FILED JANUARY 30, 2015

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES

In the Matter of **DANIEL SCOTT GLASER,** **Member No. 172056,** A Member of the State Bar.	)	**Case No.: 14-C-00261-DFM** **DECISION INCLUDING DISBARMENT RECOMMENDATION AND INVOLUNTARY INACTIVE ENROLLMENT ORDER**

INTRODUCTION

This contested conviction referral proceeding arises from the misdemeanor conviction on August 12, 2013, of respondent **Daniel S. Glaser** (Respondent) of violating 18 U.S.C. § 401(3) [criminal contempt]. (Cal. Rules of Court, rule 9.10(a); Bus. & Prof. Code, §§ 6101, 6102;[1] Rules Proc. of State Bar, rules 5.340 et seq.) The issues in this proceeding are whether the facts and circumstances surrounding Respondent's conviction involved moral turpitude (§§ 6101, 6102) or other misconduct warranting discipline (see, e.g., *In re Kelley* (1990) 52 Cal.3d 487, 494); and, if so, what the appropriate level of discipline to be imposed should be.

For the reasons stated below, the court finds that the facts and circumstances surrounding Respondent's conviction involved other misconduct warranting discipline, but not moral turpitude. After evaluating the gravity of the crime, the circumstances of the case, and the aggravating and mitigating factors, the court recommends discipline as set forth below.

[1] Except where otherwise indicated, all further statutory references are to the Business and Professions Code.

PERTINENT PROCEDURAL HISTORY

Respondent was convicted of criminal contempt by the United StateS District Court for the Central District of California on August 12, 2013.

The record of his conviction was transmitted by the State Bar to the Review Department of this court on March 10, 2014. On March 27, 2014, the Review Department referred the conviction to the Hearing Department for further handling. On April 1, 2014, a notice of hearing on conviction was issued by this court, and a status conference was ordered for April 28, 2014. At that status conference the case was scheduled to commence trial on July 1, 2014, with a two-day trial estimate.

On May 5, 2014, Respondent filed his response to the criminal referral.

On June 26, 2014, the trial of the matter was continued to October 28, 2014, due to this court being double-set for trial and the unavailability of Respondent's new counsel.

On October 23, 2014, an extensive Stipulation as to Facts and Admission of Documents was filed by the parties.

Trial was commenced and completed on October 28, 2014. The State Bar was represented by Deputy Trial Counsel William Todd and Drew Massey. Respondent was represented by Edward Lear of Century Law Group LLP. The State Bar's case consisted almost entirely of the facts contained in the stipulation of facts. Respondent's case consisted of character evidence of three witnesses and his own testimony regarding the circumstances surrounding his conviction, his professional background, and various mitigating factors.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The following findings of fact are based on the stipulation of undisputed facts previously filed by the parties and the documentary and testimonial evidence admitted at trial.

Jurisdiction

Respondent was admitted to the practice of law in California on December 1, 1994, and has been a member of the State Bar at all relevant times.

Case No. 14-C-00261

On March 31, 2006, John Glaser, Respondent's father, gave Respondent $34,876 to purchase a car. Respondent then used those funds on the same day to purchase a Volkswagen Toureg. Approximately one month later, Respondent was in a car accident resulting in the Toureg being "totaled." As a result, Respondent received insurance payments of $14,725 and $22,987, which he then used to purchase a Lincoln Navigator.

A few months later, on July 26, 2006, Respondent filed a voluntary personal Chapter 7 bankruptcy petition, *In re Glaser*, 06-3395-SK. Shortly thereafter, Respondent transferred a security interest in the Lincoln to his father by identifying his father as a lienholder on a certificate of title. He did this without bankruptcy court approval, notice to his creditors, or consent of the United States bankruptcy trustee (the Trustee).

In April 2007, after learning of the above transaction, the Trustee's counsel wrote a letter to Respondent, contesting the transaction and asking Respondent to contact him to seek to resolve the matter without an adverse proceeding being filed. Respondent did not respond to the letter.

As a result, on June 4, 2007, the Trustee commenced an adversary proceeding against the father, seeking to void and recover the post-petition transfer of the Lincoln Navigator, pursuant to 11 U.S.C. sections 549 and 550. Respondent represented his father in the adversary proceeding.

