

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT - LOS ANGELES

In the Matter of ) Case No.: **12-R-14898-RAH**  
)  
NORMAN ALAN BEIL, ) **DECISION**  
)  
)  
Petitioner for Reinstatement. )  
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**I. Introduction**

Petitioner Norman Alan Beil seeks to be reinstated as a member of the State Bar of California, following his June 1997 resignation without disciplinary charges pending. He filed a petition for reinstatement to the practice of law on June 28, 2012. He was represented at trial by Arthur L. Margolis.

The State Bar, represented by and through Deputy Trial Counsel Mia R. Ellis and Lara Bairamian of the Office of the Chief Trial Counsel, filed a response to the petition on November 15, 2012. Rule 5.443(B) of the Rules of Procedure of the State Bar of California (Rules of Procedure) requires the State Bar to file its response stating for each issue set forth in rule 5.445(B), whether it opposes the petition and, if so, the grounds for such opposition. In its response, the State Bar submitted the matter to the court on the pleadings and did not request a hearing in the matter. The State Bar did not set forth any opposition in its response.

On November 15, 2012, the parties filed a stipulation of undisputed facts, which the court hereby approves.

Thereafter, on February 5, 2013, a status conference was held at which the court vacated the November 15, 2012 submission date, reopened the case, and set it for trial.

Trial was held on April 5, 2013, and the matter was taken under submission on that same date after the completion of trial.

Petitioner has demonstrated, by clear and convincing evidence, that he has satisfied the requirements for reinstatement to the practice of law. Therefore, the court recommends that petitioner be reinstated to the practice of law in California.

## **II. Findings of fact and Conclusions of Law**

The following findings of fact are based on the parties' stipulation, the petition, and the evidence and testimony admitted at this proceeding.

### **A. Resignation Without Charges Pending**

Petitioner was admitted to the practice of law in California on July 29, 1977, and was a member of the State Bar until he resigned *without disciplinary charges pending*. His resignation was accepted by the Supreme Court effective June 29, 1997, in case No. S061453 (State Bar Court case No. 97-W-00144).

### **B. Cal. Rules of Court, Rule 9.10(f), and Rule 5.445(B), Rules Proc. of State Bar**

To be reinstated to the practice of law, a petitioner who resigned without charges pending must establish by clear and convincing evidence that he has passed a professional responsibility examination, has present moral qualifications for reinstatement, and has present ability and learning in the general law. (Cal. Rules of Court, rule 9.10(f); Rules Proc. of State Bar, rule 5.445(B).)

**C. Professional Responsibility Examination**

On December 21, 2012, petitioner filed a declaration that he had passed the Multistate Professional Responsibility Examination (MPRE), which he had taken in November 2012. Petitioner attached as an exhibit to his declaration, a copy of the National Conference of Bar Examiners' Examinee's Report of Scores showing that he had taken and passed the MPRE, which was administered in November 2012. Thus, the court finds that petitioner complied with California Rules of Court, rule 9.10(f), by taking and passing the November 2012, Multistate Professional Responsibility Examination.

**D. Moral Qualifications**

Two character witnesses as well as petitioner testified in support of his reinstatement. Six declarations, including those of the three witnesses who testified in-person, were admitted into evidence in support of petitioner's reinstatement. The witnesses and declarants, most of whom have known petitioner professionally and/or personally for many years, attested to his good moral character. They testified favorably regarding his integrity and honesty, trustworthiness, and sense of fairness. The witnesses included law school friends, former business partners, individuals who worked with petitioner on behalf of charitable organizations, and a former executive director of the State Bar of California.

The court finds all of the witnesses and declarants to be very credible.

1. Norman Biel (Petitioner)

Petitioner graduated from law school in 1975, and then received an M.B.A. in 1977. From 1977 through 1979, petitioner worked as an associate in the corporate department of Mitchell, Silberberg and Knupp. In 1978, he joined the Beverly Hills Bar Association and was elected president of the Barristers from 1982 to 1983. From 1979 through 1986, petitioner worked for the William Morris Agency. He started out doing administrative and some legal

work; but, later he became a talent agent. Petitioner changed jobs; and, from 1986 through 1995, he was employed as an attorney by the David Geffen Company and its related companies. Petitioner started out as Director of Business and Legal Affairs and later became head of Business Affairs and General Counsel.

