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STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

In the Matter of)	Case Nos. 09-O-10207 (10-O-08540)
)	
MARTIN BARNETT REINER,)	OPINION
)	
A Member of the State Bar, No. 144024.)	
_____)	

The Office of the Chief Trial Counsel (State Bar) charged Martin Barnett Reiner with willfully disobeying three court orders issued by workers' compensation administrative law judges from 2007 to 2010. The first order imposed a \$2,500 sanction after Reiner sent a disparaging letter to a three-judge panel who had ruled against him, calling the judges "imbeciles." The second order imposed a \$2,500 sanction after Reiner accused a trial judge of being corrupt, incompetent, and a liar. The third order imposed a \$2,500 sanction and \$1,000 in attorney fees for Reiner's "bad faith tactics," including removing an attorney's name from the court minutes and later threatening the attorney not to attend a hearing. Reiner unsuccessfully appealed the orders in state court. Two years after the last order was issued, and three weeks before his disciplinary trial, he filed a federal lawsuit claiming the orders violated his constitutional rights, and naming the hearing judge and a State Bar prosecutor, among others, as defendants.

Reiner argued at trial that he did not comply with the orders nor would he do so until the federal court ruled on his case. The hearing judge rejected his argument, found him culpable of violating the court orders, and recommended discipline, including a six-month actual suspension continuing until he complies with the orders.

Reiner seeks review. He asserts the same argument he made at trial — that the state court orders are not final pending his federal lawsuit. He also advances several procedural claims, including that the State Bar prosecutor and hearing judge are disqualified and the State Bar Court lacks jurisdiction to hear this case. Reiner requests a dismissal. The State Bar did not appeal but supports the recommended discipline.

After independently reviewing the record (Cal. Rules of Court, rule 9.12), we reject Reiner's procedural claims and adopt the hearing judge's culpability findings. We also agree that the State Bar proved three aggravating circumstances (multiple acts, misconduct surrounded by bad faith, and indifference), and Reiner proved one mitigating circumstance (no prior discipline). Although we assign less weight in mitigation, we adopt the hearing judge's recommendation because it is within the range of appropriate discipline that will protect the public, the courts, and the legal profession.

I. FACTS

A. The Ezra Matter — Case No. 09-O-10207

Reiner represented applicant Habtnesh Ezra before the Workers' Compensation Appeals Board (WCAB), case Nos. LAO 0746907, LAO 0777008. In December 2006, a three-judge panel awarded Ezra \$1,808 as reimbursement for health club dues and \$1,500 in attorney fees. The defendant (State of California) sought reconsideration. Reiner filed a response and also petitioned for reconsideration on Ezra's behalf, arguing the court should have granted interest to his client. In February 2007, the WCAB judges reversed the attorney fees award and denied Ezra's petition for reconsideration.

The judges took issue with Reiner's pleadings. In their ruling, they criticized him for attaching documents to the petition that were already in evidence and making "numerous unprofessional and inappropriate remarks and accusations concerning defendant and its counsel."

They advised him to “use a more appropriate tone and more appropriate language in the future,” and warned that repeated failure to comply with WCAB rules could result in sanctions.

In response to the ruling, on March 6, 2007, Reiner wrote an insulting letter to the judges seeking their disqualification. He berated them for having “the audacity to admonish” him as unprofessional and inappropriate, and accused them of “fail[ing] miserably to discharge [their] duties” and of being “either incompetent to the extent of being imbeciles . . . or the three of you are crooked by some form of undisclosed bias.” He demanded that the judges apologize for their “judicial malfeasance.”

On May 29, 2007, a panel assigned to review Reiner’s pleadings and letter found that Reiner’s remarks in the letter were motivated by his “willful intent to disrupt or delay the proceedings or by an improper motive, and are indisputably without merit.” On July 23, 2007, the panel ordered Reiner to pay \$2,500 in sanctions within 20 days. Reiner filed a Petition for Writ of Review. The Court of Appeal (Second Appellate District) summarily denied the petition on February 27, 2008, and the order became final.

