

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of)	Case Nos.: 13-N-14409-LMA (13-O-13428);
)	14-O-00579 (Cons.)
JOHN CLIFTON ELSTEAD,)	
)	DECISION AND ORDER OF
Member No. 61048,)	INVOLUNTARY INACTIVE
)	ENROLLMENT
A Member of the State Bar.)	
_____)	

Introduction¹

In this contested, consolidated original proceeding, respondent John Clifton Elstead is found culpable, by clear and convincing evidence, of nine of the twelve counts of alleged misconduct, including (1) failing to comply with California Rules of Court, rule 9.20; (2) engaging in the unauthorized practice of law (UPL); (3) failing to cooperate with the State Bar; and (4) committing an act of moral turpitude. After considering the misconduct, the aggravating factors including two prior disciplinary records and the absence of mitigating circumstances, the court recommends that respondent be disbarred from the practice of law.

Significant Procedural History

¹ Unless otherwise indicated, all references to rule 9.20 refer to the California Rules of Court. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

On April 21 and July 29, 2014, the Office of the Chief Trial Counsel of the State Bar of California (State Bar) filed notices of disciplinary charges (NDC) to which respondent filed responses on May 29 and July 30, 2014. The matters were consolidated on August 4, 2014.

Trial was conducted on November 19 and 20, 2014. The State Bar was represented by Deputy Trial Counsel Jonathan R. Cesena. Respondent represented himself.

The matter was taken under submission on November 20, 2014.

Findings of Fact and Conclusions of Law

Respondent was admitted to the practice of law in California on December 18, 1974, and has been a member of the State Bar of California at all times since that date.

Credibility Findings

In general, the court did not find respondent to be a credible witness, particularly when he averred that he did not receive documents from the State Bar or court orders in the mail.

Background Facts

At all times relevant herein, prior to 2013, respondent represented George and Julianne Staub (the Staubs) in *Staub v. Kiley*, California Court of Appeal, Third Appellate District, case No. C071500 (the Staub matter).

Respondent was suspended from the practice of law effective May 17, 2013, as a result of his prior disciplinary matter (Supreme Court case No. S206086), and has remained suspended until the present day for his failure to pay discipline costs² and for his failure to take the Multistate Professional Responsibility Exam (MPRE).³

Case Nos. 13-N-14409 (The California Rules of Court, Rule 9.20 Violation Matter) and 13-O-13428 (The UPL Matter)

² Business and Professions Code section 6140.7 provides that costs assessed against an attorney who is actually suspended must be paid as a condition of return to active membership.

³ Respondent was suspended on June 23, 2014, for failure to pass MPRE as ordered by the Supreme Court on April 17, 2013 (Supreme Court order No. S206086).

Facts

On April 17, 2013, in California Supreme Court case No. S206086 (State Bar Court case No. 08-O-11040), the Supreme Court ordered that respondent be suspended for two years, stayed, that he be placed on probation for two years, and that he be actually suspended for six months. Among other things, the Supreme Court ordered respondent to comply with rule 9.20, subdivisions (a) and (c), within 30 and 40 days, respectively, after the effective date of the Order. The Order became effective May 17, 2013, and was duly served on respondent. Respondent received the Order.

On April 30, 2013, a probation deputy with the Office of Probation of the State Bar of California sent a letter to respondent enclosing a copy of the Order, a copy of rule 9.20, rules 5.330 and 5.332 of the Rules of Procedure of the State Bar of California, an affidavit form, MPRE schedule, and other documents. The probation deputy informed respondent that his declaration of compliance must be filed with the State Bar Court no later than June 26, 2013. In a footnote of this letter, respondent was also reminded to read the decision carefully and was advised that he may have been ordered to remain on actual suspension until he had fully paid the costs imposed as a result of his discipline.

