

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of) Case No.: **12-O-11472-LMA**
)
DAVID MATTHEW McKIM,)
)
Member No. 77396,) **DECISION**
)
A Member of the State Bar.)
_____)

Introduction¹

In this disciplinary matter, respondent David Matthew McKim is charged with two counts of professional misconduct in a client matter. The charged acts of misconduct include: (1) failure to avoid the representation of adverse interests and (2) failure to obey a court order.

This court finds, by clear and convincing evidence, that respondent is culpable of the alleged misconduct. In light of the applicable attorney discipline standards and case law and in view of aggravation and mitigation, including no prior disciplinary record in 31 years of practice, the court recommends, among other things, that respondent be suspended from the practice of law for one year, that execution of suspension be stayed, that he be placed on probation for two years and that he be actually suspended for the first 60 days of probation.

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 State Bar of California, Office of the Chief Trial Counsel (State Bar), initiated this proceeding by filing a Notice of Disciplinary Charges (NDC) on November 8, 2013. Respondent filed a response to the NDC on December 6, 2013.

A two-day trial was held on March 11 and 12, 2014. Senior Trial Counsel Erica L. M. Dennings represented the State Bar. Respondent represented himself. This matter was submitted for decision on March 27, 2014.

Findings of Fact and Conclusions of Law

Respondent was admitted to the practice of law in California on December 21, 1977, and has been a member of the State Bar of California at all times since that date.

The following findings of fact are based on the testimony and evidence presented at trial.

Facts

This is a conflict of interest case involving respondent and his clients, John Low and Jim Ward. When these two clients became business adversaries, Low sued Ward in four lawsuits over the course of a few years. The court had repeatedly disqualified respondent from acting as opposing counsel to Low, his former client, due to the nature of their past attorney-client relationship and respondent's knowledge of client secrets relevant to the issues in the lawsuits, including information pertaining to Low's relationship and business dealing with Ward.

Respondent, undeterred, continued to defend Ward in those lawsuits between 2007 and 2012.

Background

Prior to 2004, John Low was in the business of real estate development and sales. Jim Ward was in the business of providing loans to those engaged in real estate development and sales.

Over many years, Low and Ward had a long course of business dealings and loans concerning the development of numerous properties. They were also friends who had frequent communications about various deals. These business and personal dealings turned adverse, resulting in several lawsuits in which Low sued Ward.

Representing John Low in 2000 to 2002

In 2000, respondent began representing Low with respect to business transactions with Ward. While representing Low, respondent obtained confidential information from Low relevant to the issues in litigation between Low and Ward. Low had in-depth discussions with respondent about Low's working relationship with Ward. For example, respondent advised Low on how to pursue a case of his own against Primecore, a company that took over loans Low had obtained from Ward. Respondent also discussed with Low the possibility of being a witness for Ward in his action against Primecore based on his knowledge about the loans Low had obtained through Ward and Primecore.

Respondent declined to represent Low against Primecore on a contingency basis but reviewed and advised Low about a fee agreement between Low and another attorney Low considered hiring to represent Low against Primecore. Respondent discussed the merits of the Primecore case with Low. Low disclosed information to respondent during these conversations which Low considered to be confidential. Low also had discussions with respondent about the possibility of forming a company with Ward.

Representing Jim Ward

Respondent represented Ward in his real estate brokerage business. They had a long standing attorney-client relationship. Prior to the relationship between Low and Ward becoming adverse, respondent represented Low in business transactions with Ward simultaneous to representing Ward.

When the business relationship became adverse, Low sued Ward. All of the litigations related to their business dealings, alleging causes of action such as breach of contract and breach of fiduciary duty. Although respondent was disqualified from acting as opposing counsel, he persisted and continued to represent Ward in the following four lawsuits:

1. *JLJR, LLC v. Jim Ward and Associates*, Santa Clara County Superior Court, Case No. 1-07-CV-083232

On April 4, 2007, Low filed a complaint against Ward in *JLJR, LLC v. Jim Ward and Associates*, Santa Clara County Superior Court, case No. 1-07-CV-083232. The complaint alleged breach of contract, breach of duty of good faith and fair dealing and breach of fiduciary duty.

