FILED AUGUST 3, 2007

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES

In the Matter of	)	Case No.: **07-V-11111-RAH**
	)	**(S111898; 01-O-03272)**
MARIANNE ELIZABETH SHADDUCK, a/k/a MARIANNE ELIZABETH BARKUS,	)	**(S122919; 03-N-03693)**
	)	**DECISION & ORDER**
Member No. 145961,	)	
A Member of the State Bar.	)	

I. INTRODUCTION

This matter is before the court on petitioner Marianne Elizabeth Shadduck's verified petition for relief from the actual suspensions that were imposed on her in two prior disciplinary proceedings. The Office of the Chief Trial Counsel of the State Bar of California (hereafter "State Bar") opposes the petition. Attorney Ellen A. Pansky appeared for petitioner. Deputy Trial Counsel Michael J. Glass appeared for the State Bar.

For the reasons set forth below, the court grants the portion of the petition in which petitioner seeks relief from the actual suspension imposed on her in the first prior disciplinary proceeding, but dismisses as moot the portion of the petition in which petitioner seeks relief from the actual suspension imposed in the second proceeding.

II. KEY PROCEDURAL HISTORY

Petitioner filed her verified petition for relief from actual suspension on March 19, 2007. Trial was set for June 28, 2007. However, on June 15, 2007, the parties filed a joint pretrial stipulation as to facts, admission of documents, and waiver of hearing (hereafter "the parties' June 15, 2007, stipulation"). Thereafter, the trial setting was vacated, and the petition was submitted for decision on July 16, 2007.

On July 24, 2007, the court filed an order in which it: (1) vacated the submission date of July 16, 2007; (2) corrected a number of errors in the parties' June 15, 2007, stipulation; and (3) resubmitted the petition for decision without a trial on July 24, 2007.

III. ADMITTED MATTERS AND STIPULATED FINDINGS

In accordance with the parties' June 15, 2007, stipulation (as corrected by the court's July 24, 2007, order), the following pleadings and their attachments are admitted into evidence for all purposes and without limitation: (1) the petition for relief from actual suspension filed on March 19, 2007; (2) the declaration of Ellen A. Pansky filed March 19, 2007; (3) the notice of errata filed on April 2, 2007; (4) the declaration of petitioner filed April 2, 2007; (5) the State Bar's response filed on April 2, 2007; (6) the reply to the State Bar's response that petitioner filed on April 6, 2007; (7) the State Bar's response filed on April 27, 2007; (8) the supplemental declaration of petitioner filed on May 11, 2007; (9) the February 2, 2007, order of the Supreme Court of Pennsylvania in Board File Number C4-06-458 (see exhibit 1 to the parties' June 15, 2007, stipulation); and (10) Robert S. Markovitz's May 16, 2007, letter (see exhibit 2 to the parties' June 15, 2007, stipulation).[1]

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[1] Because these pleadings and their attachments are admitted without limitation, the court may properly consider, among other things, any hearsay statements in them for the truth of the matters asserted. (*In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498, 523, fn. 32, and cases there cited.) Moreover, the court finds that all of the statements in petitioner's declaration filed on April 2, 2007, and in her supplemental declaration filed on May

Also, in accordance with the parties' June 15, 2007, stipulation, the court finds, without limitation, that all "matters" (not just the factual allegations) in the following pleadings and their attachments are admitted and true: (1) the petition for relief from actual suspension filed on March 19, 2007; (2) the declaration of Ellen A. Pansky filed March 19, 2007; (3) the notice of errata filed on April 2, 2007; (4) the State Bar's response filed on April 2, 2007; (5) the reply to the State Bar's response that petitioner filed on April 6, 2007; and (6) the supplemental declaration of petitioner filed on May 11, 2007. Finally, in accordance with the parties June 15, 2007, stipulation, the court finds that all "matters" (not just the factual allegations) in the State Bar's response filed on April 27, 2007, are admitted and true except that petitioner does not agree that she has not shown exemplary conduct, rehabilitation, present fitness to practice law, and present learning and ability in the law.