On May 18, 2013, on behalf of the Staubs, respondent signed a declaration to extend time to file an opening brief and filed the application and declaration on May 21, 2013, in the Staub matter with the Court of Appeal. On the front cover of the application, respondent noted that he was the "Attorney for Plaintiffs and Appellants." He declared: "I was suspended for 6 months, beginning October 17, 2012 but an issue has arisen as to when the suspension actually began and I may have to find other counsel to handle the appeal, an issue that I expect resolved shortly."

On May 18, 2013, and on May 21, 2013, respondent was not authorized to practice law.

Respondent did not file a rule 9.20 declaration of compliance with the Clerk of the State Bar Court by the due date, June 26, 2013.

On July 1, 2013, the probation deputy again sent a letter to respondent reminding him that his declaration was due June 26, 2013.

On July 12, 2013, a State Bar investigator sent a letter to respondent regarding a complaint that respondent provided counsel for George Staub, that he filed an extension to the Court of Appeal on behalf of Staub on May 21, 2013, and that he did not inform the appellate court of his status as required by rule 9.20. The State Bar asked for a reply regarding these allegations by July 29, 2013. Respondent did not contact the State Bar in response to this letter.

On July 25, 2013, respondent submitted an untimely rule 9.20 compliance declaration, in which respondent acknowledged that his suspension began on May 17, 2013, and stated that he had complied with all the provisions of the Supreme Court order. At the time, he was still the attorney of record in the Staub matter. Respondent had not filed the notice to opposing counsel with the Court of Appeal in the Staub matter as required by rule 9.20 (a)(4).

The Office of Probation rejected his July 25 declaration, finding it to be vague and not clearly demonstrating his full compliance with rule 9.20.

On August 13, 2013, respondent filed a second rule 9.20 compliance declaration. The August 13, 2013 rule 9.20 declaration again stated that respondent had filed the notice to opposing counsel with the Court of Appeal in the Staub matter as required by rule 9.20 (a)(4), when in fact respondent had not filed the notice with the Court of Appeal.

Conclusions

Count One – (Rule 9.20 [Duties of Disbarred, Resigned, or Suspended Attorneys])

Rule 9.20, subdivision (c) mandates that respondent “file with the Clerk of the State Bar Court an affidavit showing that he . . . has fully complied with those provisions of the order entered under this rule.”

Respondent argued that he had substantially complied with rule 9.20 in that he was simply late in compliance.

All that is necessary for a willful violation of rule 9.20 is a general purpose or willingness to commit the act or make the omission. (*Durbin v. State Bar* (1979) 23 Cal.3d 461, 467.) Rule 9.20 requires the timely filing of a compliance affidavit.

Here, respondent filed the declaration on August 13, 2013, thus failing to file the rule 9.20 affidavit by the deadline, June 26, 2013.

Therefore, the State Bar has established by clear and convincing evidence that respondent willfully failed to comply with rule 9.20(c), as ordered by the Supreme Court.⁴

Count Two – (Rule 9.20 [Duties of Disbarred, Resigned, or Suspended Attorneys])

Rule 9.20, subdivision (a) orders respondent to notify all clients, co-counsel, opposing counsel, and the relevant courts of his suspension.

Although respondent declared in his two rule 9.20 declarations (July 25, 2013 and August 13, 2013) that he had filed the notice with the Court of Appeal in the Staub matter as required by rule 9.20 (a)(4), he did not do so.

Accordingly, the State Bar has established by clear and convincing evidence that respondent willfully failed to comply with rule 9.20(a)(4), as ordered by the Supreme Court.

Count Three – (§§ 6068, Subd. (a), 6125 and 6126 [Unauthorized Practice of Law])

⁴ Specifically, rule 9.20, subsection (d) provides that a suspended attorney’s willful failure to comply with rule 9.20 constitutes a cause for disbarment or suspension and for revocation of any pending probation.

Section 6068, subdivision (a), provides that a member of the State Bar has the duty to support the Constitution and laws of the United States and of the State of California.

