

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT - LOS ANGELES

In the Matter of ) Case No.: **12-O-14626-RAH**  
)  
**MARY FRANCES PREVOST,** ) **DECISION**  
)  
**Member No. 157782,** )  
)  
A Member of the State Bar. )

**Introduction and Significant Procedural History**<sup>1</sup>

The Notice of Disciplinary Charges (NDC) in this single client matter was filed on September 27, 2012. Trial commenced on January 23, 2013. On the first day of trial, the parties stipulated to certain amendments to the NDC, primarily correcting dates that events alleged in the NDC occurred. The trial was continued to resolve issues regarding certain exhibits. Thereafter, due to the deaths of respondent's father and aunt, the trial was continued again to April 10, 2013. A status conference was set for April 22, 2013 to resolve further issues involving exhibits, and the matter was submitted on that day.

Having considered the facts and the laws, the court recommends discipline consisting of a one-year stayed suspension and two years' probation, among other things.

**Findings of Fact and Conclusions of Law**

Respondent was admitted to the practice of law in California on March 23, 1992 and has been a member of the State Bar of California at all times since that date.

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<sup>1</sup> Unless otherwise indicated, all references to rules refer to the State Bar Rules of Professional Conduct. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

## **Facts**

In 2011, Alyssa Walker and her seven-month-old child were temporarily living in Granbury, Texas with her grandparents, John and Vickie Hannum. John Hannum (Hannum) was aware that Walker had a substance abuse problem, so he and his wife arranged for her to enter a rehabilitation program. He also learned information from Walker that caused him to be concerned that she may be accused of a crime involving thefts of property in San Diego. At the time, she was approximately 22 years-old. Hannum wanted to clear any such problems up proactively, so he contacted an attorney friend from Fort Worth, Texas, who gave him three names of San Diego attorneys, one of whom was respondent. He called respondent with Walker on speaker phone. His wife was in the room while the call occurred. During that call, Hannum explained the details as he knew them. Respondent agreed to take the case.

On November 28, 2011, Walker hired respondent to represent her in connection with this matter, and signed a retainer agreement with respondent. Hannum signed the retainer agreement as payment guarantor.<sup>2</sup> On November 28, 2011, \$3,500.00 was charged by respondent to Hannum's MasterCard. Hannum understood that respondent would call again and advise them of the next steps.

In early December 2011, Hannum placed a call to respondent. In the conversation among Hannum, Walker and respondent, Walker gave respondent verbal permission to speak with Hannum and his wife about her matter. Respondent then asked that she be allowed to speak

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<sup>2</sup> As noted, Walker gave respondent verbal authorization to speak with Hannum and his wife regarding her matter. The retainer agreement did not contain any provisions regarding such an authorization. Respondent did not tell Hannum until October 2012, that she required a written permission to speak with respondent on Walker's behalf.

privately with Walker, so Hannum took the telephone call off the speaker phone, and he and his wife left the room so that Walker could be alone.<sup>3</sup>

Hannum next called respondent in mid-December, asking about the status of her research on his granddaughter's matter. Consistent with Walker's verbal authorization allowing Hannum to receive updates about Walker's matter, respondent replied that she had been busy and had not had a chance to do much on the case. Shortly after this call, Hannum sent respondent an email, again asking for an update. Again, he got a substantive response, this time by an email from respondent, indicating she had attempted to contact the San Diego Police Department, but they had not gotten back to her. Between Christmas and New Year's Day, Hannum again tried to reach respondent by both email and by leaving a message on her telephone, but received no response. Around this time, Hannum learned from other sources that no charges had been filed.

In January 2012, Hannum left messages in two to three additional phone calls to respondent and sent two emails, all to obtain a status report as to the search for Walker's possible criminal charges. In the telephone calls, he either left a message or a voicemail message. He did not receive a response to these messages. Each call he made was to a person who identified him or herself as being from respondent's office.

