**FILED FEBRUARY 12, 2014**

**STATE BAR COURT OF CALIFORNIA**

**HEARING DEPARTMENT - LOS ANGELES**

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| In the Matter of<br><br>**VICTOR RENE CANNON,**<br><br>**Member No. 159841,**<br><br>A Member of the State Bar. | ) | Case No.: **11-O-18687 -- RAH**<br><br>**DECISION** |

## Introduction[1]

In this five-count matter, respondent neglected, over a very brief period, to keep in contact with the court and opposing counsel and, therefore, was unaware of a court proceeding, a sanction order imposed against him, and a referral to the federal court's disciplinary committee. As a result, he was removed as counsel from a pending criminal matter and had to participate in federal court disciplinary proceedings. A State Bar investigation followed.

In part, respondent's problems were due to his failure to maintain a current official membership records address, causing him to not even receive notice of the pending problems. But in large part, respondent simply failed to respond to correspondence from opposing counsel and the court because he did not check his email messages. While it is clear that respondent was preoccupied with important family matters, he nevertheless failed to properly represent his client with respect to this single client.

[1] Unless otherwise indicated, all references to rules refer to the State Bar Rules of Professional Conduct. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

## Significant Procedural History

The Notice of Disciplinary Charges (NDC) was filed on August 10, 2012. After a motion for entry of default was filed and granted, respondent finally sought to participate, and the court granted a motion to be relieved from the default. Trial commenced on November 14, 2013. The State Bar was represented by Senior Trial Counsel Kimberly G. Anderson, and respondent was represented by Edward O. Lear of Century Law Group. The matter was submitted on November 14, 2013.

## Findings of Fact and Conclusions of Law

Respondent was admitted to the practice of law in California on October 1, 1992 and has been a member of the State Bar of California at all times since that date.

### Respondent's Background

Respondent graduated with a bachelor's degree in History from Yale in 1982. Initially, he began a career in the insurance industry, then later in sales for Bristol-Meyers. However, he had wanted to be a lawyer from a very young age, so he enrolled at UCLA Law School, and received his juris doctor degree in 1991.

After his admission to the State Bar of California in 1992, he worked for a firm in Long Beach. In 1993, he left to join the Orange County Office of the Public Defender. In Orange County, he had a busy docket of cases, and tried approximately 30 jury trials in two years.

In 1995, he left to continue his representation of indigent defendants in the Office of the Federal Public Defender for the Central District of California. (the OFPD.) While a federal public defender, he tried about 24 jury trials in large, noteworthy cases. In many cases, he proceeded to trial in cases other attorneys would not have tried, and obtained not guilty or hung verdicts. He prided himself on his successful results, despite having fewer resources than the

United States Attorney's Office. Often, he employed a strategy of quietly preparing the case well in advance of trial, with little communication with the Assistant U. S. Attorney. His view was that this would often lull the prosecution into delaying their aggressive preparation of the case because they thought he would not be well prepared.

Respondent represented a wide range of clients in the federal criminal justice system. One such client was Alan Gregory Flesher, who was indicted on August 12, 2010 and arrested in a large, three-defendant felony case involving seventeen counts. (*United States v. Alan Gregory Flesher*, United States District Court (Central District of California) Case No. CR 10-00864 – AHM .) The Flesher case included a charge of mail fraud related to an alleged Ponzi-type investment fraud scheme. On August 12, 2010, respondent was appointed to represent Flesher.

On September 13, 2010, respondent left his employment at the OFPD and went into solo practice. The OFPD proposed that respondent take with him 18 cases that had been assigned to him. At the request of both respondent and the OFPD, the courts in the 18 cases relieved the OFPD and appointed him as a private attorney, to continue representing the clients.[2] Among those cases was the Flesher case.

On November 2, 2010, respondent's official membership records address was changed from the OFPD to an address in Glendale.

