

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of)	Case No. 05-O-05123-LMA
)	
FRANCIS T. FAHY,)	
)	
Member No. 147721,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
<u>A Member of the State Bar.</u>)	ENROLLMENT

I. Introduction

In this contested matter, respondent Francis T. Fahy is charged with four counts of professional misconduct. The charged misconduct includes (1) failure to comply with California law; (2) making misrepresentations to the court; (3) seeking to corrupt a jury and; (4) failure to maintain the respect due to the courts of justice.

The Office of the Chief Trial Counsel of the State Bar of California (State Bar) urges that respondent be disbarred from the practice of law. Respondent argues that this matter should be dismissed as “there is no evidence of culpability for any kind of misconduct by the respondent member.” (Respondent’s Summation, filed October 19, 2007.) But, in view of respondent’s misconduct, his prior record of discipline and other evidence in aggravation, and complete lack of mitigation, the court concludes and recommends that respondent be disbarred from the practice of law.

II. Pertinent Procedural History

The State Bar initiated this proceeding by filing a notice of disciplinary charges (NDC) on April 3, 2007. On April 23, 2007, respondent filed a response to the NDC.

Trial was held on September 21, 2007. Deputy Trial Counsel Tammy Albertson-Murray represented the State Bar. Respondent represented himself in this matter. Three witnesses testified

at trial: respondent; Beth Rimbey; and Dan Himmelheber.

Following receipt of closing briefs, the court took this proceeding under submission on November 16, 2007.

III. Findings of Fact and Conclusions of Law

The following findings of fact are based on the evidence and testimony introduced at this proceeding. The court's findings are also based in large part on credibility determinations. The court had an opportunity to observe the respondent testify in this proceeding and finds that much, if not most, of his testimony relating to his service as a juror is not credible. His testimony was refuted by that of the State Bar's witnesses whom the court finds to have been credible and reliable.

Findings of Fact

A. Jurisdiction

Respondent was admitted to the practice of law in California on July 31, 1990, and has been a member of the State Bar since that time.

B. Respondent's Jury Service

On March 29, 2004, respondent was selected as a juror in the case of *MacDougall v. Buckley, M.D., Laservue Medical Associates, and Does 1 to 50, Inclusive*, Superior Court for the City and County of San Francisco, case Nos. GC-01-401842 and CGC-01-403936 (consolidated) (*MacDougall v. Buckley*). The case was heard before the Honorable Judge David L. Ballati.

Prior to commencing their deliberations, the jury, including respondent, was sworn in, pursuant to section 232 of the California Code of Civil Procedure. Respondent took an oath, under penalty of perjury, that he "would well and truly try the cause pending before [the] court" and render "a true verdict... according only to the evidence presented to [him] and to the instructions of the court."

On April 16, 2004, the jury commenced deliberations of the case. The deliberations continued all day on April 19 and April 20, 2004. The jury deliberated for a half-day on April 21, 2004, and deliberated all day April 22, 2004.

During the course of the deliberations, the jury took numerous votes. It, however, was unable

to arrive at a consensus for or against liability on the part of defendant Buckley. The jury was split, eight to four, in favor of the defendant. On April 21, 2004, the jury foreperson, Beth Rimbey, sent a note to the judge asking, "What happens if the jury cannot reach consensus. [sic]" Judge Ballati responded, instructing the jury to "keep working on [their] deliberations. . . . [and] continue to review and discuss all of the evidence." (State Bar exhibit 2, p.0005.) While the foreperson was drafting the note to the judge, respondent advised the members of the jury panel that the result of a deadlock is that a judge declares a mistrial, thus requiring that the matter be retried. Respondent stated that if Judge Ballati would not declare a mistrial and the jury was sent back to deliberate, respondent would change his vote to in order to get out of further deliberations.

At the end of the jury's deliberations on Thursday, April 22, 2004, the foreperson sent a second message to the judge, advising him that the jury was deadlocked and asking the judge what his instructions were in light of the deadlock. (State Bar exhibit 2, p. 0006.) After receiving the note regarding the deadlock, the court ordered the jury to return for deliberations on April 26, 2004.

