

**FILED**

**JAN 28 2019**

P.B.

**STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES**

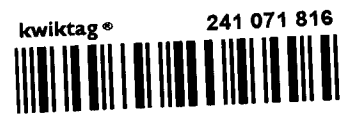
**STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES**

|                                       |   |                                   |
|---------------------------------------|---|-----------------------------------|
| In the Matter of                      | ) | Case No.: 12-C-10954-CV [S249911] |
|                                       | ) |                                   |
| HARRIS DAY HIMES,                     | ) | ORDER RE DISCIPLINARY COSTS       |
|                                       | ) |                                   |
| A Member of the State Bar, No. 86074. | ) |                                   |
|                                       | ) |                                   |
| _____                                 | ) |                                   |

On November 19, 2018, petitioner Harris Day Himes (Petitioner) filed a Petition for Relief (petition for relief) from the order assessing disciplinary costs in the above-captioned disciplinary matter. (Rules Proc. of State Bar, rule 5.130.) On January 11, 2019, the Office of Chief Trial Counsel of the State Bar of California (OCTC) filed its response to the petition for relief.<sup>1</sup> OCTC opposed relief from costs, but did not oppose an extension of time to pay.

Petitioner’s motion is based on financial hardship. He asserts that certain costs would not have been assessed had OCTC agreed to probation pretrial, rather than proceeding to trial and seeking disbarment. This is especially true, he argues, since ultimately the level of discipline imposed after trial was probation. Petitioner further argues that he should not be responsible for costs which he deems excessive, such as flying in a witness that he considered unnecessary. Petitioner’s arguments, however, do not establish good cause warranting relief from payment of disciplinary costs pursuant to Business and Professions Code section 6086.10, subdivision (c).

<sup>1</sup> OCTC asserts that Petitioner’s November 19, 2018 motion was not properly served on OCTC, and that the motion was instead received via email from the Court on January 7, 2019.



However, based upon the Financial Declaration in Support of Motion for Relief attached to the petition for relief, the court finds that good cause exists to warrant an extension of Petitioner's time to pay said costs.

Accordingly, the court issues the following orders:

1. Petitioner's motion for relief from payment of disciplinary costs is **DENIED**, no good cause having been shown; and

2. Petitioner's motion for an extension of time for Petitioner to pay disciplinary costs is **GRANTED**. The court orders that Petitioner's time to pay the disciplinary costs associated with case No. 12-C-10954 [S249911] be extended and that one-fourth of said costs is to be paid with Petitioner's annual State Bar membership fees for the years 2020, 2021, 2022, and 2023. The court further **ORDERS** that, if Petitioner fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to Business and Professions Code section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 5.134). The payment of costs remains enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**IT IS SO ORDERED.**

Dated: January 28, 2019

  
\_\_\_\_\_  
CYNTHIA VALENZUELA  
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 Court Specialist 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 January 28, 2019, I deposited a true copy of the following document(s):

### ORDER RE DISCIPLINARY COSTS

in a sealed envelope for collection and mailing on that date as follows:

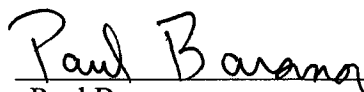
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

HARRIS DAY HIMES  
PO BOX 540  
HAMILTON, MT 59840 - 0540

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

ESTHER FALLAS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 28, 2019.



Paul Barona  
Court Specialist  
State Bar Court