On January 3, 2008, after Respondent and his father failed to respond to discovery requests, requests to meet and confer, and motions to compel in the adversary proceeding, the

bankruptcy court imposed $1,325 in monetary sanctions against Respondent and his father to be paid jointly and severally within 20 days of the order. Neither person paid the sanctions. Nor did they respond to the pending discovery requests.

On January 28, 2008, the Trustee filed a motion to strike defendant's answer and to enter default judgment due to a continuing failure to pay sanctions and comply with the requests for discovery. On May 23, 2008, the bankruptcy court granted the motion to strike, entered a default judgment against the father, and imposed an additional $1,725 in sanctions on the father and Respondent jointly and severally, which sanctions were to be paid within 20 days of entry of the order.

During numerous conversations between Respondent and counsel for the Trustee, as well as during hearings, Respondent repeatedly represented that he intended to satisfy all claims.

On September 6, 2011, counsel for the Trustee filed a "Motion for: (i) Making Findings of Fact and Conclusions of Law [To Be Referred to the United States District Court for the Central District of California] that John J. Glaser and His Counsel Daniel Glaser are in Criminal Contempt; and (ii) Monetary Sanctions in the Amount of $2,260 against John J. Glaser and Daniel Glaser" (Trustee's Motion). The Trustee's Motion was set for hearing on October 5, 2011.

Respondent did not file an opposition to the Trustee's Motion.

On September 29, 2011, the bankruptcy court assigned to Respondent's matter issued an "Order to Show Cause Why the Court Should Not Make Findings of Fact and Conclusions of Law for Referral to the United States District Court for the Central District of California" ("OSC") and set the matter for hearing on November 2, 2011. The order also ordered $2,260 in sanctions against Respondent.

On October 5, 2011, the bankruptcy court held a hearing on the Trustee's Motion. Respondent did not appear.

On October 7, 2011, the bankruptcy court issued an order requiring Respondent to appear on November 2, 2011, as set forth in the court's September 29, 2011 OSC, to show cause why the court should not make findings of fact and conclusions of law for referral to the United States District Court for the Central District of California.

On October 28, 2011, the parties filed a "Stipulation re: Continuance of OSC Hearing on Trustee's Request for Findings of Fact and Conclusions of Law [to be Referred to the United States District Court for the Central District of California] that John J. Glaser and his Counsel Daniel Glaser Are in Criminal Contempt" (Stipulation). The Stipulation included Respondent's agreement to pay $1,000 to the Trustee by 5:00 p.m. on October 28, 2011, and $11,260 to the Trustee by 5:00 p.m. on November 28, 2011.

Respondent failed to pay the $1,000 he was due to pay by October 28, 2011.

On October 31, 2011, the court entered an "Order Approving Stipulation re: Continuance of OSC Hearing on Trustee's Motion for Making Findings of Fact and Conclusions of Law that John J. Glaser and his counsel Daniel Glaser are in Criminal Contempt" and continued the hearing to December 14, 2011.

On November 7, 2011, the Trustee filed a declaration that Respondent had breached the Stipulation re Continuance. Respondent failed to pay any of the $11,260 he was due to pay by November 28, 2011.

On the day of the continued hearing, December 14, 2011, neither Respondent nor his father had paid any of the sanctions that had been ordered. At that hearing, the court ordered that Respondent and his father pay the full $12,260 due as agreed in the prior stipulation by

December 26, 2011,[2] and it continued the hearing to January 5, 2012. (Ex. 3. p. 12.) On December 29, 2011, counsel for the Trustee filed a declaration stating that the payment ordered by the court to be made by December 26, 2011, had not been made.

On January 4, 2012, Respondent paid $11,000 of the $12,260 owed.

On January 5, 2012, the scheduled hearing was held. Respondent appeared and claimed he would be able to pay the balance of the money owed on January 15, 2012, the date of his next salary payment. The court required that the remaining $1,260 be paid by January 17, 2012.

Despite Respondent's January 5 assurances to the court and that court's order on that same date, Respondent did not pay any of the $1,260 by the January 17, 2012 deadline.

On January 20, 2012, the Trustee filed a declaration advising the court of Respondent's failure to pay the $1,260 owed by January 17, 2012.

On April 16, 2012, the court issued a notice setting an OSC hearing on May 23, 2012.