In February 2012, Hannum made at least four to five telephone calls. In addition, his wife and Walker made some calls during February. In early March 2012, Hannum made one or two calls, left messages, but received no return calls.

On March 15, 2012, Hannum and Walker sent respondent a letter terminating respondent, canceling the retainer contract, and requesting a return of all his funds. He mailed the letter to the address on the retainer agreement -- 555 West Beech St., San Diego. The letter was returned because of an incorrect address. He went on the Internet and found a second address,

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<sup>3</sup> This was the first and only time respondent spoke with Walker.

respondent's membership records address at 402 West Broadway, San Diego, and they sent another letter to that location, enclosing a copy of the previous letter that had been returned. The court finds that this letter was received by respondent.<sup>4</sup> Frustrated, Hannum contacted the San Diego County Bar Association, and then, the State Bar.

On July 3, 2012, investigator William Graham of the State Bar of California caused a letter to be sent to respondent during the course of his duties, acting as an investigator of allegations involving professional misconduct by respondent in the Walker/Hannum matter. The July 3, 2012 letter requested respondent answer certain questions within the letter no later than July 17, 2012. Investigator Graham caused the July 3, 2012 letter to be sent to respondent's official membership records address at 402 W. Broadway, Suite 950, San Diego, CA 92101. The July 3, 2012 letter was sent via United States mail. Respondent received this letter. On July 18, 2012, Graham caused a second letter to be sent to respondent during the course of his duties at the State Bar. The July 18, 2012 letter requested respondent respond to certain questions within the letter no later than August 1, 2012. A copy of the earlier July 3, 2012 letter was enclosed within the July 19, 2012 letter. Respondent received this letter.<sup>5</sup> On July 19, 2012 and August 2,

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<sup>4</sup> Respondent disputes that she received the March 28, 2012 letter from Hannum. The court does not find her testimony credible. See the footnote, below, regarding other letters claimed not to be received. In general, respondent was not a credible witness. She appeared indignant and angry throughout the trial, often reverting to evasion and sarcasm in her answers to questions. As is set forth in more detail, below, in the face of several examples of evidence to the contrary, she denied receiving many of the letters from Hannum or the State Bar, even resorting to accusations of fraud on the part of the State Bar representatives, who she claimed lied about contacting her. Finally, although remote in time, respondent was convicted of two felonies in the Commonwealth of Virginia: malicious wounding of another person and statutory burglary. These convictions occurred approximately 28 years ago, before she became a lawyer.

<sup>5</sup> Respondent testified that she did not receive either the July 3, 2012 or the July 18, 2012, (in addition to the March 28, 2012 letter referred to above). This testimony is not credible. All were sent to her membership records address, and according to the credible testimony of Mr. Graham, the July letters were not returned to the State Bar as undelivered. Further, respondent acknowledged that she did receive another letter sent to the same address by Mr. Graham on October 17, 2012 (exhibit N.) The difference: the first three contained bad news – Hannum's

2012, Graham telephoned respondent at her official membership records telephone number and requested to speak to respondent.<sup>6</sup>

In August 2012, Walker stopped living with the Hannums. However, the Hannums have full custody of Walker's small child.

Sometime after October 12, 2012, Hannum received a letter from respondent addressed to Walker. He opened the letter, assuming it was finally the return of his retainer payment. Instead, it was a letter to Walker criticizing Hannum and warning her that she should think carefully about turning respondent into the State Bar. (It enclosed an earlier October 10, 2012 email. This email purports to attach a billing log identified as "billing.pdf.") This letter is significant for other reasons. The letter was sent to the Granbury, Texas address of the Hannums. It refers to Walker's failure to return a release to respondent to allow respondent to speak with Hannum regarding her case. The letter states that "On Wednesday, October 10, 2012 I sent you an email requesting that you let me know why you did not sign my release so I could communicate with your grandfather... ." In the October 10, 2012 email, it also states "I previously sent you a 'release' so that I could speak to your grandfather." But respondent did not specifically describe the other, prior correspondence she had sent regarding the purported release. No such correspondence was received at trial. Further, no release was offered into

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cancelation of her contract and Graham's investigation of her conduct. On the other hand, the fourth letter contained good news – the decision to close a different investigation by the State Bar.

