FILED APRIL 28, 2011

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES

In the Matter of **MICHAEL T. PINES** **Member No. 77771** A Member of the State Bar.	)	Case No.: **11-TE-10948-RAH** **DECISION AND ORDER OF INACTIVE ENROLLMENT [BUS. & PROF. CODE SECTION 6007, SUBDIVISION (c)]**

1. INTRODUCTION

This case is before the court on the verified application of the Office of the Chief Trial Counsel of the State Bar of California ("Office of the Chief Trial Counsel") seeking to involuntarily enroll respondent Michael T. Pines ("respondent") as an inactive member of the State Bar pursuant to Business and Professions Code section[1] 6007, subdivision (c)(1) and rule 5.226 of the Rules of Procedure of the State Bar of California ("Rules of Procedure").

This matter involves respondent's representation of clients who have lost their homes to foreclosure. Respondent counseled clients with respect to their rights in such proceedings, and also represented them in lawsuits involving alleged misconduct by lenders and others involved in the foreclosure process.

[1] Future references to section(s) are to this source.

In the current financial environment, foreclosures by lenders have become all too common. To be sure, the media have reported on many inappropriate or overreaching actions by lenders in entering into loans with little investigation of the credit worthiness of the borrowers. Other reports have claimed that lenders have failed to properly inform borrowers of the effects of a potential rise in interest rates, resulting in borrowers being unable to pay for these increased costs, and ultimately, leading to foreclosure.

In such situations, remedies are available to aggrieved parties faced with claims of improper lender conduct. However, instead of relying on an established set of legal remedies to assert a borrower's rights when facing a foreclosure, respondent advises his clients that they have the right to engage in self-help and retake their former homes by forcibly breaking into them after new owners have taken title. Respondent's representation of these clients has also included, on at least three occasions, accompanying his clients to their former homes to help effectuate the break-in. He even, on occasion, threatened "an armed conflict" to carry out his goals.

In respondent's view, seemingly everyone associated with the present foreclosure matters, including the banks, the police, title companies, real estate agents, and even the Office of the Chief Trial Counsel of the State Bar of California, is involved in criminal conduct. He views himself, on the other hand, as a modern-day Henry David Thoreau, who encouraged civil disobedience to effect universal societal benefits, including ending slavery and war. But respondent is not Thoreau, and his cause is not slavery or war. Respondent sought a few minutes of fame in front of reporters or the television cameras while he violated the law, or encouraged his clients to do so. He used his clients as tools to accomplish these goals. In doing so, he disregarded his duties to his clients and to the public. Further, even up to the oral arguments in this matter, respondent continues to fail to recognize that his actions violate the law, his ethical obligations, and his responsibilities as an officer of our courts.

Therefore, after reviewing and considering this matter, the court finds that respondent's conduct poses a substantial threat of harm to his clients or the public, and respondent is ordered involuntarily enrolled as an inactive member of the State Bar pursuant to section 6007, subdivision (c)(1).

2. PROCEDURAL HISTORY

On March 10, 2011, the Office of the Chief Trial Counsel filed a verified application seeking respondent's involuntary inactive enrollment pursuant to section 6007, subdivision (c)(1). On March 23, 2011, the Office of the Chief Trial Counsel filed additional proposed evidence pursuant to rule 5.230 of the Rules of Procedure.

On March 29, 2011, respondent filed a response to the application. The Office of the Chief Trial Counsel was represented by Deputy Trial Counsel Brooke Schafer. Respondent represented himself.

A hearing was held on April 12, 2011. During oral argument, respondent submitted a request for judicial notice. In this request, respondent sought judicial notice of pleadings from four different civil cases.[2] However, the pleadings attached to respondent's request were not signed or file stamped.[3] Despite the requirements of rule 5.230(B) of the Rules of Procedure, the court, in the interests of justice, gave respondent until April 14, 2011, to submit signed and file-stamped copies of the aforementioned civil pleadings.[4] On April 14, 2011, respondent attempted to file another request for judicial notice and a supplemental argument. The court declined to file

[2] Respondent also requested that the court take judicial notice of two websites. This request was denied.

[3] Respondent only attached pleadings from three of the four cases referenced in the request for judicial notice.

[4] Rule 5.230(B) states that all evidence not contained in the member's response must be filed and served on the opposing party at least three court days before the hearing.

these documents due to procedural errors.[5] The court gave respondent a one-day extension to correctly file these documents; however respondent failed to timely do so. This matter was submitted for decision on April 15, 2011.

