FILED APRIL 30, 2010

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES

In the Matter of **ROBERT ANTHONY LOGAN,** **Member No. 211496,** A Member of the State Bar.	)	Case Nos.: **07-O-11229-DFM** (08-O-14645-DFM) **DECISION**

INTRODUCTION

In this original disciplinary proceeding, which proceeded by default, the Office of the Chief Trial Counsel of the State Bar of California charges respondent **ROBERT ANTHONY LOGAN** (Respondent) with 11 counts of professional misconduct involving two separate client matters. Deputy Trial Counsel Mia R. Ellis (hereafter DTC Ellis) appeared for the State Bar. Respondent failed to appear, either in person or by counsel.

As set forth below, the court finds that Respondent is culpable on 9 of the 11 counts of misconduct, although 2 of the 9 counts are duplicative of others.

The court agrees with the State Bar's suggested level of discipline. It recommends, inter alia, that Respondent be suspended for three years, that execution of the three-year suspension be stayed, and that Respondent be suspended for a minimum of two years and until (1) Respondent pays $3,500 (plus interest) in restitution to a former client and (2) Respondent makes and the State Bar Court grants a motion to terminate his suspension under Rules of Procedure of the

State Bar, rule 205. In addition, the court recommends that Respondent's two-year minimum suspension continue until Respondent establishes his rehabilitation, fitness to practice, and legal learning in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct.[1]

PERTINENT PROCEDURAL HISTORY

On October 2, 2009, the State Bar filed the notice of disciplinary charges (NDC) in this proceeding and, in accordance with Business and Professions Code section 6002.1, subdivision (c),[2] properly served a copy of the NDC on Respondent by certified mail, return receipt requested, at his latest address shown on the official membership records of the State Bar. That service was deemed complete when mailed even if Respondent never received it. (§ 6002.1, subd. (c); *Bowles v. State Bar* (1989) 48 Cal.3d 100, 107-108.)

In addition to serving a copy of the NDC on Respondent by certified mail, the State Bar undertook multiple other meaningful steps in an attempt to give Respondent actual notice of this disciplinary proceeding. Accordingly, Respondent was given adequate notice of this proceeding. (*Jones v. Flowers* (2006) 547 U.S. 220, 224-227, 234.)

Respondent's response to the NDC was to have been filed no later than October 27, 2009. (Rules Proc. of State Bar, rule 103(a); see also Rules Proc. of State Bar, rule 63 [computation of time].) Respondent, however, did not file a response. On December 23, 2009, the State Bar filed, and properly served on Respondent, a motion for the entry of Respondent's default. Respondent filed no response to that motion.

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[1] The standards are found in title IV of the Rules of Procedure of the State Bar. All further references to standard(s) (or std.) are to this source.

[2] Unless otherwise noted, all further statutory references are to the Business and Professions Code.

Because all of the statutory and rule prerequisites were met, the court entered Respondent's default on January 12, 2010, and, as mandated by section 6007, subdivision (e)(1), ordered Respondent involuntarily enrolled as an inactive member of the State Bar of California.

On February 1, 2010, the State Bar filed a request for waiver of default hearing and brief on culpability and discipline, and the court took the case under submission for decision without a hearing.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Under rule 200(d)(1)(A) of the Rules of Procedure of the State Bar[3], , the factual allegations set forth in the notice of disciplinary charges are deemed admitted upon entry of default and no further proof is required to establish the truth of such facts. Accordingly, the court adopts the facts alleged in the NDC as its factual findings. Briefly, those facts establish the following by clear and convincing evidence.

Jurisdiction

Respondent was admitted to the practice of law in the State of California on December 1, 2000, and has been a member of the State Bar since that time.

Background Facts

Effective September 18, 2006, Respondent was involuntarily enrolled as an inactive member of the State Bar of California because he failed to meet the Minimum Continuing Legal Education (MCLE) requirements for California attorneys. (Cal. Rules of Court, rule 9.31(d); State Bar of California Rule 2.32.) Respondent has remained on inactive enrollment at all times since September 18, 2006, to the present. As of about September 30, 2006, Respondent had actual knowledge of his inactive enrollment and of his consequent disqualification to act as an attorney as of September 18, 2006.