<sup>6</sup> The stipulation entered into by the parties corrected certain errors regarding dates and other minor mistakes in the Notice of Disciplinary Charges (NDC). Those corrected dates and the changed wording are reflected in the above facts. Further, as noted above, during trial on January 23, 2013, the NDC was also amended to make other changes.

evidence in this case.<sup>7</sup> Walker had not lived with the Hannums since August 2012. So it appears that respondent had no contact with Walker from August to October 2012, or else she would have known that she no longer lived there. Further, the credible testimony of Hannum was that the last contact with respondent by anyone at his residence was back in December 2011.<sup>8</sup>

Approximately two weeks later, Hannum received an email dated October 31, 2012 from respondent, accusing him and Walker of lying to her. She sent an “accounting” showing the fees and costs she had incurred through September 2012 in representing Walker, along with a check for \$755.00, representing what she claimed was the amount remaining from the original retainer amount.<sup>9</sup>

In November 2012, Hannum got a telephone call from respondent, wanting to know if he had received her letter and accounting. Hannum advised her that he and Walker had turned everything over to the State Bar. Upon hearing that, she became irate, and advised him that Walker would “not be a good witness,” since “drug addicts typically were not good witnesses.” She closed the conversation with the comment, “Have a nice life, what’s left of it.” He has had

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<sup>7</sup> Hannum testified that he thought a document “for Alyssa [Walker] to sign” was included in the correspondence he received addressed to Walker dated October 12, 2012, he did not identify the nature of the document. The letter states that “another release” was included.

<sup>8</sup> Respondent testified that between December 2011 and February 2012, on two to three occasions, she called Hannum’s residence with the intent to speak with Walker, and in each case, Hannum answered, and she hung up the phone without speaking to him. When asked why, she testified that she wanted to talk to Walker, and because she had not received a written waiver from her, she felt she could not talk to Hannum. The court does not find this testimony credible. In fact, she had talked to Hannum on occasions before these purported calls. Further, asking to speak to Walker instead of hanging up on Hannum would not have violated Walker’s confidentiality. Finally, respondent billed for “hang-up” calls for her calls to the victim of the alleged theft, but not to Walker (see exhibit 15, page 2). The court finds that the testimony regarding these “hang-up calls” was not true. Rather, it was either an attempt to persuade the court that she had tried to make contact with Walker, when in fact, she had not; or it reflected her attempt to avoid Hannum, because she knew he had tried on several occasions to contact her and she had not responded.

<sup>9</sup> The record is unclear as to whether this “accounting” is different from the “billing log” identified as an attachment in the October 10, 2012 email.

no further contact with respondent since that conversation. Hannum testified at trial that he had not cashed the \$755.00 check.

### **Conclusions**

#### ***Count One - (Rule 3-700(D)(2) [Failure to Return Unearned Fees])***

Rule 3-700(D)(2) requires an attorney, upon termination of employment, to promptly refund any part of a fee paid in advance that has not been earned.

Respondent failed to *timely* return any of the \$3,500.00 fee, and when she did send Hannum a check, she only returned \$755.00. While respondent may have performed some services, her lack of contact with the client or her grandfather rendered her services of no value to her client. In her conversation in mid- to late-December 2011 with Hannum, she stated that she had called the police department but had not heard back. After many attempts to contact her, in mid-March 2012, Walker and Hannum terminated respondent. Thereafter, until October 2012, she made no contact with either Walker or Hannum, despite their many attempts to contact her. Meanwhile, they had found out from their own sources the answer to the very question they had retained her to resolve.

Respondent violated the provisions of rule 3-700(D)(2). The “accounting” provided by her notwithstanding, under these circumstances, respondent was obligated to promptly return all of the fees she received from Hannum on Walker’s behalf. Her tardy return of only \$755.00 was insufficient to comply with rule 3-700(D)(2).