On December 19, 2007, Low filed a motion to disqualify respondent from representing or assisting Ward on the basis that respondent formerly represented Low and that during the course of the representation, Low disclosed to respondent client secrets relevant to the issues in the lawsuit, including information pertaining to Low's relationship and business dealing with Ward in the lawsuit.

On January 17, 2008, the court granted the motion to disqualify respondent from representation of Ward and issued an order in case No. 1-07-CV-083232.

2. *JLJR, LLC v. Jim Ward and Associates*, Santa Clara County Superior Court, Case Nos. 1-04-CV-022856 and 1-05-CV-036302

On January 17, 2008, the court issued an order disqualifying respondent in *JLJR, LLC v. Jim Ward and Associates*, Santa Clara County Superior Court, case No. 1-04-CV-022856.

After the case was consolidated with case No. 1-05-CV-036302, the court issued another order disqualifying respondent in case Nos. 1-04-CV-022856 and 1-05-CV-036302 on April 23, 2008.

The order stated as follows:

"Upon proof made to the satisfaction of the court that the motion ought to be granted, IT IS ORDERED that Attorney David McKim is disqualified and barred from representing or assisting Defendant Jim Ward & Associates in this matter."

Low's amended complaint against Ward alleged quasi contract/illegal business compulsion, intentional interference with contractual relations, negligent interference with prospective economic/business advantage, breach of contract, and breach of duty of good faith and fair dealing.

3. *JLJR, LLC, JLL, LLC and Military Way, LLC v. Jim Ward and Associates, a California Corporation; Jim Ward, individually, and David Lee, Santa Clara County Superior Court, Case No. 1-09-CV-150940*

On November 4, 2009, Low filed an amended complaint against Ward in *JLJR, LLC, JLL, LLC and Military Way, LLC v. Jim Ward and Associates, a California Corporation; Jim Ward, individually, and David Lee*, Santa Clara County Superior Court, case No. 1-09-CV-150940. This complaint alleged, inter alia, usury, breach of contract, fraud and negligent misrepresentation.

On June 25, 2012, Low filed a motion to disqualify respondent from representing Ward because respondent had conflicts with Low, as in the previous two lawsuits.

On August 17, 2012, the court issued an order granting motion to disqualify respondent as attorney for Ward from representation adverse to prior client Low in case No. 1-09-CV-150940.

4. *JLJR, LLC, JLL, LLC and Military Way, LLC v. James Stanley Ward aka Jim Ward, David Lee, Jim Ward and Associates, Santa Clara County Superior Court, Case No. 1-09-CV-158850*

On December 7, 2009, Low filed a complaint against Ward in *JLJR, LLC, JLL, LLC and Military Way, LLC v. James Stanley Ward aka Jim Ward, David Lee, Jim Ward and Associates*, Santa Clara County Superior Court, case No. 1-09-CV-158850. This complaint alleged, inter alia, violations of 18 U.S.C. 1961 et seq. (RICO), fraud, and breach of fiduciary duties.

On August 22, 2011, Low filed a motion to disqualify respondent from representing Ward on the grounds that, despite two prior disqualification orders on substantially the same grounds and adverse parties, respondent had placed himself in an impermissible conflict of interest situation by entering into litigation as Ward's counsel against his former client, Low, whom respondent previously represented and from whom he obtained confidential information relating to the matters in the underlying litigation. The motion further stated that respondent knew that he had been twice previously ordered disqualified from representing the same adverse interests in the same situation, and knew that he would be disqualified from doing it a third time. Low claimed that respondent knew or should have known that he was disqualified from representing the interests of Ward against the interests of his former client.

On October 12, 2011, the court granted the motion to disqualify respondent as counsel for Ward based on Low's motion and issued the disqualification order in case No. 1-09-CV-158850.

Yet, respondent continued to represent Ward in case No. 1-09-CV-158850: (1) on November 4, 2011, he filed a Notice of Improper Service of Motion for Reconsideration; and (2) on January 10, 2012, respondent filed a Notice of Stay of Proceedings.

In the November 2011 notice, knowing that he was disqualified to represent Ward, respondent stated that he was the former attorney for Ward. Then, under the guise of "a friend of the court," he urged "that the motion be denied for failure to serve properly or that the hearing be continued so that Mr. Ward's due process rights [would] be preserved."