IV. BACKGROUND FACTS

Petitioner was admitted to the practice of law in Pennsylvania in 1987 and has been a member of the State Bar of Pennsylvania since that time. Petitioner was admitted to the practice of law in California in 1990, and has been a member of the State Bar of California since that time. Petitioner practiced law in California from 1990 until about late 1999 or early 2000, when she moved to Pennsylvania. In May 2001, petitioner began practicing law in Pennsylvania. Petitioner practiced in law in Pennsylvania from that time until February 2007, when the Supreme Court of Pennsylvania imposed reciprocal discipline on her by suspending her from the practice of law in that commonwealth until her actual suspension in California is terminated.

11, 2007, are credible. (See, generally, *Warner Bros. Records, Inc. v. Golden West Music Sales* (1974) 36 Cal.App.3d 1012, 1017, fn. 7.)

V. PETITIONER'S PRIOR DISCIPLINARY PROCEEDINGS

A. Petitioner's First Prior Disciplinary Proceeding -- *Shadduck* I

In February 2002, the State Bar filed a notice of disciplinary charges (hereafter "NDC") in State Bar Court number 01-O-03272 (hereafter "*Shadduck* I") in which it charged petitioner with five counts of misconduct. Petitioner did not appear in that proceeding, and her default was entered in March 2002. In July 2002, State Bar Court Hearing Judge Joann M. Remke filed a decision in *Shadduck* I in which she found petitioner culpable on three of five counts of misconduct and made a recommendation as to the level of discipline to be imposed on petitioner for that misconduct. Thereafter, the Supreme Court adopted and imposed the recommended discipline in an order filed on March 3, 2003, in *In re Marianne Elizabeth Shadduck on Discipline*, case number S111898 (State Bar Court case number 01-O-03272) (hereafter "the Supreme Court's March 3, 2003, order").

Specifically, in its March 3, 2003, order, the Supreme Court placed petitioner on one year's stayed suspension and thirty days' actual suspension that will continue until petitioner makes and the State Bar Court grants a motion, under rule 205 of the Rules of Procedure of the State Bar (hereafter "rule 205"), to terminate the actual suspension.[2] In addition, the Supreme Court ordered petitioner to comply with former rule 955 of the California Rules of Court (hereafter "former rule 955")[3] if her actual suspension continued for 90 days or more. Further, the Supreme Court ordered that, if her actual suspension continued for two years or more, petitioner would remain on actual suspension until she established her rehabilitation, fitness to

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[2] Contrary to petitioner's repeated assertions, Judge Remke did not recommend and the Supreme Court did not impose any conditions of probation on petitioner in *Shadduck* I. (See *In the Matter of Stansbury* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 103, 110.) Instead, Judge Remke recommended and the Supreme Court ordered petitioner "to comply with the conditions of probation, if any, hereafter imposed by the State Bar Court as a condition for terminating her actual suspension" under rule 205. (See Supreme Court's March 3, 2003, order.)

[3] Effective January 1, 2007, former rule 955 was renumbered as rule 9.20 of the California Rules of Court.

practice, and learning in the law in accordance with standard 1.4 (c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. (hereafter "standard 1.4(c)(ii)").[4] (Accord, rule 205(b).) Further still, the Supreme Court ordered petitioner to take and pass the Multistate Professional Responsibility Examination (hereafter "MPRE") within the greater of one year or during the period of her actual suspension.

The Supreme Court's March 3, 2003, order became final on April 2, 2003. (Cal. Rules of Court, former rule 953 [renumbered as rule 9.18 eff. Jan. 1, 2007].) Thus, petitioner's actual suspension under that order began on April 2, 2003.

Petitioner has been on actual suspension under the Supreme Court's March 3, 2003, order since April 2, 2003 (more than four years).