**Respondent's Wife's Appointment**

Prior to her marriage to respondent, Sylvia Torres-Guillen also worked at the OFPD. She observed and appreciated his strategy of "front-loading" the preparation of his cases and

[2] Exhibits 8 and 10 are the application to relieve the OFPD and appoint respondent and the order thereon. It should be noted that these documents incorrectly state that respondent's new email address was victorcannon@sbcglobal.net. Respondent had erred in registering with PACER by giving this incorrect address. In fact, it should have been victor.cannon@sbcglobal.net. However, this error was corrected by respondent's email, forwarded to Sarah Heidel, on September 16, 2010. Any email sent to the incorrect address was not delivered.

minimizing his contact with the Assistant U. S. Attorneys. Given his excellent reputation, she requested that they be able to work together on a very large case. The two of them got to know each other well, and later were married.

On August 2, 2011, respondent's wife received an unsolicited call from Governor Jerry Brown's office regarding her potential appointment as General Counsel of the California Agriculture Labor Relations Board (CALRB). This call set in motion a whirlwind of actions by respondent and his wife to prepare her for consideration for this position. The Governor wanted her resumé the next day. The Governor's office also informed respondent and his wife that the proposed appointment was confidential until it was made public. A day later, the Governor wanted to meet with her in person and introduce her to several people involved in the CALRB. She was advised that there were two candidates, so she would be going through a "vetting" process over the next few weeks. During that period, respondent helped his wife on an almost constant, daily basis to respond to the inquiries made by those representing the Governor. Ms. Torres-Guillen was offered the position on August 22, 2011 and was asked to start immediately.[3]

A press release was prepared on August 23, 2011 and on Wednesday, August 24, she flew up to Sacramento, and drove to Salinas to attend an important meeting at the regional office located there. On August 26, the Governor called her to get a report on the meeting.

Since the appointment required that respondent and his wife move to Sacramento, and since his wife was completely occupied in the new position, the task of coordinating the move fell primarily to respondent. Respondent drove the family car from Los Angeles to Sacramento, arriving on Saturday morning, August 27, 2011. He began searching for a school for one of their children. In researching schools, he spoke with several school principals. For the other child, he

[3] The CALRB was then in a state of administrative turmoil. As the chief prosecutor for the agency, she would be charged with straightening out what was, at that time, a dysfunctional office.

searched for day care. He also began the search for a house in the appropriate attendance area for the selected school. In order to enroll their child in school and sign the lease for the rental house they located, respondent needed to remain in Sacramento through Monday, August 29. He and his wife returned to Los Angeles on that night.

Respondent had resolved 17 of the 18 cases he had taken with him from the OFPD. The only remaining matter was the Flesher case. In fact, this was respondent's only client. But during this period of August 24 through 29, respondent was unaware that important actions were taking place in his only case.

**The Flesher Case**

Originally, the Flesher case was set for trial in March 2011. Because the Assistant U. S. Attorney assigned to the case, Sarah Heidel, was out on leave, the matter was continued to May 2011. On April 4, 2011, the court again continued the trial to October 25, 2011. The court advised the parties that there would be no further continuances. Respondent attended the April 4 hearing and had actual notice of the court's order setting the October 25 trial date. Between April and July 2011, respondent prepared the case for trial. Sarah Heidel returned from leave in July 2011. When his wife was initially contacted by the Governor on August 2, 2011, he had already prepared the case, such that he felt confident of his ability to try the case in late October. This was consistent with respondent's practice of preparing the cases he handled very early in the pre-trial process. In addition, because Ms. Heidel had been out on leave since prior to the first date set for trial in March, respondent felt that the U.S. Attorney's office may not be fully prepared to try the matter, which could have benefitted his client.

In July 2011, Sarah Heidel made attempts to contact respondent. She left three voice mails and sent three emails, all sent to the correct email address. Respondent did not respond to these communications. Ms. Heidel concluded that his lack of response indicated that his client

was "not interested in a pretrial resolution of this case and that [he intended] to proceed to trial." (Exhibit 40, page 12.) On August 15, 2011, Ms. Heidel again sent respondent an email using his correct address.

