

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of) Case Nos.: **12-O-15773-LMA**
) **(12-O-16741; 12-O-17393;**
JULIUS MICHAEL ENGEL,) **13-O-11349; 13-O-11484)**
)
Member No. 137759,)
) **DECISION**
A Member of the State Bar.)
_____)

Introduction¹

In this contested disciplinary proceeding, respondent Julius Michael Engel is charged with six counts of client trust account violations and misconduct in four client matters.

This court finds, by clear and convincing evidence, that respondent is culpable of the charges. In view of respondent's misconduct and the evidence in aggravation and mitigation, the court recommends, among other things, that respondent be suspended from the practice of law for two years, that execution of suspension be stayed, that he be placed on probation for two years and that he be actually suspended for six months.

Significant Procedural History

The State Bar of California, Office of the Chief Trial Counsel (State Bar), initiated this proceeding by filing a Notice of Disciplinary Charges (NDC) on November 8, 2013. Respondent

¹ 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.

filed a response on November 25, 2013. On March 13, 2014, the parties filed a stipulation as to facts.

A five-day trial was held on March 13, 14 and May 20-22, 2014. Deputy Trial Counsel Catherine Taylor represented the State Bar. Respondent represented himself. This matter was submitted for decision on May 22, 2014.

Findings of Fact and Conclusions of Law

Respondent was admitted to the practice of law in California on December 7, 1988, and has been a member of the State Bar of California at all times since that date.

The following findings of fact are based on the testimony and evidence presented at trial and the stipulated facts filed on March 13, 2014.

Case No. 12-O-17393 - The Commingling Matter

Facts

From January through October 2011, respondent did not promptly remove funds which he had earned as fees from his client trust account at Bank of America ("CTA") and issued checks from those funds in his CTA for the payment of personal expenses. Also, he commingled personal funds with funds contained in his CTA by depositing earned fees into his CTA.

Between January and October 2011, respondent used his CTA to pay personal expenses such as college tuition, health insurance premiums, and veterinary expenses. He wrote hundreds of checks on his CTA payable for business operating expenses such as advertising costs, utilities, and payroll.

Respondent did not produce any ledgers showing the deposits and the corresponding checks written against the deposits.²

Conclusions

Count One - (Rule 4-100(A) [Commingling Personal Funds in Client Trust Account])

Rule 4-100(A) provides that all funds received or held for the benefit of clients must be deposited in a client trust account and no funds belonging to the attorney or law firm must be deposited therein or otherwise commingled therewith, except for limited exceptions.

It is well settled that using a client trust account for personal expenses constitutes commingling even where there were no client funds in the trust account.

“The rule absolutely bars use of the trust account for personal purposes, even if client funds are not on deposit. Because [respondent] used the account while it was ... denominated a trust account, even if he [did not intend] ... to use for trust purposes, rule [4-100(A)] was violated. The rule leaves no room for inquiry into the depositor’s intent.” (*Doyle v. State Bar* (1982) 32 Cal.3d 12, 22-23.)

Therefore, by depositing his personal funds in his CTA, by paying personal expenses from his CTA, and by writing checks for his business operating expenses on his CTA from January through October 2011, respondent deposited or commingled funds belonging to respondent in his CTA in willful violation of rule 4-100(A).

² Respondent was not credible when he alleged that former employees stole his ledgers.

Case No. 12-O-16741 - The Calvin Matter

Facts

In March 2012, Belinda Calvin's ("Calvin") home had been foreclosed and she was facing eviction from her home.

On March 19, 2012, Calvin met with respondent, signed a contract for legal services, and paid respondent \$1,500 by credit card. Respondent and Calvin agreed that he would file a bankruptcy petition for Calvin to stall the eviction process. Calvin then met with Dawn Cook, respondent's then-office manager. Calvin signed a skeletal bankruptcy petition. She then left respondent's office with the instruction to contact them once Calvin received the expected complaint for unlawful detainer ("complaint"). The bankruptcy petition would be filed when she received the complaint.

On April 4, 2012, Calvin was served with the complaint and contacted respondent's office as instructed. The complaint required a response within five calendar days.

Dawn Cook was no longer employed by respondent on April 4, 2012, and told Calvin to contact respondent.

