STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

In the Matter of	)	Case No. 14-O-04568-LMA
	)	
RIORDAN J. ZAVALA,	)	DECISION
	)	
A Member of the State Bar, No. 143870	)	
	)	

Introduction[1]

In this contested disciplinary proceeding, respondent Riordan J. Zavala (Respondent) is charged with two counts of misconduct, including failing to comply with all laws and failing to obey a court order. This court finds, by clear and convincing evidence, that Respondent is culpable of both counts. In view of Respondent's misconduct and the evidence in aggravation and mitigation, the court recommends, among other things, that he be actually suspended for 30 days.

Significant Procedural History

The Office of Chief Trial Counsel of the State Bar of California (State Bar) initiated this proceeding by filing a Notice of Disciplinary Charges (NDC) on June 5, 2015. Shortly thereafter, the State Bar filed an amended NDC on June 26, 2015.

[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.

On July 17, 2015, Respondent filed a motion to dismiss the amended NDC. Five days later, Respondent filed a motion to abate the present proceeding due to his pending proceedings in the underlying bankruptcy matter.[2] The State Bar opposed the motion to dismiss but did not oppose the motion to abate. On August 13, 2015, the Honorable W. Kearse McGill issued an order denying the motion to dismiss and granting the motion to abate.

Approximately six months later, on January 28, 2016, the parties filed a stipulation to terminate the abatement in order to facilitate a voluntary settlement conference. On February 8, 2016, Judge McGill issued an order terminating the abatement and referring the matter for a voluntary settlement conference.

On March 8, 2016, Respondent filed a second motion to dismiss the present proceeding. The State Bar filed an opposition to the second motion to dismiss. In its opposition, the State Bar requested that the matter be again abated. On April 6, 2016, Judge McGill issued an order denying the second motion to dismiss. In that order, Judge McGill also denied the State Bar's motion to abate, noting that Respondent's bankruptcy court appeal was dismissed on February 19, 2015—and therefore the underlying sanctions order was "final and not subject to appellate review."

On April 7, 2016, Respondent filed his answer to the amended NDC. Shortly thereafter, Respondent filed a motion to disqualify Judge McGill. That motion was subsequently denied.

On April 22, 2016, Respondent filed his second motion to abate the present proceedings. On May 2, 2016, the State Bar filed a non-opposition to the second motion to abate.

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[2] In this motion, Respondent included a declaration stating that he had sought to dismiss the bankruptcy court appeal. Respondent went on to state that he would be bringing a motion to recuse/disqualify the bankruptcy judge and a request for relief from judgment. Respondent added that if the underlying sanctions order was not then vacated by the bankruptcy court, he would then "re-initiate" the appeal of the sanctions order.

On May 10, 2016, Respondent filed an interlocutory petition with the Review Department of the State Bar Court regarding the denial of Respondent's motion to disqualify Judge McGill. On May 16, 2016, Respondent and the State Bar filed a stipulation to abate the present proceedings. In this stipulation, the parties agreed "to abate this proceeding while [Respondent] continues to avail himself of the appeal process in the federal courts."

On May 18, 2016, the review department issued an order denying the interlocutory petition on procedural grounds. On May 23, 2016, Respondent filed an amended interlocutory petition with the review department. That same day, Respondent filed a motion to stay the present proceedings in the hearing department.

Although the parties had a pending stipulation to abate the proceedings, Respondent filed a pretrial statement on May 31, 2016. The State Bar did not file a pretrial statement at that time.

On June 2, 2016, Judge McGill issued an order—based on the parties' stipulation—granting Respondent's second motion to abate. In this order, the motion to stay was denied, as moot.

Also on June 2, 2016, the review department issued an order denying Respondent's amended petition for interlocutory review. The review department noted that Respondent's amended petition was untimely but nonetheless considered it on its merits and found that Respondent had not shown abuse of discretion or error of law by the hearing judge.