During the May 23, 2012 hearing, Respondent did not appear. The Trustee advised the court that Respondent and his father still owed the Trustee a total of $6,285.

On May 31, 2012, the bankruptcy court made the following "findings of fact" for referral of possible criminal contempt to the United States District Court for the Central District of California:

a. That Daniel Glaser and John J. Glaser [Respondent's father] failed to comply with the court's October 7, 2011 Order, which imposed $2,260 in sanctions.

b. That Daniel Glaser and John J. Glaser failed to comply with the terms of the Stipulation.

c. That Daniel Glaser and John J. Glaser failed to comply with the court's December 14, 2011 Order, which required them to pay $12,260 by December 26, 2011.

[2] The stipulation filed by the parties in this proceeding inaccurately stated that the due date for this payment was January 5, 2012. This court declines to accept that portion of the stipulation.

d. That Daniel Glaser and John J. Glaser failed to comply with the court's January 5, 2012 Order, which required them to pay $1,260 by January 17, 2012.

e. That as of May 23, 2012, Daniel Glaser and John J. Glaser owed the Trustee $6,285.

The bankruptcy court then referred the matter to the United States District Court for criminal contempt proceedings, concluding that Respondent and his father "have demonstrated repeatedly that they do not consider themselves bound to comply with orders of this Court. Having employed a wide range of available remedies in an effort to correct this state of affairs, without success, this Court is left with no alternative but to refer this matter to the District Court for further proceedings." (Ex. 3, pp. 15-16.)

On August 8, 2013, Respondent and the United States Attorney filed a Plea Agreement for Defendant Daniel Glaser [Respondent] in which Respondent stipulated to disobeying or resisting a court's lawful order, decree or command, in willful violation of 18 U.S.C. section 401(3). As part of this plea agreement, Respondent agreed to make restitution to the Trustee in the amount of $6,285 for "losses suffered as a result of defendant's conduct in this case." (Ex. 4, p. 4.)

The order of the Review Department referring this matter to the Hearing Department directed this court to determine whether the facts and circumstances surrounding Respondent's conviction involved moral turpitude or other misconduct warranting discipline.

The Supreme Court in *In re Ross* (1990) 51 Cal.3d 451, concluded that a violation of 18 USC section 401(3) may or may not involve moral turpitude. In both its pretrial statement and post-trial closing brief, the State Bar stated that it does not allege that Respondent's criminal conduct involved moral turpitude. (Pretrial Statement, p. 2, lines 5-7; Closing Brief, p. 3, lines 7-9.) Under such circumstance and after this court's review of the facts and circumstances

surrounding Respondent's conviction, this court does not find that Respondent's conduct in failing to comply with the bankruptcy court orders involved moral turpitude. (cf. *Maltaman v. State Bar* (1987) 43 Cal.3d 924, 951, 958 [bad faith disobedience of court order may be act of moral turpitude in violation of section 6106]; see also *In the Matter of Myrdall* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 363, 384 [intentional violation of court order involves moral turpitude].)

However, this court does find that Respondent's conduct surrounding his failure to comply with the various bankruptcy orders requiring him to pay sanctions did involve misconduct warranting discipline. Section 6103 provides, in pertinent part: "A willful disobedience or violation of an order of the court requiring him to do or forbear an act connected with or in the course of his profession, which he ought in good faith to do or forbear, . . . constitute causes for disbarment or suspension." Respondent's ongoing failure to comply with the bankruptcy court's orders issued in 2008, 2011 and 2012, especially when coupled with his repeated assurances to the court that he would pay such sanctions, constituted willful violations by him of his duties under this statute and warrants discipline.

Aggravating Circumstances

The State Bar bears the burden of proving aggravating circumstances by clear and convincing evidence. (Rules Proc. of State Bar, Stds. for Atty. Sanctions for Prof. Misconduct, [3] std. 1.5.) The court finds the following with respect to aggravating circumstances.

Prior Discipline

Respondent has been disciplined on two prior occasions. Respondent's prior record of discipline is an aggravating circumstance. (Std. 1.5(a).) Moreover, given the similarity and recurrence of the misconduct, as discussed below, this prior record of discipline is a significant

[3] All further references to standard(s) or std. are to this source.

aggravating factor. (Std. 1.5(a); *In the Matter of Rose* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 646, 653 ["the greatest amount of discipline is warranted for violations of probation which show a breach of a condition of probation significantly related to the misconduct for which probation was given"].)

