Sta	te Bar Court of Californ Hearing Department San Francisco DISBARMENT	^{ia} PUBLIC MATTER	
Counsel For The State Bar Suzan J. Anderson Senior Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2209	Case Number(s): 13-J-12950-PEM; 13-J-16220	For Court use only	
Bar # 160559		MAR 2 0 2014	
Counsel For Respondent Samuel C. Bellicini Fiskin & Slatter, LLP 1575 Treat Blvd., Ste. 215 Walnut Creek, CA 94598		STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO	
(925) 944-5600	Submitted to: Settlement Ju	dge	
Bar # 152191 In the Matter of:	DISPOSITION AND ORDER	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT DISBARMENT	
LINDA Z. VOSS			
Bar # 111434		PREVIOUS STIPULATION REJECTED	
A Member of the State Bar of California (Respondent)			

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 12, 1983.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (12) pages, not including the order.
- (4) A statement of acts or omissions acknowledged by respondent as cause or causes for discipline is included under "Facts."

(Effective January 1, 2014)



- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

Costs to be awarded to the State Bar.

Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs". Costs are entirely waived.

- (9) ORDER OF INACTIVE ENROLLMENT: The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).
- B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.
- (1) **Prior record of discipline**
 - (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If respondent has two or more incidents of prior discipline, use space provided below:
- (2) Dishonesty: Respondent's misconduct was intentional, surrounded by, or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) Trust Violation: Trust funds or property were involved and respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) Harm: Respondent's misconduct harmed significantly a client, the public or the administration of justice. See Attachment page 9.
- (5) Indifference: Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. See Attachment page 9.

(Effective January 1, 2014)

- (6) Lack of Cooperation: Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See Attachment page 9.
- (8) **Restitution:** Respondent failed to make restitution.
- (9) Diaggravating circumstances are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) No Prior Discipline: Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) D No Harm: Respondent did not harm the client, the public, or the administration of justice.
- (3) Candor/Cooperation: Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) Remorse: Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) Restitution: Respondent paid \$ on in restitution to without the threat or force of disciplinary, civil or criminal proceedings.
- (6) Delay: These disciplinary proceedings were excessively delayed. The delay is not attributable to respondent and the delay prejudiced him/her.
- (7) Good Faith: Respondent acted with a good faith belief that was honestly held and reasonable.
- (8) Emotional/Physical Difficulties: At the time of the stipulated act or acts of professional misconduct respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9) Severe Financial Stress: At the time of the misconduct, respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) Good Character: Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.

(Effective January 1, 2014)

(13) Do mitigating circumstances are involved.

Additional mitigating circumstances:

- * Pre-Trial Stipulation see Attachment page 9. * No Prior Discipline see Attachment page 9.

D. Discipline: Disbarment.

E. Additional Requirements:

- (1) Rule 9.20, California Rules of Court: Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (2) Restitution: Respondent must make restitution to in the amount of \$ plus 10 percent interest per year from . If the Client Security Fund has reimbursed for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than days from the effective date of the Supreme Court order in this case.

(3) **Other:**

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: LINDA Z. VOSS

CASE NUMBERS: 13-J-12950; 13-J-16220

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that the conclusions of law stated herein are appropriate.

Case No. 13-J-12950 (Discipline in Other Jurisdiction)

PROCEDURAL BACKGROUND IN OTHER JURISDICTION:

1. On December 12, 1983, Respondent was admitted to the practice law in the Northern District of California, United States Bankruptcy Court.

2. Following a hearing on May 10, 2013, the court issued a Memorandum After Disciplinary Hearing on May 17, 2013 in the matter *In re Voss*, Misc. No. 13-101, United States Bankruptcy Court, Northern District of California. The court found that Respondent engaged in multiple violations of California Rules of Professional Conduct, rule 3-200(A), Federal Rules of Bankruptcy Procedure, Rule 9011(a), Bankruptcy Local Rule 5005-2(c) and 11 U.S.C. section 329(a) and Federal Rules of Bankruptcy Procedure Rule 2016(b).