On September 12, 2016, this matter was reassigned to the undersigned judge. Approximately six months later, on March 8, 2017, Respondent filed a motion to again terminate the abatement. Although this matter was still abated, Respondent also filed—that same day—a motion to exclude the State Bar from presenting evidence and witnesses due to the State Bar's failure to file a pretrial statement by May 31, 2016, as previously ordered by Judge McGill.

On March 14, 2017, this court issued an order granting Respondent's request to terminate abatement. On March 24, 2017, the State Bar filed its pretrial statement and an opposition to the motion to exclude. On April 7, 2017, Respondent filed a motion requesting sanctions be ordered against the State Bar.

On April 20, 2017, this court issued orders denying the motion to exclude and the motion requesting sanctions. Respondent subsequently requested a stay to file another interlocutory petition with the review department. On April 24, 2017, this court granted Respondent's request for a stay and postponed the scheduled trial dates.

On May 9, 2017, Respondent filed his second interlocutory petition with the review department. On May 19, 2017, the review department issued an order denying the second interlocutory petition.

A one-day trial was held on May 31, 2017. Supervising Attorney William S. Todd represented the State Bar. Respondent represented himself. This matter was submitted for decision on June 15, 2017, after the filing of closing briefs.

Findings of Fact and Conclusions of Law

Respondent was admitted to the practice of law in California on December 11, 1989, and has been a member of the State Bar of California at all times since that date.

Facts

On March 6, 2009, Arthur Menchaca filed a lawsuit against Robert Imus and Marbella Flooring in the Riverside County Superior Court. This lawsuit was entitled *Arthur A. Menchaca v. Robert B. Imus et al.,* case No. RIC 520831 (*Menchaca v. Imus*).

On November 4, 2010, Arthur Menchaca and his wife (the Menchacas) filed a chapter seven bankruptcy petition in the United States Bankruptcy Court, Central District of California. This bankruptcy matter was entitled *In re Arthur A. Menchaca and Christine L. Menchaca*, case

No. 8:10-bk-25751-ES (the bankruptcy matter). Upon filing the bankruptcy matter, the automatic stay protections of 11 U.S.C. § 362 were triggered—protecting the Menchacas' property against most collection efforts.

Shortly after filing a bankruptcy petition, the petitioner is required to file schedules listing, among other things, all assets and liabilities. At the time the Menchacas completed their bankruptcy schedules, *Menchaca v. Imus* remained an open matter. Nonetheless, the Menchacas failed to list it as an asset on any of their bankruptcy schedules. (See *Smith v. Arthur Andersen LLP*, 421 F.3d 989, 1002 (9th Cir. 2005) [property of the estate includes debtor's causes of action].)

The bankruptcy court discharged the Menchacas' chapter seven bankruptcy debts on July 19, 2011. However, *Menchaca v. Imus* remained under the automatic stay and was not included in the discharge because it was "unscheduled property." (See Exh. 6, p. 10.)

On May 24, 2013, Mr. Menchaca retained Respondent to represent him in *Menchaca v. Imus*. On May 25, 2013, Respondent wrote a letter to the trustee in the bankruptcy matter, Karen Sue Naylor (the Trustee). In this letter, Respondent wrote:

> On 5/23 I was first contacted by [Mr. Menchacas] to represent him relative to an MSC set for 5/28, and subsequent trial, in [*Menchaca v. Imus*]. We entered into a retainer agreement on 5/24; and in doing my due diligence w/r/t obtaining documents in preparation for the MSC I discovered he and his wife had filed a joint Ch. 7 voluntary petition, for which you served as the Ch. 7 Trustee. My further scrutiny of the associated docs, to include the Statement of Financial Affairs revealed the absence of the aforementioned state case in item #4 as to pending litigation involving the debtors. Nonetheless, I have been assured by my client that at the 341a hearing this issue did come up; and my client told either you, or one of your assistants, that he did not believe there was any money to be had by way of same, inasmuch as the 'gentleman' Imus was being sued for misappropriation, conversion, fraud, etc. In short, he is a crook. The corporate defendant, closly [sic] held, Marbella Flooring, Inc., is viable, and in good standing. In addition to the aforementioned causes, my client has made an additional claim for an accounting.
>
> With that said, I am going to proceed to the MSC, and potentially on my client's complaint, if you can assure me that you will respect my retainer

