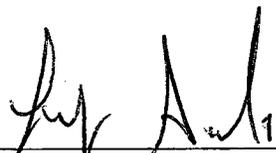
On October 20, 2009, Deputy Trial Counsel Maria J. Oropeza of the Office of the Chief Trial Counsel of the State Bar of California (State Bar) filed a response. The State Bar opposes petitioner's request for relief. The State Bar suggests, in the alternative, that petitioner be granted a three-year extension of time to pay costs upon his submission of additional financial documentation.

The court deems that no additional financial documentation is currently necessary to establish petitioner's financial hardship. Therefore, good cause appearing, the court orders that petitioner's time to pay the disciplinary costs of \$10,315 be extended to three equal installments:

one-third of said costs be paid with membership fees for the years 2011, 2012, and 2013.¹ It is further ordered that if petitioner fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to Business and Professions Code section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

IT IS SO ORDERED.

Dated: October 27, 2009



LUCY ARMENDARIZ
Judge of the State Bar Court

¹ Petitioner's alternative motion for complete relief from all assessed disciplinary costs is denied, no good cause having been shown.

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 October 27, 2009, I deposited a true copy of the following document(s):

ORDER RE DISCIPLINARY COSTS

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:

**DAVID M. SMITH
DAVID M. SMITH, ESQ.
PO BOX 4429
SAN RAFAEL, CA 94913**

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:

MARIA J. OROPEZA, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on October 27, 2009.



Bernadette C.O. Molina
Case Administrator
State Bar Court