

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES

In the Matter of)	Case No.: 08-O-12247 (09-O-12375)
)	09-N-11605
FRANK HENRY WILLIAMS, JR.)	DECISION INCLUDING DISBARMENT
)	RECOMMENDATION AND
Member No. 193991)	INVOLUNTARY INACTIVE
)	ENROLLMENT ORDER
<u>A Member of the State Bar.</u>)	

I. INTRODUCTION

In this disciplinary matter, Bitu Shasty appeared for the Office of the Chief Trial Counsel of the State Bar of California (State Bar). Respondent Frank Henry Williams, Jr., did not appear in person or by counsel.

After considering the evidence and the law, the court recommends, among other things, that respondent be disbarred and that he be ordered to make restitution as set forth below.

II. SIGNIFICANT PROCEDURAL HISTORY

The Notice of Disciplinary Charges (NDC) was filed on June 23, 2009, and was properly served on respondent on that same date at his official membership records address, by certified mail, return receipt requested, as provided in Business and Professions Code section¹ 6002.1, subdivision (c) (official address). Service was deemed complete as of the time of mailing.

¹Future references to section are to the Business and Professions Code.

(*Lydon v. State Bar* (1988) 45 Cal.3d 1181, 1186.) The return receipt, executed by “Donna Waters,” indicates delivery on June 24, 2009. A courtesy copy was also sent to respondent at his official address by regular mail and was not returned as undeliverable.

On July 1, 2009, respondent was properly served at his official address with a notice advising him, among other things, that a status conference would be held on August 3, 2009.

Respondent appeared telephonically at the August 3 status conference. On that same date, he was properly served with a status conference order at his official address by first-class mail, postage prepaid. The order included a reminder that the response to the NDC was due on August 7, 2009 and also set forth other significant dates, such as the dates for the pretrial conference and trial. The court judicially notices its records pursuant to Evidence Code section 452, subdivision (d) which indicate that this correspondence was returned as undeliverable.

On August 7, 2009, a notice scheduling a settlement conference on October 26, 2009, was filed and properly served on respondent at his official address by first-class mail, postage prepaid. This correspondence was returned to the court as undeliverable.

Respondent did not file a responsive pleading to the NDC. On August 19, 2009, a motion for entry of default was filed and properly served on respondent at his official address by certified mail, return receipt requested. The motion advised him that minimum discipline of disbarment would be sought if he was found culpable. Respondent did not respond to the motion.

On September 2, 2009, the court entered respondent’s default and enrolled him inactive effective three days after service of the order. The order was filed and properly served on him at his official address on that same date by certified mail, return receipt requested. The return

receipt, executed by “Donna Waters,” indicates delivery on September 4, 2009.²

The State Bar’s and the court’s efforts to contact respondent were fruitless. The court concludes that respondent was given sufficient notice of the pendency of this proceeding, including notice by certified mail and by regular mail, to satisfy the requirements of due process. (*Jones v. Flowers, et al.* (2006) 547 U.S. 220, 126 S.Ct. 1708, 164 L.Ed.2d 415.)

The matter was submitted for decision without hearing after the State Bar filed a brief on September 23, 2009.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The court’s findings are based on the allegations contained in the NDC as they are deemed admitted and no further proof is required to establish the truth of those allegations. (§6088; Rules of Proc. of State Bar³, rule 200(d)(1)(A).) The findings are also based on any evidence admitted.

It is the prosecution’s burden to establish culpability of the charges by clear and convincing evidence. (*In the Matter of Glasser* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 163, 171.)

A. Jurisdiction

Respondent was admitted to the practice of law in California on January 2, 1998, and has been a member of the State Bar at all times since.

B. Case no. 08-O-12247 (The Holmes Matter)

1. Facts

On March 24, 2008, Ronald Marshall and Monique Hines met with respondent and employed him at the direction of Shadron Holmes to represent Holmes in a criminal case. On

²The court’s file also indicates that this correspondence was returned as undeliverable by the United States Postal Service.

³Future references to the Rules of Procedure are to this source.

that date, Marshall paid respondent \$2,000 in advanced fees for his representation of Holmes.