In the early 1990's, petitioner, who had majored in math and computer science as an undergraduate, became interested in designing computer games. He invented a board game in 1990, and started a career in developing board and computer games. During this period, petitioner started working for Warner Bros., which owned half of Geffen Records. In 1994, petitioner's wife wanted to leave Los Angeles in response to problems with her health. The family moved to Utah and put down roots there, while petitioner commuted to his work in Los Angeles. When his employment agreement ended in 1995, petitioner decided to make a career change to pursue his interest in creating games. During his career transition, petitioner drafted and negotiated contracts for Geffen Records, on an hourly basis from his home in Utah. After David Geffen moved to Dreamworks, petitioner started working in the game business full time.

By 1997, petitioner was living in Utah and had formed a partnership with another game inventor. Their company, which was called CyberDice, entered a long-term agreement inventing games for Hasbro, the world's largest game publisher. It was around that time that petitioner resigned as a member of the State Bar, as he did not foresee returning to law or to California. Petitioner also felt that he "wanted to make it clear he was not an attorney" to clients who would seek his legal advice. Petitioner then hired lawyers to handle his legal affairs.

In 1999, however, petitioner and his family returned to Los Angeles.

From 2000, until the end of 2001, petitioner found himself involved in a series of imploding ventures. In 2003, he launched a new game company, ODVD. When ODVD's contract expired in 2007, petitioner decided to cease operations. Although he was not obligated

to make payments to his employees when ODVD ceased operations, most of his employees were given bonuses equal to six weeks pay; others received bonuses equal to four-weeks pay. No one got less than a bonus equal to two-weeks pay. Petitioner testified that he gave the bonuses because he thought it was “the fair thing to do.”

Thereafter, petitioner decided that he wished to again practice law and determined to seek his reinstatement as a member of the California Bar.<sup>1</sup>

## 2. James Bloch

James Bloch (Bloch), petitioner’s tax preparer, is an accountant and licensed Enrolled Agent before the Internal Revenue Service (IRS). He has known petitioner for 30 years, in his professional capacity as petitioner’s tax preparer. He prepared petitioner’s tax return for the year 2009. Bloch instructed petitioner to provide him with everything that petitioner thought might be deductible and he would advise petitioner whether it could be deducted.

Bloch knew that petitioner was not licensed to practice law, but was seeking reinstatement to the Bar. Bloch testified that under such circumstances, tax regulations allow

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<sup>1</sup> In 2007, ODVD LLC, filed a complaint titled, *ODVD vs. Imagination Entertainment Limited et al.*, case No. CV07-8095-JFW (the *Imagination Entertainment* litigation). Petitioner is the sole owner of ODVD. The Disclosure Statement asks in section “3.c.”, if the petitioner was a party to any civil case or claimed an interest in any case. Petitioner did not list the *Imagination Entertainment* litigation matter in his Disclosure Statement Supporting Petition for Reinstatement. In his declaration (Exh. A), petitioner explained that as he was neither a plaintiff nor a defendant in the *Imagination Entertainment* litigation, i.e., he was not a party in the litigation. Petitioner also correctly explained in his declaration that a limited liability company is an entity that is distinct from its members/owners; and, a suit against or by a limited liability company is not considered a suit against or by its owners. More significantly, the term “claim an interest” refers to one, who seeks to join the case as a plaintiff or a defendant. As petitioner never sought to join the *Imagination Entertainment* case as a plaintiff or defendant, he did not “claim an interest” in that case. Yet, even though petitioner was not a party and did not claim an interest, in 2012, he disclosed the *Imagination Entertainment* case to State Bar investigator Benson Hom. The State Bar called no rebuttal witness to refute petitioner’s testimony or the statements in his declaration. The court, therefore, concludes that petitioner’s response to question 3.c of the Disclosure Statement was not misleading and does not negatively reflect on his good moral character.

petitioner to take a deduction for expenses made relating to petitioner's efforts to again qualify to practice law. The word "attorney" on Schedule C of petitioner's tax return was inserted by Bloch, in relation to petitioner's taking an allowed deduction for the expenditures made in obtaining the necessary qualifications for his re-entry to the legal profession. As petitioner was seeking to take a deduction for expenditures made that would aid him in re-qualifying as an attorney, he was required to so indicate on his Schedule C. In order for petitioner to deduct the costs of attending a bar review course and purchasing bar review materials, the designation of the term "attorney" on his Schedule C was required.