B. The Palafox Matter — Case No. 10-O-08540

The following year, Reiner was sanctioned again for his improper conduct in another workers’ compensation matter while representing the defendant, Pelican Products, Inc., in *Rosa Palafox v. Pelican Products, Inc., et al.*, case No. ADJ 103216 (LAO 0867367). In April 2009, he moved to compel the deposition testimony of opposing counsel and four associates. Reiner knew the information he sought was covered by the attorney-client privilege, but contended the crime-fraud exception applied. Reiner testified he asserted the exception to expose misconduct and fraud by the workers’ compensation judges, who he believed were conspiring to protect Palafox’s fabricated claim. Palafox’s counsel opposed the motion and requested attorney fees and sanctions for Reiner’s bad faith tactics.

In September 2009, the parties appeared before Judge Richard Shapiro, a workers' compensation hearing judge. Sheila Kashani, counsel for a defendant in a related case, appeared and placed her name and the name of her law firm on the record of appearances, which serves as an official court document called Minutes of Hearing. Reiner crossed out her name and the name of her law firm. Based on his conduct, the court set a sanctions hearing for October 6, 2009, and ordered Kashani to appear. The day before the hearing, Reiner sent a letter to her employer, instructing that no one from the law firm should appear, especially Kashani. Reiner warned that any appearance would result in "legal liability" against the firm.¹ That same day, Reiner petitioned the court to disqualify Judge Shapiro, and the October 6, 2009 hearing was taken off calendar.

In October 2009, Judge Shapiro filed a Report and Recommendation on the Petition for Disqualification, and Reiner filed his reply. The WCAB denied the petition, concluding Reiner filed it to sully the integrity of Judge Shapiro by accusing him of shielding ethical violations, corruption, and either lying or being so incompetent that he should be terminated. On February 23, 2010, the WCAB ordered that Reiner pay \$2,500 in sanctions.

On June 21, 2010, Judge Shapiro denied Reiner's motion to compel the deposition testimony of Palafox's attorneys and ordered him to pay opposing counsel \$1,000 in sanctions. Judge Shapiro also ordered \$2,500 in sanctions for Reiner's bad faith tactics, including deleting Kashani's name from the court minutes and sending her threatening letters. The judge found that although parties may note issues and/or objections on the minutes, deleting what another party entered is "unacceptable" and "completely improper." Reiner sought reconsideration. On September 7, 2010, the WCAB affirmed Judge Shapiro's ruling, but clarified that the \$1,000

¹ Reiner defended his actions at his discipline trial: "Sheila Kashani interloped and trespassed into that case. I had every right to protect my client's interests against her and against crooked Judge Shapiro, and to cross out her name on the appearance sheet [as] a correction of the record."

award to opposing counsel was for attorney fees and costs, not sanctions. The Court of Appeal and the California Supreme Court denied Reiner's challenge of the *Palafox* orders, rendering the orders final. Thereafter, in August 2011, the WCAB notified Reiner he would be referred to the State Bar if the sanctions were not paid. Reiner ignored this notification, claiming it constituted "the crime of extortion."

C. Reiner's Federal Lawsuit

On December 8, 2011, the State Bar filed a Notice of Disciplinary Charges (NDC) for Reiner's failure to obey the court orders issued in *Ezra* and *Palafox*. Ten months later, on October 9, 2012, and three weeks before his disciplinary trial, Reiner filed a complaint in federal district court. It lists several defendants, including the State Bar Court hearing judge, a State Bar prosecutor, Judge Shapiro, WCAB judges, Court of Appeal and Superior Court judges, and the State Bar. Reiner testified his case was now before the Ninth Circuit Court of Appeal.²

Reiner alleged in the complaint that the defendants violated his constitutional rights in the *Palafox* case — he did not reference the *Ezra* case. He asked the federal court to rule that: (1) the sanction orders and the attorney fee award in *Palafox* be declared legally void; and (2) his disciplinary prosecution be declared "unconstitutional, illegal, and unethical." Reiner requested that his discipline case be dismissed with prejudice and for monetary damages for his emotional distress caused by the WCAB's "outrageous misconduct of extortion." He also demanded that each defendant's employment be terminated for cause.

