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STATE BAR COURT  
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LOS ANGELES

# PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

In the Matter of	)	Case No.: 15-O-15855 YDR
	)	
DONALD ARTHUR HILLAND,	)	DECISION
	)	
A Member of the State Bar, No. 240436.	)	
	)	
_____	)	



## Introduction<sup>1</sup>

In this contested matter, Donald Arthur Hilland (Respondent) was charged with six counts of misconduct: two counts of seeking to mislead a judge in violation of Business and Professions Code section 6068, subdivision (d), and four counts of moral turpitude, dishonesty or corruption, in violation of section 6106. The Office of Chief Trial Counsel of the State Bar of California (OCTC) has the burden of proving these charges by clear and convincing evidence.<sup>2</sup> This court dismisses both section 6068, subdivision (d), counts as duplicative of the moral turpitude charges<sup>3</sup> and finds that there is clear and convincing evidence demonstrating that Respondent is culpable of all four moral turpitude counts charged.

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<sup>1</sup> 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.

<sup>2</sup> Clear and convincing evidence leaves no substantial doubt and is sufficiently strong to command the unhesitating assent of every reasonable mind. (*Conservatorship of Wendland* (2001) 26 Cal.4th 519, 552.)

<sup>3</sup> The section 6068 subdivision (d) charge in Count One is duplicative of the section 6106 moral turpitude charge in Count Two and the section 6068 subdivision (d) charge in Count Three is duplicative of the moral turpitude charge in Count Four.

Based on the nature and extent of Respondent's ethical violations, as well as the applicable aggravating and mitigating circumstances, the court recommends that Respondent be suspended from the practice of law for two years, stayed, and that Respondent be placed on probation for three years, subject to conditions, including 12 months actual suspension.

### **Significant Procedural History**

OCTC initiated this proceeding by filing a Notice of Disciplinary Charges (NDC) on July 7, 2016. Respondent filed a response on August 12, 2016. The parties filed a Stipulation as to Undisputed Facts and Admission of Documents on October 27, 2016. An Additional Stipulation As To Facts and Admission of Documents was filed on November 3, 2016.

Trial was held and this matter was submitted on November 3, 2016. Closing argument briefs were filed November 17, 2016.

Senior Trial Counsel Murray Greenberg, Esq., represented OCTC. Respondent was represented by Susan Margolis, Esq., of Margolis & Margolis LLP.

### **Findings of Fact and Conclusions of Law**

These findings of fact are based on the record, evidence admitted at trial and certain facts set forth by the parties in their factual stipulations.

Respondent was admitted to the practice of law in California on December 19, 2005, and has been a member of the State Bar of California at all times since that date.

#### **Case No. 15-O-15855 The Bankruptcy Matter**

##### **Facts**

##### **Respondent's Bankruptcy**

On February 9, 2011, Respondent filed a personal Chapter 7 bankruptcy case, case number 6:11-bk-14264-CB. Among the documents filed in Respondent's Bankruptcy Case on February 9, 2011, were a Voluntary Petition, an Exhibit D Statement of Compliance With Credit

Counseling Requirement (Exhibit D Statement of Compliance) and a Certificate of Credit Counseling. In pertinent part, the Exhibit D Statement of Compliance provided “[W]ithin the 180 days before the filing of my bankruptcy case, I received a briefing from a credit counseling agency approved by the United States Trustee or bankruptcy administrator . . . and I have a certificate from the agency describing the services provided to me.” On the signature line, the Debtor (Respondent) signed and certified under penalty of perjury that the information provided in the Exhibit D Statement of Compliance was true and correct.

