

FILED

FEB 11 2013

STATE BAR COURT
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LOS ANGELES

STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT - IN BANK

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

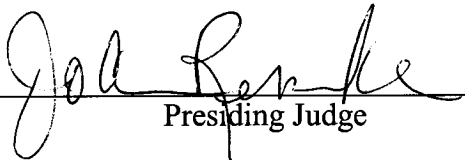
On January 22, 2013, the State Bar filed a request for modification of our cost order filed on December 7, 2012. In particular, the State Bar seeks to have the order, as well as our June 11, 2012 Opinion and Order on which it is based, modified to clarify that costs are awarded to the State Bar as opposed to merely recommending that costs be awarded. On January 25, 2013, respondent Frear S. Schmid filed his opposition to the request.

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 June 11, 2012 Opinion and Order (and the subsequent December 2, 2012 order), was to award costs to the State Bar as statutorily required. (Opinion and Order filed June 11, 2012, p. 10 ["imposing costs is mandated and does not violate due process"].)

Finding good cause, the State Bar's request to modify our cost order in this matter is granted. (*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].) Accordingly, it is hereby ordered, nunc pro tunc, that the June 11, 2012 Opinion and Order is modified as follows:



On page 9, the first sentence of the first paragraph under the section "VI. COSTS," is deleted and replaced with: "It is further ordered that Schmid 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

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:

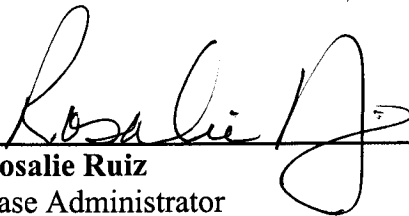
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

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

- [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