

**PUBLIC MATTER**  
STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES

**FILED**  
**MAR 26 2013**  
STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

In the Matter of )  
 )  
**MARILYN SUE SCHEER,** )  
 )  
**Member No. 132544,** )  
 )  
A Member of the State Bar. )

**Case No. 13-AE-10221-DFM**  
**ORDERS DENYING RECONSIDERATION**  
**AND ENROLLING AWARD DEBTOR**  
**INVOLUNTARY INACTIVE**

On February 25, 2013, this court issued an order granting the State Bar's motion for the involuntary inactive enrollment of Marilyn Scheer (Award Debtor) due to her failure to pay a prior fee arbitration award. In that order, the court concluded that Award Debtor had failed to meet her burden of proof regarding the issues of whether she had previously presented a payment plan that had been unreasonably rejected by the State Bar and/or had shown that she was not financially able to pay the arbitration award.

On February 28, 2013, Award Debtor filed a motion for reconsideration of the order, presenting additional evidence regarding the above issues and requesting an emergency stay, both to allow the motion for reconsideration to be heard and to avoid prejudice to her three remaining clients.

On March 1, 2013, this court issued an order staying the effective date of the order pending this court's resolution of the motion for reconsideration. In addition, the court ordered the parties to meet and confer regarding the possibility of a mutually acceptable payment plan by

Award Debtor to Clark. A declaration of compliance with this order was required to be filed by each party on or before March 15, 2013.

The parties have now filed the required declarations of compliance regarding the meet-and-confer obligation. Those declarations, which provided more detail regarding the settlement discussions than this court ordered or desired, make clear that no agreement was reached.

The State Bar has also now filed an opposition to the request for reconsideration, arguing that Award Debtor's motion fails to show good cause under rule 5.115 of the Rules of Procedure of the State Bar of California for reconsideration of this court's prior decision. Having reviewed Respondent's motion and her reply to the State Bar's opposition, this court agrees with the State Bar's opposition.

Accordingly, the motion for reconsideration is DENIED. In addition, the stay of this court's prior order, granting the State Bar's motion for the involuntary inactive enrollment of Award Debtor, is hereby vacated. Instead, that order is hereby re-issued, with a new effective date, as set forth below:

#### **ORDER OF INVOLUNTARY INACTIVE ENROLLMENT**

**IT IS HEREBY ORDERED** that the State Bar's motion for involuntary inactive enrollment is **GRANTED** and that Award Debtor **Marilyn Sue Scheer** be enrolled as an inactive member of the State Bar of California, **effective five days from the date of service of this order.** (§ 6203, subd. (d)(1); rule 5.368(B)(1).)

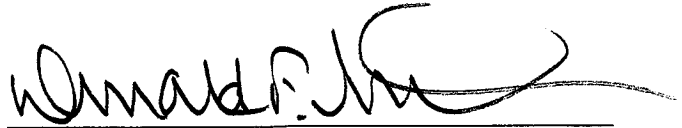
**IT IS FURTHER ORDERED** that Award Debtor must remain involuntarily enrolled as an inactive member of the State Bar until: (1) she has paid to Walter Clark the remaining portion of the \$5,775.00 arbitration award, plus 10 percent interest per year from September 7, 2011, the

date of service of the award; and (2) the court grants a motion to terminate her inactive enrollment pursuant to rule 5.370.

Reasonable costs are awarded to the State Bar upon the Presiding Arbitrator's submission of a bill of costs. (Section 6203, subd. (d)(3); rule 708(b)(2).)

**IT IS SO ORDERED.**

Dated: March 26, 2013

A handwritten signature in black ink, appearing to read "Donald F. Miles", written over a horizontal line.

DONALD F. MILES  
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 Los Angeles, on March 26, 2013, I deposited a true copy of the following document(s):

ORDER DENYING RECONSIDERATION AND ENROLLING AWARD DEBTOR  
INVOLUNTARY INACTIVE

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

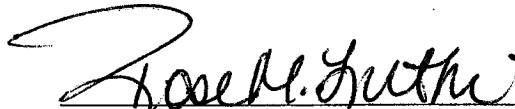
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

MARILYN S. SCHEER  
3366 ARIES CT  
SANTA ANA, CA 92704

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

KENNETH BACON, Fee Arbitration, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 26, 2013.



Rose M. Luthi  
Case Administrator  
State Bar Court