PUBLIC MATTER **FILED JULY 28, 2010**

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES

In the Matter of **ROBERT DAVIS BILLS, JR.,** **Member No. 147012,** A Member of the State Bar.	)	Case Nos.: **09-O-10488-RAH** (09-O-11433-RAH; 09-O-15683-RAH; 09-O-16251-RAH) **DECISION**

1. INTRODUCTION

In this original disciplinary proceeding, which proceeded by default, the Office of the Chief Trial Counsel of the State Bar of California (hereafter OCTC) charges respondent **ROBERT DAVIS BILLS, JR.,**[1] with a total of eleven counts of professional misconduct involving four separate client matters. For the reasons set forth below, the court finds respondent culpable on seven of the eleven counts and concludes that the appropriate discipline recommendation for the found misconduct is disbarment.

OCTC was represented by Deputy Trial Counsel Michael J. Glass. Respondent did not appear in person or by counsel.

[1] Respondent was admitted to the practice of law in the State of California on June 11, 1990, and has been a member of the State Bar since that time. He has two prior records of discipline.

2. KEY PROCEDURAL HISTORY

On December 4, 2009, OCTC filed the notice of disciplinary charges (hereafter NDC) in this proceeding and served a copy of it on respondent at his latest address shown on the official membership records of the State Bar (hereafter official address) by certified mail, return receipt requested in accordance with Business and Professions Code section 6002.1, subdivision (c).[2] Service of that copy of the NDC was complete upon mailing regardless of whether respondent received it. (§ 6002.1, subd. (c); *Bowles v. State Bar* (1989) 48 Cal.3d 100, 107-108; see also *Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) Moreover, the United States Postal Service (hereafter Postal Service) did not return that service copy of the NDC to OCTC. Accordingly, the court finds that respondent received it. (Evid. Code, §641 [mailbox rule].)

Initially, this matter was assigned to State Bar Court Judge Richard A. Platel. However, on January 26, 2010, the matter was reassigned to the undersigned judge for all purposes.

On February 11, 2010, OCTC mailed a courtesy copy of the NDC to respondent by First Class Mail, Regular Delivery. The Postal Service did not return that courtesy copy of the NDC to OCTC. Accordingly, the court finds that respondent received it (Evid. Code, §641) and that 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 due no later than December 29, 2009. Respondent failed to file a response. Accordingly, on March 4, 2010, OCTC filed a motion for the entry of respondent's default and properly served a copy of that motion on respondent at his official address by certified mail, return receipt requested. Respondent, however, never filed a response to that motion or to the NDC.

[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, this court filed an order on March 22, 2010, in which it entered respondent's default and, as mandated by section 6007, subdivision (e)(1), ordered respondent's involuntary inactive enrollment effective March 25, 2010.[3] On May 5, 2010, OCTC filed a brief regarding culpability and discipline. Also, on May 5, 2010, the court admitted into evidence exhibits 1 through 3 to OCTC's brief regarding culpability and discipline and then took the case under submission for decision without a hearing.

3. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Under section 6088 and Rules of Procedure of the State Bar, rules 200(d)(1)(A) and 201(c), upon the entry of respondent's default, the factual allegations (but not the charges or conclusions) set forth in the NDC were deemed admitted and no further proof was required to establish the truth of those facts. Accordingly, the court adopts the facts alleged (but not the charges or the conclusions) in the NDC as its factual findings. Briefly, those facts establish the following charged disciplinary violations by clear and convincing evidence.[4]

A. Sturman Client Matter (Case Number 09-O-10488-RAH)

On about December 26, 2007, respondent met with Alexandria Sturman to discuss a family law matter. Sturman paid respondent $3,000 to file a dissolution of marriage action and

[3] An inactive active member of the State Bar cannot lawfully practice law in this state. (§ 6126, subd. (b); see also § 6125.) Moreover, an attorney who has been enrolled inactive cannot lawfully represent others before any state agency or in any state administrative hearing even if laypersons are otherwise authorized to do so. (*Ibid*.; *Benninghoff v. Superior Court* (2006) 136 Cal.App.4th 61, 66-73.)