B. Petitioner's Second Prior Disciplinary Proceeding -- *Shadduck* II

Petitioner failed to comply with former rule 955 as ordered by the Supreme Court in *Shadduck* I. Accordingly, in October 2003, the State Bar filed an NDC in State Bar Court case number 03-N-03693 (hereafter "*Shadduck* II") in which it charged petitioner with failing to comply with former rule 955. In *Shadduck* II, petitioner and the State Bar entered into a stipulation regarding facts, conclusions of law, and disposition, which was approved by Judge Remke in an order filed on January 8, 2004 (hereafter the *Shadduck* II stipulation"). In that January 8, 2004, order, Judge Remke recommended that the stipulated discipline be imposed on petitioner and unequivocally stated (1) that neither the *Shadduck* II stipulation nor her order approving it modified the discipline imposed on petitioner in *Shadduck* I; (2) that petitioner would remain on actual suspension under the Supreme Court's March 3, 2003, order in *Shadduck* I until the State Bar Court granted a rule 205 motion to terminate that actual suspension; and (3) that, if petitioner remained on actual suspension in *Shadduck* I for two or

[4] The standards are located in title IV of the Rules of Procedure of the State Bar.

more years, she would remain on actual suspension until she made the requisite showing for relief from suspension under standard 1.4(c)(ii). Thus, petitioner's assertions that Shadduck I was somehow "subsumed" within the *Shadduck* II stipulation is clearly meritless.

Thereafter, the Supreme Court adopted and imposed the stipulated and recommended discipline in an order filed on May 19, 2004, in *In re Marianne Elizabeth Shadduck on Discipline*, case number S122919 (State Bar Court case number 03-N-03693) (hereafter "Supreme Court's May 19, 2004, order"). Specifically, in that order, the Supreme Court placed petitioner on 18 months' stayed suspension, 2 years' probation, and 60 days' actual suspension. The Supreme Court's May 19, 2004, order became final on June 18, 2004. (Cal. Rules of Court, former rule 953 [renumbered as rule 9.18 eff. Jan. 1, 2007].) Thus, petitioner's two-year probation and 60-day actual suspension under that order began June 18, 2004.

Effective June 18, 2006, petitioner successfully completed the two-year probation and 60-day actual suspension imposed on her under the Supreme Court's May 19, 2004, order in *Shadduck* II. Accordingly, the 18-month suspension (which was stayed) imposed on petitioner in the Supreme Court's May 19, 2004, order was fully satisfied and terminated on June 18, 2006. (Cf. *In re Higbie* (1972) 6 Cal.3d 562, 574.) Therefore, the portion of the petition in which petitioner seeks relief (whether under rule 205 or standard 1.4(c)(ii)) from the suspension imposed on her in the Supreme Court's May 19, 2004, order is clearly moot and will be dismissed on that ground.

VI. MOTION TO TERMINATE ACTUAL SUSPENSION (RULE 205.)

As discussed below, petitioner failed to participate in *Shadduck* I and permitted her default to be entered in that proceeding because she never received any of the pleadings, which were all served on her by mail. (Rule 205(c)(3).) In addition, petitioner has assured the court that she is willing to fully comply with any probation conditions the court imposes on her as a

condition to terminating her actual suspension in *Shadduck* I. (Rule 205(c)(4).) Moreover, petitioner previously, albeit untimely, complied with former rule 955 pursuant to the Supreme Court's March 3, 2003, order in *Shadduck* I. (Rule 205(c)(5).) Petitioner took and passed the MPRE that was given in November 2006. In light of these findings and the matters admitted in the four pleadings that are identified in the parties' June 15, 2007, stipulation (as corrected by the court), the court concludes that it is appropriate to terminate the actual suspension imposed on petitioner in *Shadduck* I.

Petitioner contends that the court need not and should not impose any probation conditions on her as a condition of terminating her actual suspension because she appeared and participated in *Shadduck* II and has fully complied with the probation conditions imposed on her in that case. On the other hand, the State Bar contends that petitioner should be placed on probation for one year and ordered to comply with seven specified probation conditions. The court agrees with the State Bar.

The court finds it appropriate to place petitioner on probation and to order her to comply with specified probation conditions similar to those suggested by the State Bar because, as discussed below, petitioner failed to report the discipline imposed on her in California in *Shadduck* I and *Shadduck* II to the State Bar of Pennsylvania.

VII. PETITION FOR RELIEF FROM ACTUAL SUSPENSION (STD. 1.4(c)(ii).)

In a standard 1.4(c)(ii) proceedings for relief from actual suspension, the dispositive issues are whether the petitioner has established, by a preponderance of the evidence (Rules Proc. of State Bar, rule 634), his or her (1) rehabilitation from the misconduct underlying the actual suspension, (2) present fitness to practice law, and (3) present learning and ability in the general law.