#### ***Count Two - (§ 6068, subd. (m) [Failure to Communicate])***

Section 6068, subdivision (m), provides that an attorney has a duty to promptly respond to reasonable status inquiries of clients and to keep clients reasonably informed of significant developments in matters with regard to which the attorney has agreed to provide legal services.

Respondent failed to comply with section 6068, subd. (m) by repeatedly failing to respond to her client's inquiries, or those of the client's representative. (*In the Matter of Whitehead* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 354, 363 [Where client designates a representative to receive updates, client's attorney is obligated to reply to reasonable status requests]; See also, *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138, 153-155.)

***Count Three - (§ 6068, subd. (i) [Failure to Cooperate])***

Section 6068, subdivision (i), provides that an attorney has a duty to cooperate and participate in any disciplinary investigation or other regulatory or disciplinary proceeding pending against the attorney.

Respondent received letters and telephone calls from Investigator Graham. Her protestations to the contrary are not credible. She had a duty to respond to those contacts about allegations of misconduct, but did not.<sup>10</sup> As a result, she failed to cooperate with the State Bar, in willful violation of section 6068, subd. (i).

**Aggravation<sup>11</sup>**

**Multiple Acts/Pattern of Misconduct (Std. 1.2(b)(ii).)**

Respondent committed multiple acts of misconduct. This is an aggravating factor.

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<sup>10</sup> Respondent points to her conversation with Deputy Trial Counsel Adriana Burger to argue that she normally promptly responds to inquiries from the State Bar, in this case, involving obtaining a second copy of her Notice of Disciplinary Charges. (See exhibit R, a transcript of a recorded telephone call between Ms. Burger and respondent.) In this interchange, respondent is demanding that Ms. Burger *immediately* provide her with a copy of the NDC. While the transcript does show that respondent was anxious to receive the document, it primarily revealed respondent's sarcasm and disdain for the State Bar employee with whom she was speaking.

<sup>11</sup> All references to standards (std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

## **Mitigation**

### **No Prior Record (Std. 1.2(e)(i).)**

Respondent has no prior record since being admitted in 1992. This is a substantial mitigating factor.

### **Extreme Emotional/Physical Difficulties (Std. 1.2(e)(iv).)**

Respondent offered her own testimony and that of Diana Schwarzbein, M.D., on her medical condition. Specifically, respondent suffers from Adrenal Fatigue and Chronic Fatigue Syndrome. Respondent has low cortisol, low adrenalin, and high noradrenalin. Dr. Schwarzbein noted that an extreme case of Adrenal Fatigue can appear to be Addison's Disease. However, Dr. Schwarzbein acknowledged that respondent does not suffer from such a severe case. These conditions do, however, affect one's ability to concentrate, and increase one's level of fatigue.

Dr. Schwarzbein was not aware of the details of the charged misconduct, so she was unable to opine as to the direct relationship between the alleged misconduct and respondent's condition. However, respondent was able to testify as to the effects her condition had on her ability to work effectively during the relevant time period. Respondent is entitled to some mitigation for this condition.

### **Candor/Cooperation to Victims/State Bar (Std. 1.2(e)(v).)**

Respondent entered into a brief stipulation. However, in trial she indicated that she did not necessarily agree with all the facts, but signed it because she thought that the State Bar would be able to prove those facts and that it would make the trial go faster. She is entitled to minimal mitigation for this stipulation.

### **Good Character (Std. 1.2(e)(vi).)**

Respondent testified as to her involvement in various organizations. Some of these organizations were groups of other criminal defense lawyers seeking to network for their own

business interests. But others represented organizations that had as their purpose the improvement of the justice system. Among the organizations to which she either belonged or was affiliated with in the past were the following: North County Criminal Defense Association (membership lapsed); California Public Defenders' Association; California First Amendment Coalition (membership lapsed); Consumer Attorneys of San Diego; California Deuce Defenders (membership lapsed); American Inns of Court; and the Criminal Defender Bar Association. She has also spoken three times at the State Bar Annual Meeting. Respondent has also been active in fundraising for the Leukemia Society and Lymphoma Society.