First Discipline

On September 7, 2006, the California Supreme Court filed an order (S144705) suspending Respondent for one year, stayed, and placing him on probation for two years with conditions of probation that included thirty (30) days of actual suspension and required Respondent to make restitution payments to the Client Security Fund and a former opposing party/attorney. This discipline arose out of three separate matters as reflected in a Stipulation re Facts, Conclusions of Law and Disposition executed by Respondent on May 15, 2006, and approved by this court on May 24, 2006. In the first matter (case No. 05-O-00982), Respondent stipulated that he had committed acts involving moral turpitude or dishonesty, in violation of section 6106, by misrepresenting to the court and opposing counsel that he had retained an expert in a medical malpractice action when he had not and by misrepresenting under oath to the court and opposing counsel that a trial continuance was necessary because of that expert's schedule. More significantly here, in the second matter (case No. 05-O-03433), Respondent stipulated that he had been ordered by the Los Angeles County Superior Court to pay sanctions totaling $2,850 by January 12, 2005. He did not do so. Then, after the court issued an order to show cause regarding his failure to pay those sanctions, the court issued a subsequent order requiring Respondent to pay the sanctions by June 27, 2005. Respondent again failed to pay the sanctions as ordered by the court. He stipulated that his conduct constituted a wilful violation by him of a court order in violation of section 6103. Similarly, in the third matter (also case No. 05-O-03433), Respondent stipulated that he had been ordered by the Solano County Superior Court to

pay sanctions totaling $4,390 by June 13, 2005, as a result of his failure to appear for a mandatory settlement conference and failure to file a trial management conference statement and that he had failed to pay the sanctions by that deadline. While in January 2006, he secured an extension of the time to pay $1,500 of the sanctions, he stipulated that by failing to pay the sanctions by the June 13, 2005 deadline he had wilfully disobeyed or violated a court order in violation of section 6103. He also stipulated that, as of the date of the stipulation in May 2006, he still had not paid $2,890 of the court-ordered sanctions.[4]

As mitigation in the cases, the parties stipulated that Respondent had been working at a law firm during the time of the various misconduct where he had been very busy, but that he had resigned from that firm in March 2006; that Respondent had experienced emotional strain, anxiety and stress from a dissolution action filed by his wife, which commenced in July 2003 and ended in December 2005, and from the death if his brother-in-law in 2003; and that he had experienced a spike in his blood pressure in 2003.

As part of the stipulated discipline, Respondent agreed that he would pay restitution to the Client Security Fund in the amount of $1,000, plus interest accruing from January 6, 2005, and $2,890 to David Lucchese, plus interest accruing from April 8, 2005. That restitution obligation was to be satisfied by monthly payments during the period of his probation of $100 to the Client Security Fund and $160.55 to Lucchese.

This discipline, which resulted in part from failing to pay sanctions as ordered by a court and which included a court order that monthly restitution payments be made, became effective on October 7, 2006. At the time of the bankruptcy court's orders awarding sanctions in January and May 2008, and Respondent's failure to comply with those orders, he was still on probation as a result of this discipline.

[4] Respondent also stipulated in the latter two matters that he had failed to report the sanction orders to the State Bar, in violation of section 6068, subdivision (o)(3).

Second Discipline

On December 17, 2007, less than three months after the first discipline order became effective, the State Bar filed a Notice of Disciplinary Charges (NDC) alleging that Respondent had failed to comply with the conditions of his probation, including failing to make any restitution payments and failing to file the required quarterly reports. (Case No. 07-O-14179.) This NDC was filed less than three weeks prior to the bankruptcy court's order on January 3, 2008, that Respondent and his father pay $1,325 in sanctions within twenty days; and less than two months before the Trustee filed a motion to strike.

On October 24, 2008, this court filed a decision in the second disciplinary matter, concluding that Respondent had still not made any restitution payments to either the Client Security Fund or Lucchese since the prior disciplinary order had been filed, notwithstanding both his stipulation and the Supreme Court order that he do so. The court did not conclude that Respondent's failure to make the restitution payments resulted from any financial hardship on his part. The court further found that Respondent had filed his first quarterly report (due January 10, 2007) late and had not filed at all the quarterly reports due on April 10, July 10, and October 10, 2007, and on January 10 and April 10, 2008. These failures, the court concluded, constituted a violation of section 6068, subdivision (k), which requires an attorney to comply with the conditions of a court-ordered disciplinary probation. As a result, this court recommended that Respondent again be disciplined.