Bloch made clear that the reference to the profession "attorney" on petitioner's Schedule C (Exh. 3, page 39) does not refer to petitioner's current occupation, but rather to the profession in which petitioner is seeking to re-qualify. Petitioner's current occupation is not requested on the Schedule C of the tax return. Rather, that information is requested and appears next to the signature line of the tax return (Exh. 3, p. 34), where petitioner clearly states and lists his occupation as "DVD Developer."

The State Bar called no rebuttal witness to refute Bloch's testimony or the statements in his declaration. The court, therefore, concludes that petitioner's 2009 tax return does not mislead the IRS regarding petitioner's profession and does not negatively reflect on petitioner's good moral character.

### 3. Carla Malden

Carla Malden (Malden), among other accomplishments, worked in the motion picture industry in production and development, spent many years as a screenwriter, taught in the writing lab at Santa Monica College, and ran a writing program for patients at a rehabilitation facility. She has known petitioner for 32 years. She first met him when he was doing pro bono work for the Beverly Hills Bar Association, which had an outreach program into the arts

community. She finds petitioner to be a person of the highest moral character. She describes him as “unflinchingly honest” and fair. Malden testified that taking shortcuts or getting away with something is not in petitioner’s character. For example, she noted that if he is not charged for something that he ordered in a restaurant, he will ask the waiter to correct the bill to include the missing charge. She considers his honesty as “unimpeachable.” She noted that on more than one occasion, she has observed him reminding people, who have asked him for legal advice, that he is not currently a lawyer. She would wholeheartedly recommend petitioner as an attorney. Malden points out that her friendship with petitioner would not have evolved into a close relationship, if she had any doubts about his moral character. She would not continue in her relationship with him if she were not sure as to her evaluation of his character.

4. Steven Nissen

Steven Nissen is currently employed as the Senior Vice President of Legal and Government Affairs for NBCUniversal (NBCU). Prior to his employment by NBCU, Nissen was the Executive Director of the State Bar of California. He has known petitioner socially for more than 30 years. They worked together on bar-related matters when they were both lawyers active in the Beverly Hills Bar Association and the Barristers. Nissen notes that petitioner expressed an interest in providing pro bono services through Public Counsel, which is the largest and one of the most prestigious pro bono entities in the nation. Because of his past association with Public Counsel as its President/CEO, Nissen would only recommend to that organization, well-qualified individuals with a deep commitment to client service. Nissen would not hesitate to recommend petitioner to Public Counsel.

5. Sydney Morse

Sydney Morse (Morse) is currently a consultant in the trade mart industry throughout the world. His clients range from small businesses in transition to Fortune 500 companies. He is

involved in many community and charitable activities, and serves on the National Board of Directors of City of Hope. Morse met petitioner in 1978 and they have since become close friends, even during the five years that petitioner lived in Utah. Additionally, Morse and petitioner were business partners in a video rental store in the early 1980's. In 2007, Morse also worked for ODVD, petitioner's company, as a consultant.

Morse described petitioner as a trustworthy and exceedingly responsible business partner. He found petitioner's honesty beyond reproach. He stated that petitioner always "brought a level head and a fair mind to all that he did." He also noted that petitioner believed in "taking the high road." Morse explained that at the time he and petitioner closed their video rental business, it incurred a loss, which contractually was Morse's obligation. Petitioner, however, thought that despite the contract, it would not have been fair for Morse to bear the burden of the entire loss. Therefore, petitioner insisted on paying half. Morse also explained that when he was working as a consultant at ODVD, he had the opportunity to observe petitioner's interactions with his employees. He found petitioner exhibited the following traits in his interactions: "honesty, integrity, compassion, commitment, and fairness." Morse further noted that he and petitioner shared a wide network of friends over the past 30 years, and not once has he ever heard a disparaging remark about petitioner's professional ethics.

#### 6. Jordan Kerner

Jordan Kerner (Kerner) is a law school graduate, who worked as an associate at a law firm. He then took a different career path and formed an independent film production company. He went on to produce television and theatrical motion pictures. In 2001, he formed the Kerner Entertainment Company. From 2007 to 2012, he served as Dean of the School of Filmmaking at the University of North Carolina School of Arts.



In 1978, Kerner met petitioner at a meeting of the Beverly Hills Bar Association. They worked together on a number of pro bono projects and became close friends. Kerner remembers how much petitioner loved being a lawyer and how good he was at it. In the 30-plus years that he has known petitioner, Kerner has only heard superlatives spoken in connection with petitioner's moral character. Kerner would not hesitate to recommend petitioner as a talented and trustworthy attorney.