[3] Unless otherwise indicated, all further references to rules are to the Rules of Professional Conduct.

Effective July 1, 2008, Respondent was also suspended from the practice of law in this state because he failed to pay his 2008 State Bar Membership Fees. (See June 12, 2008 suspension order, Supreme Court case number S164208; State Bar of California Rule 2.33.) On about June 23, 2008, Respondent learned that he was going to be suspended for nonpayment of his membership fees effective July 1, 2008. Respondent has continuously been suspended from practice in California for nonpayment of his membership fees from July 1, 2008, to the present.

Case No. 07-O-11229 (Jackson Matter)

In about May 2006, Louise Jackson (Jackson) employed Respondent to represent her in an action against Judith Handsome for conversion of personal property. On about May 8, 2006, Jackson paid Respondent $3,500 in advanced legal fees.

On June 2, 2006, Respondent filed a lawsuit for Jackson against Handsome in the Los Angeles Superior Court. As set forth below, even though Respondent knew after September 30, 2006, that he was not eligible to act as an attorney, he nonetheless continued to represent Jackson in her action. Respondent never disclosed his inactive enrollment or his consequent disqualification to act as an attorney to the superior court, the municipal court, or opposing counsel in the action.

On November 9, 2006, Respondent filed for Jackson an answer to Handsome's cross-complaint and served a copy of that answer on opposing counsel.

On December 8, 2006, Respondent filed (1) a declaration regarding his unavailability to appear at a December 11, 2006 hearing on the issue of whether the superior court should transfer Jackson's lawsuit to municipal court and (2) a declaration he executed in opposition to the transfer of Jackson's lawsuit to municipal court. Respondent served copies of both declarations on opposing counsel the day before he filed them (i.e., December 7, 2006). When Respondent

failed to appear at the December 11, 2006 hearing, the superior court transferred Jackson's lawsuit to the Los Angeles County Municipal Court.

On February 15, 2007, Respondent appeared at a case management conference in Jackson's lawsuit. Even though Respondent informed the municipal court of his intention to file a substitution of attorney on behalf of Jackson, Respondent did not inform the court that he was not entitled to practice law.

On April 27, 2007, Respondent entered into a stipulation with opposing counsel to continue the trial in Jackson's lawsuit. Then, on May 2, 2007, Respondent filed an ex parte application for an order to continue the trial. Respondent served a copy of the ex parte application on opposing counsel on April 30, 2007. In the ex parte application, Respondent stated under penalty of perjury that his working relationship with Jackson had "deteriorated to the point that the lines of communication had been severed," and that it had "become apparent to plaintiff's attorney that he cannot continue to represent plaintiff adequately in prosecuting this case." Respondent did not disclose to the court that he could not legally represent Jackson because of his inactive enrollment. Respondent attached the April 27, 2007 stipulation to continue the trial as an exhibit to the ex parte application.

On May 2, 2007, Respondent appeared at a hearing on his ex parte application in municipal court. The municipal court granted the ex parte application; reset the final status conference in Jackson's lawsuit for August 23, 2007; and reset the trial for September 16, 2007. On May 2, 2007, Respondent filed an order regarding the ex parte application.

On about June 1, 2007, Jackson sent Respondent a letter in which she requested a full refund of the $3,500 in advanced fees she paid. Respondent received Jackson's letter but did not respond to it.

Respondent failed to appear at the final status conference in Jackson's lawsuit on August 23, 2007. Accordingly, on August 23, 2007, the municipal court issued an order to show cause why the court should not impose sanctions on Respondent for his multiple failures to appear at court hearings in Jackson's lawsuit.

On about August 28, 2007, and again on about October 11 and 26, 2007, Jackson sent Respondent additional letters regarding her request for a refund of the $3,500. Respondent received those letters but did not refund any portion of the $3,500.

On October 12, 2007, Respondent appeared at a hearing on Handsome's attorney's motion to be relieved as counsel. On November 8, 2007, Respondent appeared at a hearing on an order to show cause regarding dismissal. The municipal court scheduled yet another trial setting conference in Jackson's lawsuit for January 9, 2008.

