

**PUBLIC MATTER**

**FILED** 

APR 12 2012

STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

**STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – SAN FRANCISCO**

In the Matter of	)	Case No. <b>10-O-05018-PEM (S194447)</b>
	)	
	)	<b>ORDER</b>
<b>SEAN DONRAD,</b>	)	
	)	<b>(1) Denying Respondent's Request To</b>
<b>No. 242665,</b>	)	<b>Terminate Actual Suspension; and</b>
	)	
<b>A Member of State Bar.</b>	)	<b>(2) Granting Extension of Time To Pay</b>
	)	<b>Discipline Costs</b>
	)	

**TO ALL PARTIES AND COUNSEL IN THE ABOVE ENTITLED MATTER:**

On March 7, 2012, respondent Sean Donrad, represented by attorney Scott J. Drexel, requested the court (1) to terminate his actual suspension and (2) to extend the time to pay his discipline costs, as imposed by the Supreme Court in case No. S194447 (State Bar Court case No. 10-O-05018).

On March 27, 2012, the Office of the Chief Trial Counsel of the State Bar of California, represented by deputy trial counsel Bruce Horace Robinson, opposed the two motions.

**1. Motion to Terminate Actual Suspension**

On September 9, 2011, the Supreme Court (S194447) ordered that respondent is suspended for one year, stayed, and that he is suspended from the practice of law for a



minimum of 60 days, **and he will remain suspended until certain requirements are satisfied, including the conditions that: (1) he makes restitution to Sharon Wichael in the amount of \$5,000 plus interest and (2) the State Bar Court grants a motion to terminate his suspension under former rule 205 of the Rules of Procedure of the State Bar.**<sup>1</sup>

Former rule 205(c) provides that respondent may move the court to terminate his actual suspension “at the conclusion of any specified period of actual suspension imposed by the Supreme Court.” Here, the Supreme Court specified that respondent be actually suspended for a minimum of 60 days and until payment of restitution. Respondent has yet to conclude his specified period of actual suspension because he has yet to make restitution.

Based on respondent’s failure to satisfy the requirements of former rule 205(c), his motion to terminate his actual suspension pursuant to former rule 205 is denied.<sup>2</sup>

## **2. Motion for Relief from Discipline Costs**

Respondent also asked for an extension of time to pay the discipline costs imposed by the Supreme Court in S194447, based on his lack of financial resources which was declared under penalty of perjury. He requested that he be permitted to pay the costs in three equal installments with his membership fees for each of the years 2013, 2014 and 2015.

In view of respondent's financial hardship and good cause appearing, his motion for an extension of time to pay discipline costs is granted. (Rules Proc. of State Bar, rule 5.130(B).)

---

<sup>1</sup> Further references to former rule 205 are to the former Rules of Procedure of the State Bar.

<sup>2</sup> While the Supreme Court has delegated certain powers to the State Bar Court, including the power to determine on a motion to terminate an attorney’s suspension under former rule 205, it has not delegated to this court the authority to modify a specified period of actual suspension that has already been imposed. (Rules Proc. of State Bar, rules 5.161 and 5.162.)

**ORDER**

ACCORDINGLY, the court **ORDERS** as follows:

1. Respondent's request to terminate his actual suspension imposed by the Supreme Court in S194447 under former rule 205 is **DENIED**, no good cause having been shown.
2. Respondent's motion for an extension of time to pay costs is **GRANTED**. The time during which to pay the discipline costs is extended to three equal installments: one-third of said costs be paid with his membership fees for the years 2013, 2014 and 2015. It is further ordered that if respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to Business and Professions Code section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**IT IS SO ORDERED.**

Dated: April 12, 2012

  
\_\_\_\_\_  
**PAT McELROY**  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on April 12, 2012, I deposited a true copy of the following document(s):

ORDER (1) DENYING RESPONDENT'S REQUEST TO TERMINATE ACTUAL SUSPENSION; AND (2) GRANTING EXTENSION OF TIME TO PAY DISCIPLINE COSTS

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


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

SCOTT J. DREXEL  
1325 HOWARD AVE #151  
BURLINGAME, CA 94010

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

BRUCE H. ROBINSON, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on April 12, 2012.

  
\_\_\_\_\_  
Mazie Yip  
Case Administrator  
State Bar Court