FILED JANUARY 25, 2013

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

In the Matter of **KATHERINE MARY WINDLER,** **Member No. 158899,** A Member of the State Bar.	)	Case No.: **11-C-13242 -- RAH** **AMENDED DECISION**

Introduction and Significant Procedural History [1]

On April 26, 2012, the Transmittal of Records of Conviction of respondent Katherine Mary Windler was filed with the State Bar Court, and on May 18, 2012, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and recommendation regarding discipline, should respondent's misdemeanor conviction be found to involve moral turpitude or other misconduct warranting discipline.

Findings of Fact and Conclusions of Law

Respondent was admitted to the practice of law in California on June 8, 1992, and has been a member of the State Bar of California at all times since that date.

Respondent's record of conviction is conclusive evidence of her guilt of the crime for which she was convicted. (Bus. & Prof. Code, § 6101, subd. (a); *In the Matter of Respondent O* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 581, 588; *In re Crooks* (1990) 51 Cal.3d 1090,

[1] Unless otherwise indicated, all references to rules refer to the State Bar Rules of Professional Conduct. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

1097.) Respondent's conviction is therefore conclusive proof that respondent committed all the elements of that crime. (*In re Duggan* (1976) 17 Cal.3d 416, 423; *In the Matter of Respondent O, supra*, 2 Cal. State Bar Ct. Rptr. at p. 588.)

Facts and Circumstances Surrounding Respondent's Conviction

On the afternoon of March 7, 2011, respondent was at a Gelson's Market in Pacific Palisades. She was observed by a loss protection officer placing placing seafood into a reusable Gelson's bag she had brought into the store. According to the officer, she did not look suspicious when she initially was at the seafood counter, but when she placed it into the bag, she began to look nervous. She initially intended just to obtain a few items for dinner that night. However, she began picking up more than she could carry in her reusable bag, so she went back to the front of the store and obtained a cart.

The loss prevention officer continued to observe her placing other items into her cart, by his use of a "setup cart" with a mirror attached such that he could watch customers without being observed doing so. She appeared to act nervously, looking around to the left and to the right. He watched as she went toward the entrance of the store. Finally, after she looked down the front of the store at the check stands, he witnessed her pushing her shopping cart out the front doors, departing the store without paying. The officer made contact with respondent by cutting in front of her in the covered area immediately outside the doors of the store, but before the parking lot. She still had her hands on the handle of the cart. After identifying himself as a loss prevention officer, he asked her to return to the inside of the store. He asked one of the store checkers to run a "training receipt" to document the items in the cart.

They walked upstairs to the store's training room with a female witness. During this time, she acted nervous, but was otherwise calm. Later, she became more agitated and, in his view, rude. While in the room, he asked her why she took the items, and she refused to answer.

She provided her identification and the two continued to discuss the matter. The loss prevention officer did not recall observing anything out of the ordinary with respect to the health of the respondent nor any discussion of a medical condition respondent was experiencing. She was detained for approximately one hour and 40 minutes while the loss prevention officer wrote up his report.

After preparing the "training receipt", the staff in the store determined she had $193.98 in unpaid merchandise, as follows: one package of edamame soy beans; one package of organic carrots; one bunch of asparagus; two packages of large strawberries; two packages of organic brown eggs; one package of California rolls; one package of spicy shrimp; one package of Swiss gruyere cuts; one package of mango; one package of red seedless grapes; one package of spicy tuna rolls; one bottle of teriyaki sauce; two bottles of Baileys brand liqueur; and one bottle of wine.

When Los Angeles Police Department officers arrived, they also interviewed her and ultimately placed her under arrest. Respondent now contends that she was having a "panic attack" when she abruptly left the store (as is more fully described, below.) However, neither the loss prevention officer nor the police officer observed any symptoms of physical distress or of a panic attack. The arresting officer credibly testified that if he were aware of or had observed such behavior or symptoms, he would have called a paramedic.