On April 18, 2011, respondent again attempted to file the documents that were rejected on April 14th. These items were once again rejected by the court because they contained procedural errors[6] and were not timely.

Despite two extensions, respondent failed to provide the court with signed and file-stamped copies of the documents attached to his April 12, 2011 request for judicial notice. Consequently, his April 12, 2011 request for judicial notice is denied in its entirety, no good cause having been shown.

3. JURISDICTION

Respondent was admitted to the practice of law in California on December 21, 1977, and has been a member of the State Bar at all times since.

4. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Section 6007, subdivision (c) authorizes the court to order an attorney's involuntary inactive enrollment upon a finding that the attorney's conduct poses a substantial threat of harm to the interests of the attorney's clients or to the public. In order to find that an attorney's conduct poses a threat of harm, the following three factors must be shown: (1) the attorney has caused or is causing substantial harm to his clients or the public; (2) the injury to the attorney's clients or the public in denying the application will be greater than any injury that would be suffered by the attorney if the application is granted or, alternatively, there is a reasonable

[5] Respondent's request for judicial notice did not contain an original proof of service. His supplemental argument had no proof of service.

[6] Respondent's request for judicial notice did not contain a signature. His supplemental argument had no signature and no proof of service. In addition, respondent failed to provide the court with the requisite number of copies.

likelihood that the harm will continue;[7] and (3) there is a reasonable probability that the Office of the Chief Trial Counsel will prevail on the merits of the underlying disciplinary matter. (*Conway v. State Bar* (1989) 47 Cal.3d 1107; *In the Matter of Mesce* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 658, 661.)

Respondent was given notice of this proceeding pursuant to rule 5.226(E) of the Rules of Procedure. The application is based on matters not yet the subject of disciplinary charges pending in the State Bar Court. The court's findings of fact are based on clear and convincing evidence.

The evidence before the court comes by way of declaration and requests for judicial notice. (Rules Proc. of State Bar, rule 5.230(A).) The Office of the Chief Trial Counsel submitted 16 declarations and supporting evidence.[8] Based on the content of these declarations and their supporting exhibits, the court finds these declarations to be generally credible.

On the other hand, respondent provided the court little in the way of tangible evidence. While he passionately argued his position, he failed to submit any declarations or clearly identify any legal authority supporting his actions. Respondent's opposition brief attached only two civil complaints filed by respondent.

A. The Simi Valley Matter

Jim K. Earl and Danielle Earl ("the Earls") owned a property located at 5893 Mustang Drive in Simi Valley, California ("the Simi Valley property"). The Earls, however, lost this property in foreclosure.

[7] But where the evidence establishes a pattern of behavior, including acts likely to cause substantial harm, the burden of proof shifts to the attorney to show that there is no reasonable likelihood that the harm will reoccur or continue.

[8] All but one of these declarations was submitted in the original application. The remaining declaration was submitted as additional proposed evidence on March 23, 2011.

On January 28, 2010, a representative from Conejo Capital Partners ("Conejo") attended a public auction and purchased the Simi Valley property for $697,000.00.[9]

On February 5, 2010, Conejo provided the Earls with a three-day notice to quit; however, the Earls refused to vacate the property. Consequently, Conejo's attorney, Stanley Yates ("Yates") filed an unlawful detainer action against the Earls. Respondent represented the Earls at the unlawful detainer trial. On June 18, 2010, the court issued an unconditional judgment in Conejo's favor.[10]

On June 22, 2010, a writ of possession was issued by the court clerk and the Ventura County Sheriff posted written notice of the physical "lock-out" of the Simi Valley property. Shortly thereafter, respondent filed for a writ of mandate with the appellate court seeking to reverse the results of the unlawful detainer trial. This writ was rejected, and respondent filed a notice of appeal. Respondent's appeal, however, was dismissed due to his failure to pay his required costs and fees.

On July 2, 2010, the Sheriff and a representative from Conejo went to the Simi Valley property to complete the legal eviction. The Earls abandoned much of their personal property and their family dog. Conejo changed the locks on the Simi Valley property.

Three months later, Conejo had remodeled the Simi Valley property and was in escrow to sell the property to David Latt and his family ("the Latt family"). The Latt family was set to begin moving into the Simi Valley property on October 10, 2010.