A. Rehabilitation and Present Fitness to Practice

The amount of evidence of rehabilitation required to justify terminating an attorney's actual suspension varies according to the seriousness of the misconduct underlying the suspension. (Cf. *In re* Menna (1995) 11 Cal.4th 975, 987 citing *Kwasnik v. State Bar* (1990) 50 Cal.3d 1061, 1086 (dis. opn. of Lucas, C. J.).) Thus, in determining whether petitioner has established her rehabilitation and present fitness, the court first considers the nature and extent of the misconduct underlying her actual suspension in *Shadduck* I (*In the Matter of Murphy* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 571, 581) and the aggravating and mitigating circumstances surrounding that misconduct (*Id*. at p. 578).

Next, the court considers petitioner's conduct since her suspension in *Shadduck* I. Finally, the court determines whether petitioner's conduct following her suspension in *Shadduck* I is sufficient to establish (1) her rehabilitation from the misconduct found in *Shadduck* I and (2) her present fitness to practice. (*In the Matter of Murphy, supra*, 3 Cal. State Bar Ct. Rptr. at p. 581.) Ordinarily, to establish rehabilitation and present fitness to practice in a standard 1.4(c)(ii) proceeding, an attorney must establish: (1) strict compliance with his or her probation conditions, (2) exemplary conduct since his or her actual suspension, (3) that the misconduct underlying his or her suspension is not likely to be repeated. (*In the Matter of Murphy, supra*, 3 Cal. State Bar Ct. Rptr. at p. 581.)

1. Misconduct Underlying the Actual Suspension in *Shadduck* I.

As noted above, petitioner was found culpable on three of the five counts of misconduct charged in *Shadduck* I.

In the first two counts, petitioner was found culpable of misconduct with respect to a single personal injury client matter. First, petitioner was found culpable of willfully violating Business and Professions Code section 6068, subdivision (m), which requires an attorney to

respond to a client's reasonable status inquires and to keep the client informed of significant developments in their legal matters. Specifically, petitioner violated section 6068, subdivision (m) by failing to return the telephone calls of a client who called petitioner daily for a period of about four months in late 1999 and possibly early 2000. Second, petitioner was found culpable of effectively withdrawing from employment in that client's matter without taking steps to protect the client from any reasonably foreseeable prejudice in willful violation of California Rules of Professional Conduct, rule 3-700(A)(2).

In the third count, petitioner was found culpable of willfully violating her duty, under Business and Professions Code section 6068, subdivision (j), to update her official State Bar membership records address within 30 days after a change. Specifically, petitioner moved from California to Pennsylvania in late 1999 or early 2000, but did not notify the State Bar for more than three years.

In mitigation, petitioner had more than nine years' of discipline free practice. (Std. 1.2(e)(i).) In aggravation, petitioner was found culpable on three counts of misconduct (i.e., failure to communicate, failure to properly withdraw, and failure to update her membership address). (Std. 1.2(b)(ii).)

In the present proceeding for relief from actual suspension, petitioner established the following facts to explain (not to excuse) (1) her failure to appear and participate in *Shadduck* I and (2) the misconduct found in *Shadduck* I. In late 1999 and early 2000, while facing a number of personal challenges, closed her law office in California; sold her home in California; and moved to Pennsylvania, where she took care of her father who had a serious heart condition (e.g., he had a heart transplant in early 2000) and who has since died and where she began practicing law again in May 2001. Because of these personal challenges (and the resulting stress) and because she did not intend to return to California or to otherwise practice law in California,

petitioner inadvertently failed to update her membership records address with the State Bar of California.

Because she inadvertently failed to update her address with the California Bar, petitioner never received any of the pleadings, decisions, orders, or letters that were served on her in *Shadduck* I. The United States Postal Service returned most, if not all, of those items to the State Bar marked undeliverable.[5] In fact, petitioner did not learn of the State Bar Court proceedings in *Shadduck* I or of the Supreme Court's March 3, 2003, order in *Shadduck* I until sometime in late 2003. In short, petitioner failed to appear and participate in *Shadduck* I because she did not have any knowledge (actual or constructive) of the proceeding until many months after the Supreme Court's March 3, 2003, order in that matter became final.