On March 28, 2008, respondent did not appear in court for Holmes' arraignment and the matter was continued for a later date. Thereafter, Holmes employed other counsel who represented him on April 23, 2008, when Holmes accepted a plea bargain to enter a guilty plea to one count.

On March 29, 2008, Hines sent a letter to respondent at Holmes' direction to inform him that his services were being terminated due to his failure to appear in court without informing his client. Hines requested that respondent refund the \$2,000 paid to respondent.

On April 11, 2008, Holmes contacted respondent by telephone and repeated his request for a refund. Respondent told him that a refund had been sent to him the day before. Thereafter, Holmes did not receive a refund from respondent.

Respondent did not perform any legal services of value for Holmes. He did not earn any of the fees advanced to him on Holmes' behalf.

On May 29, 2008, the State Bar opened an investigation pursuant to a complaint filed by Holmes. On June 10, 2008, a State Bar investigator sent respondent a letter requesting that respondent answer in writing by June 24, 2008, specific allegations of misconduct regarding the complaint. The letter was addressed to respondent's official address and sent by first-class mail, postage prepaid. Respondent received the letter but did not answer it.

On July 24, 2008, respondent met with the investigator and a deputy trial counsel regarding pending State Bar matters. At that time, respondent agreed to provide the investigator with a written response regarding Holmes' allegations.

On July 24, 2008, a State Bar investigator sent another letter to respondent regarding the Holmes complaint and requested a written response by August 8, 2008, to specific allegations of misconduct being investigated by the State Bar. The letter was correctly addressed and properly

mailed to respondent at his then-current State Bar membership address. Respondent received the investigator's letter but did not respond to it.

On September 2, 2008, the State Bar investigator sent another letter to respondent regarding the Holmes complaint and requested that a written response by September 16, 2008, to specific allegations of misconduct being investigated by the State Bar. The letter was correctly addressed and properly mailed respondent at his then-current official address. Respondent received the investigator's letter but did not respond to it.

On October 27, 2008 the State Bar investigator sent another letter to respondent regarding the Holmes complaint and requested a written response by November 14, 2008 to specific allegations of misconduct being investigated by the State Bar. The letter was correctly addressed and properly mailed to respondent at his then-current official address. Respondent received the investigator's letter but did not respond to it.

On April 24, 2009, the State Bar investigator sent another letter to respondent regarding the Holmes complaint and requested a written response by May 15, 2009, to specific allegations of misconduct being investigated by the State Bar. The letter was correctly addressed and properly mailed to respondent at his official address. Respondent received the investigator's letter but did not respond to it.

2. Conclusions of Law

a. Count 1 - Rule of Professional Conduct,⁴ Rule 3-700(D)(2) (Unearned Fees)

Rule 3-700(D)(2) requires an attorney whose employment has terminated to promptly return any part of a fee paid in advance that has not been earned. This rule does not apply to true

⁴Future references to rule are to this source.

retainer fees paid solely for the purpose of ensuring the availability of an attorney to handle a matter.

By not refunding the \$2,000 paid on Holmes' behalf for services respondent never performed, respondent did not return an advanced, unearned fee in wilful violation of rule 3-700(D)(2).

b. Count 2 - Section 6068, subd. (i) (Not Participating in Disciplinary Investigation)

Section 6068, subdivision (i) requires an attorney to participate and cooperate in any disciplinary investigation or other disciplinary or regulatory proceeding pending against him- or herself.

By not responding to five letters from the State Bar regarding the Holmes complaint, respondent did not participate in the investigation of allegations of misconduct in wilful violation of 6068, subdivision (i).

C. Case nos. 09-N-11605; 08-O-12247; 09-O-12375 (The Rule 9.20/UPL/Probation Matters)

1. Facts

On December 16, 2008, the California Supreme Court filed an order, number S167539 (disciplinary order), in State Bar Court case nos. 06-O-13323; 06-O-15128 (07-O-12427; 08-O-12027; 07-O-11164; 07-O-10446) (Cons.) in which respondent was ordered, among other things, to be actually suspended for 90 days. He was also ordered to comply with rule 9.20(a) and (c) within 30 and 40 days, respectively, of the effective date of the order. The disciplinary order was effective on January 15, 2009. (Rule 9.18(a).) Accordingly, respondent was to comply with rule 9.20(a) no later than February 14, 2009 and with rule 9.20(c) no later than February 24, 2009.