On October 9, 2010, however, respondent and the Earls used a locksmith to physically pick the locks and seize possession of the Simi Valley property. Respondent also notified the media and a news crew taped the event. The Earls moved in, and remained in the Simi Valley

[9] Conejo is in the business of investing in, rehabilitating, and reselling properties, including properties that have been foreclosed upon by lenders.

[10] The Earls were also ordered to pay Conejo $27,267.54 in holdover rent damages.

property for several days. Consequently, because the Latt family could not take possession, they reluctantly backed out of the sale.[11]

Yates filed a motion to enforce the writ of possession. On October 15, 2010, there was a hearing in the Ventura County Superior Court, and the court granted a new writ of possession in favor of Conejo.

On December 22, 2010 and January 11, 2011, another hearing was held in the Ventura County Superior Court to determine if respondent and the Earls should be held in contempt of court. On February 16, 2011, Judge Barbara A. Lane of the Ventura County Superior Court issued her decision. In the decision, the court concluded that respondent "orchestrated, procured, led and aided the Earls in breaking into a property he knew they no longer owned" and did so in willful defiance of: (1) the unlawful detainer judgment; and (2) the court's first writ of possession order.

Accordingly, Judge Lane found that respondent committed two acts of contempt and ordered him to pay the maximum fine of $1,000 for each act of contempt. In addition, respondent was ordered to pay Conejo's attorney's fees, in the amount of $34,312.25, and court costs. The Earls were warned, but not held in contempt because they were relying on respondent's advice.

This entire event has cost Conejo over $200,000 in attorney fees. There is now a cloud over the Simi Valley property and Conejo has been unable to sell it. Instead, Conejo has been forced to rent the Simi Valley property at a loss to Conejo.

[11] David Latt identified the Simi Valley property as his "dream house." The Latt family was expecting an adoptive child in November 2010. They quickly made an offer on a less desirable home. David Latt estimates that respondent's conduct cost his family an extra $50,000.

Legal Conclusions

Pursuant to section 6007, subdivision (c)(2)(C), the court finds that there is a reasonable probability that the Office of the Chief Trial Counsel will prevail as to the following charges:

a. Section 6106 [Moral Turpitude];[12]

b. Section 6068, subdivision (a) [Failure to Follow All Laws–Contempt];[13]

c. Section 6068, subdivision (b) [Failure to Maintain Respect to the Court];[14]

d. Rules of Professional Conduct of the State Bar of California, rule 3-110(A)[15] [Failure to Perform with Competence];[16] and

e. Rule 3-210 [Advising the Violation of Law].[17]

B. The Newport Matter

Hector Zepeda ("Zepeda") owned a property located on Coral Cay in Newport Beach, California ("the Newport Beach property"). In or about July 2009, Zepeda lost this property in foreclosure.

On or about October 13, 2010, Zepeda and respondent called a locksmith, Uziel Santos ("Santos"), requesting he meet them at the Newport Beach property. When Santos arrived, respondent identified Zepeda as the Newport Beach property owner. Zepeda presented Santos with his driver's license, which listed the Newport Beach property address.

[12] Section 6106 states, in part, that the commission of any act involving moral turpitude, dishonesty, or corruption constitutes cause for disbarment or suspension.

[13] Section 6068, subdivision (a) states that attorneys have a duty to support the Constitution and laws of the United States and California.

[14] Section 6068, subdivision (b) states that attorneys have a duty to maintain respect due to the courts of justice and judicial officers.

[15] All further references to rule(s) are to the Rules of Professional Conduct of the State Bar of California, unless otherwise stated.

[16] Rule 3-110(A) provides that a member must not intentionally, recklessly, or repeatedly fail to perform legal services with competence.

[17] Rule 3-210 states that a member shall not advise the violation of any law, rule, or ruling of a tribunal unless the member believes in good faith that such law, rule, or ruling is invalid.

Respondent was accompanied by two women and an armed security guard. There was also someone videotaping the reentry. One of the two women told Santos to make sure that he did not get arrested. She went on to tell Santos that they wanted Zepeda to get arrested so they could sue for millions of dollars.

A representative from respondent's office contacted the Newport Beach Police and advised the police that respondent and his client, Zepeda, would be attempting to take possession of the Newport Beach property. When police officers arrived, Santos was in the process of cutting the lockbox hanging from the front door of the Newport Beach property. Upon the admonition of one of the officers, Santos stopped cutting the lockbox.

