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STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES

In the Matter of)	Case No. 07-O-11608-PEM
)	
NORMAN CHARLES NEWHOUSE,)	(S175831)
)	
Member No. 104746,)	ORDER RE DISCIPLINARY COSTS AND
)	RESTITUTION PAYMENT
A Member of the State Bar.)	
)	
)	

TO ALL PARTIES AND COUNSEL IN THE ABOVE ENTITLED MATTER:

On December 14, 2009, Norman Charles Newhouse (Newhouse) filed a request/motion for relief from disciplinary costs in the above-entitled matter (Rules Proc. of State Bar, rule 282). Specifically, Newhouse requests that he be relieved of the order assessing costs, based on grounds of financial hardship or, in the alternative, that he “be allowed to make payments.” Newhouse submitted a financial statement in support of his request/motion. (Rules Proc. of State Bar, rule 282(b)(2).) Newhouse states in his request that by the terms of the stipulated settlement in this matter he is also required to make restitution. Although he states that he is financially unable to pay either the disciplinary costs or make restitution payments, it is unclear if Newhouse is requesting any form of relief from the order requiring him to make restitution payments. The

court, however, will assume that Newhouse is requesting relief from making restitution payments or is asking for a modified payment schedule regarding restitution.

On December 16, 2009, the Office of the Chief Trial Counsel (State Bar), by Robert A. Henderson, filed opposition to Newhouse's motion to the extent that the motion is requesting total relief from disciplinary costs. In its opposition papers, the State Bar stated that it would not oppose a plan whereby Newhouse would be given an extension of time to pay costs over a five-year period of time. On December 21, 2009, the Office of Probation of the State Bar (Office of Probation), by Terrie Goldade, filed opposition to Newhouse's motion to the extent that the motion is requesting modification of the restitution probation condition ordered by the Supreme Court in case No. S175831.

After carefully considering all issues and evidence set forth in Newhouse's motion and the oppositions thereto filed by the Office of Probation and the Office of the Chief Trial Counsel, the court **GRANTS** the motion/request in part and **DENIES** in part as follows:

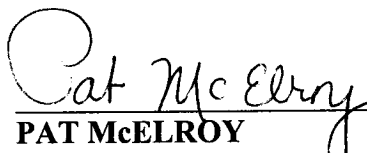
1. The court finds that Newhouse has failed to establish grounds of hardship, special circumstances, or other good cause sufficient for this court to waive all or part of the \$2,460.99 in assessed costs. Nonetheless, Newhouse has established sufficient financial hardship for this court to grant him an extension of time to pay the assessed costs. Thus, the court **DENIES** Newhouse's request to be relieved of his obligation to pay disciplinary costs, but **GRANTS**, for good cause shown and on the basis of financial hardship, an extension of time in which to pay the costs. (Rules Proc. of State Bar, rule 282.)

Accordingly, the court **ORDERS** Newhouse to pay the disciplinary costs in five equal installments along with his membership fees commencing with the 2011 billing cycle. In accordance with Business and Professions Code section 6086.10, one-fifth of the \$2,460.99 disciplinary costs must be paid with respondent's membership fees for the years 2011, 2012,

2013, 2014, and 2015. The court further orders Newhouse to submit his payments directly to the State Bar's Membership Billing Office in San Francisco and to promptly submit proof of each payment to the State Bar's Office of Probation in Los Angeles. It is also ordered that if Newhouse fails to pay any installment of disciplinary costs more than 10 days after its due date without the *prior written approval* of the State Bar's Office of Probation or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286.) The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

2. Pursuant to the Supreme Court's order in case No. S175831, Newhouse is ordered to remain actually suspended until he makes specified restitution. Unless expressly authorized by the Supreme Court, this court does not have jurisdiction to modify an actual or stayed period of suspension. (Rules Proc. of State Bar, rule 550(b).) Since this court would in fact be modifying the period of suspension imposed in Supreme Court order No. 175831 if it extended the time in which Newhouse could make restitution payments, the court **DENIES** Newhouse's request to modify or restructure the payment plan for restitution. Thus, Newhouse must remain actually suspended until he makes restitution as ordered in Supreme Court case No. S175831.

Dated: January 11, 2010


PAT McELROY
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, January 12, 2010, I deposited a true copy of the following document(s):

ORDER RE DISCIPLINARY COSTS AND RESTITUTION PAYMENT

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:

NORMAN CHARLES NEWHOUSE
483 SEAPORT CT STE 103
REDWOOD CITY, CA 94063

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

ROBERT HENDERSON , Enforcement, San Francisco
TERRIE GOLDADE , Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on January 12, 2010.


Laurretta Cramer
Case Administrator
State Bar Court