² Reiner offered only his own testimony to establish he filed the federal lawsuit or that it was on appeal. To address his arguments, however, we take judicial notice of a copy of a complaint in the United State District Court, Central District of California, (file-stamped October 9, 2012), which Reiner appended to a November 14, 2012 Petition for Interlocutory Review.

II. REINER IS CULPABLE OF DISOBEYING COURT ORDERS

The State Bar charged Reiner with two counts of failing to obey court orders in violation of Business and Professions Code section 6103.³ That section provides, in relevant part, that “wilful disobedience or violation of an order of the court requiring [an attorney] 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, and any violation of the oath taken by him, or of his duties as an attorney, constitute causes for disbarment or suspension.” Count One alleged Reiner failed to obey the July 23, 2007 order to pay \$2,500 sanctions in the *Ezra* case. Count Two alleged that he failed to obey two court orders in the *Palafox* case: (1) the February 23, 2010 sanctions order for \$2,500; and (2) the June 21, 2010 sanctions order for \$2,500, along with the \$1,000 attorney fees order.

Reiner claims he cannot be culpable of violating section 6103 because the orders are not final pending the outcome of his federal lawsuit. The hearing judge correctly rejected his claim and found him culpable as charged.

A. The State Court Orders Are Final and Enforceable for Discipline Purposes

1. Reiner Knew of the Orders

To establish that Reiner wilfully disobeyed a court order under section 6103, the evidence must show that he knew there was a final, binding court order. (*In the Matter of Maloney and Virsik* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 774, 787 [attorney’s knowledge of final, binding order is essential element of violation].) “[A] WCAB decision becomes final for purposes of res judicata when it constitutes the last word of the rendering court and the appellate courts have denied review.” (*Marsh v. Workers’ Comp. Appeals Bd.* (2005) 130 Cal.App.4th 906, 916.) Reiner knew about the orders and that his challenges to them in the California

³ All further references to sections are to this source.

appellate courts were unsuccessful. The evidence establishes Reiner knew the state court orders were final.

2. The Orders Have Not Been Stayed

Reiner cites no authority for his position that these final orders are not enforceable for disciplinary purposes. Since he did not prove that any court stayed, abated, or enjoined the orders at issue, they are binding and enforceable for purposes of this court's determination of his violation of section 6103. (Cf. *Canatella v. State of California* (2002) 304 F.3d 843, 849, 851 [attorney obtained order from magistrate judge staying federal sanctions orders and prospective State Bar proceedings pending outcome of attorney's direct appeal of sanctions order]; see Fed. Rules Civ. Proc., rule 62(d) [federal sanction orders fully enforceable when issued absent stay or posting of bond]; *Banks v. Manos* (1991) 232 Cal.App.3d 123, 129 [sanctions orders not automatically stayed upon appeal; bond must be posted to stay execution].)

That Reiner filed a federal lawsuit challenging the final state court orders does not stay his discipline case or postpone his obligation to obey the orders. To begin, his lawsuit has no bearing on the July 23, 2007 sanctions order in *Ezra* since his federal complaint references *only* the *Palafox* case. As to the *Palafox* orders, Reiner cites no authority, and we find none, excusing his compliance merely because he collaterally attacked them in federal court. (See Cal. Rules of Ct., rule 9.10 [conviction final and subject to discipline "when the availability of appeal has been exhausted and the time for filing a petition for certiorari in the United States Supreme Court on direct review of the judgment of conviction has elapsed"].) In fact, the orders were final when the State Bar instituted this disciplinary proceeding in December 2011, which was nearly a year before Reiner filed his October 2012 federal lawsuit. Reiner has not shown he obtained an order from the federal courts enjoining this disciplinary proceeding pending disposition of his federal lawsuit.