On April 9, 2012, Calvin reached respondent's wife, Mary Engel, who emailed an unlawful detainer response form to Calvin and told Calvin she would have to file the papers herself in Sacramento County Superior Court. Calvin filed an answer to the unlawful detainer action "in pro per" and paid the filing fee.

On April 9, 2012, Calvin emailed respondent and asked him what he had done on her behalf, if her bankruptcy petition had been filed, and what she had paid him \$1,500 for.

In response to Calvin's email, he stated, "we will get your bk 13 filed and this answer will delay the eviction process...."

On April 17, 2012, Calvin emailed respondent stating that she still did not know if her bankruptcy petition had been filed and asked for a refund of her \$1,500. Respondent did not respond to this email.

On April 18, 2012, Calvin emailed respondent requesting a refund of her \$1,500. Respondent again did not respond to this email.

On April 19, 2012, Calvin emailed respondent again requesting a refund of her \$1,500 and offered respondent to keep \$300 and refund \$1,200. She stated that if he disagreed with the amount owed, he could provide an itemized list of the work he performed.

On April 19, 2012, respondent emailed Calvin and responded, “This office is still ready to represent you, your chapter 13 was being typed—I will send you a billing as you request...”

On April 19, 2012, Calvin emailed respondent stating she did not want respondent to file her bankruptcy petition.

On May 31, 2012, Calvin sued respondent in small claims court for the \$1,500. The small claims court hearing was held on July 19, 2012, and Calvin obtained a judgment in her favor for \$1,010 plus \$40 in costs.

On June 23, 2012, respondent sent Calvin a billing statement. The billing statement cited their March 19, 2012 fee agreement where it was agreed that all attorney fees were earned upon receipt.³

Respondent filed a complaint with Calvin’s employer, the Oakland Police Department, alleging perjury at the small claims court hearing, which resulted in an Internal Affairs investigation against Calvin.

³ This billing statement also mentioned that respondent was hired to handle an unlawful detainer action and to file the bankruptcy petition.

Respondent appealed the small claims judgment. On July 10, 2013, the court ruled in respondent's favor at a trial de novo that was heard on June 28, 2013.

Conclusions

Count Two - (Rule 3-110(A) [Failure to Perform with Competence])

Rule 3-110(A) provides that an attorney must not intentionally, recklessly, or repeatedly fail to perform legal services with competence.

By failing to file the bankruptcy petition on Calvin's behalf, despite his repeated promises to do so between April 4 and April 19, 2012, respondent failed to perform any services of value in willful violation of rule 3-110(A).

Count Three - (Rule 3-700(D)(2) [Failure to Refund 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 contends that because the Small Claims Division of the Sacramento County Superior Court adjudicated in his favor at a trial de novo and found no basis to order a refund, he has earned the entire \$1,500 and there were no fees to be returned under the principles of collateral estoppel and res judicata.

“Principles of collateral estoppel may be applied to preclude an attorney from relitigating, in the State Bar Court, ‘an issue that was actually litigated and resolved adversely to [the attorney] in a prior civil proceeding, provided (1) that the issue resulting in the civil finding is substantially identical to the issue in the State Bar Court, (2) that the civil finding was made under the same burden of proof applicable to the substantially identical issue in the State Bar Court, (3) that the [attorney] was a party to the civil proceeding, (4) that there is final judgment on the merits in the civil proceeding, and (5) that no unfairness in precluding relitigation of the

issue is demonstrated by the [attorney].” (*In the Matter of Kittrell* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 195, 205.)

Furthermore, “in order for a civil finding to be given preclusive effect under collateral estoppel principles, it must have been necessary to the civil judgment.” (*In the Matter of Kittrell, supra*, 4 Cal. State Bar Ct. Rptr. 195, 205; *McMillin Development, Inc. v. Home Buyers Warranty* (1998) 68 Cal.App.4th 896, 906.)

“The application of collateral estoppel principles can be applied only to preclude a respondent attorney from relitigating, in the State Bar Court, an issue (i.e., fact) that was previously decided against him in a civil proceeding under the clear and convincing evidence burden of proof.” (*In the Matter of Kittrell, supra*, 4 Cal. State Bar Ct. Rptr. 195, 206.)

