

FILED

FEB 13 2015

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

In the Matter of)	Case No.: 12-C-16728 – PEM
	)	(12-C-16729; 12-C-16730;
OREN MARK ATIAS,	)	12-C-16731; 12-C-16735;
	)	12-C-16737; 12-C-16738;
Member No. 263534	)	14-C-03722) (Cons.)
)	
A Member of the State Bar.	)	ORDER GRANTING PETITION TO
	)	TERMINATE INACTIVE ENROLLMENT
	)	AND TRANSFER MEMBER TO ACTIVE
	)	STATUS; ORDER SEALING THE
	)	PETITION FILED ON AUGUST 29, 2014,
	)	TERMINATING INACTIVE
	)	ENROLLMENT

This matter is before the court on petitioner Oren Mark Atias's August 29, 2014, verified petition to terminate his inactive enrollment (Petition). On September 11, 2014, the State Bar of California, Office of the Chief Trial Counsel (State Bar) filed its Opposition to Petition (Opposition). Thereafter, on September 26, 2014, petitioner filed a reply to the State Bar's Opposition.

Petitioner was voluntarily enrolled inactive on January 26, 2011, and remained inactive through December 2012. On December 7, 2012, petitioner was placed on interim suspension by the Review Department of the State Bar Court (review department) following the transmittal to the review department of several of petitioner's criminal convictions. Petitioner was then enrolled inactive pursuant to Business

and Professions Code section 6233¹ on August 5, 2013, based upon his acceptance on that date of the court's discipline recommendation and his formal entry into the Alternative Discipline Program (ADP). On August 21, 2013, the Hearing Department of the State Bar Court filed an amended order stating that pursuant to Business and Professions Code section 6233 petitioner was "enrolled as an inactive member of the State Bar of California, effective December 7, 2012, and he will remain inactively enrolled until further order by this court." As a result, petitioner's membership status has remained, as noted by the State Bar, "some version of inactive since January 26, 2011."

The Contract and Waiver for Participation in the State Bar Court's Alternative Discipline Program, which petitioner executed on August 5, 2013, requires, among other things, that before petitioner can be transferred back to active status, he must provide satisfactory proof to the court of his rehabilitation, present fitness to practice and present learning and ability in the general law in accordance with the Rules of Procedure of the State Bar of California, title IV, Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(c)(1).²

In his verified Petition, petitioner provided facts and evidence, consisting of declarations and other documents, which set forth with particularity the numerous steps that he had taken to insure he will not again engage in misconduct such as that which led to his underlying criminal convictions.³

Petitioner also provided some evidence of his present fitness to practice and present learning and ability in the general law, which included his ongoing internship within a specific field of practice, while under the supervision of an attorney licensed in California to practice law.

¹ Unless otherwise indicated, all further references to "section" refer to provisions of the Business and Professions Code.

² Due to the revision of the Rules of Procedure of the State Bar of California, former Standard 1.4(c)(ii), was revised, effective January 1, 2014, as Standard 1.2(c)(1). As no substantive change occurred with the renumbering of the standard, the court uses the current number of the standard, i.e., 1.2(c)(1), in lieu of the outdated former number throughout this Order.

³ Petitioner's criminal convictions were unrelated to the practice of law.

While acknowledging that respondent had taken steps toward preparing himself for a return to active status, the State Bar asserted that petitioner's failure to explain the number of Mandatory Continuing Legal Education (MCLE) credits he had completed over his four-year period of inactive enrollment and the fact that he did not describe the content of his completed MCLE units caused the Petition to be insufficient to establish present fitness to practice or present learning and ability in the general law. Thus, in response to the Petition, the State Bar filed an Opposition thereto. The State Bar did not challenge that petitioner had established by a preponderance of the evidence⁴ that he had been rehabilitated. However, it did challenge the adequacy of petitioner's showing of fitness to practice and present learning and ability in the general law.

Consequently, on January 13, 2015, petitioner filed an "Amended Declaration of Adam R. Stull, Esq. (Stull), and a Declaration of Oren M. Atias" in support of his Petition. In his declaration, Stull set forth facts with particularity regarding petitioner's nine-month internship under Stull's direction and supervision. Attorney Stull attested to, among other things, petitioner's diligent completion of tasks, including extensive legal research in various areas of the law, drafting preliminary motions, attending and observing criminal court trials and hearings in order to keep abreast of the practice of law. Stull further declared that petitioner had done research for him and also observed legal hearings, including preliminary, pretrial, and sentencing hearings, as well as status conferences. Stull then went on to describe the nature of the work that petitioner had performed, and petitioner's fitness to practice and present learning and ability in the general law based on his nine-month internship under Stull's supervision.