3. On May 17, 2013, the court entered an Order Suspending Attorney and Assessing Sanctions, suspending Respondent in the bankruptcy courts of the Northern District for 30 months, effective immediately. Thereafter, the order became final.

4. The disciplinary proceeding in the other jurisdiction provided fundamental constitutional protection.

FACTS FOUND IN OTHER JURISDICTION:

5. Between December 14, 2012 and February 13, 2013, Respondent filed six bankruptcy petitions in the U.S. Bankruptcy Court, Northern District, to thwart enforcement of a foreclosing bank's unlawful detainer judgment against two of Respondent's clients. All six petitions were filed as skeletal petitions. Thereafter, Respondent failed to file the required documents and failed to take any action to pursue the petitions. All six petitions were dismissed for failure to file the required documents. Two of the cases were dismissed with the court imposing a 180-bar to refiling either case.

6. Additionally, between January 1, 2012 and April 26, 2013, Respondent filed 83 cases in the U.S. Bankruptcy Courts, Northern and Central Districts, for the sole purpose of hindering and delaying foreclosing creditors on behalf of her clients. The overwhelming majority of these cases were filed in bad faith. Respondent filed cases which included skeletal petitions with only foreclosing creditors listed. Respondent failed to file the required documents and failed to appear for hearings.

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7. Of the 83 cases filed by Respondent, 66 were dismissed for defects or Respondent's failure to appear, and dismissal motions were granted in several more.

8. Of the 83 cases, Respondent filed 73 with no list of creditors as required by the Bankruptcy Code, or a list of creditors containing the names of one or two secured creditors and no unsecured creditors.

9. Of the 83 cases Respondent filed, 39 were repeat filings, including some debtors who filed eight, nine and ten times each. The petitions in most of these cases were false, in that they failed to disclose the prior filings.

10. In 54 of the 83 cases, Respondent failed to disclose her compensation as required by the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure.

11. In two cases, Respondent filed petitions in violation of the court's imposition of time-bars to re-filing.

12. The cases filed by Respondent were filed for an improper purpose and were frivolous. Respondent had no intent to prosecute the cases or seek reorganization or discharge on behalf of her clients.

13. Respondent's misconduct in the United States Bankruptcy Court, Northern District of California is equivalent to willful violations of Rules of Professional Conduct, rules 3-110(A) [failure to perform] and 3-200 [presentation of unwarranted claim], as well as Business and Professions Code sections 6068(a) [failure to obey laws], 6068(b) [failure to maintain respect due court], 6068(d) [duty to not mislead judge], 6068(g) [action filed due to corrupt motive], 6103 [violation of court order] and 6106 [moral turpitude].

CONCLUSIONS OF LAW:

14. As a matter of law, Respondent's culpability of professional misconduct determined in the proceeding in United States Bankruptcy Court, Northern District of California warrants the imposition of discipline under the laws and rules binding upon Respondent in the State of California at the time Respondent committed the misconduct in the other jurisdiction, pursuant to Business and Professions Code section 6049.1, subdivision (a).

Case No. 13-J-16220 (Discipline in Other Jurisdiction)

PROCEDURAL BACKGROUND IN OTHER JURISDICTION:

15. On March 27, 1990, Respondent was admitted to the practice law in the United States Bankruptcy Court, Central District of California.

16. On July 10, 2013, the United States Bankruptcy Court, Central District of California issued Order Barring Attorney Linda Voss (SB111434) from Filing Any Bankruptcies in the Central District of California. This order followed a hearing on May 22, 2013, in the matter *In re Guadalupe Alcala*, Case No. 1:12-bk-17226-AA, a bankruptcy matter which Respondent filed on behalf of Guadalupe Alcala. The court found, and Respondent stipulated that, Respondent engaged in multiple violations of California Rules of Professional Conduct, rule 3-200(A), Federal Rules of Bankruptcy Procedure, Rule 9011(a), Bankruptcy Local Rule 5005-2(c), 11 U.S.C. section 329(a) and Federal Rules of Bankruptcy Procedure Rules 1007(a)(1) and 2016(b).