The Supreme Court promptly sent respondent a copy of its order upon filing.⁵

On January 14, 2009, the State Bar's Probation Office wrote a letter to respondent reminding him of the obligation to comply with rule 9.20 which included a form for reporting compliance therewith and a copy of the Supreme Court's order. The letter indicated that the rule 9.20(c) affidavit must be filed by February 24, 2009, among other things. It was correctly addressed and properly mailed to respondent's then-official address. He received the letter.

At the time of the filing of the disciplinary order, respondent was counsel of record for Steven Baker in a criminal case. (Los Angeles County Superior Court, case no. NA079512.) Respondent had appeared as counsel and represented Baker in entering a plea of "not guilty" to the charges on December 1, 2008. On December 18, 2008, respondent again appeared as Baker's counsel in his criminal case at which time the court set a pretrial conference for January 16, 2009. On January 9, 2009, respondent again appeared as Baker's counsel in the criminal case at which time the court set a pretrial conference for January 16, 2009.

On January 16, 2009, respondent again appeared as Baker's counsel in his criminal case. Respondent was suspended from the practice of law at that time, but he did not inform the court or the prosecutor in Baker's case of his suspension although he knew or was grossly negligent in not knowing that he was suspended from the practice of law. The court set the case for trial on

⁵Although no proof was offered that the Clerk of the Supreme Court served the Supreme Court's order upon respondent, rule 8.532(a) of the California Rules of Court requires the Clerk to promptly transmit a copy of opinions and orders to the parties upon filing. Moreover, it is presumed pursuant to Evidence Code section 664 that official duties have been regularly performed. (*In Re Linda D.* (1970) 3 Cal.App.3d 567, 571.) Therefore, in the absence of evidence to the contrary, this court finds that the Clerk of the Supreme Court performed his duty and transmitted a copy of the Supreme Court's order to respondent immediately after its filing.

Further, the court notes that the NDC does not comply with Rule of Procedure 583 which requires that a copy of the Supreme Court's disciplinary order be attached as an exhibit to the NDC. However, the court finds that this is not a fatal error as the NDC gave him sufficient notice of the proceedings and a copy of the Supreme Court's disciplinary order was attached to the State Bar's closing brief which was properly served on respondent.

January 27, 2009.

Respondent never notified the prosecutor in the Baker case in writing or otherwise of his suspension from the practice of law or file a copy of the notice to the prosecutor with the Los Angeles County Superior Court as required by the disciplinary order.

On January 27, 2009, respondent again appeared as Baker's counsel in his criminal case. On that date, having learned from another source of respondent's suspension, the prosecutor, Deputy District Attorney Karen Thorp, informed the court of respondent's suspension and the court appointed the public defender's office to represent Baker.

Respondent did not file with the State Bar Court a declaration of compliance with rule 9.20(a) of the California Rules of Court, by February 24, 2009.

On March 19, 2009, the Office of Probation sent respondent a letter reminding him that he was required to contact a probation deputy by February 14, 2009, to discuss the terms and conditions of his probation and requesting that he contact the probation deputy immediately by telephone. The letter also informed respondent that the State Bar court had not received his declaration of compliance with rule 9.20(a) and reminded him to submit it. The letter was correctly addressed and properly mailed to respondent at his then-current official address. Respondent received the letter.

On March 19, 2009, a probation deputy called respondent at the telephone number on record with the State Bar's membership records and heard a voice recording stating that she had reached respondent's law office. The probation deputy left a message reminding respondent to file a declaration of compliance with rule 9.20(a).

On April 16, 2009, respondent contacted the probation deputy by telephone and denied that he had received any of the probation deputy's letters. The probation deputy reminded respondent of the need to file a 9.20 declaration and agreed to leave copies of the previously-sent

letters at the State Bar's reception desk for respondent to pick up. On April 17, 2009, respondent did so.