[4] Notwithstanding the entry of respondent's default, "All reasonable doubts must [still] be resolved in [his] favor . . . , and if equally reasonable inferences may be drawn from a proven fact, the inference which leads to a conclusion of innocence rather than guilt [must] be accepted [by the court]. [Citation.]" (*Bushman v. State Bar* (1974) 11 Cal.3d 558, 563.)

an order to show cause for spousal support (hereafter OSC). Spousal support was critical to Sturman because of her health.

On about May 19, 2008, respondent prepared and filed a petition for dissolution and an OSC regarding support for Sturman in the Orange County Superior Court. Respondent, however, did not file any other pleadings in that action. In fact, after about June 30, 2008, respondent did not provide any legal services for Sturman.

Also, on about May 19, 2008, a hearing on the OSC was set for June 30, 2008. Thereafter, at the request of opposing counsel, the superior court continued the OSC hearing to September 8, 2008. Respondent did not seek any further continuance of the hearing. Nor did he appear at the hearing on September 8. The OSC was taken off calendar.

Opposing counsel served discovery on respondent. The responses to the discovery were due in early September 2008 at about the same time of the OSC. Even though Sturman provided respondent with all of the relevant materials, respondent failed to comply with the discovery request.

On about November 14, 2008, the superior court granted opposing counsel's motion to compel and sanctioned Sturman $500. Respondent never told Sturman about the $500 sanction.

Between about September 2008 and December 2008, Sturman attempted to contact respondent both by telephone and by mail to learn the status of her matter. Sturman left voicemail messages and sent registered mail. Respondent did not respond to those voicemail messages or to the mail. (Again, as noted above, respondent stopped performing work for Sturman on about June 30, 2008.)

On December 10, 2008; January 8, 2009; and January 22, 2009, written requests were made to respondent for an accounting and refund of any unearned fees. Respondent, however, failed to respond to Sturman's requests.

On February 20, 2009, and then again on March 13, 2009, an OCTC investigator mailed, to respondent at his official address, letters asking respondent to respond in writing to specific allegations of misconduct that OCTC was investigating in the Sturman matter. The Postal Service did not return those letters to OCTC. Accordingly, the court finds that respondent received them. (Evid. Code, §641 [mailbox rule].) Respondent did not respond to the investigator's letters. Nor did respondent otherwise communicate with the investigator.

Count One – Failure to Perform (Rules Prof. Conduct, rule 3-110(A))[5]

In count one, OCTC charges that "By failing to reset the continued OSC to a future date [and] by failing to re-file the OSC after it was taken off calendar," respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of rule 3-110(A). Even though the record clearly establishes these rule 3-110(A) violations, the court must decline to find respondent culpable of violating rule 3-110(A) because the court relies on the same misconduct to find respondent culpable of willfully violating rule 3-700(A)(2) in count two below. It is generally inappropriate to find more than one violation based on the same act or failure to act. (*In the Matter of* Torres (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 128, 148.) That is because "the appropriate level of discipline for an act of misconduct does not depend upon how many rules of professional conduct or statutes proscribe the misconduct. [Citation.]" (*Ibid*.; see also *In the Matter of Davis* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 576, 594.) Accordingly, count one is dismissed with prejudice.

Count Two – Improper Withdrawal From Employment (Rule 3-700(A)(2))

In count two, OCTC charges (1) that respondent effectively withdrew from employment when he ceased performing work for Sturman on about June 30, 2008, and (2) that, when

[5] Unless otherwise indicated, all further references to rules are to these Rules of Professional Conduct of the State Bar of California.

respondent effectively withdrew from employment, respondent failed to notify Sturman of his withdrawal and thus failed to take reasonable steps to avoid reasonably foreseeable prejudice to Sturman's rights in willful violation of rule 3-700(A)(2).