In his January 13, 2015 Amended Declaration, petitioner additionally set forth new evidence of the courses he had completed, including the dates of course completion, since being placed on inactive status. Along with the list of dates for each course taken was the title of each course and the number of MCLE

⁴ Under rule 5.404 of the Rules of Procedure, the petitioner has the burden of proving by a preponderance of the evidence that the petitioner has satisfied the conditions of standard 1.2(c)(1).

units earned for the course. Each title provided a brief description of the course content.⁵ Petitioner also declared under penalty of perjury that between January 2014 and January 2015, that he had completed 35 credit hours of MCLE courses. Petitioner attached as exhibits to his Amended Declaration the certificates of completion for the courses enumerated in his Amended Declaration.

On February 3, 2015, petitioner filed another "Amended Declaration of Oren M. Atias," attesting to the fact that petitioner had completed an additional 7.5 MCLE units, the dates on which those units were completed, and the title/description of each course completed. Attached as exhibits to petitioner's February 3, 2015 Declaration were the certificates of completion for those courses.

The court has carefully reviewed all of the documents submitted by petitioner, including all declarations filed by him in support of the Petition for an order terminating his inactive enrollment and establishing his rehabilitation, fitness to practice, and present learning and ability in the general law. The court also has carefully considered the arguments and evidence presented by the State Bar in opposition to the Petition.

Consequently, the court finds that Petitioner has established by a preponderance of the evidence that he is rehabilitated and possesses fitness to practice and present learning and ability in the general law as required by standard 1.2(c)(1), and that there is no longer a basis for petitioner's inactive enrollment under section 6233. As such, petitioner has presented proof satisfactory to the court of his rehabilitation, present fitness to practice and present learning and ability in the general law.

Accordingly, the Petition for transfer to active membership status is GRANTED and petitioner's inactive enrollment pursuant to section 6233 is hereby terminated. Petitioner shall be entitled to return to the active practice of law in the State of California on February 17, 2015.

IT IS SO ORDERED.

⁵For example, the title of one course, i.e., "*How to Prepare Your Client for Deposition*" provides a description of the course content.

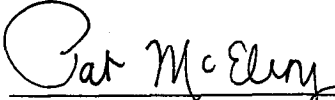
ORDER SEALING THE PETITION TO TERMINATE INACTIVE ENROLLMENT, FILED IN THIS MATTER ON AUGUST 29, 2014,

Pursuant to rule 5.12 of the Rules of Procedure of the State Bar of California, the court directs a court case administrator to file this Order Sealing the August 29, 2014 Petition to Terminate Inactive Enrollment, filed in the above-captioned matter.

As the court finds that the August 29, 2014 Petition, requesting that petitioner's inactive enrollment be terminated and that he be transferred to active status, contains confidential information, the court on its own motion ORDERS that the Petition filed on August 29, 2014, shall be protected and sealed. Accordingly, the material in or attached to the August 29, 2014 Petition will only be disclosed to: (1) parties to the proceeding and counsel; (2) personnel of the Supreme Court, the State Bar Court and independent audiotape transcribers; and (3) personnel of the Office of Probation when necessary for their official duties. Protected material will be marked and maintained by all authorized individuals in a manner calculated to prevent improper disclosures. All persons to whom protected material is disclosed will be given a copy of this Order sealing the document and the person making the disclosure.

IT IS SO ORDERED.

Dated: February 13, 2015



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 February 13, 2015, I deposited a true copy of the following document(s):

ORDER GRANTING PETITION TO TERMINATE INACTIVE ENROLLMENT AND TRANSFER MEMBER TO ACTIVE STATUS; ORDER SEALING THE PETITION FILED ON AUGUST 29, 2014, TERMINATING INACTIVE ENROLLMENT

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:

OREN M. ATIAS
9219 SPECTRUM
IRVINE, CA 92618

- by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

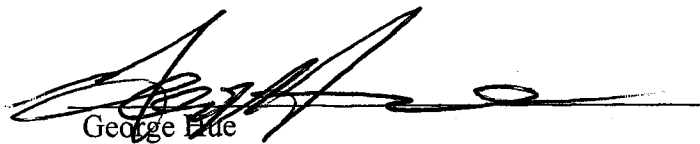
- by overnight mail at , California, addressed as follows:

- 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:

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

William Todd, Enforcement, Los Angeles
Terrie Goldade, Office of Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on February 13, 2015.


George Hue
Case Administrator
State Bar Court