The police officers informed respondent and the other bystanders that the property was lawfully owned by JP Morgan Chase Bank and was under the control of property manager Clifford Adkins. Respondent and Zepeda walked onto the front yard, and then entered the backyard with the officers following. Respondent kept asking, "What does he have to do to get arrested?" Respondent then advised Zepeda that if he broke a window, then he might get arrested.

Respondent then waited for the media to arrive. Upon their arrival, respondent and Zepeda gave videotaped statements, and then went into the backyard of the Newport Beach property with a hammer. Police officers repeatedly warned Zepeda that he would be arrested if he attempted to reenter the Newport Beach property. Respondent told Zepeda not to listen to the officers.

Zepeda then walked up to one of the windows and broke it. Zepeda and respondent were immediately placed under arrest.

At the police station, respondent was advised of his Miranda rights. Respondent stated that it was his intent for Zepeda to be arrested, and subsequently to sue the City of Newport

Beach for wrongful arrest. Respondent added that he wanted Zepeda's arrest to be covered by the media so as to create a public outcry and to help him build up momentum to encourage civil disobedience.

Respondent and Zepeda kept approximately seven officers and Deputy City Attorney Kyle Rowan at the Newport Beach property for over five hours. The broken window cost $1,710 to repair.

Legal Conclusions

Pursuant to section 6007, subdivision (c)(2)(C), the court finds that there is a reasonable probability that the Office of the Chief Trial Counsel will prevail as to the following charges:

a. Section 6106 [Moral Turpitude];

b. Section 6068, subdivision (a) [Failure to Follow All Laws–Trespass];

c. Rule 3-110(A) [Failure to Perform with Competence]; and

d. Rule 3-210 [Advising the Violation of Law].

C. The Carlsbad Matter

Benjamin and Sara Valenzuela ("the Valenzuelas") owned a property located at 6931 Amber Lane in Carlsbad, California ("the Carlsbad property"). The Valenzuelas lost this property in foreclosure.

On December 1, 2010, the Carlsbad property was sold to Ronald Bamberger ("Bamberger") at a trustee's sale. Bamberger then sold the Carlsbad property to his business partner, Phillip Ladman ("Ladman"). Ladman intended to live in the Carlsbad property with his family.

On February 18, 2011, the San Diego County Sheriff's Department evicted the Valenzuelas from the Carlsbad property. The Valenzuelas had not removed their personal belongings, so Ladman also hired movers.

As the Valenzuelas were being evicted, respondent showed up and confronted Ladman, Bamberger, and Ladman's security guard. Respondent yelled at them to get out, and said, "I'm going to precipitate an armed confrontation." Respondent went on to say that he would get his "own security and force an armed conflict." Respondent also warned that he would be back to break into the Carlsbad property and change the locks.

Later that same day, Ladman was upstairs with the movers when he heard yelling downstairs. Respondent had entered the Carlsbad property with the assistance of a locksmith, and was trying to change the locks. Ladman called 911. The Carlsbad Police Department came and arrested respondent for making criminal threats.

That next day, February 19, 2011, Ladman arrived at the Carlsbad property and saw respondent in the driveway with Ladman's security officer. Ladman's security officer had warned respondent to leave the property several times, but respondent refused. Respondent walked into Ladman's security officer in an apparent attempt to provoke a physical confrontation. The security officer grabbed respondent by the collar and escorted him off the property. Once he was removed from the Carlsbad property, respondent got on top of the ramp of the moving van, intentionally standing in the way of the movers so they could not load the truck. Ladman called 911 and the Carlsbad Police Department. Respondent was again arrested.

At the police station, respondent voluntarily spoke to officers about this incident. Respondent vowed that he was done with this matter. He stated that he had done enough for these people and would not be coming back to Carlsbad.

Fearing for the safety of himself, his family, and his workers, Ladman obtained a Temporary Restraining Order ("TRO") against respondent. Respondent was personally served with the TRO by Officer Gerald Rabidou of the San Diego County Sheriff's Department on

February 23, 2011, at 11:45 a.m.[18] The TRO required that respondent remain 100 yards away from Ladman and the Carlsbad property.

That same day at approximately 3 p.m., respondent, his assistant, and the Valenzuelas again returned to the Carlsbad property and entered the house. Respondent began yelling at the workers in the Carlsbad property, who were installing a security system at the time, telling them to get out of his house. Respondent also brought in a locksmith to try to change the locks.