In addition to their testimony and statements regarding petitioner's moral character, many of the witnesses and declarants attested to petitioner's many accomplishments, which included substantial charitable and philanthropic activities. To corroborate their testimony and statements regarding his philanthropic activities, petitioner offered two letters, which were entered in evidence. One was from the Los Angeles Philharmonic Association (Exh. H), thanking petitioner for making the final installment on a \$100,000 pledge he had made to the orchestra. It was noted that the orchestra serves 120,000 children and their families annually through its education and community engagement programs. Another letter was from the Bill Foundation thanking petitioner for a generous pledge and listing recent donations he had made to support the foundation's mission of rescuing homeless and abandoned animals.

In sum, all of the witnesses and declarants, expressed their belief that petitioner was a person of good moral character. All praised petitioner's sense of fairness, integrity and honesty. Despite knowing him for many years, none had ever heard anything negative regarding his moral character. The letters admitted into evidence provided additional support to petitioner's claim that he is a person of good moral character.

In determining whether petitioner has demonstrated that he is morally qualified to be reinstated to the practice of law the court takes all of the evidence and testimony into consideration. The issue before the court is whether petitioner has met his burden and

demonstrated that he is “a fit and proper person to practice law at this time.” (*Pacheco v. State Bar* (1987) 43 Cal.3d 1041.)

Petitioner’s resignation from the State Bar of California without charges pending was motivated by a change in career and geography. Since there never have been any disciplinary charges made or discipline imposed in relation to petitioner, no evidence of rehabilitation is required. To meet the requirement that he presently possesses the moral qualifications for reinstatement, petitioner is required to establish that he is a person of integrity and is honest, and that since his resignation from the Bar, he has maintained the standard of fitness necessary for the practice of law. “Letters of recommendation and the favorable testimony, especially that of employers and attorneys, are entitled to considerable weight. [Citations.]” (*Feinstein v. State Bar* (1952) 39 Cal.2d 541, 547.)

Here, petitioner has presented evidence from several witnesses and declarants, most of whom have known him for 30 years or more and all of whom have attested to his high moral character. Among those who attested to petitioner’s good moral character are included a person with whom he has had a long-term relationship, a lawyer, who is a former Executive Director of the State Bar of California, a former business partner, a tax preparer who was able to explain the complexities of petitioner’s tax return, and a long-time friend, who when he was an active member of the California Bar, worked on pro bono projects with petitioner.

The State Bar offered no evidence to contradict or challenge any of the observations and opinions of the witnesses and declarants, all of whom attested to petitioner’s good moral character.

Thus, the court finds that petitioner has proven by clear and convincing evidence that he currently possesses the requisite good moral character for reinstatement to the practice of law.

### **E. Present Learning and Ability in the General Law**

The un rebutted evidence supports a finding that petitioner has made a sufficient showing of present ability and learning in the general law required for reinstatement.

California Rules of Court, rule 9.10, subdivision (f)(3) and rule 5.445(B)(3) of the Rules of Procedure require that a petitioner for reinstatement, who resigned without charges pending more than five years before filing the petition must establish present ability and learning in the general law by providing proof that he or she has taken and passed the Attorney's Examination administered by the Committee of Bar Examiners within five years prior to the filing of the petition.

As petitioner resigned without charges pending more than five years prior to filing his petition for reinstatement, he attached to his petition a document from the State Bar of California Office of Admissions, which was dated May 18, 2012, stating that he had passed the February 2012 administration of the California Bar Examination. By so doing, petitioner has met the requirement for establishing satisfactory proof of his present ability and learning in the general law.

### **III. Recommendation**

For the foregoing reasons, the court concludes that petitioner has sustained his burden by clear and convincing evidence and established that: (1) he passed the Multistate Professional Responsibility Examination; (2) he possesses present moral qualifications; and (3) he has present learning and ability in the general law for reinstatement to the practice of law in California.

Accordingly, the court recommends that the petition for reinstatement be **GRANTED** and that petitioner, **Norman Alan Beil**, be reinstated as a member of the State Bar of California upon payment of all applicable fees and costs and taking the oath required by law.

Dated: June \_\_\_\_\_, 2013

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RICHARD A. HONN  
Judge of the State Bar Court