On Wednesday, August 24, 2011, Sarah Heidel filed an ex parte application seeking a status conference hearing on Monday, August 29, 2011, because she had attempted to confer with defense counsel [respondent] regarding pretrial matters, and other matters and that "it would be helpful to the Court for the parties to attempt to resolve in advance of trial." She stated that she had made repeated efforts to reach respondent to confer regarding such matters, but had received no response. Finally, she noted that she was "concerned about the defense's readiness for trial on October 25, 2011." During this time, respondent was assisting his wife in the CALRB vetting process and arranging for housing, school, and day care for his daughters, and he did not regularly check his email and regular mailbox. As a result, he was not aware of many of the attempts to contact him made by Sarah Heidel.

On Thursday, August 25, 2011, the court granted the government's request for a status conference hearing, and ordered that respondent file a declaration (under seal) by 9:00 a.m. on Monday, August 29, 2011 concerning his preparation and readiness for trial. Respondent was not aware of this ex parte application and the order to appear on August 29, because he was not checking his email during the hectic weekend in Sacramento. As such, he did not appear.

During August 2011, Flesher repeatedly attempted to contact respondent by telephone and email, but respondent did not return his calls.

On August 29, 2011, the court ordered that respondent be removed from representing Flesher and that a new attorney be appointed in his place. On September 1, the court appointed new counsel, and, in an order, reminded respondent of his duty to confer with new counsel to assist in the transition of attorneys. Also on September 1, the court ordered respondent to show

cause in writing by September 12, 2011 why he should not be fined $750.00 and referred to the Central District Court's Standing Committee on Discipline. Respondent did not learn of the September 12, 2011 deadline for filing his written response to the OSC until after that deadline had passed.

On September 20, 2011, after learning of the OSC, respondent filed a "Declaration RE: OSC Under Seal (In Camera)". In this declaration, respondent apologized profusely for his absence, and explained his wife's appointment process and described in general terms his role in preparing her file with the Governor's office and facilitating the move to Sacramento. (Exhibit B.) On September 22, the court issued a minute order responding to this declaration, fining respondent $750.00, and referring the matter to the Court's Standing Committee on Discipline. This order was sent to respondent at his Glendale address, and returned as not deliverable, since respondent had already moved out of the Glendale address and had not yet changed his State Bar official membership address.

On January 20, 2012, a State Bar investigator attempted to contact respondent by mail at his State Bar official membership address. The investigator required a response by February 6, 2012. Respondent did not receive this letter, as it was also returned as undeliverable. The investigator again sent a letter to respondent at his Glendale address, referring to the earlier mailing (but not that it was returned). A new deadline for a response was set as March 1, 2012. This letter was also returned to the State Bar as undeliverable.

On February 28, 2012, respondent changed his official State Bar membership records address from the Glendale address to a Sacramento address, which was a private post office box.

A State Bar attorney sent a letter dated July 20, 2012 to respondent at the Sacramento address. Respondent received it. On August 3, 2012, the State Bar attorney sent respondent an email informing him of the previous correspondence. On August 10, 2012, the NDC was filed,

and was served at the Sacramento address. Respondent received the NDC but did not respond. A motion for entry of default was filed on September 25, 2012, and was served on his Sacramento address. Respondent received it. On October 18, 2012, the motion was granted. After learning of the State Bar's attempts to contact him in October 2012, respondent attempted to serve a response on the Office of the Chief Trial Counsel of the State Bar. On October 26, 2012, respondent, through counsel, filed a motion to set aside the default, which was opposed by the State Bar. On November 16, 2012, the court granted the motion to set aside the default, and on the same date, respondent filed a verified answer to the NDC.

On September 6, 2012, the Standing Committee on Discipline, chaired by former District Court Judge Gary E. Klausner, rendered its decision, recommending to the District Court that no disciplinary action be taken on respondent's case. The Standing Committee closed the matter. (Exhibit C.)

**Conclusions**

***Count One - (Rule 3-700(A)(2) [Improper Withdrawal from Employment])***

Rule 3-700(A)(2) prohibits an attorney from withdrawing from employment until the attorney has taken reasonable steps to avoid reasonably foreseeable prejudice to the client's rights, including giving due notice to the client, allowing time for the employment of other counsel, and complying with rule 3-700(D) and other applicable rules and laws.