The Carlsbad Police Department was called and contacted respondent upon their arrival. When the officers contacted respondent, he was approximately 20 yards away from the Carlsbad property. Respondent told police that he had not been served with the TRO. Upon confirmation that he had been served, respondent was arrested for violating the TRO.

Based on his fear of what respondent might do, Ladman and his family delayed moving into the Carlsbad property until March 1, 2011. Ladman and his family continue to fear for their safety.

Legal Conclusions

Pursuant to section 6007, subdivision (c)(2)(C), the court finds that there is a reasonable probability that the Office of the Chief Trial Counsel will prevail as to the following charges:

a. Section 6106 [Moral Turpitude];

b. Section 6068, subdivision (a) [Failure to Follow All Laws–Trespass];

c. Section 6068, subdivision (a) [Failure to Follow All Laws–Criminal Threats];

d. Section 6068, subdivision (a) [Failure to Follow All Laws–Violation of a TRO];

e. Section 6068, subdivision (b) [Failure to Maintain Respect to the Court];

g. Rule 3-110(A) [Failure to Perform with Competence]; and

h. Rule 3-210 [Advising the Violation of Law].

[18] Officer Rabidou went to respondent's residence and knocked on the door. Respondent answered the door in his bathrobe and accepted service of the TRO.

5. DISCUSSION

The evidence before the court establishes that respondent, in his capacity as an attorney, has committed numerous acts of misconduct in the aforementioned matters.

As mentioned, section 6007, subdivision (c)(2) sets forth three factors for determining whether an attorney's conduct poses a substantial threat of harm to the interests of the attorney's clients or the public. All of the following factors must be found:

1. The attorney has caused or is causing substantial harm to his clients or the public;

2. The attorney's clients or the public are likely to suffer greater injury if the involuntary inactive enrollment is denied than the attorney is likely to suffer if it is granted, or that there is a reasonable likelihood the harm caused by the attorney will reoccur or continue; and

3. That it is reasonably probable that the Office of the Chief Trial Counsel will prevail on the merits of the underlying disciplinary matter.

A. Reasonable Probability the Office of the Chief Trial Counsel will Prevail

Throughout the above Findings of Fact and Conclusions of Law, this court has made findings and conclusions with respect to the third of the above factors; that is, the likelihood of the Office of the Chief Trial Counsel prevailing on the merits of the charges presented in the application. As established above, the court finds that there is a reasonable probability that the Office of the Chief Trial Counsel will prevail on 16 counts of misconduct involving the aforementioned matters.

B. Substantial Harm to the Public or the Attorney's Clients

Respondent's misconduct has caused substantial harm to his clients and the public. Respondent willfully exposed his clients to legal liability, all for his own personal benefit. In doing so, he has propelled his clients into volatile and even dangerous situations, with apparently little concern for their wellbeing. In the Newport Beach matter, for instance, respondent advised

his client to trespass, ignore police warnings, and vandalize property. Based on respondent's advice and encouragement, his client caused $1,710 in property damages and was arrested.

Respondent's conduct has also harmed the public. In the Newport Beach matter alone, respondent occupied seven police officers and a city attorney for approximately five hours, as he stalled for the media's arrival. And in the Carlsbad matter, respondent's antics brought a police response on at least three separate occasions, each of which resulted in respondent's arrest. The aforementioned misconduct has wasted scarce law enforcement resources and preoccupied officers while they could be responding to actual emergencies.

In addition, respondent's conduct has also caused great harm to legitimate homeowners and potential buyers. In the Simi Valley matter, respondent cost the Latt family an opportunity to buy their dream house and an additional $50,000 in expenses. In that same matter, respondent cost Conejo $200,000 in attorney's fees and diminished Conejo's ability to sell the Simi Valley property. And in the Carlsbad matter, respondent's misconduct caused the Ladman family to live in fear and delay moving into their home.

Finally, respondent's misconduct has also harmed the legal profession. Throughout modern time, attorneys have been at the forefront of the war against corruption and injustice. This battle, however, is waged in the courtroom and not in the streets. Attorneys are litigators, not vigilantes.

Although respondent is a seasoned attorney, he seems to have lost his ability to distinguish between zealous advocacy and lawlessness. Legal decisions are to be made by the courts, not the litigants. Respondent's unwillingness or inability to obey court orders and follow the laws of this state has tarnished the reputation of other attorneys and the legal community as a whole.