Section 6125 provides that no person shall practice law in California unless he or she is an active member of the State Bar. Section 6126, subdivision (b), provides that any person who has been involuntarily enrolled as an inactive member of the State Bar or who has been suspended from practice and thereafter practices or attempts to practice law, advertises or holds himself out as practicing or otherwise entitled to practice law is guilty of a crime.

The State Bar charges that respondent violated section 6068, subdivision (a), by improperly holding himself out as entitled to engage in the practice of law and actually practicing law in violation of sections 6125 and 6126.

Charging an attorney with a violation of the duty to support the constitution and laws, by reason of the attorney's violation of the statutes prohibiting practicing law while suspended, provides the basis for imposition of discipline for the unauthorized practice of law. (*In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 574-575; *In the Matter of Tady* (Review Dept. 1992) 2 Cal.State Bar Ct. Rptr. 121, 126.)

When respondent signed the declaration on May 18, 2013, and when he filed the application and declaration with the appellate court on May 21, 2013, in the Staub matter, he was aware that he was not entitled to practice law due to his suspension effective May 17, 2013. Respondent was also aware that he could not practice law or hold himself out as entitled to practice law while suspended.

Respondent claimed that when he filed the application and declaration, he had informed the Court of Appeal that he was suspended from the practice of law and had forwarded a copy of the April 17, 2013 Supreme Court order to the appellate court. In the application, respondent stated that "an issue has arisen as to when the suspension actually began." The court rejects his

excuse and his claim of uncertainty. The Office of Probation had sent him a letter with enclosures on April 30, 2013, and clearly advised him that his discipline was effective May 17, 2013. Whether he had informed the Court of Appeal that he may not be authorized to practice law is immaterial to the fact that he was actually suspended from the practice of law and was not entitled to practice law.

Accordingly, by signing as an attorney in the declaration on May 18, 2013, and by filing the application and declaration with the appellate court on May 21, 2013, respondent held himself out as entitled to practice law and actually practiced law when he was not an active member of the State Bar of California, in willful violation of sections 6125 and 6126, and thereby failed to support the laws of the State of California, in willful violation of section 6068, subdivision (a).

Count Four - (§ 6106 [Moral Turpitude])

Section 6106 provides, in part, that the commission of any act involving dishonesty, moral turpitude, or corruption constitutes cause for suspension or disbarment.

The State Bar alleged that respondent committed an act involving moral turpitude when he held himself out as eligible to practice law and actually practiced law by executing the declaration on May 18, 2013, and by filing the application and declaration to extend time to file opening brief on May 21, 2013, in the Staub matter.

Asserting himself as "Attorney for Plaintiffs and Appellants" on the application can be deceptive because it implies one's ability to practice law. Respondent's claim that he did not know he could not practice law on May 18 and May 21 is not credible. But in his declaration, respondent stated: "I was suspended for 6 months, beginning October 17, 2012 but an issue has arisen as to when the suspension actually began and I may have to find other counsel to handle the appeal, an issue that I expect resolved shortly." In respondent's mind, he believed that he had

informed the appellate court of his suspension. Thus, under these limited circumstances, there is no clear and convincing evidence that respondent was attempting to deceive the appellate court as to his eligibility to practice law.

Therefore, respondent did not commit an act of moral turpitude in willful violation of section 6106.

Count Five – (§ 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.

By failing to respond to the State Bar investigator's July 12, 2013 letter, respondent failed to cooperate and participate in a disciplinary investigation pending against him, in willful violation of section 6068, subdivision (i).

Case No. 14-O-00579 (The UPL Matter)

Facts

The findings of fact in the two cases discussed above, case Nos. 13-N-14409 and 13-O-13428, are hereby incorporated by reference, as if fully set forth herein.

On May 17, 2013, the Supreme Court Order No. S206086 took effect, implementing certain conditions and suspending respondent for six months. Respondent was aware of the conditions the Supreme court imposed on him and the ramifications of his noncompliance. Respondent has remained on continuous suspension since May 17, 2013.

