

FILED

DEC 09 2014

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

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

In the Matter of) Case No.: **12-O-11841-YDR**
) **(S208082)**
B. KWAKU DUREN,)
) **ORDER MODIFYING RESPONDENT'S**
Member No. 147789,) **TERMS OF PROBATION RE:**
) **RESTITUTION and ORDER**
A Member of the State Bar.) **SCHEDULING STATUS CONFERENCE**
)

On October 9, 2014, Kwaku Duren (“Respondent”) filed a motion to modify his probation. Specifically, Respondent requested that he be allowed to change the due date of his monthly restitution payments from the first day of each month to a date in the latter part of the month. The grounds for the requested modification were based on Respondent’s financial condition, including the fact that his monthly income is not stable in that it fluctuates from month to month. Respondent submitted a financial declaration in support of his motion.

On October 15, 2014, the Office of Probation of the State Bar of California (Office of Probation) opposed the motion on the ground that Respondent’s motion did not explain why a date other than the first of the month would be more likely to result in a timely payment. The Office of Probation pointed out that some of Respondent’s payments had not been timely and that Respondent stated that he had made a \$500 restitution payment in August 2014, and another \$500 payment in September 2014, even though the court’s July 2, 2013 “Order Granting

Respondent's Motion to Modify Terms of Probation" required that "[b]eginning August 1, 2014, and continuing on the first of each month, Respondent will pay \$1,000 per month in restitution to Carolyn Williams until all restitution owed to Williams" has been paid.

On October 24, 2014, Respondent filed a reply to the Office of Probation's opposition. Respondent argued, among other things, that because his income fluctuates and is often limited at the beginning of the month, he at times has been unable to pay the required restitution payment on the first of the month. It is Respondent's position that as he receives his social security payment on the third Wednesday of every month, he could and would be able to timely make a \$500 payment in the latter part of each month.

On Monday, December 1, 2014, the parties participated in a telephonic status conference.

After considering the parties pleadings, and the status conference discussion, and good cause having been shown, the court makes the following orders:

1. If Respondent has made a restitution payment of \$2,000 to Carolyn Williams (Williams), subsequent to December 1, 2014, and on or before December 8, 2014, Respondent will not be required to make any further restitution payments until January 2015.
2. Beginning in the month of January 2015, and continuing each month thereafter, Respondent must make monthly restitution payments in the amount of at least \$500 to Williams until restitution, including principal and interest, has been paid in full. The monthly payments, starting in January 2015, and continuing thereafter, **must be made on or before the last date of the month.**
3. If Respondent fails to pay any monthly installment, as set forth in paragraph 2, above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

4. The court further **ORDERS** that Respondent B. Kwaku Duren and the Office of Probation must attend a telephonic status conference to be held on January 15, 2015, at 1:30 p.m.

IT IS SO ORDERED.

Dated: December 9, 2014



YVETTE D. ROLAND
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 December 9, 2014, I deposited a true copy of the following document(s):

ORDER MODIFYING RESPONDENT'S TERMS OF PROBATION RE:
RESTITUTION and ORDER SCHEDULING STATUS CONFERENCE

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

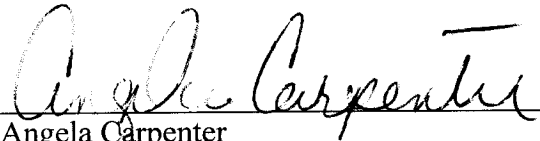
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

B. KWAKU DUREN
LAW OFFICE OF B. KWAKU DUREN
2033 W COMPTON BLVD
COMPTON, CA 90220

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

TERRIE GOLDADE, Office of Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 9, 2014.



Angela Carpenter
Case Administrator
State Bar Court