Thus, on April 26, 2004, the jury resumed deliberations. That day respondent changed his position and voted in favor of the defendant for the first time. Due to respondent's change of vote, the jury reached a nine to three verdict in favor of the defendant, thereby breaking the deadlock.

On April 26, 2004, foreperson Rimbey wrote a note to the judge, stating, "It is my concern that some jurors have changed their vote only to end deliberations-not based on testimony or evidence. This is based on verbal statements I witnessed in the last two days of discussion." (State Bar exhibit 2, p. 0007.) In this proceeding, Beth Rimbey testified regarding the April 26, 2004 note, stating that although it referred to "some jurors," she was actually referring to only one specific juror, the respondent. Ms. Rimbey further testified in this proceeding that respondent had stated that he was willing to change his vote so that he could get out of the deliberations.

After receiving the foreperson's April 26, 2004 note, Judge Ballati read it to the entire jury. He then polled each juror, including respondent, separately and out of the presence of any other juror. "Each juror was asked the following two questions: (1) , in casting your most recent vote, did you follow the court's instructions? and (2) have you based your most recent vote on anything

other than the evidence received in the trial or the court's instructions on the law?" Respondent answered "yes" to the first question and "no" to the second question." (State Bar exhibit 10, p. 0005.) Thus, respondent represented to the court that his vote was cast in conformity with the judge's instructions and was based only on the evidence. The court then entered a verdict for defendant Buckley. (State Bar exhibit 5.)

On June 10, 2004, plaintiff MacDougall through her counsel, Dan Himmelheber (Himmelheber), moved for a new trial in the case, based upon juror misconduct. In support of the motion for new trial, Himmelheber attached the Declaration of Francis Fahy in Support of Motion for New Trial (Declaration), dated June 21, 2004. In his Declaration, respondent confirmed that he had in fact changed his vote to end the jury deadlock and conclude the deliberations. (See, Declaration, *infra*.)

During the course of preparing respondent's declaration, attorney Himmelheber sent respondent a draft declaration. This first draft declaration is the one that respondent ultimately signed, returned to Himmelheber, and which was thereafter filed with the court by Himmelheber. However, after receiving this first draft declaration, respondent wrote a letter to Himmelheber and requested some changes. Himmelheber then e-mailed, as well as faxed to respondent, a second draft declaration, incorporating respondent's requested changes. Respondent, however, signed and returned the first draft declaration to Himmelheber, after making some marks of his own on it. Himmelheber believed from those marks that respondent intended to provide him with the declaration that respondent in fact signed and returned. Thus, the Declaration of Francis Fahy in Support of Motion for New Trial, signed by respondent and dated June 21, 2004, was filed with the court on June 23, 2004.

In his June 21, 2004 declaration, respondent stated the following, under penalty of perjury:

During the trial that was supposed to last only 2-3 weeks, I maintained a busy law practice. As the trial continued into the 4th week, problems at work continued to mount since most of the day was devoted to my being a juror. Deliberations were a nightmare. We had several votes, however only 4 of us were strongly in favor of the Plaintiff, with one remaining neutral, for most of the deliberations. We went over the evidence thoroughly and even had certain testimony reread. It was becoming very apparent that even if the other jurors would finally vote in favor of the Plaintiff on the issue of liability, that lengthy discussions would take place on other issues

such as liability, if any, on the part of LaserVue and Nidek. Damages would also entail lengthy discussions. I estimated that further deliberations on these other important issues would take at least another week. As a result, I advised my fellow jurors that I would change my vote if Judge Ballati failed to declare a mistrial after he was advised that the jury was deadlocked, because there was no way I could afford to spend another week away from the office. On Thursday, April 22, 2004, after advising the Court that we were deadlocked, we were ordered to return for further deliberations on Monday, April 26, 2004, which began our 5th week of trial.

