

FILED

MAR 14 2017

STATE BAR COURT OF CALIFORNIA

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HEARING DEPARTMENT – LOS ANGELES

In the Matter of

ROBERT HOWARD SACK,

A Member of the State Bar, No. 165033.

) Case No. 13-O-14697-PEM
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ORDER RE AWARD OF COSTS TO
RESPONDENT EXONERATED OF ALL
CHARGES AFTER TRIAL AND REVIEW

Based on respondent Robert Howard Sack's exoneration of all charges after trial and review on January 23, 2017, respondent filed a motion for award of costs on February 13, 2017, in the amount of \$3,233¹ and two supplemental requests on March 8 for \$113.97 (service of process) and March 13 for \$1,125 (lost wages). (Bus. & Prof. Code, § 6086.10, subd. (d); Rules Proc. of State Bar, rule 5.131.) In summary, respondent seeks reimbursement of costs for: (1) travel; (2) meals; (3) transcripts; (4) audiotape recordings; (5) research; (6) photocopying and postage; (7) office supplies; (8) service of process; and (9) lost wages.

On March 2, 2017, Senior Trial Counsel Brandon K. Tady of the Office of the Chief Trial Counsel of the State Bar of California (State Bar) does not dispute costs of \$2,375.91 for travel and transcripts. But the State Bar opposes the requested reimbursement of meals and undocumented claims in the amount of \$993.96.²

¹ Based on respondent's claims, the total amount is \$3,304.87, and not \$3,233.

² Based on the State Bar's opposition, the total is \$949, not \$993.96.



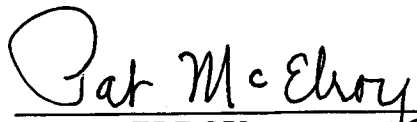
Respondent is entitled to recover the reasonable expenses to the extent authorized by rule 5.131. By definition, reasonable expenses do not require that respondent show the actual costs incurred, as long as the items are reasonable hearing preparation expenses enumerated under rule 5.131. (See *In the Matter of Respondent J* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 273 and *In the Matter of Wu* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 263.)

ACCORDINGLY, respondent's motion for award of costs is **GRANTED** in part and **DENIED** in part. Meals, office supplies, and lost wages are not provided under rule 5.131(B) and are thereby denied. The court **ORDERS** that the total amount of reimbursement of costs to respondent for reasonable expenses is **\$3,168.84**, calculated as follows:

(1) Travel	\$ 526.87
(2) Service of process	\$ 113.97
(3) Ordinary witness fees	\$ 62.00
(4) Models of exhibits	0
(5) Transcripts	\$2,106.00
(6) Audiotape recordings	\$ 25.00
(7) Investigation	0
(8) Computerized legal research	\$ 185.00
(9) Photocopying, postage, phone (capped at \$150)	\$ 150.00

IT IS SO ORDERED.

Dated: March 14, 2017


PAT McELROY
Judge of the State Bar Court

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 14, 2017, I deposited a true copy of the following document(s):

ORDER RE AWARD OF COSTS TO RESPONDENT EXONERATED OF ALL CHARGES AFTER TRIAL AND REVIEW

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

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

ROBERT H. SACK
LAW OFC ROBERT SACK
1635 13TH ST
LOS OSOS, CA 93402 - 2297

- ☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

- ☐ by overnight mail at , California, addressed as follows:


- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.

- ☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Brandon Keith Tady, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on March 14, 2017.


George Hae
Case Administrator
State Bar Court