> agreement which provides for 1/3 of settlement monies, pre-trial prep, net of costs; and thereafter, if I have to prepare for trial, and/or to prosecute any claims post MSC, 50% of judgment/settlement monies, net of costs. Please advise ASAP via email to the above address. (Exh. 3, pp. 84-85.)

On May 30, 2013, the Trustee moved to reopen the bankruptcy matter based on the existence of *Menchaca v. Imus*. On June 3, 2013, the bankruptcy court granted the Trustee's motion to reopen the bankruptcy matter and reappointed her as the trustee.

On June 6, 2013, Robert Goe (Goe), the attorney for the Trustee, filed a notice of settlement of *Menchaca v. Imus* in the Riverside County Superior Court.[3] That same day, Respondent filed a notice of attorney's lien in *Menchaca v. Imus* asserting a "priority lien" against "any and all monies recovered from defendants" in *Menchaca v. Imus*. (Exh. 1005.) The Trustee never hired Respondent to represent the estate in *Menchaca v. Imus*. Accordingly, Respondent's filing of a lien against the property of the estate was a violation of the November 4, 2010 automatic stay.

On June 6, 2013, Respondent also filed notice of his lien in *Menchaca v. Imus* in the bankruptcy matter. This filing was also a violation of the November 4, 2010 automatic stay.

Both the Trustee and Goe communicated to Respondent that the Trustee had taken over *Menchaca v. Imus* and advised Respondent that he was not authorized to take any further action in that matter. Although he received these communications, Respondent, on June 13, 2013, filed in *Menchaca v. Imus* a motion to strike Goe's June 6, 2013 notice of settlement. In this motion, Respondent attempted to exercise control over property of the estate—arguing that the Trustee was not a party to the matter and that Goe was not her counsel. Respondent's motion to strike was subsequently denied.

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[3] *Menchaca v. Imus* was the property of the estate. Accordingly, only the Trustee could settle this matter.

In December 2013, the Trustee and the defendant Imus (in his personal capacity as well as President of Marbella Flooring) memorialized the June 6, 2013 *Menchaca v. Imus* settlement into writing.

On April 7, 2014, the bankruptcy court issued an order to show cause as to why Respondent should not be held in contempt for violating the automatic stay. Specifically, the court ordered Respondent, among other things, to answer why he should not be held in contempt for asserting attorney liens and thwarting the Trustee's pursuit of *Menchaca v. Imus*.

On May 7, 2014, the bankruptcy court granted the motion to approve the *Menchaca v. Imus* settlement. The bankruptcy court order specifically stated that the settlement will not be subject to any alleged liens filed by Respondent.

On June 27, 2014, the bankruptcy court made a tentative ruling finding Respondent in contempt of the automatic stay provisions of the bankruptcy court and imposed sanctions against him in the amount of $9,011. In its tentative ruling, the bankruptcy court found that Respondent willfully violated the automatic stay by filing attorney liens (in *Menchaca v. Imus* and the bankruptcy matter) and attempting to assert control over the property of the estate in *Menchaca v. Imus*.[4]

On July 1, 2014, the Trustee's counsel, Robert Goe, filed the tentative ruling regarding the order to show cause and served the notice on Respondent. Respondent received the tentative ruling.