On March 28, 2011, she was charged with two misdemeanors: petty theft (Penal Code §484) and commercial burglary (Penal Code §459). On October 5, 2011, respondent entered a plea of a violation of trespassing (Penal Code §602, subd. (k)), and was sentenced to 24 months' summary probation with terms and conditions including requiring her to serve one day in jail with credit for one day served and to comply with a requirement that she stay away from Gelson's.

Respondent has two other criminal convictions in 1995 and 1999. Both arise out of similar facts involving respondent removing items from stores without paying. These prior convictions were both resolved with pleas to charges of disturbing the peace. Neither of these convictions was the subject of a proceeding before the State Bar of California.

Conclusions of Law

Any determination of moral turpitude in an offense not inherently involving moral turpitude is fact-sensitive. (*In the Matter of Frascinella* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 543, 550.) An act of moral turpitude is an act contrary to honesty and good morals. (*In the Matter of Rech* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 310, 315.) Courts have repeatedly emphasized that honesty is one of the most fundamental rules of ethics for attorneys. (See, e.g., *Borré v. State Bar* (1991) 52 Cal.3d 1047, 1053; *Levin v. State Bar* (1989) 47 Cal.3d 1140, 1147; *In the Matter of Davis* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 576, 596.) Considering the nature of the misconduct and the lack of a corroborated, credible explanation for it, as well as the existence of two similar prior convictions, the court concludes that the facts and circumstances surrounding respondent's conviction of Penal Code §602, subd. (k), involve moral turpitude.

Aggravation[2]

Harm to Client/Public/Administration of Justice (Std. 1.2(b)(iv).)

Had respondent not been apprehended, Gelson's would have suffered a loss as a result of respondent's failure to pay for items before leaving the store. However, because respondent was quickly apprehended and the merchandise was recovered, Gelson's was inconvenienced and disrupted, but did not suffer "significant" harm.

[2] All further references to standards (Std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

III. Mitigation

No Prior Record (Std. 1.2(e)(i).)

Respondent has been a member of the state bars of California and Colorado since 1992 and 1994, respectively, and has no record of discipline.

Extreme Emotional/Physical Difficulties (Std. 1.2(e)(iv).)

Respondent attributed her criminal behavior to a panic attack, which, in turn, was caused by a long history of abuse at the hands of others. She testified as to various incidents, as set forth below.

When she was a young girl, her father was a violent alcoholic. On one occasion, when she was five years old, he was fired from his job and came home bloody from having been in a fight.

At six years old, she attended a Catholic school, and went outside in the snow without wearing any boots. One of the nuns got so mad at her, she placed her in a trash can. While there, a janitor began dumping other trash cans in a larger bin to be taken away. She feared that the trash can she was in was also ready to be dumped with her inside, and hauled away.

Respondent felt that her father did not like her very much. There were eight kids in the family, and her father would beat her frequently, about one to two times each week. Often, her mother did not interfere with the beatings. One time, he hit her head against a brick fireplace. These beatings continued until she went through puberty, at which time the beatings were directed at her brother.

When respondent was 11, she rode her bicycle to the playground to play. Some older boys came over to the swings where she was playing, and proceeded to hold her down, hit her, and forcibly sexually assaulted her. She remained quiet during the attack and did not scream. The boys then stole her bicycle. When she returned home and tried to tell her father about the

sexual assault, he would not listen to what happened. Rather, he was angry that she lost her bicycle. He punished her by taking her clothes off and whipping her.

When respondent was 14 or 15, she lived with and worked for a wealthy family from her home state of Colorado that was temporarily relocated to Texas. She was responsible for taking care of their son. For her 15th birthday, the family gave her tickets to a Dallas Cowboys football game. She went to the game and afterward, went with some older boys to a party. There were many college kids at the party and one invited her downstairs to the basement. She went with him and he raped her in the basement. She did not report this incident to law enforcement authorities. When she returned to the house of the family she lived with, she attempted suicide by cutting her hand. She was given medical treatment.