Respondent also offered the testimony of several witnesses, including some of her former clients, her friends, and attorneys who knew her. While the attorneys were aware of the charges against her, many of the clients and friends were not. There was no reference to the charges in many of the declarations, but respondent testified that she had either told the declarants about the charges or sent them a copy of the NDC. Steven DeAvila, Christian Morales, Alan Dalziel, and Tom Odaniell testified that, while they may have either been told of the charges or saw the NDC, they had no recollection of the allegations. Despite these problems with some of the witnesses, all of the witnesses gave very positive comments regarding respondent's good character.

Especially informative were Albert Menaster, a Deputy Public Defender for the County of Los Angeles and Michael Fremont, a criminal defense attorney. Mr. Menaster has had regular contact with respondent over the last ten years, and spoke very highly of her character. He felt that she had a high level of integrity and was very sensitive to ethical concerns. He was aware of the charges, and did not feel they represented respondent's usual attention to her clients.

Michael Fremont has known respondent for about 20 years. He speaks with her about once a week and considers her a professional colleague and friend. He feels she is honest and

ethical. He noted that while she is somewhat cynical, respondent is a “true believer” in the criminal justice system and works very hard for her clients.

Respondent is entitled to mitigation for the above activities and evaluations of her good character.

### **Discussion**

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, to preserve public confidence in the profession, and to maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1025; std. 1.3.)

In determining the appropriate level of discipline, this court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d 1085, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.) Second, the court looks to decisional law. (*Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311; *In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 580.)

Standard 1.6 provides that the appropriate sanction for the misconduct found must be balanced with any mitigating or aggravating circumstances, with due regard for the purposes of imposing discipline. If two or more acts of professional misconduct are found in a single disciplinary proceeding, the sanction imposed shall be the most severe of the applicable sanctions. (Std. 1.6(a).)

Standards 2.6 and 2.10 apply in this matter. The most severe sanction is prescribed by standard 2.6 which suggests suspension or disbarment depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline

The Supreme Court gives the standards “great weight” and will reject a recommendation consistent with the standards only where the court entertains “grave doubts” as to its propriety.

(*In re Silverton* (2005) 36 Cal.4th 81, 91, 92; *In re Naney* (1990) 51 Cal.3d 186, 190.) Although the standards are not mandatory, they may be deviated from when there is a compelling, well-defined reason to do so. (*Bates v. State Bar* (1990) 51 Cal.3d 1056, 1061, fn. 2; *Aronin v. State Bar* (1990) 52 Cal.3d 276, 291.)

The State Bar urged a one-year stayed suspension with two years' probation as appropriate discipline. Respondent seeks outcomes ranging from dismissal to an agreement in lieu of discipline to a private reproof. The court agrees with the State Bar's recommendation.

In this matter, respondent has been found culpable, in one client matter, of violating rule 3-700(D)(2) and sections 6068, subdivisions (i) and (m). The court considered multiple acts of misconduct an aggravating factor. In mitigation, the court considered no prior discipline in over 19 years of practice, a significant factor, as well as good character and works, physical difficulties (some mitigation) and candor and cooperation (minimal mitigating weight).

The court found instructive *Bach v. State Bar* (1991) 52 Cal.3d 1201 and *In the Matter of Aulakh* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 690.

In *Bach*, respondent was found culpable, in one client matter, of not performing competently or returning unearned fees or cooperating with the State Bar in a disciplinary investigation as well as improperly withdrawing from representation. He had no prior discipline. In aggravation, the court noted his persistent lack of insight and attitude toward discipline as evidenced by his lack of cooperation. The discipline imposed was 12 months' stayed suspension and 12 months' probation on conditions including actual suspension for 30 days and until he provided proof of restitution of unearned fees. Respondent herein presented less aggravating circumstances and more mitigation than *Bach* and, therefore, merits less discipline.