When I arrived on Monday, I changed my vote to favor Dr. BUCKLEY even though he was liable for what happened to the plaintiff. I changed my vote so that the deliberations would finally come to an end and I could return to the office.

(State Bar exhibit 8, pp. 0002:5-25 - 0003:1-5.)

Shortly thereafter, on July 16, 2004, respondent gave testimony on the same issue at the hearing on plaintiff's motion for a new trial. (State Bar exhibit 3, p. 0007; State Bar exhibit 9.) The court granted plaintiff's motion for a new trial based on its finding of juror misconduct by respondent. (State Bar exhibit 10.) Defendant Buckley appealed the order granting a new trial. On November 17, 2005, the Court of Appeal issued its decision upholding the trial court's finding of respondent's misconduct as a juror. (State Bar exhibit 11.)

In his testimony before this court, respondent first claimed that the signature on his June 21, 2004 Declaration must have been forged. He then claimed he must have been tricked into signing the Declaration, or that he signed it by mistake. Respondent then claimed that if the signature was forged it must have been by attorney Himmelhaber.

Attorney Himmelhaber testified as to the circumstances surrounding his providing respondent with the two draft declarations, as set forth, *ante*. He did not sign respondent's name on the Declaration, nor did he allow anyone else to do so.

This court finds that there is absolutely no credible evidence that anyone forged respondent's signature to his Declaration. The court finds attorney Himmelhaber's testimony credible; whereas respondent's testimony, regarding the Declaration and the various explanations as to why the signature thereon was either a forgery or a mistake, was not credible.

Conclusions of Law

Count 1: Failure to Comply With California Law (Bus. & Prof. Code, § 6068, Subd. (a))¹

The State Bar charges that respondent violated section 6068, subdivision (a), by failing to comply with California Code of Civil Procedure section 232, subdivision (b).

Section 6068, subdivision (a), provides that an attorney has a duty to support the Constitution and the laws of the United States and of this state.

Code of Civil Procedure section 232, subdivision (b) requires a trial juror to acknowledge and agree to “well and truly try the cause... pending before [the] court” and render a true verdict “according only to the evidence presented to [him] and to the instructions of the court.”

Respondent, however, failed to render his juror vote in *MacDougall v. Buckley* based solely on the evidence that had been presented at trial and on the instructions of the court. Rather, respondent cast his juror vote in favor of defendant Buckley in order to end the jury deadlock and conclude the jury deliberations. By failing to cast his juror vote based only upon the evidence presented to him and according to the instructions of the court, respondent failed to abide by Code of Civil Procedure section 232, subdivision (b), thereby failing by clear and convincing evidence to support the laws of this state, in willful violation of section 6068, subdivision (a).

Count 2: Misrepresentation (Bus. & Prof. Code, § 6106)

Section 6106 prohibits an attorney from engaging in conduct involving moral turpitude, dishonesty or corruption, whether the act is committed in the course of his relations as an attorney or otherwise.

On April 26, 2004, when questioned by the Judge Ballati shortly after the jury rendered its nine to three verdict in favor of the defendant, respondent misrepresented to the court when he responded to the judge’s questions by stating: (1) that he followed the court’s instructions in casting his most recent juror vote and; (2) that he did not base that vote on anything other than the evidence received in the trial or the court’s instructions on the law. On June 21, 2004, however, respondent

¹ All references to section are to Business and Professions Code, unless otherwise indicated.

signed his Declaration, under penalty of perjury, stating that he reached his verdict to end a deadlock and changed his vote so that the deliberations would end. Respondent gave that signed Declaration to attorney Himmelheber to be filed with the court.

By misrepresenting to the court on April 26, 2004, that he had based his verdict on the court's instructions and not on anything other than the evidence received at trial, when in fact, as he later admitted in his Declaration, he had cast his juror vote to end the deadlock and the jury deliberations, respondent, by clear and convincing evidence, engaged in an act of dishonesty in willful violation of section 6106.