On March 12, 2009, the Supreme Court filed an order (S169623) suspending Respondent for three years, stayed, and placing him on probation for two years on conditions that included an actual suspension of a minimum of ninety (90) days and until Respondent made full restitution to the Client Security Fund and Lucchese, as previously ordered in the first discipline.

Respondent remained on probation until April 11, 2011. Throughout this period of probation, and despite being on it, he continued to fail to pay the sanctions that had previously been ordered by the bankruptcy court. Moreover, despite now having been disciplined twice by the California Supreme Court for failing to make court-ordered payments, Respondent continued until he was convicted of criminal contempt in August 2013 to fail to pay sanctions that had first been ordered by the United States Bankruptcy Court in 2008 and ordered again in 2011 and 2012.

Multiple Acts of Misconduct

Respondent's multiple acts of misconduct are an aggravating factor. (Std. 1.5(b).)

Mitigating Circumstances

Respondent bears the burden of proving mitigating circumstances by clear and convincing evidence. (Std. 1.6.) The court finds the following with regard to mitigating factors.

Cooperation

Respondent cooperated with the State Bar by entering into a stipulation related to the criminal conviction and its surrounding circumstances. While the stipulated facts were not difficult to prove, Respondent's cooperation resulted in the trial of this matter being significantly shortened. Accordingly, such cooperation is a mitigating factor. (Std. 1.6(e).)

Character Evidence

Respondent presented character evidence from two prominent attorneys and a former client. Respondent also made passing reference to the fact that he now participates in temple activities with his children. However, Respondent is entitled only to limited weight in mitigation for this evidence because three witnesses do not represent a wide range of references in the legal and general communities, as called for in the standard. (Std. 1.6(f); see also *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 50 [testimony of four character

witnesses afforded diminished weight in mitigation]; *In the Matter of Kreitenberg* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 469, 476 [testimony of three witnesses, including two attorneys, is not a sufficiently "wide range" of references].) Further, two of the witnesses indicated having less than a full awareness of the facts surrounding the conviction. (*Id.* at pp. 476-477.) Finally, the evidence regarding Respondent's activities in his temple was quite non-specific and was established only by Respondent's testimony. *(*See *In the Matter of Shalant* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 829, 840 [limited mitigation weight for community service established only by respondent's testimony].)

Financial Hardship

Respondent makes no contention in his post-trial brief that he is entitled to mitigation credit for financial hardship, and this court declines to make any such finding, despite testimony by Respondent during trial regarding the financial pressures he had at various times. Respondent was employed as an attorney throughout the time that he was under the various court orders to pay sanctions in the bankruptcy matter, and he acknowledged at trial that his failure to pay those sanctions resulted from his being "in denial" about the situation. Further, he made no effort to seek funds from available sources to comply with his court-ordered obligation. He was married in 2009 to a woman who was herself employed as an attorney at a prominent law firm. He also did not ask his father, who was also employed through this time period and was himself subject to the court orders, to assist in complying with those orders until after the matter had turned into a criminal prosecution against them both for criminal contempt.

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, this court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d 1085, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.) The court then looks to the decisional law. (*Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311; *In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 580.) As the Review Department noted more than two decades ago in *In the Matter of Bouyer* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 404, 419, even though the standards are not to be applied in a talismanic fashion, they are to be followed unless there is a compelling reason that justifies not doing so. (Accord, *In re Silverton* (2005) 36 Cal.4th 81, 91; *Aronin v. State Bar* (1990) 52 Cal.3d 276, 291.) Ultimately, in determining the appropriate level of discipline, each case must be decided on its own facts after a balanced consideration of all relevant factors. (*Connor v. State Bar* (1990) 50 Cal.3d 1047, 1059; *Gary v. State Bar* (1988) 44 Cal.3d 820, 828; *In the Matter of Oheb* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 920, 940.)