17. In that July 10, 2013 order, the court ordered that Respondent be suspended from practice in the Central District Bankruptcy Court for a period of 30 months, commencing immediately. Thereafter, the order became final.

18. The disciplinary proceeding in the other jurisdiction provided fundamental constitutional protection.

FACTS FOUND IN OTHER JURISDICTION:

19. In *In re Guadalupe Alcala*, United States Bankruptcy Court, Central District of California Case Number 1:12-bk-17226-AA, a non-attorney assisted Debtor Alcala with her loan modification. Thereafter, the non-attorney's company assigned Respondent to Alcala's case. The non-attorney's company paid Respondent's fees from the fees paid by Alcala. Respondent never spoke to Alcala. On December 20, 2012, Respondent filed an incomplete Chapter 13 petition on Alcala's behalf. Respondent filed the petition as counsel of record representing Alcala. The case was dismissed on January 15, 2013, for failure to file schedules, statements and a plan. Alcala's signature did not appear on any document filed in the case. The documents were electronically signed, but Respondent did not file an Electronic Filing Declaration.

20. On February 1, 2013, Respondent filed another incomplete Chapter 13 petition for a Debtor. This case was dismissed on April 3, 2013, because neither the Debtor nor Respondent appeared at the Section 341(a) meeting of the creditors, even though they had notice of the meeting.

21. Respondent filed another 55 petitions in the Central District Bankruptcy Court in 2012 and 2013, for the sole purpose of hindering and delaying foreclosing creditors on behalf of her clients. The overwhelming majority of these cases were filed in bad faith.

22. In the 55 petitions filed by Respondent, Respondent repeatedly failed to disclose her compensation as required by the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure, repeatedly failed to file proper lists of creditors as required by the Bankruptcy Code, and repeatedly filed cases without proper signatures as required by the Bankruptcy Local Rules.

23. The cases filed by Respondent were filed for an improper purpose and were frivolous. Respondent had no intent to prosecute the cases or seek reorganization or discharge on behalf of her clients.

24. Respondent's misconduct in the United States Bankruptcy Court, Central District of California is equivalent to willful violations of Rules of Professional Conduct, rules 1-320 [splitting fees with non-attorney], 3-110(A) [failure to perform], and 3-200 [presentation of unwarranted claim], as well as Business and Professions Code sections 6068(a) [failure to obey laws], 6068(b) [failure to maintain respect due court], 6068(d) [duty to not mislead judge], 6068(g) [action filed due to corrupt motive], 6103 [violation of court orders to appear at Section 341(a) meetings of creditors] and 6106 [moral turpitude].

CONCLUSIONS OF LAW:

25. As a matter of law, Respondent's culpability of professional misconduct determined in the proceeding in United States Bankruptcy Court, Northern District of California warrants the imposition of discipline under the laws and rules binding upon Respondent in the State of California at the time Respondent committed the misconduct in the other jurisdiction, pursuant to Business and Professions Code section 6049.1, subdivision (a).

AGGRAVATING CIRCUMSTANCES.

Pattern of Misconduct (Std. 1.5(b)): Between January 1, 2012 and April 26, 2013, Respondent filed over 83 cases in California Bankruptcy courts, almost all of which were filed in bad faith. By repeatedly filing cases in bad faith over a 15-month period, Respondent engaged in a pattern of misconduct. (See *In the Matter of Berg* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 725, 737 [10 months of fraudulent billing submitted to an insurance company was found to constitute a pattern of misconduct].)

Indifference (Std. 1.5(g)): In the Northern District Bankruptcy Court matter, Respondent claimed her abuse of the judicial system was justified by her conclusion that the banking industries continued to violate homeowners' rights after the enactment of laws meant to protect homeowners. Respondent's reliance on the defense that the banking industry was dishonest to justify her actions demonstrates Respondent's indifference towards rectification.

Significant Harm (Standard 1.5(f)): Respondent's pattern of filing over 83 bankruptcy cases in bad faith significantly harmed the administration of justice by redirecting valuable court resources away from righteous cases.