And, in the January 2012 notice, respondent indicated that Ward was "in pro per" in the heading, but respondent signed under penalty of perjury declaring that he requested or caused the stay due to the filing of a bankruptcy petition by Ward.

At no time did respondent seek Low's informed written consent to represent Ward in any of these four actions adverse to Low.

Conclusions

Count One - (Rule 3-310(E) [Conflict—Representation Adverse to Former Client])

Rule 3-310(E) provides that an attorney must not, without the informed written consent of the client or former client, accept employment adverse to the client or former client where, by reason of the representation of the client or former client, the attorney has obtained confidential information material to the employment.

Here, the superior court had disqualified respondent from representing Ward in the four lawsuits on the grounds that respondent formerly represented Low and that during the course of the representation, Low disclosed to respondent client secrets relevant to the issues in the litigation, including information pertaining to Low's relationship and business dealing with Ward. Yet, respondent still defended Ward in those lawsuits, acting as opposing counsel to Low.

Respondent contends that there was no confidential information which he received when he represented Low that related to the four lawsuits. This is a too narrow view of his representation of Low. Actual possession of confidential information need not be demonstrated; it is enough to show a substantial relationship between representations to establish a conclusive presumption that the attorney possesses confidential information adverse to a client. (*In the Matter of Lane* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 735, 747; *H.F. Ahmanson & Co. v. Salomon Brothers, Inc.* (1991) 229 Cal.App.3d 1445, 1452.)

Moreover, even though respondent's representation of Low and Ward was consecutive rather than concurrent, written consent of all affected clients was still required because the second employment involved the same subject matter as the first, the business dealings between Low and Ward. (*In the Matter of Fonte* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 752, 763.) Respondent did not obtain Low's informed written consent to represent Ward in any of the four lawsuits.

Therefore, there is clear and convincing evidence that respondent willfully violated rule 3-310(E) by, without the informed written consent of Low, the former client, accepting employment adverse to Low where, by reason of the representation of Low, respondent had obtained confidential information from Low relevant to the issues in the business litigation between Low and Ward.

Count Two - (§ 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.

The State Bar contends that respondent failed to comply with the October 2011 court order disqualifying him as counsel for Ward in case No. 1-09-CV-158850 by:

- (1) Making arguments on Ward's behalf at the September 15, 2011 hearing;
- (2) Making arguments on Ward's behalf at the November 8, 2011 hearing;
- (3) Preparing a proposed answer to the complaint;
- (4) Filing a Notice of Improper Service of Motion for Reconsideration on November 4, 2011; and
- (5) Filing a Notice of Stay of Proceedings on January 10, 2012.

Respondent argues, among other things, that the October 2011 court order was vague and lacked specificity.

This court finds his contentions without merit and rejects his arguments. The court order clearly stated that Low's motion to disqualify him from representation of Ward was granted on the basis of conflict of interest; the order prohibited respondent from representing or assisting Ward in those lawsuits.

With respect to the State Bar's arguments, there is no clear and convincing evidence that respondent violated the court order by appearing at the September or November 2011 hearing. While respondent appeared in court, he claimed that he was there to answer questions and not to represent Ward, even though his presence and answers could be interpreted otherwise. But reasonable doubts in proving a charge of professional misconduct must be resolved in the accused attorney's favor. (*Ballard v. State Bar* (1983) 35 Cal.3d 274, 291.) Since the superior court also acknowledged the confusion at the hearing, respondent's conduct did not clearly evidence that he was there on Ward's behalf.

Similarly, respondent may have drafted a proposed answer to the amended complaint. But given that it was never filed and that it was executed by Ward in pro per, again there is no clear and convincing evidence that respondent represented Ward in violation of the court order.

Nevertheless, it is well-settled that to be found culpable of willfully violating section 6103, the State Bar need not prove that respondent violated court orders in bad faith. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41.) Willfulness is established by proof that the attorney acted, or omitted to act, purposely. (*In the Matter of Respondent C* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 439.)

Here, there is clear and convincing evidence that respondent willfully violated the October 12, 2011 court order disqualifying respondent from representing Ward in willful violation of section 6103 when he filed a Notice of Improper Service of Motion for Reconsideration on November 4, 2011, and a Notice of Stay of Proceedings on January 10, 2012, on Ward's behalf. Putting forth words such as "former attorney," "in pro per," or "friend of the court" do not relinquish the fact that he was acting as Ward's counsel and was representing his client's interests in filing these two notices. Respondent's loyalty to his client is askew, clearly to his own detriment.