The bankruptcy court adopted its tentative ruling and, on August 12, 2014, held Respondent in contempt. The bankruptcy court ordered that Respondent pay a sanction of $9,011—payable to the Trustee—within 90 days (by November 10, 2014). To date, the

[4] The bankruptcy court detailed multiple ways Respondent attempted to assert control over an asset of the bankruptcy estate, including, but not limited to, filing an ex parte motion to strike pleadings filed by the Trustee in *Menchaca v. Imus*. (See Exh. 6, pp. 15-17.)

bankruptcy court's August 12, 2014 order has not been reversed, stayed, or set aside. Respondent was aware of the order but has not paid any portion of the $9,011 sanction.

Respondent has twice appealed the August 12, 2014 order. On August 20, 2014, Respondent filed his first appeal of the contempt order in the United States District Court. Respondent later moved to dismiss that appeal without prejudice. Accordingly, the United States District court dismissed Respondent's first appeal on February 19, 2015. Once the appeal was dismissed, Respondent filed in the bankruptcy court a motion to recuse/disqualify the bankruptcy judge and a request for relief from the sanction.

In June 2015, the State Bar filed the amended NDC in the present matter. Approximately six months later, the bankruptcy court denied Respondent's motion to recuse/disqualify the bankruptcy judge and his request for relief from the sanction. Respondent then filed a second appeal of the contempt order in the United States District Court in December 2015. In his second appeal, Respondent made various arguments including claiming that the automatic stay provision of the United States Bankruptcy Code is inapplicable where the debtor is a plaintiff in a pre-petition pending litigation, claiming that his actions caused no harm, and claiming that his lien filings did not violate the automatic stay.

On February 17, 2017, the United States District Court issued an order affirming the bankruptcy court's orders. In this order, the United States District Court found—among other things—that Respondent's appeal of the contempt order was untimely. Specifically, the United States District Court noted that Respondent had 14 days to appeal the contempt order. Although Respondent timely filed his first appeal, that appeal was voluntarily dismissed. Respondent's subsequent appeal was filed 16 months after the contempt order. The United States District Court found unavailing Respondent's argument that the 14-day deadline was somehow indefinitely extended by the United States District Court's order in the first appeal. The United

States District Court emphasized that the order in the first appeal "did not extend, toll, or suspend the time limitations for filing a notice of appeal, nor could it because the Court has no authority to do so." (Exh. 12, p. 6.)

On March 17, 2017, the United States District Court addressed the Trustee's request for attorney's fees incurred in defending against Respondent's appeal. The United States District Court concluded that Respondent's appeal of the contempt order was frivolous. On March 29, 2017, the United States District Court ordered Respondent to pay the Trustee additional sanctions related to the second appeal.[5]

Conclusions

Count One – Section 6068, Subdivision (a) [Duty to Support All Laws]

Section 6068, subdivision (a), provides that an attorney has a duty to support the Constitution and laws of the United States and California. In bankruptcy proceedings, an automatic stay protects the property of the estate from, among other things, any act to: (1) obtain possession of or exercise control over property of the estate (11 U.S.C. § 362, subd. (a)(3)); and (2) create, perfect, or enforce a lien to secure a claim that arose before the commencement of the case (11 U.S.C. § 362, subd. (a)(5)).

Respondent willfully violated the automatic stay by filing notices of attorney liens (in *Menchaca v. Imus* and in the bankruptcy matter) and attempting to assert control over the property of the estate in *Menchaca v. Imus* in violation of 11 U.S.C. § 362, subdivisions (a)(3) and (a)(5), and thereby willfully violated section 6068, subdivision (a).

Count Two – Section 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

[5] Those sanctions are not currently before this court.

attorney's profession, which an attorney ought in good faith to do or forbear, constitutes cause for suspension or disbarment. An attorney's belief as to validity of an order is irrelevant to a section 6103 charge. (*In the Matter of Klein* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 1, 9, fn. 3.) The essential elements of a willful violation of section 6103 are: (1) knowledge of a binding court order; (2) knowledge of what the attorney was doing or not doing; and (3) intent to commit acts or abstain from committing acts that violate the court order. (*In the Matter of Maloney and Virsik* (2005) 4 Cal. State Bar Ct. Rptr. 774, 787.) All three of these elements have been established by clear and convincing evidence.