Whether an attorney has effectively withdrawn from employment is a conclusion formed from the totality of the circumstances. (*In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 641; *In the Matter of Hindin* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 657, 680; see also *Guzzetta v. State Bar* (1987) 43 Cal.3d 962, 979.) The totality of the circumstances (e.g., respondent's failure to reset or refile the OSC after it was taken off calendar, failure to communicate with Sturman; Sturman's critical need for spousal support; respondent's failure to provide discovery responses after Sturman provided him with the necessary information) clearly support a finding that respondent effectively withdrew from employment when he ceased performing legal services for Sturman on about June 30, 2008. Moreover, the record clearly establishes that respondent willfully violated rule 3-700(A)(2) when he failed to give Sturman due notice of his intent to withdraw.

Count Three – Failure to Communicate (§ 6068, subd. (m))

In count three, OCTC charges that respondent willfully violated his duty, under section 6068, subdivision (m), to keep Sturman reasonably informed of significant developments in the dissolution action and to respond promptly to Sturman's reasonable status inquiries. Because the court relied on respondent's failure to communicate with Sturman to establish respondent's culpability for violating rule 3-700(A)(2) in count two above, it would be inappropriate for the court to again rely on respondent's failure to communicate with Sturman to find him culpable of violating section 6068, subdivision (m). (*In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498, 536; *In the Matter of Maloney and Virsik* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 774, 786-787.) Accordingly, count three is dismissed with prejudice.

Count Four – Failure to Refund Unearned Fees (Rule 3-700(D)(2))

In count four, OCTC charges that respondent willfully violated rule 3-700(D)(2) by failing to provide Sturman with an accounting of the $3,000 advanced fee and by failing to refund the unearned portion of the fee. OCTC has not cited any authority to support its position that respondent had a duty to account to Sturman for the $3,000 advanced fee under rule 3-700(D)(2). Moreover, an attorney has a duty to account for advanced fees under rule 4-100(B)(3). (*In the Matter of Fonte* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 752, 758.) Accordingly, the charged violation of rule 3-700(D)(2) that is based on respondent's failure to account to Sturman is dismissed with prejudice.

Even though respondent performed significant legal services for Sturman by preparing and filing the dissolution petition and the OSC regarding spousal support, he unilaterally rendered those services worthless to Sturman when he effectively withdrew from employment without telling her. Accordingly, the court finds that respondent failed to earn any portion of the $3,000 advanced fee and that he willfully violated rule 3-700(D)(2) when he failed to refund the $3,000 to Sturman. However, respondent's failure to refund any portion of the $3,000 unearned advanced fee should not have been charged as a separate violation of rule 3-700(D)(2); instead, it should have been included in the charged violations of rule 3-700(A)(2) in count two above. (Cf. *In the Matter of Dahlz* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 269, 280-281.) Because respondent's failure to refund the $3,000 advanced fee should have been charged as a violation of 3-700(A)(2), the court must reject a separate finding of culpability under rule 3-700(D)(2). (Cf. *In the Matter of Dahlz, supra*, 4 Cal. State Bar Ct. Rptr. at p. 281.) To do otherwise, would effectively overrule the review department's opinion in *Dahlz*, which this court is bound to accept as precedential (Rules Proc. of State Bar, rule 310(b)). Nonetheless, because respondent's failure to refund the unearned portion of the $3,000 fee was charged in the NDC, the court

concludes that it is appropriate to recommend that respondent be required to make restitution to Sturman for the $3,000 advanced fee together with interest thereon.

Count Five -- Failure to Cooperate in Investigation (§ 6068, subd. (i))

The record clearly establishes that respondent willfully violated section 6068, subdivision (i) by failing to respond to the investigator's letters of February 20, 2009, and March 13, 2009.

B. Nelson Client Matter (Case Number 09-O-11433-RAH)

In about August 2008, Amy and Chris Nelson employed respondent for representation in a child support matter. On about August 27, 2008, the Nelsons paid respondent $3,500 as an advanced fee. After August 2008, respondent did not perform any services in furtherance of the Nelsons' interests.

Between about September 2008 and April 2009, the Nelsons sent respondent emails requesting a refund of the unearned advanced fee. Respondent failed to respond to the Nelsons' requests for a refund.