A Certificate of Counseling, also filed-stamped February 9, 2011, stated that Respondent received a credit counseling briefing on February 8, 2011, at “2:24 o’clock PM PST”, from Abacus Credit Counseling, an agency approved to provide credit counseling services in the Central District of California (First Certificate). The First Certificate was electronically signed by Laura M. Ahart, Credit Counselor with Abacus Credit Counseling. It was Abacus Credit Counseling’s practice to generate and affix a unique certificate number to each certificate of counseling. Affixed to the First Certificate above its bar code was Certificate Number 12459-CAC-CC-01387537. On March 5, 2011, Respondent’s case was dismissed because Respondent did not file all of the required documents.

On November 19, 2013, Respondent filed a second personal Chapter 7 bankruptcy case, case number 6:13-bk-28843-SY (Bankruptcy Case). Respondent filed a second Exhibit D Statement of Compliance With Credit Counseling to be filed in his Bankruptcy Case. In the second Statement of Compliance, Respondent certified under penalty of perjury that within 180 days before filing his Bankruptcy Case, he received a credit counseling briefing. This statement was false. Respondent also declared that at the time of filing the Exhibit D Statement of Compliance, he did not have a credit counseling certificate from the credit counseling agency, but he would file the certificate within 14 days.

A second Certificate of Counseling, filed in Respondent's Bankruptcy Case on December 3, 2013, stated that Respondent received a credit counseling briefing on February 8, 2012, at "2:24 o'clock PM PST", from Abacus Credit Counseling (Second Certificate). The Second Certificate, dated February 8, 2012, reflected an electronic signature by Laura M. Ahart, Credit Counselor. The Second Certificate of Counseling also reflected Certificate Number 12459-CAC-CC-01387537, which was the same certificate number as the First Certificate. Upon its filing, the Second Certificate was marked by the court as one of the "Docket 9" filings.

On January 22, 2014, Respondent appeared at the first Section 341(a) Meeting of Creditors in his Bankruptcy Case. During the meeting of creditors, Respondent was examined under oath by Chapter 7 Trustee, Lawrence Simons, Esq. Respondent testified that he had read and signed the papers filed with the bankruptcy court in his Bankruptcy Case. Respondent further testified, under penalty of perjury, that the information in his Bankruptcy Case filings was true and correct and contained no errors or omissions.<sup>4</sup>

The United States Trustee for the Central District of California filed a complaint commencing an adversary proceeding against Respondent (case number 6:14-ap-01016-SY) on January 22, 2014. The complaint sought to deny Respondent's discharge (as Defendant and Debtor) on the grounds that Respondent "altered, manipulated, and/or forged" the Second Certificate and that Respondent testified falsely under oath. On March 11, 2014, Respondent moved for a stay of the adversary proceeding and for protective order staying discovery from third parties.

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<sup>4</sup> At the outset of the Meeting of Creditors, the Chapter 7 Trustee asked Respondent "[D]id you read and sign the papers that were filed with the court?" Respondent stated "[Y]es". The Chapter 7 Trustee further inquired, "[A]re you personally familiar with the information contained in those papers?" Respondent: "Yes". Chapter 7 Trustee: "[T]o the best of your knowledge, is that information true and correct?" Respondent: "Yes". Chapter 7 Trustee: "Are there any errors or omissions that you wish to bring to my attention?" Respondent: "No".

Without admitting or denying the truth of the allegations filed in the adversary proceeding complaint, Respondent entered into a Stipulation Between Plaintiff (United States Trustee) and Defendant (Respondent) to Settle Adversary Proceeding and For Entry of Judgment in Favor of Plaintiff Pursuant to 11 U.S.C. § 727(a)(10), in Adversary Case No. 6:14-ap-01016-SY (Stipulation). Respondent and the United States Trustee for the Central District of California entered into the Stipulation on July 6, 2015. Pursuant to the Stipulation, the Court entered judgment in favor of the United States Trustee and against Respondent in the adversary proceeding. In addition, Respondent's Chapter 7 discharge in his Bankruptcy Case was denied.