On April 21, 2009, respondent filed a declaration of compliance with rule 9.20(a) with the State Bar Court. In his declaration of compliance, respondent stated under penalty of perjury that he had no clients as of the date upon which the disciplinary order had been filed. At the time respondent filed his rule 9.20 declaration, he knew or was grossly negligent in not knowing that he was counsel for Baker in a criminal case at the time that the disciplinary order was filed.

A condition of his probation provided that respondent was suspended from the practice of law for the first 90 days of this probation. On January 16, 2009, and during the period of actual suspension imposed by the disciplinary order, respondent appeared as Baker's counsel and represented him in the Los Angeles County Superior Court.

A condition of his probation required that respondent contact the Office of Probation within 30 days from the effective date of the disciplinary order, by February 14, 2009, to schedule a meeting with the assigned probation deputy. He still has not done so.

A condition of his probation required that respondent develop a law office management/organization plan, approved by the Office of Probation, within 60 days after the effective date of the disciplinary order (by March 16, 2009). Respondent has not submitted a law office plan to the Office of Probation.

A condition of his probation required that respondent submit quarterly reports to the Office of Probation on the tenth of January, April, July and October during the period of probation stating, under penalty of perjury, whether he has complied with the State Bar Act, the Rules of Professional Conduct and all conditions of probation during the preceding calendar quarter. Respondent has not filed the quarterly report due on April 10, 2009.

2. Conclusions of Law

a. Noncompliance with Rule 9.20, Cal. Rules of Court

There is clear and convincing evidence that respondent wilfully violated the disciplinary order directing his compliance with rule 9.20.⁶ Respondent did not notify the prosecutor in the Baker case in writing of his suspension or file a copy of the notification with the superior court. He also did not file a declaration of compliance pursuant to rule 9.20(c) of the California Rules of Court. These are violations of rule 9.20(d), which makes the wilful noncompliance with the provisions of rule 9.20 a cause for disbarment, suspension or revocation of probation, in relevant part.

b. Count 4 - Section 6068, subd. (a) (Unauthorized Practice of Law)⁷

Section 6068, subdivision (a) requires an attorney to support the Constitution as well as state and federal laws.

Section 6125 requires an individual to be a member of the State Bar in order to practice law in California.

In relevant part, section 6126, subdivision (b) makes a person who has been suspended from membership in the State Bar and practices or attempts to practice, to advertise or to hold him- or herself out as practicing or entitled to practice law guilty of a crime punishable by imprisonment in the state prison or county jail.

By appearing in the superior court as counsel for Baker when he was suspended from the

⁶Wilfulness in the context of rule 9.20 does not require actual knowledge of the provision which is violated. The Supreme Court has disbarred an attorney whose failure to keep his official address current prevented him from learning that he had been ordered to comply with rule 955 (now rule 9.20). (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.)

⁷In the NDC, this count was listed under a case number, 06-O-10050, that does not pertain to this matter.

practice of law and by maintaining a telephone recording identifying his law office while he was suspended, respondent held himself out as entitled to practice law and actually practiced law when he was not so entitled. In so doing, he violated sections 6125 and 6126, subdivision (b) and failed to support the laws of this State in wilful violation of section 6068, subdivision (a).

c. Counts 5 and 6 - Section 6106 (Moral Turpitude)

Section 6106 makes it a cause for disbarment or suspension to commit any act involving moral turpitude, dishonesty or corruption, whether the act is committed in the course of his relations as an attorney or otherwise, and whether the act is a felony or misdemeanor or not.

There is clear and convincing evidence that respondent violated section 6106 by appearing in the superior court as counsel for Baker when he knew or was grossly negligent in not knowing that he was suspended from the practice of law and by falsely declaring under penalty of perjury to the State Bar Court in his rule 9.20 declaration that he had no clients at the time of the filing of the disciplinary order. Accordingly, he committed acts of moral turpitude, dishonesty or corruption in wilful violation of section 6106.

d. Count 7 - Section 6068, subd. (k) (Noncompliance with Probation Conditions)

Section 6068, subdivision (k) requires an attorney to comply with all conditions attached to any disciplinary probation, including a probation imposed with the concurrence of the attorney.