On May 31, 2007, and again on August 28, 2007, a State Bar investigator mailed Respondent a letter in which the investigator asked Respondent to respond in writing to specific allegations of misconduct with respect to the Jackson matter. Respondent received both of those letters. In late August 2007 or early September 2007, Respondent mailed the investigator a letter in which Respondent acknowledged receiving the investigator's two letters. However, in his letter, Respondent did not respond to any of the specific allegations of misconduct in the Jackson matter.

Count One – Unauthorized Practice of Law [Sections 6068, 6125, 6126]

In count one, the State Bar charges that Respondent violated his duty, under section 6068, subdivision (a), to obey the law by violating sections 6125 and 6126, which proscribe the unauthorized practice of law in California. The record establishes, beyond a reasonable doubt, that Respondent deliberately engaged in the unauthorized practice of law in willful violation of section 6068, subdivision (a), and section 6126, subdivision (b), when he continued to represent

Jackson by acting as Jackson's attorney in her lawsuit against Handsome after September 18, 2006. Such conduct also constitutes a willful violation by him of his duty under section 6068(a).

Count Two – Means Inconsistent With Truth & Seeking to Mislead [Section 6068(d)]

The record clearly establishes that Respondent willfully violated his duty, under section 6068, subdivision (d), to never seek to mislead a judicial officer. While Respondent was acting as the attorney for Jackson in her lawsuit against Handsome, he deliberately concealed from the superior and municipal courts the material fact of his disqualification to act as an attorney beginning on the September 18, 2006. By concealing that material fact, Respondent employed, for the purposes of maintaining the cause confided in him, means which are inconsistent with truth and sought to mislead judicial officers in willful violation of section 6068, subdivision (d).

However, " 'the misconduct underlying the section 6068, subdivision (d) charge is covered by the section 6106 charge [in count three], which supports identical or greater discipline. . . .' " (*In the Matter of Maloney and Virsik* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 774, 786.) Accordingly, the court considers the misconduct as only a single violation for purposes of assessing discipline. (*In the Matter of Crane and DePew* (Review Dept 1990) 1 Cal. State Bar Ct. Rptr. 139, 154 [when all acts of dishonesty are encompassed in a section 6106 charge, there is no added value in finding a duplicative section 6068, subdivision (d) violation based on some or all of the same dishonest acts].)

Count Three – Moral Turpitude [Section 6106]

As noted above, Respondent concealed his ineligible status from the courts and opposing counsel while he continued to handle Jackson's case after September 18, 2006. He also concealed his status from the client and opposing counsel.

Section 6106 prohibits an attorney from engaging in conduct involving moral turpitude, dishonesty or corruption. By deliberately concealing the material fact of his disqualification to

act as an attorney from Jackson, the superior court, the municipal court, and opposing counsel, Respondent engaged in conduct involving dishonesty and moral turpitude, in willful violation of section 6106. (*In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 576-577.)

Count Four – Improper Withdrawal [Rules Prof. Conduct, rule 3-700(A)(2)]

In count four, the State Bar charged Respondent with willfully violating rule 3-700(A)(2) with the following factual allegation: "By not seeking the court's permission to withdraw from his representation after he effectively terminated his representation in the action on September 18, 2006, Respondent willfully failed to withdraw from employment without taking reasonable steps to avoid reasonably foreseeable prejudice to the rights of his client, including giving due notice to the client, allowing time for employment of other counsel, complying with rule 3-700(D), and complying with all applicable laws and rules." However, rule 3-700(A)(2) has no applicability to an attorney, such as Respondent, who was not eligible to practice as of September 18, 2006, and who would have been engaging in the unauthorized practice of law. (Cf. *In the Matter of Taylor, supra*, 1 Cal. State Bar Ct. Rptr. at p. 574.) Accordingly, count four is dismissed with prejudice.

Count Five – Failure to Refund Unearned Fee [Rule 3-700(D)(2)]

Rule 3-700(D)(2) provides: "A member whose employment has terminated shall: …(2) Promptly refund any part of a fee paid in advance that has not been earned." Respondent willfully violated rule 3-700(D)(2) by failing to refund the unearned portion of the $3,500 in advanced fees he collected from Jackson.