Respondent had his potential clients, the Staubs, sign a substitution of counsel in the Staub matter on December 20, 2013. On December 27, 2013, respondent executed the substitution of counsel. On December 30, 2013, respondent filed the substitution of counsel with the appellate court.

On January 9, 2014, the Court of Appeal Clerk/Administrator sent respondent a letter explaining that respondent was currently ineligible to practice. The Clerk/Administrator requested respondent to provide proof that he was entitled to practice law. On January 14, 2014, respondent replied to the Clerk/Administrator's letter on "The Elstead Law Firm" letterhead. In that letter respondent stated, "Please note that the suspension began on April 17, 2013 and that the 'actual' suspension is for just 6 months, which ended on October 17, 2013." Attached to respondent's letter was the Office of Probation's initial reminder letter of April 30, 2013 regarding the Supreme Court order and his probation conditions in S206068.

On January 15, 2014, the Clerk/Administrator sent a letter to respondent, stating, "You have not provided documentation proving your eligibility to practice law in the State of California, which is due January 21, 2014. If this documentation is not provided by that date, the filing of the substitution of attorneys filed on December 30, 2013, will be stricken."

On January 24, 2014, the appellate court struck respondent's December 30, 2013 substitution of counsel.

On January 30, 2014, respondent sent a letter to the Assistant Clerk/Administrator of the Court of Appeal on "The Elstead Law Firm" letterhead, stating that his suspension began on April 17, 2013, and ended on October 17, 2013. Respondent further asked the Court of Appeal for their explanation as to why they believed he was suspended.

On March 4, 2014, the State Bar sent a letter to respondent regarding the appellate court's allegations against him and asking for a reply by March 18, 2014. Respondent did not contact the State Bar in response to this letter.

Conclusions

Counts One, Two, and Three – (§§ 6068, Subd. (a), 6125 and 6126 [UPL])

Respondent knew or should have known that his actual suspension did not terminate on October 17, 2013. He was suspended effective May 17, 2013, and has remained suspended because he has not paid the disciplinary costs under section 6140.7. His claim of mistake or ignorance is neither credible nor responsible. In light of his discipline, he should have had a heightened awareness of his professional obligations as an attorney and taken the utmost care in meeting those duties. He had clearly underestimated the seriousness of his discipline and appeared to be indifferent to the importance of the Supreme Court order. Therefore, the court rejects his arguments as meritless.

Respondent knew or should have known that he was not entitled to practice law when he signed and filed the substitution of counsel and that he could not hold himself out as entitled to practice law by using his "The Elstead Law Firm" stationery.

Accordingly, respondent held himself out as entitled to practice law and actually practiced law when he was not an active member of the State Bar of California, in willful violation of sections 6125 and 6126, and thereby failed to support the laws of the State of California, in willful violation of section 6068, subdivision (a), in counts one, two, and three by engaging in the following acts of misconduct:

- (1) Executing a substitution of counsel on December 27, 2013, and filing the substitution of counsel with the appellate court on December 30, 2013, in the Staub matter (count one);
- (2) Sending a letter on "The Elstead Law Firm" letterhead on January 14, 2014, to the Clerk/Administrator of the appellate court (count two); and
- (3) Sending a letter on "The Elstead Law Firm" letterhead on January 30, 2014, to the Clerk/Administrator of the appellate court (count three).

Counts Four, Five, and Six – (§ 6106 [Moral Turpitude])

Respondent committed acts involving moral turpitude in willful violation of section 6106 in counts four, five, and six when he knew or was grossly negligent in not knowing that he was not entitled to practice law by engaging in the following acts:

- (1) Executing a substitution of counsel on December 27, 2013, and filing the substitution of counsel with the appellate court on December 30, 2013, in the Staub matter (count four);
- (2) Sending a letter on "The Elstead Law Firm" letterhead on January 14, 2014, to the Clerk/Administrator of the appellate court (count five); and
- (3) Sending a letter on "The Elstead Law Firm" letterhead on January 30, 2014, to the Clerk/Administrator of the appellate court (count six).