By failing to meet and confer with the prosecutors in this matter, and by failing to appear at the August 29, 2011 status conference, respondent effectively terminated his employment with Flesher and failed upon termination, to take steps to avoid reasonably foreseeable prejudice to his client.

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***Count Two - (§ 6068, subd. (m) [Failure to Communicate])***

Section 6068, subdivision (m), provides that an attorney has a duty to promptly respond to reasonable status inquiries of clients and to keep clients reasonably informed of significant developments in matters with regard to which the attorney has agreed to provide legal services.

By failing to respond to Flesher's telephone calls and emails in August 2011, respondent failed to respond promptly to reasonable status inquiries of a client, in willful violation of section 6068, subdivision (m).

***Count Three - (Rule 3-700(A)(1) [Failure to Obtain Court Permission to Withdraw])***

Where permission to withdraw from employment is required, rule 3-700(A)(1) prohibits an attorney from withdrawing from employment in a proceeding , without first obtaining the court's permission.

By effectively terminating his representation of Flesher without first filing a motion to withdraw and without obtaining permission from the court, respondent willfully violated rule 3-700(A)(1).

***Count Four - (§ 6103 [Failure to Obey a Court Order])***

Section 6103 provides, in pertinent part, that a willful disobedience or violation of a court order requiring an attorney to do or forbear an act connected with or in the course of the attorney's profession, which an attorney ought in good faith to do or forbear, constitutes cause for suspension or disbarment.

Respondent was unaware of the court order to file a declaration (under seal) by August 29, 2011, because he had failed to update his membership records address. As such, he is not culpable of willfully violating section 6103, and count four is dismissed with prejudice.

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***Count Five - (§ 6068, subd. (j) [Failure to Update Membership Records Address])***

Section 6068, subdivision (j), provides that it is an attorney's duty to comply with the requirements of section 6002.1. Section 6002.1 requires, in pertinent part, that members maintain, on the official membership records of the State Bar, their current office address and telephone number; and in the event that a member's address or office telephone information changes, the member must notify the membership records office of the State Bar within 30 days. If the member does not maintain an office, then the member is required to maintain on the State Bar's membership records an address to be used for State Bar purposes.

By failing to timely notify the State Bar of his change in address from the Glendale address to the Sacramento address, respondent willfully violated section 6068, subdivision (j).

**Aggravation**[4]

**Harm to Client/Public/Administration of Justice (Std. 1.5(f).)**

While almost all misconduct has some impact on either a client or the administration of justice, it appears that any such impact in this matter was insignificant. The court finds no aggravation for harm.

**Indifference Toward Rectification/Atonement (Std. 1.5(g).)**

The court finds some aggravation for respondent's failure to promptly clear up the problem when receiving State Bar's letters and motion for entry of default.

**Mitigation**

**No Prior Record (Std. 1.6(a).)**

[4] All references to standards (Std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

Respondent practiced 19 years without discipline in a demanding trial environment. This is entitled to significant weight in mitigation.

**Extreme Emotional/Physical Difficulties (Std. 1.6(d).)**

Respondent's family issues seriously distracted him from his duties as a lawyer with this single client. It appears that this was aberrant behavior prompted by unique circumstances unlikely to recur. Respondent is entitled to some mitigation for these difficulties.

**Remorse/Recognition of Wrongdoing (Std. 1.6(g).)**

Respondent sincerely regrets his conduct in this matter. In a declaration filed in relation to the Flesher matter to address the allegations of misconduct (exhibit B), respondent credibly reflects this remorse and in it, respondent describes his "serious errors in judgment which caused needless confusion for Mr. Flesher, the Court and other counsel." He correctly notes that he "also failed to keep [himself] apprised about developments in this case, and for that [he is] very sorry." He understands how his conduct affected others. In his words: "That should not have happened and I have no acceptable excuse." He concluded that he was "so sorry that [he] allowed [his] actions, totally within [his] control, to cause this result." At the conclusion of its proceedings, the U. S. District Court Standing Committee on Attorney Discipline recommended that no disciplinary action be taken and that the matter be dismissed. Based thereon, the matter was closed.

