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

) Case No. 10-O-05018-PEM (S194447)
) ORDER TERMINATING RESPONDENT'S
ACTUAL SUSPENSION AND IMPOSING PROBATION WITH CONDITIONS
(Rules Proc. of State Bar, former rule 205)

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

On August 8, 2012, respondent through his counsel Scott J. Drexel again requested the court to terminate his actual suspension, as imposed by the Supreme Court in case No. S194447 (State Bar Court case No. 10-O-05018). The court had previously denied his requests. But this time, respondent has fully complied with the Supreme Court's restitution order. He has reimbursed the Client Security Fund in the amount of \$5,000, has paid the accrued interest of \$1,645.21 to his client Sharon Wichael, and has furnished satisfactory proof to the State Bar's Office of Probation.

The Office of the Chief Trial Counsel of the State Bar of California did not file a response to the motion.



Based on respondent's satisfaction of the requirements of former rule 205(c) of the Rules of Procedure of the State Bar, the court hereby grants his motion to terminate his actual suspension. The actual suspension imposed by the California Supreme Court in S194447, filed September 9, 2011, will terminate, and respondent will be entitled to resume the practice of law in this state upon payment of any applicable State Bar fees and assessed costs.

As a condition for terminating his actual suspension, the court orders that respondent be placed on probation for two years with the following conditions:

- 1. Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of respondent's probation.
- 2. 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 respondent's current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, respondent must report such change in writing to the Membership Records Office and the State Bar's Office of Probation.
- 3. During the probation period, respondent must report in writing quarterly to the Office of Probation. The reports must be postmarked no later than each January 10, April 10, July 10, and October 10 of the probation period. Under penalty of perjury, respondent must state in each report whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all of respondent's probation conditions during the preceding calendar quarter or applicable reporting period. If the first report would cover less than 30 days, no report is required at that time; however, the following report must cover the period of time from the commencement of probation to the end of that next quarter. In addition to all quarterly reports, a final report must be postmarked no earlier than 10 days before the last day of the probation period and no later than the last day of the probation period.
- 4. Subject to the assertion of applicable privileges, respondent must answer fully, promptly, and truthfully, any inquiries of the Office of Probation or any probation monitor that are directed to respondent personally or in writing, relating to whether respondent is complying or has complied with respondent's probation conditions.
- 5. Within one year after the effective date of the discipline herein, respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent will not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)

6. At the expiration of the probation period, if respondent has complied with all conditions of probation, respondent will be relieved of the stayed suspension.

IT IS SO ORDERED.

Dated: September \_\_\_\_\_, 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 September 6, 2012, I deposited a true copy of the following document(s):

ORDER TERMINATING RESPONDENT'S ACTUAL SUSPENSION AND IMPOSING PROBATION WITH CONDITIONS (Rules Proc. of State Bar, former rule 205)

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 San Francisco, California, addressed as follows: SCOTT JOHN DREXEL Courtesy Copy to: 1325 HOWARD AVE #151 BURLINGAME, CA 94010 SEAN DONRAD C/O JALE MIRZAI 32 LINDA AVE #306 PIEDMONT, CA 94611 , with return receipt requested, through the United States Postal by certified mail, No. Service at , California, addressed as follows: by overnight mail at , California, addressed as follows:  $\Gamma$ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:  $\boxtimes$ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows: Maria J. Oropeza, Enforcement, San Francisco I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on September 6, 2012.

> Case Administrator State Bar Court