When she was 17, she went to the senior prom with her boyfriend, a member of the track team. He attacked her in the car and raped her. She did not report this incident to law enforcement authorities.

At the age of 18, she had her first panic attack. She was walking home from work and a man came up to her and wanted her purse. He started hitting her, causing her to have a flashback to the boys hitting her in the park. She again became passive and quiet, and did not fight back. She then ran home. She did report this incident to the police.

Her experience with panic attacks is very similar to what she felt when the boys in the park began hitting her. She experiences fear and terror, her heart races and her head hurts. She has had several panic attacks each year, up to 2000. She had no attacks between the years 2000 to 2010.

In 1992, she was admitted to practice in California and in 1995, Colorado. In summer 2010, she was representing a client in Nevada Federal District Court. The client wanted to settle, but the plaintiff wanted a lot of money. The client was a corporation, and its president and its

general counsel called her on the telephone while she was in Southern California. During the call, the general counsel left the telephone call, but it continued between respondent and the president of the corporation. He told her about the Mafia's involvement in the case and that he needed $25 million. He demanded that she come up with the money. Further, he threatened that if she did not, he would hurt her children.

Respondent reported this incident to the partners in her law firm. They contacted other lawyers in and outside the firm, discussed wearing a "wire," and discussed going to the FBI. In the end, they decided that the FBI could not protect the girls. So she did not report the threat to any law enforcement authorities. The firm apparently withdrew from representing the corporation, but still had a claim in the corporation's bankruptcy.[3]

On March 6, 2011, the firm sent respondent to Nevada to appear in the bankruptcy case.[4] While there, the president of the corporation told another attorney that had been hired in the case: "Tell Katherine [respondent] that we're coming after her. She'll know what that means." This attorney did not testify in this proceeding. She returned to Southern California that day. She and her husband could not sleep all night. The next day, they took their daughter to school, as usual.

Respondent contends that on March 7, 2011, the day after this renewed threat, while in the Gelson's store shopping for the items described above, she had another panic attack, during which she became overwhelmed with fear and terror that her daughter was being kidnapped or otherwise harmed. This attack lasted about three to five minutes. She felt she had to immediately leave the store. Like during her other attacks, she stated that she remained calm and quiet during the attack. She also became "hypervigilant" to determine from which direction the threat would come.

[3] No one else from the firm testified to corroborate any of these facts.

[4] The firm sent her, despite the firm's knowledge of the threat made by the president of the corporation in the earlier representation of the company.

At some point during her time in Gelson's, and apparently, during her panic attack, she began contemplating suicide again, thinking that if she were gone, her child would be safe. She went to the aisle containing alcoholic beverages and placed in her cart two bottles of Baileys liqueur and one bottle of wine. Her plan, as she testified, was to combine the alcoholic beverages with Percocet that she had at home in order to take her own life. Although it is unclear from the record, apparently this suicide attempt was going to occur after she picked up her child from school.

Two days after her arrest in this matter, respondent began treating with Timothy J. Hayes, M.D., a board-certified psychiatrist. Dr. Hayes, whose office is in Santa Monica, did not testify in this matter, and no explanation was offered regarding his absence. However, instead of his live testimony, respondent offered into evidence his report dated September 15, 2012. Upon objection, the court did not allow the full report to come into evidence, since the State Bar would not be provided an opportunity to confront this crucial witness, and the hearsay evidence of his diagnosis could not be corroborated by other witnesses. Instead, the court allowed only portions to come into evidence, reflecting just the efforts respondent made to seek treatment, and not the diagnosis made by the doctor. As of the date of the letter, respondent is still treating with Dr. Hayes, as well as receiving other counseling, including the State Bar's Lawyer Assistance Program (LAP).

Accordingly, without further corroboration or explanation of respondent's behavior and mental health issues, the court does not find clear and convincing evidence of her extreme emotional difficulties.