The client who was the subject of petitioner's misconduct in *Shadduck* I is related to petitioner. In that regard, petitioner admits that she "allowed" her family relationship with the client to improperly treat the client more casually than her professional duties mandated.

After petitioner moved to Pennsylvania in late 1999 or early 2000, the client obtained new counsel. That new counsel prompted the client to file a complaint against petitioner with the California Bar. The client admits that she suffered no harm as a result of petitioner's misconduct. In addition, she insists that petitioner "is a very dedicated and caring lawyer."

Petitioner acknowledges and understands that, when she closed her law office in California, she had a duty to formally notify the client that she was withdrawing from employment and to advise the client to obtain replacement counsel. The record establishes that petitioner's prior misconduct was not venial or deliberate; but were the result of negligence. In addition, even though it involved multiple acts (std. 1.2(b)(ii)), her prior misconduct was isolated

[5] The record does not indicate whether the State Bar undertook any additional efforts to provide petitioner with actual notice of the proceedings in *Shadduck* I. (*Jones v. Flowers* (April 26, 2006) 547 U.S. ____, 126 S.Ct. 1708, 1717.)

and involved only a single client and the State Bar. Moreover, petitioner's recognition of wrongdoing and acknowledged remorse strongly support a finding that the misconduct will not reoccur. On this record, petitioner has a low burden of proof with respect to establishing her rehabilitation and present fitness under standard 1.4(c)(ii). In fact, had petitioner simply filed a rule 205 motion to terminate the 30-day actual suspension in *Shadduck* I when she entered into the Shadduck II stipulation with the State Bar in December 2003, she presumably would not have had to establish her rehabilitation and fitness.

2. Petitioner's Post-suspension Conduct

Petitioner's post-suspension conduct has not been exemplary in two respects.[6] First, she failed to comply with former rule 955 ordered by the California Supreme Court in 2003. Second, she failed to notify the Pennsylvania Bar of the discipline imposed on her in California in *Shadduck* I and *Shadduck* II, which she was required to do under rule 216(e) of the Pennsylvania Rules of Disciplinary Enforcement (hereafter "Pennsylvania rule 216(e)").

While these failures do not preclude findings of rehabilitation and of present fitness to practice, they do increase petitioner's relatively low burden to establish rehabilitation and present fitness. (*In the Matter of Murphy, supra*, 3 Cal. State Bar Ct. Rptr. at pp. 582-583.)

With respect to petitioner's failure to timely comply with former rule 955, the court notes (1) that petitioner was disciplined, in *Shadduck* II, for that failure; (2) that the discipline in *Shadduck* II was increased because petitioner had a prior record of discipline (i.e., *Shadduck* I); and (3) that, on June 18, 2006, petitioner successfully completed the discipline imposed on her in

[6] In March 2007, the Internal Revenue Service filed a tax lien of more than $95,000 against petitioner and her former husband relating to tax liabilities incurred before 2001. Petitioner has retained a Certified Public Accountant to help her resolve the tax lien and her past tax liabilities. The CPA has prepared a offer in compromise, which he intends to submit to the IRS in an attempt to resolve these issues. On the record before the court, the tax lien and petitioner's past tax liabilities neither bolster nor weaken petitioner's evidence of rehabilitation and good moral character.

Shadduck II. "Presumptively, [at least with respect to her failure to comply with rule 955,] petitioner's compliance with the terms of [her] suspension and with the terms of [the] probation [imposed on her by the Supreme Court in *Shadduck* II] has satisfied the discipline required to permit [her] to become a productive attorney." (*In the Matter of Murphy, supra*, 3 Cal. State Bar Ct. Rptr. at p. 578.) To conclude otherwise would strongly suggest, if not hold, that the probation which Judge Remke recommended and which the Supreme Court imposed on petitioner in *Shadduck* II was insufficient to protect the public and rehabilitate petitioner – the two primary goals of attorney disciplinary probation (*In the Matter of Howard* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 445, 452; *In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525, 540). Nevertheless, petitioner must still affirmatively establish her rehabilitation and fitness by a preponderance of the evidence in this proceeding. (Std. 1.4(c)(ii).)