In the present proceeding, the most severe sanction for Respondent's misconduct is found in standard 1.8(b), which provides that when an attorney has two prior records of discipline, the degree of discipline in the current proceeding is to be disbarment unless the most compelling mitigating circumstances clearly predominate.[5] Notwithstanding its unequivocal language to the contrary, disbarment is not mandated under this standard even if there are no compelling mitigating circumstances that predominate in a case. (*Conroy v. State Bar* (1991) 53 Cal.3d 495, 506-507, citing *Arm v. State Bar* (1990) 50 Cal.3d 763, 778-779, 781.) That is because the

[5] Previously standard 1.7(b).

ultimate disposition of the charges varies according to the proof. (*In the Matter of Tady* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 121, 125.)

A common thread or pattern of misconduct are factors that have been considered by the Supreme Court in applying what is now standard 1.8(b). (*Morgan v. State Bar* (1990) 51 Cal.3d 598, 607 [former std. 1.7(b) applied where prior discipline showed pattern of misconduct and indifference to court's disciplinary orders].)

"Each of [the prior] disciplinary orders provided him an opportunity to reform his conduct to the ethical strictures of the profession." (*Arden v. State Bar* (1987) 43 Cal.3d 713, 728.) Unfortunately, Respondent's disciplinary history demonstrates that he "appears unwilling or unable to learn from past professional mistakes." (*Barnum v. State Bar* (1990) 52 Cal.3d 104, 111.)

Respondent argues that standard 1.8(b) should not be applied, but rather discipline should be assessed using a so-called *Sklar* analysis. (See *In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602.) In support of this contention, he contends that his misconduct here was "contemporaneous" with the misconduct underlying his second discipline.

This court disagrees. The concepts underlying the *Sklar* analysis are inapplicable. Respondent's repeated instances of misconduct here occurred well after he had been twice disciplined by the California Supreme Court for failing to comply with valid court orders. His disregard for the court's orders in the bankruptcy matter began even though he had just been disciplined in late 2006 and despite the fact that he still remained on probation for that misconduct. His ongoing disregard for the orders of that court continued even while he was charged with and subsequently found culpable in the second disciplinary matter, filed in December 2007; and it did not stop after he had been again disciplined by the Supreme Court and remained on probation for his misconduct. A member, having been twice disciplined by the

California Supreme Court for violating valid orders of a court, is expected to comply with valid court orders. When the member does not, a recommendation of disbarment is both necessary and appropriate to protect the courts, the public, and the profession. (*Barnum v. State Bar*, *supra*, 52 Cal.3d at pp. 112-113.) Such is the case here.

RECOMMENDED DISCIPLINE

Disbarment

The court recommends that respondent **DANIEL SCOTT GLASER,** State Bar Member No. 172056, be disbarred from the practice of law in the State of California and that his name be stricken from the Roll of Attorneys of all persons admitted to practice in this state.

California Rules of Court, Rule 9.20

The court further recommends that Respondent be ordered to comply with California Rules of Court, rule 9.20 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 order in this matter.

Costs

It is further recommended that costs be awarded to the State Bar in accordance with section 6086.10 and that such costs be enforceable both as provided in section 6140.7 and as a money judgment. Respondent must also reimburse the Client Security Fund to the extent that the misconduct in this matter results in the payment of funds, and such payment is enforceable as provided under Business and Professions Code section 6140.5.

ORDER OF INACTIVE ENROLLMENT

In accordance with Business and Professions Code section 6007, subdivision (c)(4), it is ordered that **DANIEL SCOTT GLASER,** State Bar Member No. 172056, be involuntarily

enrolled as an inactive member of the State Bar of California effective three calendar days after service of this decision and order by mail. (Rules Proc. of State Bar, rule 220(c).)[6]

Dated: February _____, 2015

DONALD F. MILES
Judge of the State Bar Court

[6] Only active members of the State Bar may lawfully practice law in California. (Bus. & Prof. Code, § 6125.) It is a crime for an attorney who has been enrolled inactive (or disbarred) to practice law, to attempt to practice of law, or to even hold himself or herself out as entitled to practice law. (Bus. & Prof. Code, § 6126, subd. (b).) Moreover, an attorney who has been enrolled inactive (or disbarred) may not lawfully represent others before any state agency or in any state administrative hearing even if laypersons are otherwise authorized to do so. (*Ibid.*; *Benninghoff v. Superior Court* (2006) 136 Cal.App.4th 61, 66-73.)