B. Reiner Did Not Act in Good Faith

Reiner relies on *Canatella v. Stovitz* (N.D. Cal. 2005) 365 F.Supp.2d 1064 (*Stovitz*) to argue that, under section 6103, he need not obey court orders he subjectively believes are unconstitutional; in other words, he acted in good faith. His reliance on *Stovitz* is misplaced.

In *Stovitz*, an attorney challenged section 6103 as overbroad, claiming it requires counsel to obey all orders, even if believed to be unconstitutional. The court rejected the claim, reasoning that an attorney may be disciplined only for violating those orders the attorney “ought in good faith” to comply with. (*Stovitz, supra*, 365 F.Supp.2d at p. 1074 [quoting § 6103].) The court found this good faith provision “ensures that an attorney will not be disciplined for failing to comply with an unjust court order. The provision narrows the scope of the law, and hence, allows for an attorney to exercise his or her right to disobey a court order the attorney believes to be unconstitutional.” (*Id.* at p. 1074.)

Stovitz, however, does not establish, or even suggest, that attorneys may disregard court orders simply because they subjectively believe them to be invalid. In fact, relevant case law instructs that the opposite is true. (*In the Matter of Klein* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 1, 9, fn. 3 [“Respondent’s belief as to the validity of the order is irrelevant to the section 6103 charge”].) Rather, *Stovitz* merely emphasizes that an attorney may not be disciplined if that attorney did not obey court orders for some good faith reason. (See, e.g., *In the Matter of Boyne* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 389, 404-405 [no violation of § 6103 where attorney failed to timely pay sanctions; account had sufficient funds when check written but closed by bank prior to check clearing].)

Like the hearing judge, we conclude Reiner did not hold such a good faith belief. He knew about the orders, unsuccessfully challenged them in the California appellate courts, ignored the WCAB warning that his non-compliance would be reported to the State Bar, and continued to

refuse to obey them even after disciplinary charges were filed. Further, the timing of his federal lawsuit — filed nearly a year after the NDC filing — does not support his claim of good faith. To the contrary, it appears he filed the lawsuit to delay and frustrate these proceedings and not because he suddenly realized, in good faith, the orders were constitutionally invalid three weeks before his discipline trial. We conclude Reiner did not have a good faith reason for failing to comply with the final state court orders. (*Maltaman v. State Bar* (1987) 43 Cal.3d 924, 951-952 [“no plausible belief in the right to ignore final, unchallengeable orders one personally considers invalid”].)

III. REINER’S PROCEDURAL CHALLENGES LACK MERIT

Reiner contends: (1) the State Bar prosecutor and the hearing judge should have been disqualified because they have an “impermissible conflict” as named defendants in his federal lawsuit; (2) the State Bar Court has no jurisdiction to determine the constitutional validity of the orders; and (3) the State Bar’s charges against him are based on “falsehoods,” making the proceedings “nothing more than a lynching.” As detailed below, his arguments are meritless.

A. The Hearing Judge Was Not Disqualified

Under rule 5.46(A) of the State Bar Rules of Procedure, a judge must be disqualified when Code of Civil Procedure section 170.1 applies. Under that section, disqualification may be based on “[b]ias or prejudice toward a lawyer in the proceeding” or when “[a] person aware of the acts might reasonably entertain a doubt that the judge would be able to be impartial.” Reiner failed to cite any evidence in the record establishing that the hearing judge was biased, nor did he present authority that the judge was disqualified by nature of being a named defendant in his federal lawsuit. In fact, the California Court of Appeal has concluded otherwise. (See *First*

Western Development Corp v. Superior Court (1989) 212 Cal.App.3d 860, 867 [appellate judges not disqualified because litigant filed discrimination lawsuit naming them as defendants].⁴