Good Character (Std. 1.2(e)(vi).)

Charitable Activities. Respondent has had a distinguished career in law, having worked for some of the nation's best firms. She handles complex business transactions and litigation with considerable skill.

She has also extensively given back to the community. She has participated in pro bono activities through Public Counsel, assisting those in need. She also did pro bono work for the HIV and AIDS Legal Services Alliance (HALSA), by handling a large piece of litigation brought with AIDS Project Los Angeles.

For the past ten years, she has participated in a UCLA student mentor program by taking students to court or depositions, reading their law review briefs, or inviting them to firm functions. She was also a volunteer moot court judge between 1996 and 2001.

Respondent has also handled cases pro bono for the National Center for Refugee & Immigrant Children, for children who cross the Mexican border without their parents. She also sought to obtain German social security benefits for Holocaust survivors through a program sponsored by Bet Tzedek.

While in law school, she assisted the County of Los Angeles in evaluating individuals as to their eligibility for food stamps.

Respondent has volunteered her time with the AYSO soccer organization, helping to arrange the participation of two boys for whom she is seeking to obtain asylum. This case involved a commitment of hundreds of hours of legal services. She also distributes uniforms to children with Down syndrome participating in sports.

Respondent has assisted the Red Cross in increasing blood donations by arranging for a donation clinic. She did fundraising for Catholic Charities, and participated in a fundraising fast for World Vision. She has taken her daughter down to the LA Mission on occasion to cook and

serve meals, clean the bathrooms and take care of the residents. She volunteers with the St. Joseph Center in Venice on Thanksgiving Day, cleaning up the plates and the floors after the meal. She also ran a program of washing the feet of the homeless, and arranging for incidental medical care for those with foot problems. For the past ten years, she has provided coffee for a fundraiser at Calvary Christian Church, arriving at 4:00 a.m. to 5:00 a.m.

Since she grew up very poor, she still finds someone who isn't able to have a Christmas and brings them one.

Character Witnesses. Respondent had many favorable character witnesses who wrote letters on her behalf. Some of these letters described pro bono or charitable activities that respondent provided. Others described her character, some of whom were aware of the extent of her misconduct, including Daniel Fraser, Michael F. Duran, and Suzanne Spillane. With respect to Mr. Duran and Ms. Spillane, their evaluations were only concerning her skills as a lawyer, not her moral character. Other witnesses, however, were unaware of her misconduct, and, as to those, the court ascribes little mitigation credit.

Discussion

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, to preserve public confidence in the profession, and to maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1025; std. 1.3.)

Standard 1.6 provides that the appropriate sanction for the misconduct found must be balanced with any mitigating or aggravating circumstances, with due regard for the purposes of imposing discipline. If two or more acts of professional misconduct are found in a single disciplinary proceeding, the sanction imposed shall be the most severe of the applicable sanctions. (Std. 1.6(a).)

In a conviction referral proceeding, "discipline is imposed according to the gravity of the crime and the circumstances of the case." (*In the Matter of Katz* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 502, 510.)

Business and Professions Code section 6106 makes it a cause for disbarment or suspension to commit any act involving moral turpitude, dishonesty or corruption, whether the act is committed in the course of relations as an attorney or otherwise, and whether the act is a felony or misdemeanor or not.

Standard 3.2 applies in this proceeding. It provides that an attorney's final conviction of a crime involving moral turpitude, either inherently or in the facts and circumstances surrounding the crime's commission, must result in disbarment. Only if the most compelling mitigating circumstances clearly predominate will disbarment not be imposed, in which case the discipline must not be less than two years' actual suspension, prospective to any interim suspension, regardless of mitigating circumstances.[5]

The Supreme Court gives the standards "great weight" and will reject a recommendation consistent with the standards only where the court entertains "grave doubts" as to its propriety. (*In re Silverton* (2005) 36 Cal.4th 81, 91, 92; *In re Naney* (1990) 51 Cal.3d 186, 190.) Although the standards are not mandatory, they may be deviated from when there is a compelling, well-defined reason to do so. (*Bates v. State Bar* (1990) 51 Cal.3d 1056, 1061, fn. 2; *Aronin v. State Bar* (1990) 52 Cal.3d 276, 291.)