Respondent's arguments that the August 12, 2014 contempt order was unlawful and not final were not supported by the evidence. As noted by the United States District Court, Respondent had 14 days to appeal the contempt order and that time period was not tolled, stayed, or otherwise extended. Respondent knew the sanctions order was final and binding because he did not successfully appeal the order or receive a stay. There was no rational basis for Respondent to believe that he could simply re-initiate his dismissed appeal 16 months after the sanctions order was issued. Accordingly, Respondent willfully violated section 6103 by not complying with the August 12, 2014 sanctions order.

Respondent's argument that he is unable to currently pay the August 12, 2014 contempt order is not—in and of itself—a defense to this charge. (*In the Matter of Respondent Y* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 862, 868 [attorney with financial hardship culpable for failing to pay court-ordered sanctions where attorney did not seek relief from order in civil courts based on inability to pay].) Here, Respondent has made no effort to pay any portion of the sanctions order, nor has he sought from the bankruptcy court relief from or an extension of time to pay the sanctions order due to financial hardship. Respondent's present financial difficulties

did not prevent him from informing the bankruptcy court of his inability to comply with its order.

Aggravation[6]

Multiple Acts (Std. 1.5(b).)

Respondent's multiple acts of misconduct constitute an aggravating factor. The court assigns this factor moderate weight in aggravation.

Lack of Insight

Respondent demonstrated a lack of insight regarding the present misconduct. Though he was retained by the Menchacas only a few weeks before asserting his liens, Respondent continues to claim that the Trustee just wanted to beat him out of his fee. When asked, Respondent declined to accept any responsibility for his actions or his failure to pay the sanction. And he continues to maintain this position even in light of the United States District Court's recent findings that he filed a frivolous appeal. Respondent's lack of insight and unwillingness to acknowledge his own misconduct warrants significant consideration in aggravation. (*In the Matter of Layton* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 366, 380 [lack of insight causes concern attorney will repeat misconduct].)

Mitigation

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

Respondent was admitted to practice law in California in 1989 and has no prior record of discipline. His over 23 years of discipline-free conduct prior to the present misconduct generally warrants highly significant consideration in mitigation. (*Friedman v. State Bar* (1990) 50 Cal.3d 235, 245 [more than 20 years of practice with an unblemished record is highly significant mitigation].) Here, however, Respondent's mitigation is somewhat undercut by his lack of

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

insight, making future misconduct more likely to recur. (*Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1029 [where misconduct is serious, long-term discipline-free practice is most relevant where misconduct is aberrational].) While the court does not assign "highly significant" mitigation for Respondent's lengthy record of discipline-free conduct, significant weight in mitigation is still warranted.

Financial Difficulties

Respondent testified and presented evidence regarding his present financial difficulties. Respondent's present financial difficulties, however, warrant no consideration in mitigation, considering that he has not raised this issue with the bankruptcy court. Instead, he continues to attack the validity and finality of the August 12, 2014 contempt sanction.

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*, *supra*, 43 Cal.3d 1016, 1025; Std. 1.1.)

In determining the level of discipline, the court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d 1085, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628). Second, the court looks to decisional law. (*Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311; *In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 580.)

Standard 1.7 provides that if aggravating or mitigating circumstances are found, they should be considered alone and in balance with any additional aggravating or mitigating factors. In this case, the standards call for the imposition of a sanction ranging from actual suspension to disbarment. Standard 2.12(a) provides that disbarment or actual suspension is the presumed

sanction for disobeying or violating a court order related to the member's practice of law or the duties required of an attorney under section 6068, subdivision (a).