B. State Bar Court Has Jurisdiction Over Disciplinary Cases

Reiner asserts that the State Bar Court lacked jurisdiction to determine the constitutional validity of his claim under Article III, section 3.5 of the California Constitution. This authority is not relevant to these proceedings because it prohibits an administrative agency from declaring a *statute* unenforceable or unconstitutional; Reiner challenges *court orders*. Also, the hearing judge did not determine the constitutionality of the orders; she simply recommended discipline for Reiner's failure to obey them, as she is authorized to do. (§ 6087 [Supreme Court may authorize State Bar to take any action regarding attorneys otherwise reserved to it]; *Jacobs v. State Bar* (1977) 20 Cal.3d 191, 196 [Supreme Court retains exclusive power over attorney discipline with State Bar as administrative arm].) Ultimately, Reiner may raise his federal claims before the California Supreme Court by petitioning for review of a State Bar Court Review Department decision. (See *Hirsch v. Justices of the Supreme Court of California* (9th Cir. 1995) 67 F.3d 708, 713 [federal constitutional claims can be raised before California Supreme Court in petition for review after disciplinary proceedings in State Bar Court].)

C. No Proof State Bar Acted in Bad Faith

Reiner asserts that the prosecutor should be disqualified and the State Bar is proceeding on falsehoods. No evidence supports this assertion, and Reiner failed to provide citation to the record, statutes, case law, or other authority establishing the State Bar is biased against him.

⁴ We also reject Reiner's claim that the hearing judge improperly ruled on her own motion for disqualification. On October 29, 2012, the day before his trial, Reiner filed a motion to disqualify the judge because she was a named defendant in his federal lawsuit. The judge properly ordered the motion stricken because it disclosed no valid legal grounds for disqualification. (Code Civ. Proc. § 170.4, subd. (b).)

IV. AGGRAVATION AND MITIGATION

The State Bar must establish aggravating circumstances by clear and convincing evidence⁵ (std. 1.5),⁶ and Reiner has the same burden to prove those factors in mitigation (std. 1.6). The hearing judge found three factors in aggravation and one in mitigation. We adopt these findings, but give diminished mitigating weight to Reiner's lack of prior record in light of his serious misconduct.

A. Three Aggravating Circumstances

1. Multiple Acts of Wrongdoing (Std. 1.5(b))

Reiner failed to obey three WCAB orders in two client matters spanning nearly three years. These acts, along with his ongoing refusal to obey the orders, aggravate this case.

2. Bad Faith (Std. 1.5(d))

Reiner's misconduct was surrounded by bad faith. He deleted an attorney's name from official court minutes, and threatened her with a lawsuit if she appeared at the WCAB. The workers' compensation judge sanctioned Reiner for these acts specifically because they involved "bad faith tactics." The judge noted: "The integrity of the system depends on keeping a complete record of the proceedings, and this cannot be accomplished if one party obliterates entries made by another on an official document." We agree and assign aggravating weight to Reiner's bad faith actions.

⁵ Clear and convincing evidence leaves no substantial doubt and is sufficiently strong to command the unhesitating assent of every reasonable mind. (*Conservatorship of Wendland* (2001) 26 Cal.4th 519, 552.)

⁶ All references to standards are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct. Effective January 1, 2014, the standards were amended. Since this case was submitted after the effective date, we apply the new version. We note that the amendments do not impact our analysis in this case.

3. Indifference/Lack of Remorse (Std. 1.5(g))

Reiner has shown no remorse for his wrongdoing. Without apology, he made disparaging remarks about the workers' compensation judges and has continued this conduct in this proceeding. He claimed the hearing judge committed the crimes of perjury and obstruction of justice, and accused this court of engaging in intellectual dishonesty and corruption. Reiner's conduct "reflects a seeming unwillingness even to consider the appropriateness of his [behavior] or to acknowledge that at some point his position was meritless or even wrong to any extent. Put simply, [Reiner] went beyond tenacity to truculence." (*In re Morse* (1995) 11 Cal.4th 184, 209.) Reiner's lack of remorse constitutes aggravation.