Count 3: Moral Turpitude (Bus. & Prof. Code, § 6106)

The State Bar charges that respondent sought to corrupt the jury, an act of moral turpitude, by influencing or attempting to influence the jurors in their deliberations for an improper purpose.

On April 21, 2004, while the foreperson Beth Rimbey was drafting a note to the judge to ask what the outcome would be if the jury were unable to reach a consensus, respondent advised the members of the jury panel that the result of a deadlock is that a judge declares a mistrial, thus requiring that the matter be retried. Respondent then stated that if Judge Ballati would not declare a mistrial and the jury was sent back to deliberate, respondent would change his vote to in order to end the deliberations.

The State Bar, however, presented absolutely no evidence to support its argument that respondent actually influenced any member of the jury. To the contrary, when Judge Ballati polled the jury after it had reached its verdict, each juror responded that his or her juror ballot was based only on the court's instructions and on the evidence presented at trial.

Nor is there clear and convincing evidence that respondent was attempting to influence the other jurors to cast their juror votes for an improper purpose. Indeed, respondent did not need to influence any other juror to achieve his stated goal, which was to end the jury deliberations. The jury was split, eight to four, in favor of the defendant. Only one more vote in favor of the defendant was needed to break the deadlock. Thus, respondent was able to achieve his goal of ending the jury deliberations on his own. As he had announced, respondent simply changed his juror vote in favor

of the defendant thereby breaking the deadlock.

Accordingly, count three is hereby dismissed with prejudice.

Count 4: Failure to Maintain Respect to the Court (Bus. & Prof. Code, § 6068, Subd. (b))

Section 6068, subdivision (b), provides that an attorney must maintain the respect due to the courts of justice and judicial officers.

The State Bar alleges that respondent, while serving on the jury in the *MacDougall v. Buckley* trial, failed to maintain the respect due to the courts of justice and judicial officers by: (1) changing his vote in order to end the deadlock and conclude jury deliberations; (2) thereafter, telling the court that he had cast his juror vote based only on the evidence provided to him at trial and the court's instructions on the law; and (3) then declaring, under penalty of perjury, that he changed his vote to end deliberations and return to his law practice.

It is generally inappropriate to find redundant charged allegations. The appropriate level of discipline for an act of misconduct does not depend on how many rules of professional conduct or statutes proscribe the misconduct. "There is 'little, if any, purpose served by duplicative allegations of misconduct.'" (*In the Matter of Torres* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 138, 148.)

Accordingly, because the section 6068, subdivision (b), charge was based on the identical facts relied on in finding a violation of section 6106 (count two), the section 6068, subdivision (b), charge is duplicative and, therefore, dismissed with prejudice.

IV. Mitigating and Aggravating Circumstances

A. Mitigation

Respondent bears the burden of establishing mitigation by clear and convincing evidence. But he offered no evidence in mitigation and the court finds none. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct (standards), Std. 1.2(e).)²

²All further references to standards are to this source.

B. Aggravation

There are several aggravating factors. (Std. 1.2(b).)

Respondent has a prior record of misconduct. (Std. 1.2(b)(i).) On June 29, 2007, the Supreme Court ordered that respondent be suspended for three years and until he complied with standard 1.4(c)(ii), execution stayed, and that he be placed on probation for three years with conditions, including 24 months of actual suspension. Respondent was found culpable of: (1) failing to notify the client of receipt of client funds; (2) failing to maintain client funds in a trust account; (3) engaging in an act of moral turpitude by willfully misappropriating client funds; and (4) failing to promptly pay client funds. In aggravation respondent committed multiple acts of wrongdoing, demonstrated indifference toward rectification of or atonement for the consequences of his misconduct, harmed the administration of justice, and was found culpable of two acts of uncharged misconduct. In mitigation, respondent did not have a prior record of misconduct, repaid settlement funds to his client prior to the filing of the NDC, and cooperated with the State Bar. (Supreme Court order No. S151939.)

Respondent committed multiple acts of misconduct, including failing to comply with California law and committing an act of moral turpitude. (Std. 1.2(b)(ii).)