The record does not establish that Respondent earned any significant portion of the $3,500. In fact, Respondent could not have lawfully earned any portion of the $3,500 after the September 18, 2006 effective date of his inactive enrollment. Thus, the court deems the entire

$3,500 to be unearned and, as set forth below, recommends that Respondent be required to make restitution to Jackson for the entire $3,500. (Cf. *In the Matter of Taylor supra*, 1 Cal. State Bar Ct. Rptr. at p. 574; *In the Matter of Phillips* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 315, 324.)

Count Six – Failure to Cooperate in State Bar Investigation [Section 6068(i)]

Section 6068(i) of the Business and Professions Code, subject to constitutional and statutory privileges, requires attorneys to cooperate and participate in any disciplinary investigation or other regulatory or disciplinary proceeding pending against that attorney. Respondent willfully violated his duty under section 6068(i) when he failed to respond in writing to the specific allegations of misconduct in the Jackson client matter that are set forth in the State Bar investigator's letters of May 31, 2007, and August 28, 2007.

Case No. 08-O-14645 (Thompson Matter)

Although Respondent has been on inactive enrollment and disqualified to act as an attorney since September 18, 2006, he nonetheless continued after that date to act as the attorney for Deborah Thompson (Thompson) in a civil action in the Los Angeles Superior Court. His actions in that regard are noted briefly below. At no time during the events below did Respondent disclose his disqualification to the superior court or opposing counsel.

On April 11, 2007, Respondent appeared for Thompson at a case management conference in superior court. Then, on April 24, 2007, Respondent filed an answer to the civil complaint for Thompson. Respondent served a copy of that answer on opposing counsel on April 23, 2007.

On both May 14, 2007, and July 23, 2007, Respondent appeared at case management conferences in superior court.

In July 2007, Respondent and opposing counsel entered into a stipulation, which was filed in the superior court on July 25, 2007.

On September 24, 2007, Respondent appeared for Thompson at yet another case management conference in superior court. But Respondent failed to oppose motions to compel discovery responses from Thompson that were filed by opposing counsel on September 5, 2007. Moreover, Respondent failed to appear at the duly noticed hearing on those motions to compel on October 30, 2007. Thus, on October 30, 2007, the superior court granted the motions to compel discovery responses, deemed the facts contained in the plaintiff's request for facts to be admitted, and imposed $952.50 in sanctions on Thompson and Respondent, jointly and severally, to be paid by November 30, 2007.

On March 10, April 9, May 1, and May 2, 2008, Respondent had discussions regarding the civil action with opposing counsel.

On May 30, 2008, Respondent appeared at a superior court hearing regarding settlement of the civil action. And, on September 30, 2008, Respondent again appeared at a hearing in the civil action and discussed Thompson's discovery responses with opposing counsel.

On October 7, 2008, Respondent again communicated with opposing counsel about Thompson's discovery responses. On October 8, 2008, Respondent prepared responses to various discovery requests and served those responses on opposing counsel.

On October 16, 2008, opposing counsel filed and served on Respondent a motion to compel Thompson to respond to certain requests for production of documents. On November 21, 2008, Respondent filed (1) an opposition to the motion to compel and (2) a declaration regarding Respondent’s unavailability to appear as the attorney for Thompson on certain dates. Respondent served a copy of the opposition on opposing counsel.

On December 2, 2008, Respondent appeared for Thompson at a hearing on the motion to compel. At that hearing, the superior court noted that, according to the State Bar's website, Respondent was not authorized to practice law.

On January 16, 2009, Respondent failed to appear at a duly noticed hearing on a motion to compel. Thus, the superior court granted the motion and imposed $727 in additional sanctions on Thompson and Respondent, jointly and severally, to be paid by February 17, 2009.

On December 22, 2008, and again on January 29, 2009, a State Bar investigator mailed Respondent a letter in which the investigator asked Respondent to respond in writing to specific allegations of misconduct that the State Bar was investigating with respect to the Thompson client matter. Respondent received both of those letters, but never responded to either of them.