The State Bar seeks discipline ranging from two years to disbarment. Respondent seeks a dismissal. The court believes that, among other things, six months of actual suspension will be

[5] The two-year minimum actual suspension of standard 3.2 has been rejected as an absolute requirement and there are numerous instances where discipline for crimes of moral turpitude has been assessed at lower level. (See, *In re Young* (1989) 49 Cal.3d 257, 268-270; *In the Matter of DeMassa* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 737, 752; *In the Matter of Moriarty* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 245, 251.)

sufficient to protect the public in this instance, considering respondent's misdemeanor conviction for a non-theft offense that did not occur in the practice of law; her on-going psychological treatment and participation in LAP; and compelling mitigating factors, including good character and significant legal and community pro bono work. However, balancing these factors with the uncorroborated, unexplained events and two similar prior (albeit long-ago) convictions, discussed below, significant discipline is merited in this instance.

Respondent was convicted of a violation of Penal Code section 602, subd. (k), for stealing several items from Gelson's. In the past, she had two similar prior convictions which were not the subject of disciplinary proceedings.

Regarding the present conviction, respondent contends that she formed no intent to steal the items in her shopping cart. Rather, she argues that she was suffering from a panic attack that required her to immediately leave the store and verify the safety of her daughter. The propensity to have panic attacks, she contends, arises from a long series of traumatic events that occurred in her life, beginning at a very young age. Unfortunately, no competent medical testimony supported this condition, much less its nexus to prior events in her life. While Dr. Hayes may have added some insights into these issues, he did not testify and no reason for his absence was given. Other witnesses, such as respondent's husband and attorneys from her firm, who could have corroborated events also did not testify and their absence also was unexplained. (Evid. C. §412.)

The objective evidence of a panic attack on this occasion is exceedingly thin. Shockingly, respondent's firm sent her back to Nevada to participate in a hearing involving the same individual that threatened to harm her daughter. This was on March 6, 2011. Despite this threat of imminent harm to her daughter, she did not notify the authorities and took her daughter to school, as usual. There was no evidence that she informed the school officials of the pending

threat. Before picking her daughter up from school, she stopped by Gelson's for some things for dinner. During her shopping trip, she contemplated suicide, and during a three to five minute panic attack, grabbed two bottles of liqueur and a bottle of wine to be used in taking her own life, walked from the liquor section, and proceeded to push her cart out of the store.

When she was stopped outside the store, she still had her hands on the handle of the cart. She did not explain that she was having a panic attack to the loss prevention officer, or that her child's life was in danger. Rather, she quietly complied with his request to reenter the store, and, while he later described her as "rude", she did not appear to display symptoms of any outwardly visible medical condition. This was corroborated by the arresting officer.

The above narrative raises more questions than it answers. Why did she not notify the authorities, given the violent nature of the threat by her client's president? Why did she go back to Nevada to face this individual who had threatened her daughter? Why has she not produced any witnesses from her firm or the other attorney who heard the threat? Why, since she is obviously a very loving and caring mother, was she not more worried about the safety of her daughter earlier that day, given the threat of violence? Why did she not exhibit any symptoms of a medical condition, other than the usual nervousness one would expect when found to have taken goods without paying? Why didn't she explain to the officers her concerns about her daughter at the time of her arrest?

The court finds respondent's explanation of her actions on March 7, 2011 not credible.

