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FEB 11 2016

STATE BAR COURT OF CALIFORNIA

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HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of	)	Case Nos.: <b>07-C-11625-LMA</b>
	)	(07-C-12707)
<b>DAVID MICHAEL SMITH,</b>	)	
	)	<b>ORDER RE MOTION FOR RELIEF</b>
<b>Member No. 242063</b>	)	<b>FROM DISCIPLINARY COSTS</b>
	)	
<u>A Member of the State Bar.</u>	)	

On February 3, 2016, petitioner David Michael Smith (Petitioner) filed a motion for full relief from disciplinary costs in State Bar Court case nos. 07-C-11625 (07-C-12707) (motion for relief).<sup>1</sup> The motion for relief was based on Petitioner's extreme financial hardship and long-term disability. Petitioner has been granted numerous extensions to pay disciplinary costs in the past and has managed to pay a total of \$7,680.50, representing nearly two-thirds of the total disciplinary costs ordered in the present matter and case no. 10-PM-06307. Petitioner still owes a total of \$4,180.50 in disciplinary costs between the present matter and case no. 10-PM-06307. Petitioner is not employed and has two children. He filed for bankruptcy in 2015, and does not own any real estate, cars, or property of significant value.<sup>2</sup> His current monthly income is solely derived from a modest V.A. disability pension.

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<sup>1</sup> The motion for relief also referenced case no. 10-PM-06307. That matter, however, is not consolidated with the present matter. Accordingly, the court addressed case no. 10-PM-06307 in a separate order.

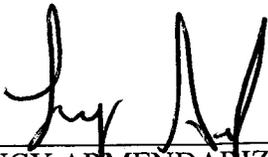
<sup>2</sup> In 2015, Petitioner owned a 2007 Toyota Camry, financed with a \$12,800 loan. It is not clear whether he still possesses that car, but his credible financial declaration indicates that he does not currently have any equity in cars.

On February 5, 2016, the Office of the Chief Trial Counsel of the State Bar of California (State Bar) filed an opposition to the motion for relief. The State Bar not only opposed full relief, but also opposed any further extension of time to pay costs.

After thorough consideration, Petitioner's motion for relief is **GRANTED**, good cause having been shown. Accordingly, Petitioner is relieved in full from payment of the remaining disciplinary costs awarded in State Bar Court case nos. 07-C-11625 (07-C-12707).

**IT IS SO ORDERED.**

Dated: February 11, 2016

  
\_\_\_\_\_  
LUCY ARMENDARIZ  
Judge of the State Bar Court

## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); 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 February 11, 2016, I deposited a true copy of the following document(s):

### ORDER RE MOTION FOR RELIEF FROM 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  
SMITH LAW GROUP  
PO BOX 4651  
SANTA ROSA, CA 95402

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

ROBERT A. HENDERSON, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on February 11, 2016.



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Mazie Yip  
Case Administrator  
State Bar Court