

FILED

FEB 11 2013

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT - IN BANK

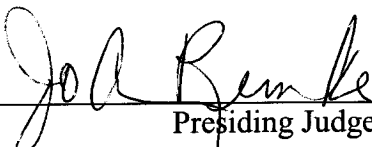
In the Matter of)	Case No. 10-C-04331
)	
SEAN PATRICK HOWARD,)	ORDER MODIFYING
)	OPINION AND ORDER
A Member of the State Bar, No. 158716.)	
_____)	

On January 18, 2013, the State Bar filed a request for modification of our Opinion and Order filed on July 29, 2011. In particular, the State Bar seeks to have our prior cost order modified to clarify that costs are awarded to the State Bar as opposed to merely recommending that costs be awarded. Respondent did not file a response.

Business and Professions Code section 6086.10 provides that: "Any order imposing a public reproof on a member of the State Bar shall include a direction that the member shall pay costs." Clearly, the substance and intent of our July 29, 2011 Opinion and Order was to award costs to the State Bar as statutorily required. (*In re Estate of Eckstrom v. Citizens National Trust and Savings Bank of Los Angeles* (1960) 54 Cal.2d 540, 545 [nunc pro tunc order corrects judgment to coincide with intent at time rendered].)

Finding good cause, the State Bar's request to modify our cost order is granted. Accordingly, it is hereby ordered, nunc pro tunc, that the July 29, 2011 Opinion and Order is modified as follows:

On page 8, the sentence under the section "VI. COSTS," is deleted and replaced with: "It is further ordered that Howard pay costs to the State Bar in accordance with Business and Professions Code section 6086.10 and that such costs are payable as provided in section 6140.7."



Presiding Judge

kwiktag®

152 143 110



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. 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 February 11, 2013, I deposited a true copy of the following document(s):

ORDER MODIFYING OPINION AND ORDER FILED FEBRUARY 11, 2013

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

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

SEAN P. HOWARD
5548 FLEMING RD
ATWATER, CA 95301

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

Cydney T. Batchelor, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 11, 2013.



Rosalie Ruiz
Case Administrator
State Bar Court