With respect to petitioner's failure to notify the Pennsylvania Bar of the discipline imposed on her in California, the record establishes that it was "an innocent mistake" and that petitioner had no intent to hide her California discipline from the Pennsylvania Bar. (*In the Matter of Pasyanos* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 746, 754.) Moreover, because petitioner did not know about the discipline imposed on her in *Shadduck* I until shortly before she entered into the *Shadduck* II stipulation, her failures to disclose the two instances of discipline in California are in the nature of a single failure to disclose (as opposed to two separate failures).

"In the area of an attorney's isolated misrepresentation to, false testimony before, or concealment of a material fact from a court, public reproval has been imposed in the appropriate cases. [Citations.]" (*In the Matter of Pasyanos, supra*, 4 Cal. State Bar Ct. Rptr. at p. 754.) On the record now before the court, it appears that, had the State Bar prosecuted petitioner for violating Pennsylvania rule 216(e) by not failing to notify the Pennsylvania Bar of her California

discipline (instead of presenting the violations as adverse evidence in this proceeding), the appropriate discipline would have been a public reproval. (*Ibid*.) In any event, as discussed below, the record sufficiently establishes petitioner's rehabilitation and fitness notwithstanding petitioner's failures to timely comply with former rule 955 and to comply with Pennsylvania rule 216(e).

3. Petitioner's Rehabilitation and Good Character

Petitioner practiced law in Pennsylvania from May 2001 to early 2007 without any evidence of misconduct other than her failures to timely comply with former rule 955 and to comply with Pennsylvania rule 216(e) as discussed above. These six years of practice in Pennsylvania are additional evidence of rehabilitation and present fitness to practice.

Furthermore, as noted above, good character letters from nine individuals of high repute were admitted into evidence in accordance with the parties' June 15, 2007, stipulation. In each of those letters, the author credibly praised petitioner's good moral character. In addition, many of them also credibly praised her strong work ethic and honesty. Others also credibly described petitioner as an extremely responsible person and attorney.

Most of the authors have known petitioner for about two or three years; one has known petitioner for six years. The authors included a retired attorney, a sales professional with a "Fortune 300" company; the managing editor of large newspaper for a major U.S. city; a retired biology professor; and the director of information technology for a restaurant management company. Almost all of the authors knew of petitioner's prior client misconduct in *Shadduck* I. However, none of the letters establishes that the author knew of petitioner's prior misconduct relating to her failures to maintain her current address on the membership records of the California Bar, timely comply with former rule 955, and comply with Pennsylvania rule 216(e).

But the State Bar has not objected to them on this or any other ground. Accordingly, the court declines to negate or discount substantially the probative value of these letters on that basis.

After considering the record as a whole (including the matters admitted under the parties' June 15, 2007, stipulation), the court finds that petitioner has established, by a preponderance of the evidence, that she is rehabilitated and is presently fit to practice law in the State of California.

VIII. LEARNING IN THE LAW

Petitioner has complied with her California's Minimum Continuing Legal Education requirements. In addition, she practiced law in Pennsylvania from May 2001 through early 2007, when Pennsylvania imposed reciprocal discipline on her. Petitioner has established that she possesses the requisite present learning and ability in the general law. (E.g., *In the Matter of Murphy, supra* , 3 Cal. State Bar Ct. Rptr. at p. 577 [attorney established legal learning and ability by completing 52 hours in MCLE courses and working as a paralegal while on actual suspension].)

IX. ORDER

The portion of petitioner Marianne Elizabeth Shadduck's March 19, 2007, verified petition for relief from actual suspension in which Shadduck seeks relief from the suspension imposed on her in the Supreme Court's May 19, 2004, order in case number S122919 (State Bar Court case number 03-N-03693) is DISMISSED as MOOT.

