

OPEN SESSION AGENDA ITEM

MAY 2018

REGULATION AND DISCIPLINE COMMITTEE, ITEM III.A.1

DATE: May 17, 2018

TO: **Members, Regulation and Discipline Committee**

FROM: Steven Moawad, Chief Trial Counsel, Office of Chief Trial Counsel

SUBJECT: Request to Circulate for Public Comment Changes in Board Policy Regarding Consumer Alerts

EXECUTIVE SUMMARY

The Office of Chief Trial Counsel (OCTC) proposes an amendment to Board policy that authorizes State Bar staff to post an online consumer alert when disciplinary proceedings are initiated against an attorney, when OCTC files a petition alleging that the attorney should be placed on inactive status because he or she poses a substantial threat of harm to the public or clients, when an attorney is charged with a felony, when the superior court assumes jurisdiction over an attorney's law practice, or when an attorney is involuntarily placed on inactive status. OCTC further proposes that upon a decision finding culpability or an order following a stipulation to culpability, a consumer alert directing the consumer to the "Disciplinary and Related Actions" section at the bottom of a licensee's State Bar Profile page would be posted. Under this proposal, this consumer alert would remain on the licensee's State Bar Profile page until completion of the reproval conditions, the term of probation, or upon a return to active status, whichever is later.

This item requests that the Board circulate, for a 45-day public comment period, proposed changes to the Board of Trustees policy regarding consumer alerts.

BACKGROUND

Since approximately July 2005, the State Bar has posted disciplinary decisions and orders on stipulated dispositions on the licensee's State Bar Profile page. Since 2008, the State Bar has also posted a copy of any Notices of Disciplinary Charges (NDC), and the licensee's response to the charges, if any, in the "Disciplinary and Related Actions" section at the bottom of a licensee's State Bar Profile page. In May and July 2011, the Board determined that some matters warrant more conspicuous notices about disciplinary actions.

On May 13, 2011, the Board approved posting a high-visibility consumer alert that contained general information about the allegations, and a disclaimer at the top of the State Bar Profile page of any attorney against whom a NDC or a petition for involuntary inactive enrollment

pursuant to Business and Professions Code section 6007(c) is filed wherein a major misappropriation of client funds is alleged.

On July 22, 2011, the Board approved posting a high-visibility consumer alert that contained general information about the allegations, and disclaimer at the top of the State Bar Profile page of any attorney against whom a NDC or a petition for involuntary inactive enrollment pursuant to Business and Professions Code section 6007(c) is filed alleging 15 or more cases of misconduct related to loan modification.

Under current Board policy, the consumer alert and disclaimer is removed from the licensee's profile page upon the filing of a decision or order of the State Bar Court adjudicating the disciplinary proceeding. The decision or order is posted in the State Bar Court Cases section of the licensee's State Bar Profile page. Actions affecting the status of the attorney's license to practice law is posted in the "Disciplinary and Related Actions" section of a licensee's State Bar Profile page.

In 2013, OCTC made a proposal to expand consumer alerts to include cases wherein: (1) the NDC or petition for involuntary enrollment alleges any misappropriation of \$25,000 or more (i.e. not limited to theft of client funds); (2) where the NDC or petition for involuntary enrollment alleges 15 or more cases of professional misconduct (i.e. not limited to loan modification misconduct); and (3) where the State Bar has filed an application seeking superior court assumption of an attorney's law practice, pursuant to Business and Professions Code section 6180 et. seq. or 6190 et. seq. (See attachment B.)

OCTC withdrew the proposal after receiving public comment to the effect that the proposed consumer alerts would be unfair to the affected attorneys. (See attachment C.) In its response to the public comment, OCTC noted that the State Bar's planned case management system would impact the scope and design of future consumer alerts because the public would be provided with more accessible and complete information in the case management system. (Ibid.)

In March 2018, OCTC proposed to add consumer alerts to a licensee's State Bar Profile page in the following five situations:

1. Upon the filing of a Notice of Disciplinary Charges (NDC) or a Substantial Threat-of-Harm Proceeding.
2. Upon the imposition of discipline.
3. Upon discovery that felony charges were pending in Superior Court.
4. Upon the assumption of jurisdiction over attorney's practice by a Superior Court.
5. Upon an Inactive Enrollment, Suspension, Disbarment, or Resignation with Charges Pending.