By appearing as counsel in Baker's criminal case during his actual suspension; by not contacting the Office of Probation by February 14, 2009, to schedule a meeting with the probation deputy; and by not submitting to the Office of Probation a law office management plan by March 16, 2009 and a quarterly report by April 10, 2009, respondent did not comply with disciplinary probation conditions in wilful violation of section 6068, subdivision (k).

IV. LEVEL OF DISCIPLINE

A. Aggravating Circumstances

It is the prosecution's burden to establish aggravating circumstances by clear and convincing evidence. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct⁸, std. 1.2(b).)

Respondent has two prior instances of discipline. (Std. 1.2(b)(i).) In State Bar Court case nos. 02-O-12336 and 02-O-14393, filed September 30, 2003, a public reproof was imposed for misconduct in three matters resulting in violations of rule 3-110(A) (two counts) and section 6068, subdivision (a) (unauthorized practice of law). In mitigation, the court considered the absence of prior discipline. There were no aggravating factors.

In Supreme Court case no. S167539 (State Bar Court case nos. 06-O-13323; 06-O-15128 (07-O-12427; 08-O-12027; 07-O-11164; 07-O-10446) (Cons.)), discipline was imposed consisting of two years' stayed suspension, two years' probation on conditions including 90 days' actual suspension for misconduct in six matters resulting in violations of rules 3-110(A) (five counts) and 3-700(D)(2) (four counts) and section 6068, subdivision (m) (four counts). In aggravation, the court considered the prior disciplinary record. There were no mitigating circumstances.

The court notes similarities in the present and prior disciplinary matters, namely engaging in the unauthorized practice of law and not returning unearned fees.

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

Respondent's failure to participate in these proceedings prior to the entry of default is also an aggravating factor. (Std. 1.2(b)(vi).) He has demonstrated his contemptuous attitude toward disciplinary proceedings as well as his failure to comprehend the duty of an officer of the

⁸Future references to standard or std. are to this source.

court to participate therein, a serious aggravating factor. (Std. 1.2(b)(vi); *In the Matter of Stansbury* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 104, 109.)

B. Mitigating Circumstances

Respondent bears the burden of establishing mitigation by clear and convincing evidence. (Std. 1.2(e).) Since respondent did not participate in these proceedings, the court has been provided no basis for finding mitigating factors.

C. Discussion

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, to preserve public confidence in the profession, and to maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1025; std. 1.3.)

Standard 1.6 provides that the appropriate sanction for the misconduct found must be balanced with any mitigating or aggravating circumstances, with due regard for the purposes of imposing discipline. If two or more acts of professional misconduct are found in a single disciplinary proceeding, the sanction imposed shall be the most severe of the applicable sanctions. (Std. 1.6(a).)

Standards 2.3, 2.6 and 2.10 and rule 9.20(d) of the California Rules of Court apply in this matter. The most severe sanction is found at standard 2.3 which recommends actual suspension or disbarment for culpability of an act of moral turpitude, fraud, intentional dishonesty or of concealment of a material fact from a court, client or other person, depending on 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 attorney's acts within the practice of law.

Standard 1.7(b) also applies. It provides that, if an attorney has two prior records of

discipline, the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate.

The Supreme Court gives the standards “great weight” and will reject a recommendation consistent with the standards only where the court entertains “grave doubts” as to its propriety. (*In re Silverton* (2005) 36 Cal.4th 81, 91, 92; *In re Naney* (1990) 51 Cal.3d 186, 190.) Although the standards are not mandatory, they may be deviated from when there is a compelling, well-defined reason to do so. (*Bates v. State Bar* (1990) 51 Cal.3d 1056, 1061, fn. 2; *Aronin v. State Bar* (1990) 52 Cal.3d 276, 291.)

Respondent has been found culpable of committing acts of moral turpitude, noncompliance with rule 9.20 of the California Rules of Court, probation violations as well as not returning unearned fees and not cooperating with a State Bar investigation. There were no mitigating circumstances. In aggravation, the court considered multiple acts of misconduct, two prior disciplinary records and not participating in these proceedings prior to the entry of default.

