

STATE BAR COURT OF CALIFORNIA HEARING DEPARTMENT 1149 S. Hill St., 5th Fl., Los Angeles, CA 90015	FOR CLERK'S USE ONLY: <div style="text-align: center;"> FILED JUN 07 2013 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
In the Matter of: BRIAN DAVID WIRSCHING Member No.: 189491 A Member of the State Bar	Case No: 09-O-13593 ORDER GRANTING AND DENYING PETITION FOR COST RELIEF

On May 13, 2013, a motion was filed by Petitioner, seeking relief from the prior cost award in the captioned matter and citing financial hardship. On May 31, 2013, the State Bar filed a response to the motion, opposing the granting of complete relief from the cost award but not opposing the granting of an extension of time to pay the costs.

The court agrees that complete relief from the cost obligation should not be given. To that extent, Petitioner's motion is denied. Even though Petitioner has been ineligible to practice law for quite some time, he is nonetheless gainfully employed and earning a very respectable income. His wife has recently completed her education and has recently re-entered the eligible job force. While she has not yet found work, there is no basis for this court to conclude that her unemployed status is a permanent condition.

The court agrees, however, that good cause has been shown to defer and extend the time for Petitioner to pay the outstanding costs.

Petitioner is also under an obligation to pay costs (\$3,179) in case No. 11-H-13140. The Supreme Court's order in that matter apportioned Petitioner's obligation to pay those costs into three years, requiring payments to be made with Respondent's State Bar dues in 2014, 2015, and 2016.


Given the additional financial burden that the costs in the "H" matter will entail, this court concludes that good cause exists in this matter to both apportion the obligation to pay costs and to defer briefly the commencement of the resulting installment plan.

Accordingly, the costs in case No. 09-O-13593 will now be paid in equal installments over the three billing cycles beginning 2015. More specifically, one-third of the disciplinary costs is to be paid prior to February 1, 2015; one-third of the costs is to be paid prior to February 1, 2016; and one-third of the costs is to be paid prior to February 1, 2017.

If Respondent fails to pay any of the above installment payment more than 10 days after its due date without the prior written approval of the State Bar, the remaining unpaid balance of the costs will be due immediately and be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

IT IS SO ORDERED.

Dated: June 7, 2013


 DONALD F. MILES
 Judge of the State Bar Court



CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on June 7, 2013, I deposited a true copy of the following document(s):

ORDER GRANTING AND DENYING PETITION FOR COST RELIEF

in a sealed envelope for collection and mailing on that date as follows:

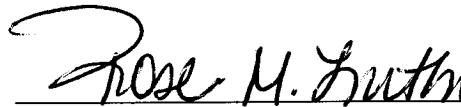
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

BRIAN D. WIRSCHING
184 MONROE ST
EUGENE, OR 97402

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

JEAN CHA, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 7, 2013.



Rose M. Luthi
Case Administrator
State Bar Court