When called to testify in the instant matter, Respondent asserted the Fifth Amendment privilege against self-incrimination as to all questions pertaining to the preparation, alteration and filing of the Second Certificate.<sup>5</sup>

#### **Respondent's Quarterly Reports**

Respondent filed quarterly reports with the Office of Probation on January 6, 2014 and April 7, 2014. In each quarterly report, Respondent declared under penalty of perjury that during the applicable reporting period,<sup>6</sup> he had "complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation . . ." In the January 10, 2014 quarterly report, Respondent also declared that he had "completed the State Bar Ethics School course given on October 24, 2013."

#### **Conclusions**

*Count One – Business & Professions Code § 6068 (d) [Seeking to Mislead a Judge]*  
*Count Two – Business & Professions Code § 6106 [Moral Turpitude]*

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<sup>5</sup> Respondent contends he was prejudiced due to his inability to testify since there was existed a "very real possibility of criminal charges being filed against him by the U. S. Attorney's office."

<sup>6</sup> The reporting period for Respondent's January 6, 2014 quarterly report was October 1, 2013 through December 31, 2013. The reporting period for Respondent's April 7, 2014 quarterly report was January 1, 2014 through March 31, 2014.

***Count Three–Business & Professions Code § 6068 (d) [Seeking to Mislead a Judge]***  
***Count Four– Business & Professions Code § 6106 [Moral Turpitude]***

OCTC alleges two violations of section 6068, subdivision (d), which provides that an attorney has a duty to employ those means only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by an artifice or false statement of law or fact. In Count One, OCTC charges Respondent willfully violated section 6068, subdivision (d). It is alleged that Respondent sought to misled the judge or judicial officer in Respondent's Bankruptcy Case by filing on ovember 19, 2013, in his Bankruptcy Case, an Exhibit D Statement of Compliance in which he falsely certified under penalty of perjury that he had received a credit counseling agency briefing within 180 days of the filing of his Bankruptcy Case. In Count Three, the State Bar charges that "[R]espondent knew the [Second Certificate's] date was altered and thereby sought to mislead the judge or judicial officer by an artifice or false statement of fact or law in willful violation of Business and Professions Code, section 6068(d)."

Counts Two and Four charge that Respondent willfully violated section 6106 by filing false documents in support of his Bankruptcy Case. Section 6106 provides, in part, that the commission of any act involving dishonesty, moral turpitude, or corruption, constitutes cause for suspension or disbarment. In Count Two, OCTC further charges that Respondent committed an act involving moral turpitude or dishonesty by knowingly filing a false Exhibit D Statement of Compliance in his Bankruptcy Case. Count Four charges that Respondent "knowingly filed an altered Certificate of Counseling with the Bankruptcy Court in an attempt to mislead the court" in his Bankruptcy Case.

The evidence clearly and convincingly demonstrates that the Second Certificate filed in Respondent's Bankruptcy Case had been altered to falsely report that Respondent participated in credit counseling with Abacus Credit Counseling on February 8, 2012.

During trial, Respondent repeatedly asserted the Fifth Amendment privilege against self-incrimination when examined regarding his actions and the filing and falsification of the Statements of Compliance and the Certificates of Completion. This court draws no adverse inference from Respondent's invocation of the Fifth Amendment and notes that invocation of the Fifth Amendment privilege does not lower the OCTC's burden of proof. (See *In the Matter of Frazier* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 676, 697-699.)

Respondent contends that the OCTC has not met its burden of establishing by clear and convincing evidence that it was Respondent who falsified the Second Certificate. Respondent further contends that the falsified Second Certificate was not submitted as part of a conscious effort to deceive the bankruptcy court. Although Respondent was self-represented in his Bankruptcy Case, Respondent argues that his gross negligence allowed some person other than Respondent to prepare and file his altered and improper Bankruptcy Case filings.

Respondent's contention that there is a lack of clear and convincing evidence establishing that he altered the Second Certificate, is correct. However, Respondent is charged with knowingly filing an altered/falsified Second Certificate, not the actual alteration or falsification of the Second Certificate. As to Respondent's knowing filing of the falsified Second Certificate, OCTC has met its burden of proof.