Although respondent informed the appellate court that he was suspended in his May 2013 declaration, he did not do so in his substitution of counsel in December 2013. In fact, he misrepresented to the appellate court that he was entitled to practice law by filing such a substitution of counsel for the Staubs. To further his misrepresentation, respondent used his law firm stationery to correspond with the Clerk/Administrator of the appellate court – an act tantamount to holding himself out as entitled to practice law. Respondent acted without ascertaining the true status of his membership of the State Bar. His repeated excuses of not knowing and being mistaken that his suspension ended in October 2013 are without merit. Such claimed ignorance is inexcusable and unreasonable.

Respondent's gross negligence and negligence constitute violations of an attorney's oath to faithfully discharge his duties to clients to the best of his knowledge and ability and to never mislead the court and involve moral turpitude even though there was no evidence of intentional wrongdoing. (*Giovanazzi v. State Bar* (1980) 28 Cal.3d 465, 475.)

Furthermore, gross negligence in creating a false impression is sufficient for a finding of moral turpitude. (*In the Matter of Wyrick* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 83, 90-91.) Here, respondent created a false impression that he was entitled to practice law when he used his law firm stationery to correspond with the appellate court. He may have been mistaken in May 2013; but by December 2013, he should be aware of his need for strict compliance with the Supreme Court order. At this point, any confusion is not justified. His negligence rises to the level of gross negligence for purposes of moral turpitude under section 6106.

Therefore, respondent committed an act of moral turpitude with gross negligence in willful violation of section 6106 in counts four, five, and six.

Count Seven – (§ 6068, Subd. (i) [Failure to Cooperate])

By failing to respond to the State Bar investigator's March 4, 2014 letter, respondent failed to cooperate and participate in a disciplinary investigation pending against him, in willful violation of section 6068, subdivision (i).

Aggravation⁵

Prior Record of Discipline (Std. 1.5(a).)

Respondent has two prior records of discipline.

On October 11, 2005, the State Bar Court Hearing Department issued an order of public reproof with one year of conditions against respondent. Respondent stipulated to a violation of section 6068, subdivision (d), for misleading a judge regarding his request for a trial continuance in 1999. He was ordered to pay \$2,500 in sanctions to opposing party and \$2,500 in sanctions to the court. In aggravation, he was indifferent towards rectification or atonement. (State Bar Court case No. 00-O-14958.)

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

On April 17, 2013, the Supreme Court ordered that respondent be suspended from the practice of law for two years, stayed, and placed on probation for two years, and actually suspended for six months. His misconduct involved two client matters. Respondent failed to render accounts of client funds (Rules Prof. Conduct, rule 4-100(B)(3)) and accepted fees from a non-client (Rules Prof. Conduct, rule 3-310(F)). (California Supreme Court case No. S206086; State Bar Court case No. 08-O-11040.)

Multiple Acts (Std. 1.5(b).)

Respondent committed multiple acts of wrongdoing, including failing to comply with rule 9.20, engaging in UPL, holding himself out as entitled to practice law, committing acts of moral turpitude, and failing to cooperate with the State Bar. Furthermore, he failed to comply with certain probation conditions in the underlying case – attending the State Bar Ethics School and Client Trust Accounting School and taking and passing the MPRE.

Mitigation

No other mitigation was established by clear and convincing evidence. (Std. 1.6.)

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 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.)

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.

Standard 1.8(b) provides that, unless the most compelling mitigating circumstances clearly predominate or the prior misconduct occurred in the same time period as the current misconduct, if an attorney has two or more prior records of discipline, disbarment is appropriate if: (1) an actual suspension was ordered in one of the prior matters; (2) the prior and current matters together demonstrate a pattern of misconduct; or (3) the prior disciplinary matters coupled with the current record demonstrate the member’s unwillingness or inability to conform to ethical responsibilities.