The standards, however, "do not mandate a specific discipline." (*In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 994.) It has long been held that the court is "not bound to follow the standards in talismanic fashion. As the final and independent arbiter of attorney discipline, [the Supreme Court is] permitted to temper the letter of the law with considerations peculiar to the offense and the offender." (*Howard v. State Bar* (1990) 51 Cal.3d 215, 221-222.) Yet, while the standards are not binding, they are entitled to great weight. (*In re Silverton* (2005) 36 Cal.4th 81, 92.)

The State Bar requested, among other things, that Respondent be actually suspended for 90 days.[7] Respondent, on the other hand, argued that this matter should be dismissed.

Turning to the applicable case law, it is difficult to find a case directly on point. Historically, matters involving the violation of court orders have often resulted in a reproval or a stayed suspension. (See *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41 (six-month stayed suspension); *In the Matter of Respondent Y*, *supra*, 3 Cal. State Bar Ct. Rptr. 862 (private reproval); *In the Matter of Respondent X* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 592 (private reproval); *In the Matter of Jeffers* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 211 (one-year stayed suspension).) Those cases, however, pre-date the current standard, which calls for a period of actual suspension.

After consideration of the factors in aggravation and mitigation, there is little justification for deviating from standard 2.12(a). That said, a recommendation on the low end of the range

[7] The State Bar recommended a 30-day actual suspension at the beginning of trial, but increased its recommendation based on Respondent's lack of insight. The State Bar did not cite any case law in support of its recommended level of discipline.

for actual suspension is appropriate considering Respondent's lack of a prior record of discipline of many years of practice.

In view of Respondent's misconduct, the case law, the standards, and the mitigating and aggravating factors, this court finds that, among other things, a 30-day period of actual suspension is warranted and provides adequate protection for the courts, the public, and the legal profession.[8]

Recommendations

It is recommended that respondent Riordan J. Zavala, State Bar Number 143870, 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 probation[9] for a period of two years subject to the following conditions:

1. Respondent is suspended from the practice of law for the first 30 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 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.

4. Respondent must submit written quarterly reports to the 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 Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all of the conditions of Respondent's probation during the preceding calendar quarter. In addition to all quarterly reports, a final report, containing the same information, is due no earlier

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[8] The court considered including the payment of the $9,011 sanction as an "and until" condition attached to Respondent's actual suspension. Instead, the court chose to include this condition as a condition of probation because, based on Respondent's present financial situation, it appears unrealistic that he would be able to pay the full sanction within such a short timeframe.

[9] 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.)

than 20 days before the last day of the probation period and no later than the last day of the probation period.

5. 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.

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 requirement, and Respondent will not receive Minimum Continuing Legal Education credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)

7. 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.

8. It is recommended that during the period of probation, Respondent must pay the sanctions as ordered by the bankruptcy court on August 12, 2014, in the amount of $9,011 plus 10 percent interest per year from November 10, 2014 (or reimburse the Client Security Fund to the extent of any payment from the fund to Karen Sue Naylor as the trustee, in accordance with Business and Professions Code section 6140.5), and furnish satisfactory proof to the State Bar's Office of Probation in Los Angeles. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).[10]

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 Examination

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.

[10] If this sanction is subsequently reduced based on financial hardship or for any other reason, Respondent is required to provide adequate proof of the modification to the Office of Probation. Upon adequate proof of modification, Respondent would then be required to provide the Office of Probation with satisfactory proof of payment of the reduced amount.

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: August 31, 2017

LUCY ARMENDARIZ
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 August 31, 2017, I deposited a true copy of the following document(s):

DECISION

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:

RIORDAN J. ZAVALA
RIORDAN J. ZAVALA, ESQ.
PO BOX 304
LAW OFFICE OF RIORDAN J ZAVALA
PLACENTIA, CA 92871 - 0304

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

WILLIAM TODD, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on August 31, 2017.

Bernadette Molina
Case Administrator
State Bar Court