Respondent's testimony during the January 22, 2014 Meeting of Creditors establishes by clear and convincing evidence that Respondent knowingly filed the falsified Second Certificate. The following exchange took place.

Trustee: "For the record, I'll show you the certificate you filed with the court. Is this a true and correct certificate that you received from the applicable credit counseling agency?"

Respondent: "You know, I'm not sure. I did it on-line."

Trustee: "Okay. You can see the PACER stamp here. Do you have any reason to believe this docket number nine, page 53 of 53 is not the certificate that you received from the credit counseling agency?"

Respondent: "It looks like it."

During the same examination, Respondent declared that he personally read and was familiar with his Bankruptcy Case filings and that those filings contained no errors or omissions. Respondent's filings included his signed Exhibit D Statement of Compliance where he states that he had attended a credit counseling briefing within 180 days of the filing of his Bankruptcy Case; a claim that was false.

It is well established that acts of moral turpitude include an attorney's false or misleading statements to a court or tribunal. (*Bach v. State Bar* (1987) 43 Cal.3d 848, 855). It is not necessary that a respondent actually succeed in perpetrating a fraud on the court. (See, e.g., *Bach v. State Bar, supra*, 43 Cal.3d 848, 852-853, 855.) Respondent is culpable of committing acts of moral turpitude because he knowingly filed false documents with the Bankruptcy Court.

Filing the false Exhibit D Statement of Compliance and altered Second Certificate also constitute a violation of section 6068, subdivision (d). But the court dismisses as duplicative the two section 6068, subdivision (d), charges because the same misconduct underlies the section 6068, subdivision (d), and section 6106 violations. (*In the Matter of Maloney and Virsik* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 774, 786-787 [dismissal of § 6068, subd. (d), charge proper where underlying misconduct covered by § 6106 charge supporting identical or greater discipline].)

***Count Five – Business & Professions Code § 6106 [Moral Turpitude]***

By admission of Respondent's testimony under oath, OCTC established by clear and convincing evidence that Respondent falsely testified at the Meeting of Creditors on January 22,



2014, when he declared that the information contained in his Bankruptcy Case filings was true and correct. Respondent falsely testified that the filings were correct in stating that he received a credit counseling briefing within 180 days of the filing of his Bankruptcy Case and that he had participated in a credit counseling briefing with Abacus Credit Counseling on February 8, 2012.

As to Count Five, the State Bar established by clear and convincing evidence that Respondent was culpable of moral turpitude, in willful violation of section 6106.

***Count Six – Business & Professions Code § 6106 [Moral Turpitude]***

In Count Six, OCTC charged Respondent with commission of an act involving moral turpitude by filing his January 6, 2014 and April 7, 2014 quarterly reports. The reports stated under penalty of perjury that Respondent was in compliance with all provisions of the State Bar Act, Rules of Professional Conduct and all conditions of probation. Respondent is culpable of moral turpitude in violation of section 6106 because both quarterly reports were submitted after Respondent knowingly engaged in misconduct during the respective reporting periods.

Specifically, during the January 2014 reporting period, Respondent knowingly filed a false Exhibit D Statement of Compliance and a falsified Second Certificate. During the April 2014 reporting period, Respondent lied under oath during the January 22, 2014 Meeting of Creditors, by stating that his Bankruptcy Case filings were true and correct. These acts demonstrate that Respondent was not in compliance with the State Bar Act because they are willful violations of section 6106.

**Aggravating Circumstances**

The State Bar bears the burden of proving aggravating circumstances by clear and convincing evidence. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.5.) The court finds the following with respect to aggravating circumstances.