B. One Mitigating Circumstance — No Prior Record of Discipline (Std. 1.6(a))

Standard 1.6(a) provides mitigation for the absence of discipline over many years where the present conduct is not deemed serious. The hearing judge assigned significant weight to Reiner's 17 years of discipline-free practice. However, where the misconduct is serious, a discipline-free record is most relevant when the misconduct is aberrational and unlikely to recur. (*Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1029 [prior exemplary conduct less relevant where attorney commits serious pattern of misconduct and does not accept responsibility].) Here, Reiner committed serious misconduct over a three-year year period. In light of his ongoing refusal to comply with the court orders, his misconduct is not aberrational and creates a risk of future misconduct. Accordingly, we assign only limited mitigating weight to this factor.

V. DISCIPLINE DISCUSSION

The purpose of attorney discipline is not to punish the attorney, but to protect the public, the courts and the legal profession, to preserve public confidence in the profession, and to maintain high professional standards for attorneys. (Std. 1.1.) Ultimately, we balance all relevant factors on a case-by-case basis to ensure that the discipline imposed is consistent with

its purpose. (*In re Young* (1989) 49 Cal.3d 257, 266.) To determine the proper discipline, the Supreme Court instructs us to follow the standards “whenever possible.” (*In re Young, supra*, 49 Cal.3d at p. 267, fn. 11.)

Standard 2.8(a) provides for disbarment or actual suspension for disobedience of a court order related to the attorney’s practice of law. Given this broad range of discipline, we look to case law for guidance. (*Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311.) While no case singularly addresses a continuing violation of court orders, we find two cases instructive — *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, and *In the Matter of Katz* (Review Dept. 1995) 3 Cal. State Bar. Ct. Rptr. 430. These cases provide bookends for a range of discipline where an attorney willfully violates court orders, even though the misconduct, aggravation, and mitigation do not entirely parallel Reiner’s case.

Riordan received a six-month stayed suspension after he failed to obey two Supreme Court orders to file an opening brief in a capital appeal, failed to competently perform, and failed to report judicial sanctions. Multiple acts and harm to the administration of justice aggravated the case, but 17 years of discipline-free practice, cooperation, and good character were mitigating circumstances. We found that Riordan’s actions arose out of circumstances where he found himself “in over his head” and did not seek appropriate help. (*In the Matter of Riordan, supra*, 5 Cal. State Bar Ct. Rptr. at p. 53.)

In contrast, Katz received a two-year actual suspension for committing acts involving moral turpitude, filing a bad faith bankruptcy petition, and violating two bankruptcy court orders. He had a prior record of discipline that involved moral turpitude, committed his misconduct while on disciplinary probation, and lacked remorse.

Reiner’s case is less serious than *Katz* since he has no prior discipline, but more serious than *Riordan* because he lacks remorse and refuses to obey the court orders. The Supreme Court

has harshly criticized attorneys who willfully violate court orders, finding it difficult to imagine conduct more unbecoming an attorney. (See *Barnum v. State Bar* (1990) 52 Cal.3d 104, 112.) “Disobedience of a court order, whether as a legal representative or as a party, demonstrates a lapse of character and a disrespect for the legal system that directly relate to an attorney’s fitness to practice law and serve as an officer of the court.” (*In re Kelley* (1990) 52 Cal.3d 487, 495-496 citing *Maltaman v. State Bar, supra*, 43 Cal.3d at p. 951.) When an attorney disobeys a court order based on an unreasonable interpretation not made in good faith, public discipline is necessary to send a clear message to the Bar, the courts, and the public that considerable disciplinary consequences will result. Like the hearing judge, we are “seriously troubled by respondent’s inability or refusal to recognize his own wrongdoing and to comply with his obligations.” Accordingly, we adopt the recommended discipline.