The court found somewhat instructive *In the Matter of Duxbury* (Review Dept. 1999) 4 Cal. State Bar Ct. Rptr. 61. In *Duxbury*, discipline was imposed consisting of two years' stayed suspension and two years' probation, on conditions including six months' actual suspension. Respondent was convicted of one count of violating Insurance Code section 750(a) which prohibits one from offering compensation for the referral of clients. The facts and circumstances

surrounding the misconduct were found to involve moral turpitude because respondent had participated in prior related misconduct; solicited another to participate in the scheme; and agreed to pay for four client referrals and actually paid for two. Mitigating factors included no prior discipline in five years of practice (nominal weight) and some weight afforded for good character references. In aggravation, the court considered harm to the administration of justice and respondent's lack of full understanding of the wrongfulness of his conduct. The latter was balanced by respondent making clear that he would never again engage in such misconduct and his obvious remorse. *Duxbury* presents greater misconduct that occurred in the practice of law and presents less mitigation than respondent's case. That being said, respondent's prior episodes of removing items from stores without paying for them increase the court's concerns about recidivism. Consequently, the present case warrants greater discipline than might otherwise be considered.

Accordingly, based on the factors described above and for the protection of the public, the court recommends, among other things, six months' actual suspension and probation conditions, including continued participation in LAP to address any issues and avoid a reoccurrence of misconduct.

Recommendation

It is recommended that respondent Katherine Mary Windler, State Bar Number 158899, be suspended from the practice of law in California for two years, that execution of that period of suspension be stayed, and that respondent be placed on probation[6] for a period of two years subject to the following conditions:

1. Respondent Katherine Mary Windler is suspended from the practice of law for the first six months of probation.

[6] The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

2. Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of respondent's probation.

3. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including respondent's current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, respondent must report such change in writing to the Membership Records Office and the State Bar's Office of Probation.

4. During the probation period, respondent must report in writing quarterly to the Office of Probation. The reports must be postmarked no later than each January 10, April 10, July 10, and October 10 of the probation period. Under penalty of perjury, respondent must state in each report whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all of respondent's probation conditions during the preceding calendar quarter or applicable reporting period. If the first report would cover less than 30 days, no report is required at that time; however, the following report must cover the period of time from the commencement of probation to the end of that next quarter. In addition to all quarterly reports, a final report must be postmarked no earlier than 10 days before the last day of the probation period and no later than the last day of the probation period.

5. Subject to the assertion of applicable privileges, respondent must answer fully, promptly, and truthfully, any inquiries of the Office of Probation or any probation monitor that are directed to respondent personally or in writing, relating to whether respondent is complying or has complied with respondent's probation conditions.

6. Respondent must comply with all conditions of respondent's criminal probation and must so declare under penalty of perjury in any quarterly report required to be filed with the Office of Probation. If respondent has completed probation in the underlying criminal matter, or completes it during the period of his disciplinary probation, respondent must provide to the Office of Probation satisfactory documentary evidence of the successful completion of the criminal probation in the quarterly report due after such completion. If such satisfactory evidence is provided, respondent will be deemed to have fully satisfied this probation condition.

7. Within one year after the effective date of the discipline herein, respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent will not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)

8. Respondent must fully comply with respondent's Lawyer Assistance Program (LAP) Participation Agreement/Plan. Respondent must provide the LAP with a satisfactory written waiver authorizing the LAP to provide the Office of Probation and the State Bar Court with information regarding the terms and conditions of respondent's participation in the LAP and respondent's compliance or non-compliance with LAP

requirements. Revocation of such waiver is a violation of this condition. Respondent will be relieved of this condition upon providing satisfactory certification of completion of the LAP to the Office of Probation.

At the expiration of the probation period, if respondent has complied with all conditions of probation, respondent will be relieved of the stayed suspension.

Multistate Professional Responsibility Examination

It is recommended that respondent be ordered to take and pass the Multistate Professional Responsibility Examination (MPRE) within one year after the effective date of the Supreme Court order imposing discipline in this matter and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

California Rules of Court, Rule 9.20

It is further recommended that respondent comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Dated: February _____, 2013

RICHARD A. HONN
Judge of the State Bar Court