**Prior Discipline (Std. 1.5(a).)**

Respondent's first discipline (Supreme Court case no. S210925, filed July 31, 2013), arose in connection with Respondent's acceptance of advanced fees for loan modification services and misrepresentations made to the OCTC by Respondent when he falsified the effective date of the fee agreement Respondent entered into with his client.<sup>7</sup> Respondent stipulated that he performed acts of moral turpitude in an attempt to mislead OCTC concerning the loan modification services he performed on behalf of his client, in violation of Business and Professions Code section 6106. For this misconduct, Respondent received a two-year stayed suspension, two year probation subject to conditions and a 60-day actual suspension. Respondent's first discipline took effect August 30, 2013. This is a significant aggravating factor.

**Multiple Acts of Wrongdoing (Std. 1.5(b).)**

Respondent engaged in four acts of moral turpitude, which constitute an aggravating factor.

**Significant Harm To The Administration of Justice (Std. 1.5(j).)**

Respondent's misconduct significantly harmed the administration of justice. Respondent attempted to misled the Bankruptcy court in a manner which resulted in an unnecessary waste of judicial resources.

**Lack of Insight and Remorse (Std. 1.5(k).)**

Of particular concern to this court is that Respondent's misconduct occurred only about four months after the effective date of Respondent's first discipline, which also involved the

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<sup>7</sup> Respondent stipulated that he altered or caused to be altered the dates of the signatures on the fee agreement between Respondent and his client to reflect that the fee agreement was entered into on October 2, 2009, prior to the effective date of Civil Code section 2944.7, subdivision, (a). Respondent sent the altered fee agreement to the OCTC in connection with the OCTC's investigation of Respondent's prospective misconduct.

falsification of a document which he knew was likely to be relied upon by an OCTC investigator. Having engaged in similar misconduct shortly after the effective date of his first discipline, Respondent has demonstrated a lack of insight into his misconduct which raises this court's concern that the misconduct will recur.

### **Mitigating Circumstances**

Respondent bears the burden of proving mitigating circumstances by clear and convincing evidence. (Std.1.6.) The court finds the following with regard to mitigating factors.

#### **Cooperation (Std. 1.6(e).)**

Respondent is entitled to some mitigation for cooperating with OCTC by entering into a stipulation of facts which assisted OCTC in prosecution of this case. However, as most, if not all, of the stipulated facts were easily provable, the court affords Respondent only limited mitigation. (*In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179, 190 [where appropriate, more extensive weight in mitigation is accorded to those who admit to culpability as well as facts].)

#### **No Other Mitigating Circumstances**

Respondent attempted, but has not, presented clear and convincing evidence that he suffered emotional difficulties arising from his son's deployment to Afghanistan (seven months before he filed the falsified Second Certificate), or his former girlfriend's cancer diagnosis four months before the filing. The court appreciates that these may well present challenging circumstances, however, Respondent presented no evidence regarding the impact of either development or the nexus between his misconduct and these challenges.

### **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, this court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d 1095, 1090.) The court then looks to the decisional law. (*In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 580.) As the Review Department noted more than two decades ago in *In the Matter of Bouyer* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 404, 419, even though the standards are not to be applied in a talismanic fashion, they are to be followed unless there is a compelling reason that justifies not doing so. (*In re Silverton* (2005) 36 Cal.4th 81, 91; *Aronin v. State Bar* (1990) 52 Cal.3d 276, 291.) The California 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. (*Silverton, supra*, 36 Cal.4th at pp. 91-92; *In re Naney* (1990) 51 Cal.3d 186, 190). Ultimately, in determining the appropriate level of discipline, each case must be decided on its own facts after a balanced consideration of all relevant factors. (*Connor v. State Bar* (1990) 50 Cal.3d 1047, 1059; *In the Matter of Oheb* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 920, 940.)

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. Here, standard 2.11 applies. Standard 2.11 provides that disbarment or actual suspension is the presumed sanction for act(s) of moral turpitude, dishonesty, fraud, intentional or grossly negligent misrepresentation or concealment of a material fact.<sup>8</sup>

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<sup>8</sup> The court also considers standard 1.8(a). Standard 1.8(a) provides, “if a member has a single prior record of discipline, the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust.” The exception in standard 1.8(a) does not apply in this case.