On about February 20, 2009, the Nelsons filed a small claims action against respondent to recover the $3,500 advanced fee. On about March 16, 2009, respondent and the Nelsons entered into a stipulation for the entry of judgment in that action. In the stipulation, respondent agreed to pay the Nelsons installments of $500 on the 1st and 15th of each month beginning April 1, 2009. As of about July 22, 2009, respondent had paid the Nelsons a total of $1,170. To date, respondent still owes the Nelsons $2,049.26.

On May 14, 2009, and again on June 1, 2009, an OCTC investigator mailed, to respondent at his official address, letters asking respondent to respond in writing to specific allegations of misconduct that OCTC was investigating in the Nelson matter. The Postal Service did not return those letters to OCTC. Accordingly, the court finds that respondent received them.

(Evid. Code, §641.) Respondent did not respond to the investigator's letters. Nor did respondent otherwise communicate with the investigator.

Count Six – Failure to Refund Unearned Fees (Rule 3-700(D)(2))

The record clearly establishes that respondent willfully violated rule 3-700(D)(2) when he failed to refund the remaining $2,049.26 portion of the unearned advanced fee to the Nelsons.

Count Seven -- Failure to Cooperate in Investigation (§ 6068, subd. (i))

The record clearly establishes that respondent willfully violated section 6068, subdivision (i) by failing to respond to the investigator's letters of May 14, 2009, and June 1, 2009.

C. Cooley Client Matter (Case Number 09-O-15683-RAH)

On about May 18, 2009, John Cooley employed and paid respondent $1,340 to represent him in an unlawful detainer matter. On about June 15, 2009, Cooley won a judgment in the unlawful detainer matter.

On about June 30, 2009, Cooley retained new counsel, David L. Crockett, for representation in postjudgment work. On about July 3 and 23, 2009, Attorney Crockett sent respondent letters requesting Cooley's client file. Respondent failed to respond to Crockett's requests for Cooley's client file. To date, respondent has not released Cooley's file to Cooley or to Attorney Crockett.

On September 24, 2009, and again on October 22, 2009, an OCTC investigator mailed, to respondent at his official address, letters asking respondent to respond in writing to specific allegations of misconduct that OCTC was investigating in the Cooley matter. The Postal Service did not return those letters to OCTC. Accordingly, the court finds that respondent received them. (Evid. Code, §641.) Respondent did not respond to the investigator's letters. Nor did respondent otherwise communicate with the investigator.

Count Eight – Failure to Release Client File (Rule 3-700(D)(1))

The record clearly establishes that respondent willfully violated rule 3-700(D)(1) when he failed to release Cooley's client file to Cooley or to Attorney Crockett.

Count Nine -- Failure to Cooperate in Investigation (§ 6068, subd. (i))

The record clearly establishes that respondent willfully violated section 6068, subdivision (i) by failing to respond to the investigator's letters of September 24, 2009, and October 22, 2009.

D. Childs Client Matter (Case Number 09-O-16251-RAH)

On about March 13, 2009, Eileen Childs employed and paid respondent $1,600 to represent her in postjudgment child support matters. Childs wanted to be reimbursed half of the $1,600 in attorney's fees she had incurred.

On about July 9, 2009; July 22, 2009; and October 27, 2009, dissatisfied with respondent's sporadic responses to her emails, Childs requested that respondent provide her with an accounting of the $1,600 advanced fee. Respondent failed to respond to Childs' request for an accounting.

On October 6, 2009, and again on October 22, 2009, an OCTC investigator mailed, to respondent at his official address, letters asking respondent to respond in writing to specific allegations of misconduct that OCTC was investigating in the Childs matter. The Postal Service did not return those letters to OCTC. Accordingly, the court finds that respondent received them. (Evid. Code, §641.) Respondent did not respond to the investigator's letters. Nor did respondent otherwise communicate with the investigator.

Count Ten – Failure to Account (Rule 4-100(B)(3))

The record clearly establishes that respondent willfully violated rule 4-100(B)(3) when he failed to provide Childs with an account of the $1,600 advanced fee in accordance with her request for one.