The court finds there is uncharged misconduct. (Std. 1.2(b)(iii).) Respondent cast his vote against liability for the defendant, despite his belief that the evidence presented at trial proved that the defendant “was liable for what happened to the plaintiff.” (State Bar exhibit 8, p. 0003.) Thus, the court concludes that respondent acted in bad faith and for a corrupt motive.

Respondent’s misconduct significantly harmed the public and the administration of justice. (Std. 1.2(b)(iv).) Respondent caused an end to the jury deadlock and the deliberations for an improper purpose. As a result the court had to order a new trial. His conduct resulted in a waste of court time, attorney time, jury time, and judicial resources. Thus, respondent’s misconduct harmed the administration of justice.

Respondent demonstrated indifference toward rectification or atonement for the consequences of his misconduct. (Std. 1.2(b)(v).) During these proceedings, respondent showed

no remorse for his misconduct. In fact, he tried to justify his conduct, claiming that it “had nothing to do with his role as an attorney” (Respondent’s Memorandum of Points and Authorities in Support of Motion for Order to Dismiss State Bar Charges, filed April 11, 2007, p. 2: 1-2.) Respondent also argued that he was immune from prosecution, claiming that any statement he made, while acting as a juror, is protected speech under the First Amendment. (*Id.* at pp. 1-2.) At the hearing in the instant matter, respondent blamed others. He referred to foreperson Beth Rimbey as a “a nutcase.” He stated that Judge Ballati slapped him in the face by reporting him to the State Bar. Respondent also testified that attorney Himmelheber forged his name on his Declaration.

Respondent, clearly lacks an appreciation or understanding of his misconduct. “Respondent’s use of specious and unsupported arguments in an attempt to evade culpability in this matter reveals a lack of appreciation both for his misconduct and for his obligations as an attorney.” (*In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 647.) “The law does not require false penitence. [Citation.] But it does require that the respondent accept responsibility for his acts and come to grips with his culpability. [Citation.]” (*In the Matter of Katz* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 502, 511.) Here, respondent failed to come to grips with his culpability, asserting that he was merely exercising his free speech rights and had been tricked by others into signing his Declaration or had merely made a mistake when he signed his Declaration. Instead of contrition, respondent went to great lengths during his testimony to justify his behavior.

V. Discussion

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, to preserve public confidence in the profession and to maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1025; std. 1.3.)

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 Silvertown* (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 1.6(a) provides that when two or more acts of misconduct are found in a single disciplinary proceeding and different sanctions are prescribed for those acts, the recommended sanction is to be the most severe of the different sanctions.

Standard 1.7(a) provides “If a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of one prior imposition of discipline as defined by Standard 1.2(f), the degree of discipline in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust.”

Standards 2.3 and 2.6 apply in this matter.

Standard 2.3 provides that culpability of moral turpitude and intentional dishonesty toward a court, a client or another person must result in actual suspension or disbarment, depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member’s acts within the practice of law.

Standard 2.6(a) provides for discipline ranging from suspension to disbarment for violations of subdivisions of section 6068, depending on the gravity of the offense or the harm to the victim.

Respondent has engaged in misconduct involving failing to support California law and committing an act of dishonesty by making a false statement to the court regarding his service as a juror. This case presents no mitigating factors; but, it does present substantial and serious aggravating factors, including prior discipline, bad faith, significant harm to the administration of justice, and indifference toward rectification or atonement for the consequences of his misconduct.

Yet, respondent urges the court to dismiss the case, arguing “there is no evidence of culpability for any kind of misconduct by the respondent member.” (Respondent’s Summation, filed October 19, 2007.)