Respondent does not seem to appreciate that honesty is critically important in the legal system. (See, e.g. *In re Menna* (1995) 11 Cal.4<sup>th</sup> 975, 989.) Respondent has made multiple false misrepresentations under penalty of perjury and for several reasons, his misconduct calls for a lengthy period of suspension. First, Respondent has been dishonest with a tribunal. When an attorney files pleadings with misrepresentations and half-truths, it “not only undermines the ability of the [tribunal] to rely on the accuracy” of the information provided, “it also diminishes the public’s confidence in the integrity of the legal profession.” (*In the Matter of Downey* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 151, 157.) Second, it is particularly concerning that Respondent lacks insight into his misconduct. He fails to comprehend that integrity is a quality required of all who wish to practice law in California.

OCTC and Respondent jointly urge this court to recommend a one-year actual suspension, two years suspension, stayed, and three years’ probation.

In determining the appropriate level of discipline, the court considers *In the Matter of Farrell* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 490. In *Farrell*, an attorney was suspended for two years, stayed, and placed on six months’ actual suspension. Farrell was found culpable of violating section 6106 because he falsely stated to a trial judge that a witness had been subpoenaed, and he failed to cooperate with the State Bar. In mitigation, he believed that the subpoena had actually been sent by a member of his staff, but had no basis to believe it had been served. In aggravation, he had a prior record of discipline in two client matters. Farrell was disciplined for acquiring his client’s property to secure payment of his fees and in payment of his fees without the proper ethical safeguards; for appearing without authority; for failing to return his client’s file on request; and for abandoning a client. His prior misconduct resulted in a 90-day suspension.

Respondent's misconduct warrants greater discipline than in *Farrell* because his current misconduct is more serious. Respondent engaged in four acts of dishonesty surrounded by far greater aggravation. Additionally, in *Farrell*, the current and prior misconduct were not similar. Here, Respondent's current misconduct is comparable to his prior misconduct where he presented an altered or false document to OCTC. Thus, after carefully considering the case law, the facts of this case and balancing Respondent's significant aggravating factors which outweigh Respondent's mitigation, this court recommends that Respondent be suspended for two years, stayed, with three years' probation on conditions, including a one-year actual suspension.

#### **Recommendations**

It is recommended that respondent Donald Arthur Hilland, State Bar Number 240436, be suspended from the practice of law in California for two years, that execution of that period of suspension be stayed, and that Respondent be placed on probation<sup>9</sup> for a period of three years subject to the following conditions:

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

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<sup>9</sup> 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)

5. 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 than 20 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.)

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 not recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination (MPRE). Pursuant to the Supreme Court order filed July 31, 2013, in case No. S210925, Respondent took and passed the MPRE in March 2015, and there is no evidence that Respondent committed any misconduct after the examination.

#### **California Rules of Court, Rule 9.20**

It is further recommended that Respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court and, that he be ordered to perform the acts specified in subdivisions (a) and (c) of rule 9.20 within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding. Failure to do so may result in disbarment or suspension.

**Costs**

This court recommends 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: January 31, 2017

  
\_\_\_\_\_  
YVETTE D. ROLAND  
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 Los Angeles, on February 1, 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:

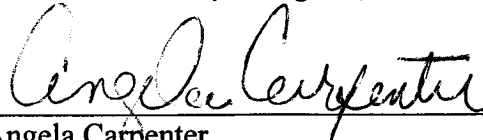
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

SUSAN LYNN MARGOLIS  
MARGOLIS & MARGOLIS LLP  
2000 RIVERSIDE DR  
LOS ANGELES, CA 90039

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

Murray B. Greenberg, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 1, 2017.



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Angela Carpenter  
Case Administrator  
State Bar Court