The portion of the petition in which Shadduck seeks the termination of and relief from the actual suspension imposed on her in the Supreme Court's March 3, 2003, order in case number S111898 (State Bar Court case number 01-O-03272) is GRANTED. Accordingly, upon the finality of this decision and order (Rules Proc. of State Bar, rule 640; *In the Matter of Murphy* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 571, 584; see also Rules Proc. of State Bar, rules 224, 206, 639), the 30-day actual suspension imposed on Shadduck in the Supreme

Court's March 3, 2003, order in case number S111898 is TERMINATED (Rules Proc. of State Bar, rule 205), and Shadduck is relieved from the 30-day actual suspension imposed on her in that same order (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii)). Thereafter, Shadduck will be entitled to return to the practice of law in the State of California upon her payment of all required sums, fees, and assessed costs (e.g., Bus. & Prof. Code, §§ 6140.5, subd. (c), 6140.7; see also Bus. & Prof. Code, § 6086.10, subd. (c); Rules Proc. of State Bar, rules 282, 284) and upon her compliance with any other prerequisite for her return to the practice of law including.

As a condition for terminating her actual suspension (Rules Proc. of State Bar, rule 205(g)), Shadduck is PLACED ON PROBATION for one year on the following conditions.[7]

1. Shadduck must comply with the provisions of the State Bar Act; the Rules of Professional Conduct of the State Bar of California; all the ethical rules imposed on her by the Commonwealth of Pennsylvania when practicing law in that jurisdiction (see Cal. Rules Prof. Conduct, rule 1-100(D)(1)); and all the terms and conditions of this probation.

2. Shadduck must maintain, with the State Bar's Membership Records Office *and* the State Bar's Office of Probation in Los Angeles, her 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).) Shadduck must also maintain, with the State Bar's Membership Records Office *and* the State Bar's Office of Probation in Los Angeles, her current home address and telephone number. (See Bus. & Prof. Code, 6002.1, subd. (a)(5).) Shadduck's home address and telephone number will *not* be made available to the general public. (Bus. & Prof. Code, 6002.1, subd. (d).) Shadduck 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.

3. Shadduck 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 she is on probation (reporting dates). However, if Shadduck's probation begins less than 30 days before a reporting date, she may submit the first report no later than the second reporting date after the beginning of her probation. In each report, Shadduck 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 she has complied with all the provisions of the State Bar Act, the Rules of Professional Conduct of the State Bar, all of the ethical rules

[7] These probation conditions are fairly and reasonably related to the previously found misconduct and surrounding circumstances. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.5.)

imposed on her by the Commonwealth of Pennsylvania when practicing law in that jurisdiction, and all the terms and conditions of this probation since the beginning of probation; and

(b) in each subsequent report, whether she has complied with all the provisions of the State Bar Act; the Rules of Professional Conduct of the State Bar; all of the ethical rules imposed on her by the Commonwealth of Pennsylvania when practicing law in that jurisdiction; and all the terms and conditions of this probation during that period.

During the last 20 days of this probation, Shadduck 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, Shadduck 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, Shadduck must fully, promptly, and truthfully answer any inquiries of the State Bar's Office of Probation that are directed to her, whether orally or in writing, relating to whether she is complying or has complied with the terms and conditions of this probation.

5. Shadduck must (1) complete no less than 10 hours of California approved Minimum Continuing Legal Education (hereafter "MCLE") courses in law office management, client relations or both and (2) provide satisfactory proof of completion of those 10 hours to State Bar's Office of Probation in Los Angeles. No more than 4 of the 10 hours may be self-study hours. This condition of probation is separate from Shadduck's California MCLE requirements and Pennsylvania continuing education requirements, if any. Thus, Shadduck is ordered not to claim any continuing education credit in either California or Pennsylvania for attending and completing these 10 hours. (Accord, Rules Proc. of State Bar, rule 3201.)

6. Shadduck's probation will commence on the date on which this decision and order becomes final. If, at the end of the probationary term, Shadduck has complied with the terms and conditions of probation, the Supreme Court's March 3, 2003, order suspending her from the practice of law for one year, which was stayed, will be fully satisfied and that suspension will be terminated.

X. DIRECTIVE TO CASE ADMINSTRATORS

This court's case administrators are DIRECTED to put a copy of this decision and order in the official court file in State Bar Court case number 01-O-03272 (S111898).

Dated: August 3, 2007.

RICHARD A. HONN
Judge of the State Bar Court