The State Bar, however, urges disbarment. It has not cited any cases on the appropriate degree of discipline, which the court deems comparable; nor has the court uncovered any cases setting forth facts similar to the current matter. There are, however, Supreme Court opinions and review department recommendations adopted by the Supreme Court compelling the conclusion that serious misconduct involving dishonesty is worthy of disbarment. Respondent committed several serious acts of dishonesty in the instant matter. He took an oath as a juror wherein he agreed to cast his juror vote in accordance only with the court’s instructions and the evidence presented to him at trial. However, there is no doubt that respondent violated his oath for a corrupt and improper purpose. Respondent also made a serious misrepresentation to the court by stating that he had based his juror vote only on the court’s instructions and the evidence received at trial, when in fact he had not done so, as he later admitted in his Declaration.

Respondent’s misconduct manifests a “disregard of the fundamental rule of ethics--that of common honesty--without which the [legal] profession is worse than valueless in the place it holds in the administration of justice.” (*Borré v. State Bar* (1991) 52 Cal.3d 1047, 1053, citing *Levin v. State Bar* (1989) 47 Cal.3d 1140, 1147.) Respondent’s violation of the oath he took as a juror was itself a serious matter warranting substantial discipline. That violation coupled with his further misrepresentation to the court clearly demonstrates an unfitness to practice law.

Moreover, the aggravating circumstance in this case are extremely serious. Respondent’s failure to understand and acknowledge his wrongdoing weighs heavily on the court in making its discipline recommendation. Respondent’s inability to comprehend the nature of his wrongdoing is not unlike the attorneys in *Rosenthal v. State Bar* (1987) 43 Cal.3d 612 and *Lebbos v. State Bar* (1991) 53 Cal.3d 37. In both of those cases the attorneys were unable to appreciate the totally unethical nature of their misconduct. The Supreme Court concluded that disbarment was necessary to protect the public, preserve confidence in the profession, and maintain high professional

standards.

Here, respondent, like the attorneys in *Rosenthal* and *Lebbos*, engaged in totally unethical conduct and failed to demonstrate the good morals required of an attorney. He failed to uphold his oath as a juror and then misrepresented what he had done when polled by the judge in that matter. Like the attorneys in *Lebbos* and *Rosenthal*, respondent has no appreciation for the fact that his conduct is totally at odds with that required of an attorney in this state.

In recommending discipline, the “paramount concern is protection of the public, the courts and the integrity of the legal profession. (*Snyder v. State Bar* (1990) 49 Cal.3d 1302) Respondent, herein, is not a candidate for suspension and/or probation. He tries to minimize his offenses by claiming they are an expression of his free speech rights and by blaming others. Rather than accepting responsibility for his misconduct, respondent argues that he has done nothing wrong. Such refusal to recognize his wrongdoing is extremely troubling to this court. A significant factor in recommending disbarment “is respondent’s complete lack of insight, recognition, or remorse for any of his wrongdoing.” (*In the Matter of Wyshak* (Review Dept. 1999) 4 Cal. State Bar Ct. Rptr. 70, 83.) Respondent’s failure to understand the wrongfulness of his actions or to accept responsibility for actions that are wrong indicate that he might again engage in similar misconduct. Thus, a lengthy suspension coupled with probation terms is inappropriate.

Respondent “is not entitled to be recommended to the public as a person worthy of trust, and accordingly not entitled to continue to practice law.” (*Resner v. State Bar* (1960) 53 Cal.2d 605, 615.) Therefore, based on respondent’s offenses, the serious aggravating circumstances, and the lack of mitigating factors, the court recommends disbarment.

VI. Recommended Discipline

Accordingly, the court recommends that respondent **Francis T. Fahy** be disbarred from the practice of law in the State of California and that his name be stricken from the roll of attorneys in this state.

The court also recommends that respondent be ordered to comply with California Rules of Court, rule 9.20, and to 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.

Finally, the court recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

VII. Order of Inactive Enrollment

In accordance with Business and Professions Code section 6007, subdivision (c)(4), it is ordered that respondent be involuntarily enrolled as an inactive member of the State Bar of California effective three days after service of this decision and order by mail (Rules Proc. of State Bar, rule 220(c)).

Dated:

LUCY ARMENDARIZ
Judge of the State Bar Court