On the contrary, in Calvin's action against respondent, the appeal judgment was resolved in respondent's favor under the preponderance of the evidence burden of proof. Thus, the small claims court's civil finding that "the engagement agreement plainly set forth that the initial payment of \$1,500 was non-refundable and earned upon receipt" cannot be judicially noticed as conclusive or be given preclusive effect in the State Bar Court under the clear and convincing standard of proof applicable in attorney disciplinary proceedings. (*Ibid.*)

Similarly, *res judicata* bars the same parties from litigating a second lawsuit on the same claim. Here, the State Bar was not involved in the small claims action and that judgment is irrelevant to the independent, disciplinary proceeding in this court. "Because this is a disciplinary proceeding to protect the public . . . the resulting judgment [has] little relevance." (*Cannon v. State Bar* (1990) 51 Cal.3d 1103, 1109.)

Therefore, neither the principles of collateral estoppel nor *res judicata* is applicable. With due recognition that the State Bar Court is not bound by the small claims court's findings, the

court exercises its own judgment on the facts involved. (See *Lee v. State Bar* (1970) 2 Cal.3d 927, 941; *Mushrush v. State Bar* (1976) 17 Cal.3d 487, 489.)

The court finds that respondent performed no services of value on behalf of Calvin. She paid him \$1,500 to handle the bankruptcy and unlawful detainer matters. Instead, she had to file the answer to the unlawful detainer complaint in pro per and respondent prepared only a skeletal bankruptcy petition which was never filed. When she repeatedly asked for a refund of the unearned fees, he claimed that he had earned the fees upon receipt.

In conclusion, respondent took an advance fee, failed to complete the work he was hired to do, was discharged by the client, and failed to return the unearned portion of the advance fee. The small claims court judgment did not affect the ethical conclusion that respondent failed to earn any part of the \$1,500 fee. Therefore, the court finds that respondent had failed to promptly refund any part of a fee paid in advance that has not been earned, as shown by clear and convincing evidence, in willful violation of rule 3-700(D)(2), which is entirely independent of the small claims judgment. (See *In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 641.)

Case No. 12-O-15773 - The Fontaine Matter

Facts

On November 18, 2011, Carmen Fontaine (“Fontaine”) hired respondent to file a Chapter 7 bankruptcy matter on her behalf and agreed to pay respondent \$1,700 as attorney fees.

Fontaine paid respondent as follows:

<i>Date</i>	<i>Amount</i>
November 18, 2011,	\$ 200
January 27, 2012	\$ 300
February 8, 2012	<u>\$1,250</u>
Total Amount Paid	\$1,750

On February 7, 2012, Fontaine signed an agreement to have respondent instead file a Chapter 13 bankruptcy on her behalf.

On March 27, 2012, respondent filed a skeletal Chapter 13 bankruptcy petition on her behalf. He also submitted an application to pay filing fees in installments, proposing two payments of \$140.50 to be paid on or before April 20, 2012, and May 18, 2012, respectively, totaling \$281.

The court approved the application to pay filing fees in installments on March 28, 2012.

But respondent failed to timely notify the client she needed to make the installment payments on her filing fee.⁴ Fontaine's bankruptcy matter was eventually dismissed on May 4, 2012, for failure to pay the filing fee.

Conclusions

Count Three – (§ 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.

There is no clear and convincing evidence to show that respondent failed to inform Fontaine (1) that on March 27, 2012, respondent submitted on her behalf an application to pay filing fees in installments which, upon court approval, required her to make payments to complete her bankruptcy filing; and (2) that her bankruptcy matter was dismissed for failure to pay the filing fee.

⁴ Respondent's claim that he did tell her was not credible.

However, there is clear and convincing evidence to demonstrate that by failing to notify the client that she needed to make installment payments on her filing fee after the court had approved the application to pay filing fees in installments on March 28, 2012, respondent failed to keep Fountaine informed of significant developments in her bankruptcy matter in willful violation of section 6068, subdivision (m).

Case No. 13-O-11349 - The Allen/Dunkley Matter

Facts

In January 2012, Anthony Allen (“Allen”) hired respondent to represent him in a criminal matter. Allen’s mother, Iantha Dunkley (“Dunkley”) paid respondent \$3,000 and signed the attorney-client fee agreement. Allen later signed the fee agreement when respondent visited him while Allen was incarcerated.