VI. RECOMMENDATION

For the foregoing reasons, we recommend that Martin Barnett Reiner be suspended from the practice of law for two years, that execution of that suspension be stayed, and that he be placed on probation for two years on the following conditions:

1. He must be suspended from the practice of law for a minimum of the first six months of his probation and remain suspended until the following conditions are satisfied:
 - a. He pays the following sanctions and attorney fees and costs, (or reimburses the Client Security Fund, to the extent of any payment from the Fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar Office of Probation in Los Angeles.
 - (1) \$2,500 to the Secretary and Deputy Commissioner, Workers’ Compensation Appeals Board, as ordered by the Workers’ Compensation Appeals Board, in its July 27, 2007 Order Denying Disqualification and Imposing Sanctions in *Habtresh Ezra vs. State of California, Department of Health Services*;
 - (2) \$2,500 to the Secretary and Deputy Commissioner, Workers’ Compensation Appeals Board, as ordered by the Workers’ Compensation Appeals Board in its February 23, 2010 Opinion and Order Imposing Sanctions in *Rosa Palafox vs. Pelican Products Inc., et al.*;

(3) \$2,500 to the Secretary and Deputy Commissioner, Workers' Compensation Appeals Board, as ordered by the Workers' Compensation Appeals Board in its June 21, 2010 Findings and Order in *Rosa Palafox vs. Pelican Products Inc., et al.*;

(4) \$1,000 to Graiwer & Kaplan, Los Angeles, as ordered by the Workers' Compensation Appeals Board in its June 21, 2010 Findings and Order in *Rosa Palafox vs. Pelican Products Inc., et al.*, as clarified in its September 10, 2010 Opinion and Order After Reconsideration; and

b. If he remains suspended for two years or more as a result of not satisfying the preceding requirements, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

2. He must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of his probation.
3. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including his current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, he must report such change in writing to the Membership Records Office and the State Bar Office of Probation.
4. Within 30 days after the effective date of discipline, he must contact the Office of Probation and schedule a meeting with his assigned probation deputy to discuss the terms and conditions of probation. Upon the direction of the Office of Probation, he must meet with the probation deputy either in person or by telephone. During the period of probation, he must promptly meet with the probation deputy as directed and upon request.
5. He must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, he must state whether he has complied with the State Bar Act, the Rules of Professional Conduct, and all of the conditions of his probation during the preceding calendar quarter. In addition to all quarterly reports, a final report, containing the same information, is due no earlier than 20 days before the last day of the probation period and no later than the last day of the probation period.
6. Subject to the assertion of applicable privileges, he must answer fully, promptly, and truthfully, any inquiries of the Office of Probation that are directed to him personally or in writing, relating to whether he is complying or has complied with the conditions contained herein.
7. Within one year after the effective date of the discipline herein, he must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and passage of the tests given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and he shall not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)

The period of probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. At the expiration of the period of probation, if Reiner has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

VII. PROFESSIONAL RESPONSIBILITY EXAMINATION

We further recommend that Martin Barnett Reiner be ordered to take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year or during the period of his actual suspension in this matter, whichever is longer, and to provide satisfactory proof of such passage to the Office of Probation within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

VIII. RULE 9.20

We further recommend that Martin Barnett Reiner 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. Failure to do so may result in disbarment or suspension.

IX. COSTS

We further recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, such costs being enforceable both as provided in section 6140.7 and as a money judgment.

PURCELL, J.

WE CONCUR:

REMKE, P. J.

EPSTEIN, J.

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. 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 Los Angeles, on March 19, 2014, I deposited a true copy of the following document(s):

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

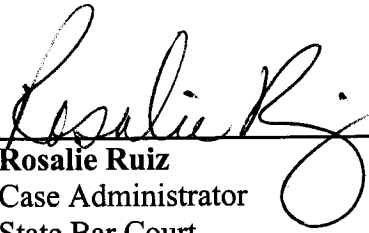
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

MARTIN B. REINER
ATTORNEY AT LAW
9025 WILSHIRE BLVD #301
BEVERLY HILLS, CA 90211

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

CHARLES MURRAY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 19, 2014.



Rosalie Ruiz
Case Administrator
State Bar Court