ADDITIONAL MITIGATING CIRCUMSTANCES.

Additional Mitigating Circumstances:

Pretrial Stipulation: Respondent agreed to stipulate to disbarment before pretrial statements in this matter were due, thereby saving the State Bar Court and Office of the Chief Trial Coursel time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

Absence of Prior Record of Discipline: Although Respondent's misconduct is serious, Respondent is entitled to mitigation for 30 years of practice without misconduct. In the Matter of Riordan (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49.

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (In re Silverton (2005) 36 Cal.4th 81, 92, quoting In re Brown (1995) 12 Cal.4th 205, 220 and In re Young (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (In re Naney (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; Blair v. State Bar (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or lesser than that specified in a given Standard, in addition to the factors set forth in the specific Standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

Respondent committed multiple acts of professional misconduct. Standard 1.7(a) requires that where a Respondent "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed."

The most severe sanction applicable to Respondent's misconduct is found in Standard 2.7, which applies to Respondent's violations of section 6106. Standard 2.7 states that disbarment or actual suspension is appropriate for acts of moral turpitude, dependent upon "the magnitude of the misconduct and the extent to which the misconduct harmed or misled the victim and related to the member's practice of law."

Here, Respondent committed misconduct in more than 83 cases over a 15-month period. Respondent intentionally and repeatedly filed false petitions with the bankruptcy court. Respondent acted in bad faith and had no intention of seeking a discharge or reorganizing: the bankruptcies filed by Respondent were filed for the purpose of frustrating secured creditors in the lawful pursuit of their rights. Respondent's misconduct is egregious and directly related to the practice of law.

In aggravation, Respondent engaged a pattern of misconduct. In addition, Respondent 's bad faith practice of utilizing the bankruptcy courts to attempt to stave off her clients' foreclosures caused significant harm to the administrative of justice and the creditor's rights. It should be noted that Respondent's misconduct was terminated only as a result of her suspension from the bankruptcy courts. Respondent continues to assert that she was justified in her actions, demonstrating an indifference toward rectification. In mitigation, Respondent has no prior record of discipline in over 30 years of practice and has agreed to enter into this stipulation.

On balance, given the serious nature of Respondent's misconduct and significant aggravation in this matter, disbarment is warranted to protect the public, the courts and the legal profession.

Disbarment is supported by case law. In *In the Matter of Berg, supra*, 3 Cal. State Bar Ct. Rptr. 725, the attorney was found to have submitted fraudulent monthly bills to an insurance company client for a period of over 10 months. The fraudulent billing stopped only when the client commenced its audit of the attorney's billings and refused further payment. The Review Department found this to be a pattern of misconduct and recommended that the attorney be disbarred.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of February 11, 2014, the estimated prosecution costs in this matter are \$4,382.32. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

In the Matter of:	Case number(s):
LINDA Z. VOSS	13-J-12950; 13-J-16220

SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

2/21/2014 Date	Amile Vas	LINDA Z. VOSS
Date	Respondent's Bignature	Print Name
3 Marcur 2014	1 in	SAMUEL C. BELLICINI
Date	Respondent's Counsel Signature/)	Print Name
3 5 14	Xinfor Hand	SUZAN J. ANDERSON
Date	Deputy Trial Counsel's Signature	Print Name

in the Matter of: LINDA Z. VOSS Case Number(s): 13-J-12950; 13-J-16220

DISBARMENT ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.

The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.

All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)

Respondent LINDA Z. VOSS is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to gits plenary jurisdiction.

Jarch 20. 2014 Date

Judge of the State Bar Court

LUCY ARMENDARIZ

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 San Francisco, On March 20, 2014, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

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

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

SAMUEL C. BELLICINI FISHKIN & SLATTER, LLP 1575 TREAT BLVD STE 215 WALNUT CREEK, CA 94598

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

Suzan J. Anderson, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on March 20, 2014.

James

Nauretta Cramer Case Administrator State Bar Court