Count Eleven -- Failure to Cooperate in Investigation (§ 6068, subd. (i))

The record clearly establishes that respondent willfully violated section 6068, subdivision (i) by failing to respond to the investigator's letters of October 6, 2009, and October 22, 2009.

4. AGGRAVATION & MITIGATION

A. Aggravation

Respondent has two prior records of discipline. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(b)(i).)[6]

Respondent's first prior record of discipline is the private reproval that the State Bar Court imposed on him in May 2004 in case number 03-O-04916 (hereafter *Bills* I). The court imposed that private reproval on respondent in accordance with a stipulation that respondent and OCTC entered into and that the State Bar Court approved in an order filed on May 11, 2004. That stipulation establishes that, in May 2003, respondent failed to perform legal services competently in a matter in which he was retained to obtain a modification of a spousal support order.

Respondent's second prior record of discipline is State Bar Court Judge Richard A. Platel's April 9, 2010 decision in case number 04-O-15533-RAP, etc. (hereafter *Bills* II). (Rules Proc. of State Bar, rule 216(c).) In that decision, Judge Platel recommends that respondent be placed on three years' stayed suspension and four years' probation on conditions, including

[6]All further references to standards are to this source.

eighteen months' suspension. Judge Platel based his recommendation on two stipulations that respondent and OCTC entered into and which he approved in two orders filed on January 21, 2010. In those two stipulations, respondent stipulated to culpability on about 31 counts of professional misconduct in at least four separate client matters – including, among others, five counts of failure to communicate (§ 6068, subd. (m)), five counts of failing to cooperate with State Bar disciplinary investigations (§ 6068, subd. (i)), four counts of engaging in the unauthorized practice of law involving moral turpitude (§§ 6068, subd. (a), 6106), three counts of failure to perform (rule 3-110(A)), one count of improper withdrawal from employment (rule 3-700(A)(2)), four counts of failure to refund unearned fees (rule 3-700(D)(2)), two counts of failure to account (rule 4-100(B)(3)), and one count of failure to release the client's file (rule 3-700(D)(1)). Respondent's stipulated misconduct in *Bills* II spanned from late 2003 through late 2007.

Respondent's misconduct in the present case, which spanned from mid-2008 through late 2009, involves multiple acts of misconduct. (Std. 1.2(b)(ii).)

Respondent's misconduct caused significant client harm in the Sturman and Nelson client matters. (Std. 1.2(b)(iv).) Specifically, respondent has failed to refund any part of the $3,000 unearned fee in the Sturman matter and still owes the Nelsons $2,049.26.

Respondent's failure to file a response to the NDC, which allowed his default to be entered, is also an aggravating circumstance. (Std. 1.2(b)(vi).) However, that failure warrants little weight in aggravation because the conduct relied on for this aggravating factor closely equals the misconduct relied on to find respondent culpable of violating section 6068, subdivision (i) in counts five, seven, nine, and eleven and to enter respondent's default. (*In the Matter of Bailey* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 220, 225.)

B. Mitigation

There are no mitigating circumstances.

5. DISCUSSION ON DISCIPLINE

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 caselaw for guidance. (*Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311; *In the Matter of Taylo*r (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 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 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 2.6, which applies to respondent's violations of section 6068. Standard 2.6 provides, among other things, that an attorney's violation of any subdivision of section 6068 is to "result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3." Of course, the generalized language of standard 2.6 provides little guidance to the court. (*In re Morse* (1995) 11 Cal.4th 184, 206.)

Also relevant is standard 1.7(b), which provides:

> If a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of two prior impositions of discipline . . . , the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate.

Notwithstanding its unequivocal language to the contrary, standard 1.7(b) is not strictly applied. In other words, disbarment is not mandatory under standard 1.7(b) even if there are no compelling mitigating circumstances that clearly predominate in a case. (*Conroy v. State Bar*

(1991) 53 Cal.3d 495, 506-507, citing *Arm v. State Bar* (1990) 50 Cal.3d 763, 778-779, 781.) To conclude otherwise would require that this court and the Supreme Court blindly treat all prior records of discipline as equally aggravating. Instead, standard 1.7(b) is applied "with due regard to the nature and extent of the respondent's prior records. [Citation.]" (*In the Matter of Meyer* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 697, 704.) In that regard, when applying standard 1.7(b), great weight is placed "on whether or not there is a 'common thread' among the various prior disciplinary proceedings or a 'habitual course of conduct' which justifies disbarment. [Citation.]" (*In the Matter of Shalant* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 829, 841.)

