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

In the Matter of)	Case Nos.: 08-H-14123-RAH
)	09-O-13214 Cons.
ALAN MARK SCHNITZER,)	(S198609)
)	
Member No. 129024,)	ORDER RE RESPONDENT'S MOTION
)	TO TERMINATE HIS ACTUAL
A Member of the State Bar.)	SUSPENSION PURSUANT TO FORMER
)	RULE 205(c)

This matter is before the court on respondent Alan Mark Schnitzer's August 22, 2012 motion to terminate the actual suspension imposed on him in the Supreme Court's May 17, 2012 order in *In re Alan Mark Schnitzer on Discipline*, case no. S198609 (State Bar Court case nos. 08-H-14123; 09-O-13214 Cons.) (motion to terminate). (Former Rules Proc. of State Bar, rule 205(c).) In his motion to terminate, however, it appears that respondent mistakenly believes that his six-month period of actual suspension has already run. Accordingly, respondent is seeking an order from the court immediately terminating his period of actual suspension.

On August 30, 2012, the Office of Chief Trial Counsel of the State Bar of California (State Bar) filed an opposition to respondent's motion to terminate. In its opposition, the State Bar argues that the motion to terminate is premature.

The Supreme Court's order in the present matter did not become effective until June 16, 2012. Therefore, respondent's period of actual suspension in case no. S198609 can terminate no

earlier than December 16, 2012. Consequently, respondent's motion to immediately terminate his actual suspension in case no. S198609 is **DENIED** for lack of good cause and lack of jurisdiction.

The court, however, finds that respondent has established adequate justification for terminating his actual suspension at the conclusion of his six-month period of actual suspension pursuant to former rule 205(c) of the former Rules of Procedure of the State Bar Court. Respondent has explained why he failed to participate in this proceeding and permitted his default to be entered. (Former Rules Proc. of State Bar, rule 205(c)(3).) Respondent has also acknowledged a willingness to fully comply with any probation conditions imposed on him by this court as a condition for the termination of his actual suspension. (Former Rules Proc. of State Bar, rule 205(c)(4).)

Therefore, the court concludes that placing respondent on two years' probation on the conditions set forth below will adequately fulfill the primary purposes of attorney disciplinary proceedings. (See, generally, Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std 1.3; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

ORDER

Pursuant to rule 205(c) of the former Rules of Procedure of the State Bar of California, respondent Alan Mark Schnitzer's actual suspension in case no. S198609 will be **TERMINATED** at the conclusion of the six-month period of actual suspension imposed by the Supreme Court in case no. S198609. At the conclusion of this period of actual suspension, respondent is entitled to return to the practice of law in the State of California upon payment of all applicable State Bar fees and previously assessed costs (e.g., Bus. & Prof. Code, § 6140.7; but

see also Bus. & Prof. Code, § 6086.10, subd. (c); former Rules Proc. of State Bar, rules 282, 284).¹

Further, as a condition for terminating his actual suspension, respondent will be placed on probation for two years on the following conditions:

1. During the period of probation, respondent must comply with the State Bar Act and the Rules of Professional Conduct of the State Bar of California;
2. Respondent must submit written quarterly reports to the State Bar's Office of Probation (Office of Probation) on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent must state whether he has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. If the first report will cover less than thirty days, the report must be submitted on the next following quarter date, and cover the extended period.

In addition to all the quarterly reports, a final report, containing the same information is due no earlier than twenty days before the last day of the probation period and no later than the last day of the probationary period;

3. Subject to the assertion of applicable privileges, respondent must answer fully, promptly, and truthfully, any inquiries of the Office of Probation, which are directed to him personally or in writing, relating to whether he is complying or has complied with the conditions contained herein;
4. Within ten days of any change, respondent must report to the Membership Records Office of the State Bar, 180 Howard Street, San Francisco, California 94105-1639, and to the Office of Probation, all changes of information, including current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code;
5. Within thirty days after the effective date of discipline, respondent must contact the Office of Probation and schedule a meeting with his assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, respondent must meet with the probation deputy either in person or by telephone. During the period of probation, respondent must promptly meet with the probation deputy as directed and upon request;
6. 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.); and
7. Respondent's probation will commence on the date this order is filed. And, at the end of the probationary term, if respondent has complied with the terms and conditions of

¹ This order does not affect respondent's ineligibility to practice law that has resulted or that may hereafter result from any other cause or order.

probation, the Supreme Court order suspending him from the practice of law for two years will be satisfied, and the suspension will be terminated.

This order is not effective until it is final. (See former Rules Proc. of State Bar, rules 224, 206, and 300.)²

Dated: September 11, 2012.



RICHARD A. HONN
Judge of the State Bar Court

² In his motion to terminate, respondent requested that he not be ordered to take the MPRE. Respondent needs to be aware that the Supreme Court's May 17, 2012 order contains a requirement that respondent take and pass the MPRE within one year.

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 October 1, 2012, I deposited a true copy of the following document(s):

ORDER RE RESPONDENT'S MOTION TO TERMINATE HIS ACTUAL
SUSPENSION PURSUANT TO FORMER RULE 205(c).

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:

ALAN M. SCHNITZER ESQ.
LAW OFC ALAN M SCHNITZER
11278 LOS ALAMITOS BLVD.
SUITE 104
LOS ALAMITOS, CA 90720

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

Mia R. Ellis, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 1, 2012.



Paul Barona
Case Administrator
State Bar Court