Count Seven – Unauthorized Practice of Law [Sections 6068(a), 6125, 6126]

The record clearly establishes, beyond a reasonable doubt, that Respondent deliberately engaged in the unauthorized practice of law, in willful violation of both section 6068(a) and section 6126, subdivision (b), when he represented Thompson in the civil action as set forth above.

Count Eight – Means Inconsistent With Truth & Seeking to Mislead [Section 6068(d)]

While Respondent was acting as the attorney for Thompson in the superior court civil action, he deliberately concealed from the superior court the material fact of his disqualification to act as an attorney. By concealing that material fact, Respondent employed, for the purposes of maintaining the cause confided in him, means which are inconsistent with truth and sought to mislead a judicial officer in willful violation of section 6068, subdivision (d).

However, as previously noted, " 'the misconduct underlying the section 6068, subdivision (d) charge is covered by the section 6106 charge [in count nine], which supports identical or greater discipline. . . .' " (*In the Matter of Maloney and Virsik, supra*, 4 Cal. State Bar Ct. Rptr. at p. 786.) Accordingly, the court considers the misconduct for purposes of assessing discipline as only a single violation. (*In the Matter of Crane and DePew, supra*, 1 Cal. State Bar Ct. Rptr. at p. 154.)

Count Nine – Moral Turpitude [Section 6106]

By deliberately concealing the material fact of his disqualification to act as an attorney from the superior court and opposing counsel while he was representing Thompson in the civil action, Respondent engaged in conduct involving dishonesty and moral turpitude, in willful violation of section 6106. (*In the Matter of Taylor, supra,* 1 Cal. State Bar Ct. Rptr. at pp. 576-577.)

Count Ten – Improper Withdrawal [Rule 3-700(A)(2)]

In count ten, the State Bar again inaptly charges Respondent with willfully violating rule 3-700(A)(2) while he was deliberately engaging in the unauthorized practice of law by representing Thompson in the civil action. Again, rule 3-700(A)(2) has no applicability to an attorney, such as Respondent, who is not eligible to practice and who would be engaging in the unauthorized practice of law. (Cf. *In the Matter of Taylor, supra,* 1 Cal. State Bar Ct. Rptr. at p. 574.) Accordingly, count ten is dismissed with prejudice.

Count Eleven – Failure to Cooperate in State Bar Investigation [Section 6068(i)]

Respondent willfully violated his duty under section 6068(i), to cooperate in State Bar disciplinary investigations, when he failed to respond to the State Bar investigator's letters of December 22, 2008, and January 29, 2009.

AGGRAVATING AND MITIGATING CIRCUMSTANCES

Aggravating Circumstances

Multiple Acts

Respondent's multiple acts of misconduct are an aggravating factor. (Std. 1.2(b)(ii).).)

Significant Harm

Respondent's misconduct caused significant client harm to Jackson because he failed to refund any portion of the $3,500 in unearned advanced fees.

Failure to Participate in Disciplinary Proceeding

Respondent's failure to file a response to the NDC, which allowed his default to be entered, is an aggravating circumstance. (See *Conroy v. State Bar* (1990) 51 Cal.3d 799, 805.) However, this failure warrants little weight in aggravation because the misconduct underlying the aggravating circumstance closely equals the misconduct underlying the section 6068, subdivision (i) violations in counts six and eleven. (*In the Matter of Bailey* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 220, 225.)

Mitigating Circumstances

There are no significant mitigating circumstances. Even though Respondent does not have a prior record of discipline,[4] his lack of a prior discipline is not a significant mitigating circumstance because Respondent lawfully practiced law only from his admission on December 1, 2000, until his MCLE inactive enrollment on September 18, 2006, a period of less than six years. (See *In the Matter of Lantz* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 126, 135 [7 years of practice is entitled to "very limited weight"].)

DISCIPLINE DISCUSSION

In determining the appropriate level of discipline, the court looks first to the standards for guidance. (*Drociak v. State Ba*r (1991) 52 Cal.3d 1095, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.) Second, the court looks to decisional law for guidance. (*Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311; *In the Matter of Taylo*r *supra*, 1 Cal. State Bar Ct. Rptr. at p. 580.)