Accordingly, the court finds that the Office of the Chief Trial Counsel has established, by clear and convincing evidence, that respondent has caused substantial harm to his clients and the public.

C. Likeliness that Harm will Continue

Respondent has demonstrated a lack of understanding or appreciation of his ethical duties and the consequences of his misconduct. Although respondent vowed, in oral argument, to curtail his present misconduct, the Office of the Chief Trial Counsel aptly pointed out that he has made such promises before. On January 13, 2011, respondent, in an interview with Investigator John Noonen, assured the Office of the Chief Trial Counsel that he had stopped going out to people's homes to argue with the police. (See Declaration of John Noonen, pg. 41.) Yet, approximately one month later, respondent was involved in the Carlsbad matter. And in the Carlsbad matter, respondent came back to the property despite his assurances to police that he would not return. Therefore, despite respondent's words, the evidence demonstrates that absent the court's intervention, it is likely that respondent's misconduct will continue to harm his clients and the public.

The court also finds that respondent's conduct demonstrates a pattern of behavior, including acts likely to cause substantial harm. Accordingly, the burden of proof shifts to respondent to demonstrate that there is no reasonable likelihood that the harm will reoccur or continue. (Section 6007, subdivision (c)(2)(B).) There is no clear and convincing evidence that respondent has met his burden under section 6007, subdivision (c)(2)(B).

Therefore, the court finds that each of the factors prescribed by Business and Professions Code section 6007, subdivision (c)(2) has been established by clear and convincing evidence. The court concludes that respondent's conduct poses a substantial threat of harm to his clients

and the public. The court further finds that the involuntary inactive enrollment of respondent is merited for the benefit of the public, the courts, and the legal profession.[19]

6. ORDER

Accordingly, **IT IS ORDERED** that respondent Michael T. Pines be enrolled as an inactive member of the State Bar of California, pursuant to Business and Professions Code section 6007, subdivision (c)(1), effective three days after service of this order by mail. (Rules Proc. of State Bar, rule 5.231(D).) State Bar Court staff is directed to give written notice of this order to respondent and to the Clerk of the Supreme Court of California. (Bus. & Prof. Code, § 6081.)

IT IS FURTHER ORDERED that:

1. Within 30 days after the effective date of the involuntary inactive enrollment, respondent must:

(a) Notify all clients being represented in pending matters and any co-counsel of his involuntary inactive enrollment and his consequent immediate disqualification to act as an attorney and, in the absence of co-counsel, notify the clients to seek legal advice elsewhere, calling attention to the urgency in seeking the substitution of another attorney or attorneys in his place;

(b) Deliver to all clients being represented in pending matters any papers or other property to which the clients are entitled, or notify the clients and any co-counsel of a suitable time and place where the papers and other property may be obtained, calling attention to the urgency of obtaining the papers or other property;

(c) Provide to each client an accounting of all funds received and fees or costs paid, and refund any advance payments that have not been either earned as fees or expended for appropriate costs; and

(d) Notify opposing counsel in pending matters or, in the absence of counsel, the adverse parties of his involuntary inactive enrollment, and file a copy of the

[19] While the court did consider the implementation of interim remedies in lieu of involuntary inactive enrollment (Business and Professions Code section 6007, subdivision (h)), respondent's repeated failures to follow court orders and obey the law demonstrate the inadequacy of such a remedy.

notice with the court, agency, or tribunal before which the matter is pending for inclusion in the respective file or files;

2. All notices required to be given by paragraph 1 must be given by registered or certified mail, return receipt requested, and must contain respondent's current State Bar membership records address where communications may thereafter be directed to him;

3. Within 40 days of the effective date of the involuntary inactive enrollment, respondent must file with the Clerk of the State Bar Court: (1) an affidavit (containing respondent's current State Bar membership records address where communications may thereafter be directed to him) stating that he has fully complied with the provisions of paragraphs 1 and 2 of this order; and (2) copies of all documents sent to clients pursuant to paragraph 1(c) of this order; and

4. Respondent must keep and maintain records of the various steps taken by him in compliance with this order so that, upon any petition for termination of inactive enrollment, proof of compliance with this order will be available for receipt into evidence. Respondent is cautioned that failure to comply with the provisions of paragraphs 1 - 4 of this order may constitute a ground for denying his petition for termination of inactive enrollment or reinstatement, or for imposing sanctions.

Dated: May _____, 2011

RICHARD A. HONN
Judge of the State Bar Court