**Good Character (Std. 1.6(f).)**

Respondent presented outstanding character witnesses on his behalf. Former Supreme Court Justice (now Ambassador) Carlos Moreno thought very highly of respondent's character and his abilities as an attorney. Ambassador Moreno had many occasions to observe respondent as a Federal Public Defender appearing in his courtroom when he was a District Court judge for

the Central District of California. He also was aware of respondent's wife's appointment process and the stress both felt in meeting the deadlines set by the Governor.

District Court Judge Fernando Olguin also had positive personal experiences with respondent in his court. He believes that respondent is one of the most honest lawyers that appears before him. He feels that his integrity is without question, and he trusts him. He has had the opportunity to observe respondent appearing in his court for over ten years, and is convinced that he represents no danger to the public.

Other witnesses provided equally supportive references to respondent's character, including Mary Kelly, an Administrative Law Judge who formerly worked with respondent at the OFPD. Judge Kelly also questioned the prosecution's need to have the status conference and reiterated the strategy employed by respondent in not communicating with the prosecution. She noted that "with a trial date reset to October in a complex fraud case, and full discovery provided by the prosecution, communication with defense counsel is absolutely not required" and "there would be no reason to speak with the prosecution in August or July if the trial is set in October, unless the prosecution provided a written plea offer."

Judge Elizabeth G. Macias also testified on respondent's behalf. She was also a member of the OFPD before assuming her role as a judge. She commented on respondent's humility, despite his impressive academic credentials. She noted that he was generous with his time to his colleagues in the Office. She has also maintained a close relationship with him after he left the OFPD, allowing her to "observe the full caliber and depth of his character." She emphasized that the misconduct described in the NDC is an anomaly in an otherwise illustrious career.

Judge Yvette Verastegui also worked with respondent, but while he was a deputy public defender for the Orange County Public Defender's Office. She agreed with others that the conduct reflected in the NDC was an aberration in respondent's distinguished career. She

described respondent as ethical, reasonable and more than prepared in the cases he handled. She stated that "if there was ever someone deserving of leniency it would be Mr. Cannon."

Others shared the enthusiasm that the above current and former judicial officers had for respondent's good character. Agreeing that respondent was deserving of strong mitigation for his good character were Los Angeles Unified School District Board Member Steve Zimmer; OFPD attorneys Elizabeth Newman, Liliana Coronado, Firdaus Dordi, Anthony Eaglin, and Joan Politeo; as well as other attorneys and close friends.

All of the above witnesses were fully aware of the extent of the alleged misconduct. Respondent is entitled to significant mitigation for this evidence presented by people who knew him well and had an opportunity to know his work and his personal character.

**Discussion**

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, to preserve public confidence in the profession, and to maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1025; std. 1.1.)

Standard 1.7 provides that the appropriate sanction for the misconduct found must be balanced with any mitigating or aggravating circumstances, with due regard for the purposes of imposing discipline. If two or more acts of professional misconduct are found in a single disciplinary proceeding, the sanction imposed must be the most severe of the applicable sanctions. (Std. 1.7(a).) Discipline is progressive. However, the standards do not require a prior record of discipline as a prerequisite for imposing any appropriate sanction, including disbarment. (Std. 1.8.)

Standards 2.5(c), 2.8(b) and 2.15 apply in this matter, allowing a range of disciplinary recommendations from reproval to a maximum three-year suspension. The most severe sanction

is prescribed by standard 2.15 which suggests reproval or maximum three-year suspension for violations of sections or rules not specified in the standards.[5]

The Supreme Court gives the standards "great weight" and will reject a recommendation consistent with the standards only where the court entertains "grave doubts" as to its propriety. (*In re Silverton* (2005) 36 Cal.4th 81, 91, 92; *In re Naney* (1990) 51 Cal.3d 186, 190; std. 1.1.) Although the standards are not mandatory, they may only be deviated from when there is a compelling, well-defined reason to do so. (*Bates v. State Bar* (1990) 51 Cal.3d 1056, 1061, fn. 2; *Aronin v. State Bar* (1990) 52 Cal.3d 276, 291; std. 1.1.)