In *Aulakh*, the attorney was given a one-year stayed suspension and three-year probation, including 45 days actual suspension and restitution of \$3,000, for his misconduct in a single

client matter. The misconduct included failure to perform, improper withdrawal and failure to account for or refund unearned fees and resulted in harm to the client. Respondent Aulakh had no prior record of discipline in 20 years of practice but was uncooperative during the disciplinary process. *Aulakh* presented more misconduct and aggravation than the instant case. Accordingly, respondent merits less discipline than *Aulakh*.

Having considered the law and the evidence, the court believes that one year's stayed suspension and two years' probation on conditions including restitution to Hannum, is sufficient discipline under the circumstances to protect the public and so recommends.

### **Recommendations**

It is recommended that respondent MARY FRANCES PREVOST, State Bar Number 157782, be suspended from the practice of law in California for one year, that execution of that period of suspension be stayed, and that respondent be placed on probation<sup>12</sup> for a period of two years subject to the following conditions:

1. Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of respondent's probation.
2. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including respondent's current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, respondent must report such change in writing to the Membership Records Office and the State Bar's Office of Probation.
3. During the probation period, respondent must report in writing quarterly to the Office of Probation. The reports must be postmarked no later than each January 10, April 10, July 10, and October 10 of the probation period. Under penalty of perjury, respondent must state in each report whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all of respondent's probation conditions during the preceding calendar quarter or applicable reporting period. If the first report would cover less than 30 days, no report is required at that time; however, the following report must cover the period of time from the commencement of probation to the end of that next quarter. In addition to all quarterly reports, a final

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<sup>12</sup> The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

report must be postmarked no earlier than 10 days before the last day of the probation period and no later than the last day of the probation period.

4. Within 30 days after the effective date of discipline, respondent must contact the Office of Probation and schedule a meeting with respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, respondent must meet with the probation deputy either in person or by telephone. During the period of probation, respondent must promptly meet with the probation deputy as directed and upon request.
5. Subject to the assertion of applicable privileges, respondent must answer fully, promptly, and truthfully, any inquiries of the Office of Probation or any probation monitor that are directed to respondent personally or in writing, relating to whether respondent is complying or has complied with respondent's probation conditions.
6. Within one year after the effective date of the discipline herein, respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent will not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)
7. It is recommended that during the period of probation, respondent must make restitution to John Hannum in the amount of \$3,500.00 plus 10 percent interest per year from November 16, 2011 through October 31, 2012; and, thereafter, 10 percent interest per year from November 1, 2012 until paid<sup>13</sup> on the amount of \$2,745.00 (the outstanding balance after respondent's tender of payment of \$755.00) (or reimburse the Client Security Fund to the extent of any payment from the fund to either John Hannum or Alyssa Walker, in accordance with Business and Professions Code section 6140.5) and furnish satisfactory proof to the State Bar's Office of Probation in Los Angeles. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

At the expiration of the probation period, if respondent has complied with all conditions of probation, respondent will be relieved of the stayed suspension.

### **Multistate Professional Responsibility Examination**

It is recommended that respondent be ordered to take and pass the Multistate Professional Responsibility Examination (MPRE) within one year after the effective date of the Supreme

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<sup>13</sup> It is the court's intention that respondent make restitution to John Hannum for the entire amount he paid respondent, \$3,500, but that respondent pay interest only on the amounts actually owed Hannum. Accordingly, the court recommends that interest be paid on the entire \$3,500 until October 31, 2012, and, thereafter that interest be paid only on \$2,745, the balance remaining after respondent tendered \$775 to Hannum.

Court order imposing discipline in this matter and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

**Costs**

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Dated: July \_\_\_\_\_, 2013

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RICHARD A. HONN  
Judge of the State Bar Court