In this case, standards 2.6(a), 2.7, and 2.8 apply.

Standard 2.6(a) provides that actual suspension or disbarment is appropriate when a member engages in the practice of law or holds himself or herself out as entitled to practice law when he or she is on actual suspension for disciplinary reasons or on involuntarily inactive enrollment under Business and Professions Code section 6007(b)-(e). The degree of sanction depends on whether the attorney knowingly engaged in the unauthorized practice of law.

Standard 2.7 provides that disbarment or actual suspension is appropriate for an act of moral turpitude, dishonesty, fraud, corruption or concealment of a material fact. The degree of sanction depends on 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.

Standards 2.8(a) suggests disbarment or actual suspension for disobedience or violation of a court order related to an attorney's practice of law, the attorney's oath, or the duties required of an attorney under section 6068, subdivisions (a)-(h).

Standard 2.8(b) provides that revocation is appropriate for a violation of the duties required of an attorney under section 6068, subdivisions (i), (j), (l), or (o).

The State Bar urges disbarment. Respondent denies culpability.

Here, respondent's willful failure to comply with rule 9.20 is extremely serious misconduct for which disbarment is generally considered the appropriate sanction. (*Bercovich v. State Bar* (1990) 50 Cal.3d 116, 131.) In a similar case, *In the Matter of Snyder* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 593, an attorney was disbarred for failing to comply with rule 9.20 (former rule 955). Not only was the filing of his rule 9.20 affidavit untimely, but more seriously, he falsely reported his compliance that he had reported his suspension to his client when in truth, his client did not know about his suspension. In addition to the gravity of his violation, he also engaged in UPL and other acts of misconduct.

Like the attorney in *Snyder*, respondent was late in filing the rule 9.20 affidavit and failed to give the necessary notice to opposing counsel and to the appellate court regarding his suspension. Such failure undermines its prophylactic function in ensuring that all concerned parties learn about an attorney's suspension from the practice of law. (*Lydon v. State Bar* (1988) 45 Cal.3d 1181, 1187.) To aggravate the matter, he incorrectly declared under penalty of perjury that he had notified the opposing counsel and the court in his rule 9.20 declaration.

The instant proceeding is respondent's third disciplinary matter. Respondent has demonstrated an unwillingness to comply with the professional obligations and rules of court imposed on California attorneys, although he has been given opportunities to do so. His behavior clearly demonstrates an indifference to the Supreme Court's disciplinary order. His carelessness and claimed confusion concerning the requirements of rule 9.20 and the status of his suspension did not obviate his culpability of willful failure to comply with rule 9.20 and of UPL. And, respondent's use of his law firm stationery created a false impression that he was entitled to practice law. An attorney simply "cannot expressly or impliedly create or leave undisturbed the false impression that he or she has the present ... ability to practice law." (*In the Matter of Wyrick, supra*, 2 Cal. State Bar Ct. Rptr. at p. 91.)

Respondent has no compelling mitigating factors and was actually suspended in his prior disciplinary matter (Std. 1.8(b)).

Given the case law, the standards, the seriousness of respondent's misconduct, and the aggravating factors, including his two prior records of discipline, respondent's disbarment is necessary to protect the public, the courts and the legal community, to maintain high professional standards and to preserve public confidence in the legal profession. It would undermine the integrity of the disciplinary system and damage public confidence in the legal profession if

respondent were not disbarred for his willful disobedience of the Supreme Court order. Accordingly, the court so recommends.

Recommendations

It is recommended that respondent John Clifton Elstead, State Bar Number 61048, be disbarred from the practice of law in California and respondent's name be stricken from the roll of attorneys.

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.

Order of Involuntary Inactive Enrollment

Respondent 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 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 State Bar Rules of Procedure, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Dated: February _____, 2015

LUCY ARMENDARIZ
Judge of the State Bar Court