This case involved one client matter and culpability of violating section 6068, subdivisions (j) and (m) (one count each) and rules 3-700(a)(1) and (2) (one count each). In aggravation, the court considered multiple acts of misconduct and some indifference. Mitigating circumstances included no prior discipline in 19 years of practice in a demanding trial environment and good character, both significant considerations, as well as remorse and family-related issues caused by a sudden relocation to Northern California.

The State Bar recommends, among other things, 30 days' actual suspension. Respondent seeks no discipline. The court believes, in this instance, respondent's misconduct is not due to venality but to the confluence of particular family circumstances that resulted in aberrant behavior for this very seasoned trial lawyer. Moreover, respondent's 19 years of blemish-free practice and his good character witnesses are significant mitigating factors. (Std. 1.7(b), (c).)

In decisions of the Supreme Court and State Bar Court involving abandonment of a client's case, where the attorney has no prior record of discipline, the discipline ranges from no

[5] Standard 2.8(b) indicates that a reproval is appropriate for violations of sections 6068, subdivision (i), (j), (l) or (o). Standard 2.5(c) indicates that reproval is appropriate for not performing legal services or properly communicating in a single client matter.

actual to 90 days actual suspension. (*In the Matter of Nunez* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 196, 206.)

The court found instructive *In the Matter of Hanson* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 703 and *In the Matter of Nunez* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 196.

In *Hanson*, the hearing judge had recommended a one year, stayed suspension, upon proof of a failure to promptly return an unearned legal fee and a failure to take reasonable steps to avoid foreseeable prejudice to the clients upon the attorney's discharge. In aggravation, Hanson had a prior private reproval. The review department concluded that the respondent was culpable of the misconduct found by the hearing judge, but reduced the discipline to a public reproval. The review department cited several cases to support the public reproval, including *In the Matter of Respondent G* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 175, *In the Matter of Respondent E* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 716, *In the Matter of Cacioppo* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 128, and *In the Matter of Aguiluz* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 32. The review department noted that *Respondent E* and *Respondent G* had mitigation not found in *Hanson*. Further, the court recognized that, while *Cacioppo* and *Aguiluz* were resolved by recommendations of stayed suspension, they involved either aggravation for prior discipline (*Cacioppo*) or more serious misconduct (*Aguiluz*.)

In *Nunez*, 30 days' actual suspension was imposed for misconduct deemed serious in one client matter. The misconduct included failures to perform and communicate, not keeping advanced costs in a client trust account, not returning files, and abandoning the client. Client harm was an aggravating factor. "Impressive" mitigation consisted of no prior discipline, pro bono and community service for disadvantaged clients, good character and remorse. Lesser discipline is merited in the instant case which presents less misconduct.

Having considered the facts of this case and the law, the court believes that a public reproval is sufficient to protect the public in this instance.

## Orders

It is ordered that respondent Victor Renee Cannon, State Bar Number 159841, is publicly reproved. Pursuant to the provisions of rule 5.127(A) of the Rules of Procedure of the State Bar, the public reproval will be effective when this decision becomes final. Furthermore, pursuant to rule 9.19(a) of the California Rules of Court and rule 5.128 of the Rules of Procedure, the court finds that the interest of respondent and the protection of the public will be served by the following specified conditions being attached to the public reproval imposed in this matter. Failure to comply with any condition(s) attached to the public reproval may constitute cause for a separate proceeding for willful breach of rule 1-110 of the State Bar Rules of Professional Conduct. Respondent is ordered to comply with the following conditions attached to his public reproval for two years following the effective date of the public reproval.

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 reproval period.

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 reproval 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 reproval period and no later than the last day of the reproval 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 reproval 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.)

**Costs**

It is ordered that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Dated: February _____, 2014

RICHARD A. HONN
Judge of the State Bar Court