Aggravation²

Multiple Acts (Std. 1.5(b).)

Respondent's violation of the October 2011 court order and engagement in the representation of interest adverse to his former client without an informed consent constitute multiple acts of misconduct.

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

Respondent's continuous representation of Ward significantly harmed Low and the administration of justice, forcing Low to file multiple motions to disqualify him at Low's expense and wasting valuable judicial time and resources to issue such orders.

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

Respondent demonstrated indifference toward rectification of or atonement for the consequences of his misconduct. “The law does not require false penitence. [Citation.] But it does require that the respondent accept responsibility for his acts and come to grips with his culpability. [Citation.]” (*In the Matter of Katz* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 502, 511.)

Respondent expressed no remorse or recognition of the consequences of his disregard of the court's disqualification order. His obstinate stand that he was not representing Ward when he filed those two pleadings defies reality. In this proceeding, respondent still claims that no conflict existed. He continues to argue that he did not obtain any confidential information material to his employment even though there is a conclusive presumption that he possessed confidential information adverse to Low that became relevant to the litigation between Low and Ward.

² All references to standards (Std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

It is clear that respondent fails to appreciate or understand the significance of his misconduct. Respondent's failure to accept responsibility for actions which are wrong or to understand that wrongfulness is considered an aggravating factor. (*Carter v. State Bar* (1988) 44 Cal.3d 1091, 1100-1101.)

Mitigation

No Prior Record (Std. 1. 6(a).)

Respondent's lack of a prior record of discipline in 31 years of practice at the time of his misconduct is a significant mitigating factor. (*In the Matter of Lane* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 735 [attorney's 25-year legal career without discipline was an important mitigating circumstance].)

Good Character (Std. 1. 6(f).)

Respondent claims that he served on the board of directors of San Mateo County Bar Association in the 1990's. The court gives minimal weight to this community service since there is insufficient evidence to corroborate his testimony. Where respondent offered only his own testimony to establish this pro bono activity, only modest weight would be afforded to this mitigating evidence. (*In the Matter of Sullivan* (Review Dept. 2010) 5 Cal. State Bar Ct. Rptr. 189.)

Discussion

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

In determining the appropriate level of discipline, the court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d 1095, 1090; *In the Matter of Koehler* (Review

Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.) 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 Silvertan* (2005) 36 Cal.4th 81, 91-92; *In re Naney* (1990) 51 Cal.3d 186, 190.) Although the standards are not mandatory, they may 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.)

Standard 1.7(a) provides that when two or more acts of misconduct are found in a single disciplinary proceeding, and different sanctions are prescribed for those acts, the recommended sanction is to be the most severe of the different sanctions.

Standards 1.7(b) and 1.7(c) provide, in pertinent part, that the specific sanction for the particular violation found must be balanced with any mitigating or aggravating circumstances, and if the net effect demonstrates that a greater or lesser sanction is needed to fulfill the primary purposes of discipline then it is appropriate to impose or recommend a greater or lesser sanction.

In this case, the standards provide a broad range of sanctions ranging from reproof to disbarment. Standards 2.8(a) and 2.15 apply in this matter.

Standard 2.8(a) provides that disbarment or actual suspension is appropriate for disobedience or violation of a court order related to the attorney's practice of law, the attorney's oath, or the duties required of an attorney under Business and Professions Code section 6068, subdivisions (a) – (h).

Standard 2.15 provides that suspension not to exceed three years or reproof is appropriate for violations of any provisions of the Business and Professions Code or Rules of Professional Conduct not specified in these standards.

The State Bar argues that respondent be actually suspended for 60 days, citing *In the Matter of Lane* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 735, *In the Matter of Field*

(Review Dept. 2010) 5 Cal. State Bar Ct. Rptr. 171, and *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41 in support of its recommendation.

Respondent urges that this matter should be dismissed, or in the alternative, if culpability is found, a discipline of two months' stayed suspension and six months' probation, with no actual suspension, is adequate.

The following cases provide some guidance.

