

STATE BAR COURT OF CALIFORNIA	FOR CLERK'S USE ONLY: FILED
HEARING DEPARTMENT 845 S. Figueroa Street, 3 rd Floor Los Angeles, CA 90017-2515	MAR 25 2014 <i>He</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In the Matter of: MICHAEL B. STONE, Member No. 160177, A Member of the State Bar	Case Nos: 12-H-16290, 13-H-10477 (S211464) ORDER RE: MOTION FOR EXTENSIONS OF TIME TO COMPLY WITH RULE 9.20 AND TAKE MPRE

On February 20, 2014, Respondent filed a motion seeking relief from this court regarding two provisions of the Supreme Court's order filed August 22, 2013. He seeks "a 142-day extension" of the deadline for him to comply with California Rules of Court, rule 9.20. He notes that a disciplinary action has already been filed by the State Bar against him as a result of his alleged failure to comply with that obligation by the original deadline imposed by the Supreme Court.

In addition, Respondent seeks relief from this court regarding his obligation to take the MPRE. His request does not arise from any need by him for more time to take and pass the examination; it results from the fact that he took and passed the MPRE after signing the stipulation but before Supreme Court order was issued requiring him to take the MPRE. While he had requested that the State Bar include language in the disciplinary stipulation, making clear that he could satisfy the MPRE requirement prior to the Supreme Court's order, the stipulation mistakenly did not do so.

On February 26, 2014, the Office of Probation filed an opposition to Respondent's requests.

With regard to Respondent's request that the time be extended for him to comply with rule 9.20, this court agrees with the Office of Probation that good cause has not been shown for Respondent's belated request for such relief. Accordingly, that portion of Respondent's motion is DENIED. This denial is without prejudice to Respondent raising the same issues regarding his non-compliance in the disciplinary action now pending against him.

With regard to the MPRE issue, this court notes that the language of the Supreme Court's order requires Respondent to take and pass the MPRE "within one year after the effective date of this order[.]" This court concludes that Respondent's taking of the MPRE after the time that the stipulation was signed by the parties and prior to the one-year deadline set forth in the Supreme Court's order constitutes compliance with that order. Such an interpretation of the language of the Supreme Court's order is consistent with the routine practice of the Supreme Court in foregoing any new MPRE requirement where a respondent has taken the MPRE within a



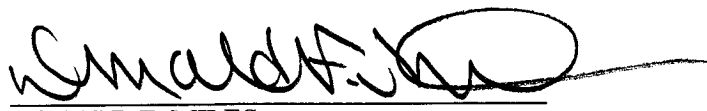
year prior to the new discipline. Moreover, such an interpretation is consistent with protecting the public, since it rewards, rather than punishes, the diligence of a previously-errant attorney in seeking to gain knowledge regarding his or her professional obligations at the earliest possible time.

Finally, the evidence makes clear that the failure to include in the stipulation the specific language requested by Respondent resulted from inadvertence, rather than any intent. Documents attached to the Office of Probation's opposition confirm Respondent's contention that he had specifically requested such language with regard to the deadlines for his taking the MPRE, the Ethics School, and the Client Trust Account. In response to that request, language was added to the stipulation with regard to the Ethics School and Client Trust Accounting School, but inadvertently not included with regard to the MPRE. No evidence has been offered by the State Bar showing that the State Bar refused to include the requested language, and no good reason can be advanced for why it would have refused to do so. Finally, the declaration from the Deputy Trial Counsel, who made the other modifications, was attached to the Office of Probation's opposition. In it, he does not deny that the omission of the requested language was other than inadvertent.

This court has power to "extend" the time during which a member may take the MPRE. (Calif. Rules of Court, rule 9.10(b).) While this court does not believe it necessary to do so, to make clear that Respondent should be given credit for his passage of the MPRE and should not be required to take and pass the examination again in order to comply with the Supreme Court's order, the court hereby formally extends the time during which Respondent may take and pass the MPRE examination so that it runs from March 25, 2013, the date that the stipulation in this matter was signed by all parties, to one year after the effective date of the Supreme Court's order.

IT IS SO ORDERED.

Dated: March 21, 2014


DONALD F. MILES
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 Los Angeles, on March 25, 2014, I deposited a true copy of the following document(s):

**ORDER RE MOTION FOR EXTENSIONS OF TIME TO COMPLY WITH RULE
9.20 AND TAKE MPRE**

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:

**MICHAEL B. STONE
848 N RAINBOW BLVD # 1799
LAS VEGAS, NV 89107**

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

KEVIN BUCHER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 25, 2014.



Tammy Cleaver
Case Administrator
State Bar Court