The State Bar recommends disbarment. The court agrees.

Respondent’s wilful failure to comply with rule 9.20(c) is extremely serious misconduct for which disbarment is generally considered the appropriate sanction. (*Bercovich v. State Bar* (1990) 50 Cal.3d 116,131; rule 9.20(d).) Disbarment has been consistently imposed by the Supreme Court as the sanction for noncompliance with rule 9.20. (*Bercovich v. State Bar, supra*, 50 Cal.3d at p. 131; *Lydon v. State Bar, supra*, 45 Cal.3d at p. 1188; *Powers v. State Bar, supra*, 44 Cal.3d at p. 342.)

Moreover, this is respondent’s third disciplinary matter and there are no mitigating circumstances. Applying standard 1.7(b), disbarment is also the recommended discipline.

Respondent has demonstrated an unwillingness to comply with the professional obligations and rules of court imposed on California attorneys although he has been given two

prior opportunities to do so. He did not participate in this proceeding, did not comply with rule 9.20 and engaged in other, serious misconduct. Respondent's noncompliance with rule 9.20 undermines its prophylactic function in ensuring that all concerned parties learn about an attorney's suspension from the practice of law. (*Lydon v. State Bar, supra*, 45 Cal.3d at p. 1187.)

The serious and unexplained nature of the misconduct and the lack of participation in these proceedings suggest that he is capable of future wrongdoing and raise concerns about his ability or willingness to comply with his ethical responsibilities to the public and to the State Bar. Having considered the evidence, the standards and other relevant law, the court believes that disbarment is the only adequate means of protecting the public from further wrongdoing by respondent. Accordingly, the court so recommends.

The court further recommends that respondent be ordered to make restitution to Ronald Marshall and Monique Hines for the \$2,000 in fees advanced to respondent in the Holmes matter. "Restitution is fundamental to the goal of rehabilitation." (*Hippard v. State Bar* (1989) 49 Cal.3d 1084, 1094.) Restitution is a method of protecting the public and rehabilitating errant attorneys because it forces an attorney to confront the harm caused by his misconduct in real, concrete terms. (*Id.* at p. 1093.)

Under rule 291 of the Rules of Procedure, effective January 1, 2007, (1) respondent must reimburse the Client Security Fund (CSF) to the extent that the misconduct found in the proceeding results in the payment of funds pursuant to section 6140.5; and (2) unless otherwise ordered by the Supreme Court or unless relief has been granted under these rules, any reimbursement so ordered must be paid within 30 days following the effective date of the final disciplinary order or within 30 days following the CSF payment, whichever is later.

V. DISCIPLINE RECOMMENDATION

IT IS HEREBY RECOMMENDED that respondent FRANK HENRY WILLIAMS, JR.,

be disbarred from the practice of law in the State of California and that his name be stricken from the roll of attorneys in this state.

It is recommended that respondent make restitution to Ronald Marshall and Monique Hines in the amount of \$2,000 plus 10% interest per annum from March 29, 2008 (or to the Client Security Fund to the extent of any payment from the fund to Ronald Marshall and Monique Hines, plus interest and costs, in accordance with Business and Professions Code section 6140.5) within 30 days following the effective date of the Supreme Court order in this matter or within 30 days following the Client Security Fund payment, whichever is later (Rules Proc. of State Bar, rule 291). Any restitution to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

It is also recommended that the Supreme Court order respondent to comply with rule 9.20(a) of the California Rules of Court within 30 calendar days of the effective date of the Supreme Court order in the present proceeding, and to file the affidavit provided for in rule 9.20(c) within 40 days of the effective date of the order showing his compliance with said order.

VI. COSTS

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

VII. ORDER REGARDING INACTIVE ENROLLMENT

It is ordered that respondent be transferred to involuntary inactive enrollment status pursuant to section 6007, subdivision (c)(4). The inactive enrollment shall become effective three days from the date of service of this order and shall terminate upon the effective date of the

Supreme Court's order imposing discipline herein or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Dated: December _____, 2009

LUCY ARMENDARIZ
Judge of the State Bar Court