There are common threads among respondent's two prior records of discipline and the present proceeding -- respondent's third disciplinary proceeding. Each of respondent's three proceedings involves client misconduct. Moreover, all three of respondent's disciplinary proceedings involve the reckless or repeated failure to perform legal services competently.[7] In addition, *Bills* II and the present proceeding both involve multiple failures to refund unearned fees, to account for client funds, and to cooperate in State Bar disciplinary investigations.

Furthermore, when viewed in toto, respondent's misconduct spanned the six-year period from mid-2003 through late 2009 and involved at least nine separate client matters.

Finally, respondent engaged in the misconduct found in the present proceeding while he was either being evaluated for or participating in the State Bar Court's Alternative Discipline Program (hereafter ADP) in *Bills* II.[8] The fact that respondent continued to engage in

[7] Even though no rule 3-110(A) (failure to perform) violation was found in the present proceeding, the court relied on respondent's repeated, if not intentional, failure to perform in the Sturman client matter to find respondent culpable of the rule 3-700(A)(2) (improper withdraw from employment) violation charged in count four. On whole, a rule 3-700(A)(2) violation warrants more discipline than does a rule 3-110(A) violation.

[8] Respondent was terminated from the ADP in January 2010 on OCTC's motion in *Bills* II.

misconduct while he was involved in the disciplinary process in *Bills* II indicates that respondent's prior discipline had very little impact on his behavior and demonstrates respondent's unwillingness or inability, for whatever reason, to conform his conduct to the ethical norms of the profession. (*In the Matter of Hunter* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 63, 80.) Furthermore, because of respondent's default in the present proceeding, there is nothing in the record to suggest that respondent is a suitable candidate for further discipline. Under these circumstances, "the greater showing required in a reinstatement proceeding [following disbarment] will better protect the public than that required in a standard 1.4(c)(ii) [following a lengthy suspension]. [Citation.]" (*Ibid*.) Accordingly, the court concludes that the application of standard 1.6(b) is appropriate.

6. DISCIPLINE RECOMMENDATION

The court recommends that respondent **ROBERT DAVIS BILLS, JR.,** State Bar Member Number 147012, be DISBARRED from the practice of law in the State of California and that his name be stricken from the Roll of Attorneys of all persons admitted to practice in this state.

The court further recommends that Robert Davis Bills, Jr., be ordered to make restitution to Alexandria Sturman in the amount of $3,000 plus 10 percent interest per year from July 30, 2008 (or reimburse the Client Security Fund, to the extent of any payment from the fund to Alexandria Sturman plus interest and costs in accordance with Business and Professions Code section 6140.5).

The court further recommends that Robert Davis Bills, Jr., be ordered to make restitution to Amy and Chris Nelson in the amount of $2,049.26 plus 10 percent interest per year from May 1, 2009 (or reimburse the Client Security Fund, to the extent of any payment from the fund to

Amy or Chris Nelson plus interest and costs in accordance with Business and Professions Code section 6140.5).

The court further recommends that any reimbursement/restitution to the Client Security Fund, together with interest and costs, be enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

7. RULE 9.20 & COSTS

The court further recommends that Robert Davis Bills, Jr., be ordered to comply with California Rules of Court, rule 9.20 and to 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.[9]

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

8. ORDER OF INACTIVE ENROLLMENT

In accordance with Business and Professions Code section 6007, subdivision (c)(4), the court orders that Robert Davis Bills, Jr., be involuntary enrolled as an inactive member of the

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[9] Bills is required to file a rule 9.20(c) compliance 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.)

State Bar of California effective three calendar days after the service of this decision and order by mail (Rules Proc. of State Bar, rule 220(c)).

Dated: July ___, 2010.

RICHARD A. HONN
Judge of the State Bar Court