In *In the Matter of Lane* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 735, the attorney's over 25 years of practice without misconduct was entitled to considerable weight in mitigation. He was actually suspended for 60 days, with a three-year stayed suspension and three-year probation, for an improper loan and profound misjudgment which prompted lengthy litigation against a client and harmed the administration of justice. Like *Lane*, respondent committed repeated violations of the rules governing conflicts of interest.

In *In the Matter of Respondent X* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 592, an attorney who was found culpable of violating a court's confidentiality order regarding a settlement agreement was privately reprovved. But unlike the instant case, the attorney did not lack insight into the nature of his wrongdoing. The attorney had practiced law for 18 years without discipline and held a sincere and principled belief that he acted in support of sound public policy by revealing the confidential information. No aggravating factors were found.

But here, the aggravating circumstances are substantial. Respondent's multiple acts of wrongdoing, significant harm to the administration of justice and his former client, and no recognition of his misconduct are compelling reasons to recommend a greater sanction than that of a reprovval as in *In the Matter of Respondent X*. Respondent's lack of insight raises concerns as to whether his misconduct may recur and is particularly troubling to this court.

Finally, in *In the Matter of Maloney and Virsik* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 774, Maloney, the attorney who had no prior record of discipline in 31 years of practice, was suspended for one year, stayed, placed on probation for two years, and actually suspended for 90 days. He committed acts of moral turpitude by perpetrating a fraud upon the court and opposing counsel while representing his client. He knowingly made repeated misrepresentations to the superior court when he submitted numerous pleadings for filing that were permeated with half-truths, omissions, and outright misstatements of fact and law with the intent to secure an advantage in litigation. His repeated acts of misconduct over a three-month period demonstrated a pattern of disrespect for professional norms and were considered an aggravating factor. He also displayed indifference towards atonement or rectification and committed uncharged misconduct (additional misrepresentations) and his misconduct was surrounded by overreaching and lack of candor in the State Bar Court. Because his actions caused opposing party to perform additional work and incur additional expense which resulted a court order for additional monetary sanctions against the attorney, the court found that the attorney's misconduct threatened the efficient administration of justice and improperly burdened the court system.

Here, respondent's conduct was not as egregious as that of the attorneys in *Maloney and Virsik*. At the same time, his "lengthy practice [of 31 years] and professional achievements did not aid respondent in avoiding basic [ethical] violations." (*In the Matter of Fonte* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 752, 765 [25 years of practice with no prior discipline].)

The court is concerned by respondent's lack of understanding in his misconduct and during these disciplinary proceedings. It is troubling that he continues to hold himself blameless in the face of four court orders disqualifying him from representing Ward and his failure to obtain written consent from Low. Respondent maintains that he did not obtain any confidential information from Low even though the essence of the contentions between Low and Ward

involved business dealings that respondent was privy to. While his initial motives may have been to aid his client, that does not shield him from the consequences of his misconduct. (*In the Matter of Lane* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 735, 750.) Thus, a period of actual suspension is necessary for respondent to examine and understand the serious ethical duties he owes to not only his current clients but also to his former clients, as specified under standards 2.8(a) and 2.15.

Accordingly, having considered the evidence, the standards, the case law, and the mitigating and aggravating factors, the court concludes that a one-year stayed suspension and two-year probation with a 60-day actual suspension would be appropriate to protect the public, the courts and the legal profession.

Recommendations

It is recommended that respondent David Matthew McKim, State Bar Number 77396, be suspended from the practice of law in California for one year, that execution of that period of suspension be stayed, and that respondent be placed on probation³ for a period of two years subject to the following conditions:

1. Respondent David Matthew McKim is suspended from the practice of law for the first 60 days of probation.
2. 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.
3. Within 30 days after the effective date of discipline, respondent must contact the Office of Probation and schedule a meeting with respondent's 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.

³ The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

4. 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.
5. 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.
6. 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.
7. 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.)
8. At the expiration of the probation period, if respondent has complied with all conditions of probation, respondent will be relieved of the stayed suspension.

Multistate Professional Responsibility Exam

It is recommended that respondent be ordered to take and pass the Multistate Professional Responsibility Examination (MPRE) within one year after the effective date of the Supreme Court order imposing discipline in this matter and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Costs

It is recommended 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: June _____, 2014

LUCY ARMENDARIZ
Judge of the State Bar Court