Standard 1.6(a) provides that, when two or more acts of misconduct are found in a single disciplinary proceeding and different sanctions are prescribed for those acts, the recommended

[4] Because of the importance that our Supreme Court places on the issue of whether or not an attorney has a prior record of discipline (e.g., *In re Mostman* (1989) 47 Cal.3d 725, 741), the State Bar Court has long judicially noticed the State Bar's official records to determine the presence or lack of a prior record of discipline.

sanction is to be the most severe of the different sanctions. In the present proceeding, the most severe sanction for Respondent's misconduct is found in standard 2.3, which applies to Respondent's acts involving moral turpitude and dishonesty in concealing his disqualifications to act as an attorney in willful violation of section 6106. Standard 2.3 provides:

> Culpability of a member of an act of moral turpitude, fraud, or intentional dishonesty toward a court, client or another person or of concealment of a material fact to a court, client or another person shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law.

Respondent engaged in the unauthorized practice of law in two client matters over a two-year period from November 2006 to December 2008. During that period, Respondent made more than nine court appearances as an attorney for a party and filed seven documents in court. His unauthorized practice of law involved moral turpitude and dishonesty. The, when the State Bar sought to investigate the client complaints about his activity, Respondent failed to cooperate in two State Bar disciplinary investigations. He then failed to participate in this disciplinary proceeding.

Citing *Morgan v. State Bar* (1990) 51 Cal.3d 598 and *Farnham v. State Bar* (1988) 47 Cal.3d 429, the State Bar suggests that the appropriate level of discipline in this proceeding is three years' suspension, stayed, subject to a two-year minimum suspension that will continue until Respondent makes restitution to Jackson for the $3,500 in unearned fees and until Respondent complies with Rules of Procedure of the State Bar, rule 205. As noted above, the court agrees with the State Bar's suggested level of discipline with the added condition that Respondent's two-year minimum suspension continue until he establishes his rehabilitation, fitness to practice, and learning in the law in accordance with standard 1.4(c)(ii).

DISCIPLINE RECOMMENDATION

Stayed Suspension and Suspension Recommended

The court recommends that Respondent **Robert Anthony Logan** be suspended from the practice of law in the State of California for three years and that execution of the three-year suspension be stayed, subject to the following conditions:

1. Respondent is to be suspended from the practice of law in California for a minimum of two years, and he will remain suspended until the following requirements are satisfied:

    i. He makes restitution to Louise Jackson in the amount of $3,500 plus 10 percent interest per annum from June 1, 2007 (or reimburses the Client Security Fund to the extent of any payment from the fund to Louise Jackson, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles;

    ii. The State Bar Court grants a motion to terminate Respondent's suspension pursuant to rule 205 of the Rules of Procedure of the State Bar; and

    iii. Respondent must also provide proof to the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)

2. Respondent must comply with the conditions of probation, if any, imposed by the State Bar Court as a condition for terminating his suspension. (Rules Proc. of State Bar, rule 205(g).)

Multistate Professional Responsibility Examination

The court further recommends that Respondent be required to take and pass the Multistate Professional Responsibility Examination within the period of his suspension and to provide satisfactory proof of his passage to the State Bar's Office of Probation in Los Angeles within that same time period. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8; see also Cal. Rules of Court, rule 9.10(b); Rules Proc. of State Bar, rules 320, 321(a) and (c).)

Rule 9.20

The court further recommends that Respondent be ordered to comply with California Rules of Court, rule 9.20 and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court order in this matter.[5]

Costs

The court further recommends that costs be awarded to the State Bar of California in accordance with Business and Professions Code section 6086.10 and that those costs be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Client Security Fund

Finally, the court recommends that Robert Anthony Logan be ordered to reimburse the Client Security Fund to the extent that the misconduct in this matter results in the payment of funds and that such payment be enforceable as provided for under Business and Professions Code section 6140.5.

Dated: April 29, 2010.

DONALD F. MILES
Judge of the State Bar Court

[5] Respondent is required to file a rule 9.20(c) affidavit even if he has no clients to notify on the date the Supreme Court files its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.)