Between January and October 2012, respondent received \$5,850 from Dunkley as advance attorney fees.

On April 18, 2012, Rosie Shabazz, Allen’s aunt, paid \$100 to respondent towards respondent’s fees. Respondent did not obtain Allen's informed written consent for respondent to receive compensation from Shabazz.

Conclusions

Count Five – (Rule 3-310(F) [Accepting Fees from Non-Client])

Rule 3-310(F) provides that an attorney must not accept compensation for representing a client from one other than the client unless (1) there is no interference with the attorney’s independence of professional judgment or with the client-lawyer relationship; (2) information

relating to representation of the client is protected under section 6068, subdivision (e); and (3) the attorney obtains the client's informed written consent.

There is no clear and convincing evidence that respondent did not obtain Allen's informed written consent when he accepted \$5,850 from Allen's mother for representing him because both Allen and his mother signed the attorney-client fee agreement in January 2012 and Allen signed the agreement after his mother had signed it.

However, by failing to obtain Allen's informed written consent to accept payment of \$100 for legal fees from his aunt, respondent accepted compensation for representing a client from one other than the client in willful violation of rule 3-310(F).

Case No. 13-O-11484 - The Reid Matter

Facts

On January 25, 2013, respondent accepted \$700 from Jean Reid (AKA Jean Grey) as compensation for representing Carlton Reid ("Reid") in a murder case.

Respondent did not obtain Reid's informed written consent for respondent to receive compensation from Jean Reid.

Conclusions

Count Six – (Rule 3-310(F) [Accepting Fees from Non-Client])

By failing to obtain Reid's informed written consent to accept payment of \$700 for legal fees from Jean Reid, respondent accepted compensation for representing a client from one other than the client in willful violation of rule 3-310(F).

Aggravation⁵

Multiple Acts of Wrongdoing (Std. 1.5(b).)

Respondent's multiple acts of misconduct in four client matters are an aggravating factor, including (1) failing to perform services competently; (2) failing to refund unearned fees; (3) failing to inform client of significant developments; (4) accepting fees from a non-client; and (5) commingling funds in his CTA.

Harm to Client/Public/Administration of Justice (Std. 1.5(f).)

Respondent harmed the clients. His failure to return unearned fees and failure to perform services clearly harmed Calvin. His client not only had to file a small claims action in an attempt to retrieve her funds from him, but also, she had to defend herself in his retaliatory complaint against her to her employer. Respondent's failure to communicate to Fountaine resulted in the dismissal of her case.

Indifference Toward Rectification/Atonement (Std. 1.5(g).)

Respondent demonstrated indifference toward rectification of or atonement for the consequences of his misconduct. "The law does not require false penitence. [Citation.] But it does require that the respondent accept responsibility for his acts and come to grips with his culpability. [Citation.]" (*In the Matter of Katz* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 502, 511.)

Respondent has shown no recognition of his misconduct. Instead, he retaliated against those he had wronged. Respondent reported Calvin to her employer and filed a criminal complaint against her; he reported Jean Reid to the Ohio State Bar; when former employees

⁵ All references to standards (Std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct, effective January 1, 2014.

talked to the State Bar, he filed police reports against them; and he blamed Fountaine for the dismissal of her bankruptcy matter. Such lack of remorse and retaliatory behavior are serious evidence in aggravation.

Mitigation

No Prior Record (Std. 1. 6(a).)

Respondent had an unblemished record with the State Bar for 23 years prior to the misconduct found in this case. Respondent is entitled to substantial mitigation for this extensive discipline-free period.

Good Character (Std. 1. 6(f).)

Respondent presented testimony from four character witnesses, including an attorney, a bank trustee, a client, and an employee, testifying to respondent's good character. Their testimony is entitled to some weight in mitigation.

Discussion

The purpose of State Bar disciplinary proceedings is not to punish the attorney but to protect the public, the courts, and the legal profession; to maintain the highest possible professional standards for attorneys; and to preserve public confidence in the legal profession. (Std. 1.1; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

In determining the appropriate level of discipline, the court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d 1095, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.) 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 Silvertown* (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.)

Standard 1.7(a) provides that, when a member commits two or more acts of misconduct and the standards specify different sanctions for each act, the most severe sanction must be imposed.

