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STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of) Case No. 10-C-09383
FREAR S. SCHMID,) ORDER
A Member of the State Bar, No. 96089.)
_____)

On September 20, 2012, respondent Frear S. Schmid filed a petition/motion concerning filing of petition for review of order denying relief from costs and permitting the late filing thereof. We granted the petition for interlocutory review, and the State Bar filed its response on November 9, 2012. Respondent filed a reply on November 20, 2012.

Pursuant to Code of Civil Procedure section 1033.5, subdivision (b)(5), the transcripts of court proceedings are not allowable costs except when ordered by the court. No such order was issued in this case, and since that item is not otherwise expressly authorized by law, the State Bar is not entitled to recover for that expenditure. All other objections raised in respondent's motion are denied.

Thus, respondent's motion is granted, in part, and the State Bar's request for \$1,835.40 for transcripts in the underlying criminal case is denied. It is hereby ordered that respondent's total disciplinary costs in this matter are \$18,130.46.

REMKE

Presiding Judge

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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 December 7, 2012, I deposited a true copy of the following document(s):

ORDER FILED DECEMBER 7, 2012

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:

FREAR STEPHEN SCHMID
177 POST ST #890
SAN FRANCISCO, CA 94108

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

Cydney Tabor Batchelor, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 7, 2012.



Paul Barona
Case Administrator
State Bar Court