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MAY 18 2015

STATE BAR COURT OF CALIFORNIA STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of	)	Case No.: 11-O-18556-LMA
	)	(S222389)
CYNTHIA S. HERNANDEZ,	)	
	)	<b>ORDER REDUCING COSTS AND ORDER</b>
Member No. 133915,	)	<b>EXTENDING TIME TO PAY COSTS</b>
	)	
<u>A Member of the State Bar.</u>	)	

This matter is before the court on both Cynthia S. Hernandez’s April 9, 2015, motion to challenge and dispute the calculation of the disciplinary costs that the Supreme Court imposed on her in this proceeding and (2) on her April 9, 2015, motion for extension of time to pay disciplinary costs.<sup>1</sup> The State Bar's Office of the Chief Trial Counsel (State Bar) opposes both of Hernandez’s motions.

As the State Bar aptly notes in its opposition to Hernandez’s motion to challenge and dispute the disciplinary costs in the October 22, 2014, certificate of costs, Hernandez may not challenge the State Bar's determination of \$15,660 in “reasonable costs” in the State Bar Court.<sup>2</sup> (Rules Proc. of State Bar, rule 5.130(A); *In the Matter of Respondent J* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 273, 277.) With respect to the remaining \$372 in taxable costs and other

<sup>1</sup>Hernandez inartfully titled her motion for extension of time to pay disciplinary costs as a “motion to split costs into three payments and for clarification.”

<sup>2</sup> The court rejects Hernandez’s contention that the State Bar Court has the express discretion to specifically reduce investigation expenses. To support that contention, Hernandez erroneously relies upon a quote from Rules of Procedure of the State Bar, rule 5.131(B)(7). Rule 5.131 gives the State Bar Court the discretion to reduce investigation expenses only when ruling on a motion for costs filed by an attorney who has been exonerated of all charges.

reasonable costs, the State Bar admits that the certificate of costs overstates taxable costs for witness fees by \$38. Accordingly, the court will reduce the costs by \$38.

With the exception of the \$38 adjustment noted *ante*, Hernandez has failed to establish sufficient hardship, special circumstances, or other good cause to grant her relief, in whole or in part, from the disciplinary costs assessed against her. Nonetheless, Hernandez has established sufficient hardship, special circumstances, and other good cause to grant her a limited extension of time to pay costs. Accordingly, the court will extend the time in which Hernandez must pay the costs.

#### ORDER

The court orders that Cynthia S. Hernandez's April 9, 2015, motion to challenge and dispute disciplinary costs that are set forth in the October 22, 2014, certificate of costs is GRANTED to the extent the costs are reduced by \$38 from \$16,032 to \$15,994; in all other respects the motion is DENIED.

The court further orders that Cynthia S. Hernandez's April 9, 2015, motion for extension of time to pay disciplinary costs is GRANTED to the extent that the time in which Cynthia S. Hernandez must pay the \$15,994 in revised costs imposed on her under the Supreme Court's March 11, 2015, order as amended by its order filed on March 12, 2015 in *In re Cynthia S. Hernandez on Discipline*, case number S222389 (State Bar Court case number 11-O-18556) is EXTENDED as set forth *post*. (Bus. & Prof. Code, § 6086.10, subd. (c); Rules Proc. of State Bar, rule 5.130(B).)

Cynthia S. Hernandez must pay one-half of the costs with her State Bar of California membership fees for each of the years 2016 and 2017. If Cynthia S. Hernandez fails to pay any installment as described above, or as may be hereafter modified by the State Bar Court, the remaining unpaid balance of the costs is due and payable immediately. Until they are paid in

full, the costs remain enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Dated: May 18, 2015.

  
\_\_\_\_\_  
LUCY ARMENDARIZ  
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 San Francisco, on May 18, 2015, I deposited a true copy of the following document(s):

### ORDER REDUCING COSTS AND ORDER EXTENDING TIME TO PAY COSTS

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 San Francisco, California, addressed as follows:

CYNTHIA S. HERNANDEZ  
P O BOX 221  
VINEBURG, CA 95487

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

DONALD R. STEEDMAN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on May 18, 2015.

  
\_\_\_\_\_  
Mazie Yip  
Case Administrator  
State Bar Court