However, standard 1.7(b) provides that if aggravating circumstances are found, they should be considered alone and in balance with any mitigating circumstances, and if the net effect demonstrates that a greater sanction is needed to fulfill the primary purposes of discipline, it is appropriate to impose or recommend a greater sanction than what is otherwise specified in a given standard. On balance, a greater sanction is appropriate in cases where there is serious harm to the client, the public, the legal system, or the profession and where the record demonstrates that the member is unwilling or unable to conform to ethical responsibilities in the future.

In this case, the standards provide a broad range of sanctions ranging from reproof to suspension, depending upon the gravity of the offenses and the harm to the victim. Standards 2.2(a), 2.5(b), and 2.15 apply in this matter.

Standard 2.2(a) provides that an actual suspension of three months is appropriate for commingling or failing to promptly pay out entrusted funds.

Standard 2.5(b) states: “Actual suspension is appropriate for failing to perform legal services or properly communicate in multiple client matters, not demonstrating a pattern of misconduct.”

Standard 2.15 provides that suspension not to exceed three years or reproof is appropriate for violations of any provisions of the Business and Professions Code or Rules of Professional Conduct not specified in these standards.

The State Bar requested that respondent be actually suspended for six months, citing to the standards and *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615 in support of its recommendation.

Respondent, on the other hand, argued that an admonition is adequate.

The court finds these cases, which involved trust account violations, to be instructive.

In *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, an attorney who had a prior record of discipline was actually suspended for six months with a three-year stayed suspension and a five-year probation for misusing his trust account as a personal account, failing to refund unearned costs and failing to perform legal services competently. He also had a prior record of discipline, a private reproof that was imposed seven years prior to his commission of misconduct in the present matter.

In *In the Matter of Doran* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 871, the attorney was actually suspended for six months with an 18-month stayed suspension and a three-year probation. He was culpable of using his two client trust accounts for personal business affairs for almost three years, issuing 28 NSF checks, and of abandoning two clients. Unlike respondent, the attorney eventually paid the payees. The Review Department noted that were the trust account violations the only matters before the court, they would have recommended a 90-day actual suspension.

Like *Doran* and *Koehler*, respondent's misconduct also involved misusing his CTA as a personal account. Respondent's violations of rule 4-100(A) were repeated, showing his lack of

understanding of the rule and his unwillingness to comply with its dictates. (*In the Matter of Koehler, supra*, 1 Cal. State Bar Ct. Rptr. 615, 628.) More significantly, respondent's professional misconduct in four client matters and retaliatory behavior significantly harmed the clients and the public. It is settled that an attorney-client relationship is of the highest fiduciary character and always requires utmost fidelity and fair dealing on the part of the attorney. (*Beery v. State Bar* (1987) 43 Cal.3d 802, 813.)

In recommending discipline, the “paramount concern is protection of the public, the courts and the integrity of the legal profession.” (*Snyder v. State Bar* (1990) 49 Cal.3d 1302.) In view of respondent’s misconduct, the case law, the aggravating and mitigating evidence, and the standards, the court concludes that placing respondent on an actual suspension for six months would be appropriate to protect the public and to preserve public confidence in the profession.

Recommendations

It is recommended that respondent Julius Michael Engel, State Bar Number 137759, be suspended from the practice of law in California for two years, that execution of that period of suspension be stayed, and that respondent be placed on probation⁶ for a period of two years subject to the following conditions:

1. Respondent Julius Michael Engel is suspended from the practice of law for the first six months of probation.
2. It is recommended that during the period of probation, respondent must make restitution to Belinda Calvin in the amount of \$1,500 plus 10 percent interest per year from April 19, 2012 (or reimburse the Client Security Fund to the extent of any payment from the fund to Belinda Calvin, 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

⁶ 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.)

is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

3. 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.
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. 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.
6. 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 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.
7. 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.
8. 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 of the State Bar's Client Trust Accounting School and passage of the tests given at the end of those sessions. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent will not receive MCLE credit for attending Ethics School or Client Trust Accounting School. (Rules Proc. of State Bar, rule 3201.)

9. 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 Exam

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 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.

California Rules of Court, Rule 9.20

It is further recommended that respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding. Failure to do so may result in disbarment or suspension.

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: August _____, 2014

LUCY ARMENDARIZ
Judge of the State Bar Court