During the March 2018 Regulation and Discipline Committee meeting, committee members asked OCTC to provide additional examples of the alerts that would be posted on the licensee's State Bar Profile page.

This proposal is slightly modified from the March 2018 proposal and includes additional attachments with examples of the current consumer alert (see Attachment H) and the proposed alerts and notices (see Attachments I – Q).

DISCUSSION

Consumer alerts contain information that is a matter of public record and is of current concern to clients and potential clients, opposing parties, and the courts. OCTC believes that consumer alerts are an effective way to provide clients and potential clients notice of important actions regarding a licensee. As such, consumer alerts have become a significant part of the State Bar's public protection efforts. However, the circumstances under which a consumer alert are posted are limited. Therefore, the posting of a consumer alert is somewhat rare. OCTC believes that the consumer alert program should be expanded in order to better protect the public.

This proposal would expand current policy and authorize posting consumer alerts in the following situations:

1. Filing of a Notice of Disciplinary Charges (NDC) and Substantial Threat-of-Harm Proceedings.

This proposal would authorize posting consumer alerts whenever: (1) disciplinary charges are filed against an attorney, or (2) OCTC files a petition alleging that the attorney should be placed on inactive status because he or she poses a substantial threat of harm to the public or clients (Bus. & Prof. Code, § 6007(c)(1)-(3).) In order to make an informed and intelligent decision, clients and prospective clients need to know that their attorney or their prospective attorney is facing disciplinary charges. Similarly, opposing counsel and the courts need this information because a suspension or disbarment order may have a significant effect upon pending litigation.

This consumer alert will be removed from the licensee's State Bar profile page: (1) if the charges are dismissed, or (2) upon the filing of a decision or order of the State Bar Court adjudicating the disciplinary proceeding based upon the NDC.

Independent of this proposal, the State Bar is currently redesigning the State Bar Profile page of licensees. The current full version of the licensee profile page is included as Attachment D. While different screen resolutions and zooming will affect the area of a website visible on a screen, an example of the visible text on the current licensee profile page without scrolling is in Attachment E. A potential modified version of the licensee profile page is included as Attachment F. Again, while it can be affected by screen resolutions and zooming, an example of the visible text on the proposed modified licensee profile page without scrolling is in Attachment G.

While the modified licensee profile page reformats the identifying information of the licensee and moves the Disciplinary and Related Actions section of the page into view when the consumer navigates to the webpage, it does not highlight that an NDC was filed. If an alert upon the filing of any NDC is deemed overbroad or unnecessary, alternatively, alerts could be posted when charges raising significant public protection concerns are filed (e.g., misappropriation, allegations of moral turpitude, etc.).

2. Imposition of Discipline

If, after a decision finding culpability or an order adjudicating the disciplinary proceeding is issued, the attorney is placed on probation or is issued a public reproof with conditions, a consumer alert stating that the attorney has been placed on probation or issued a reproof with conditions, and informing the consumer that the order or decision is available in the "Disciplinary and Related Actions" section at the bottom of a licensee's State Bar Profile page would be posted to the licensee's State Bar Profile page.

This consumer alert would remain on the licensee's State Bar Profile page until completion of the reproof conditions or the end of the term of probation.

The attached modified licensee profile page brings the Disciplinary and Related Actions section of the page into view when the consumer navigates to the webpage. However, a consumer alert would proactively alert the consumer that discipline was imposed.

3. Felony Charges Pending in Court.

This proposal would authorize posting consumer alerts whenever felony charges are filed against an attorney in court. To make an informed and intelligent decision about their representation, clients and prospective clients need to know that their attorney or their prospective attorney is facing felony charges. Similarly, opposing counsel and the courts need this information because incarceration, or an order suspending or disbaring a licensee, might have a significant impact upon pending litigation.

Consumer alerts concerning pending criminal charges would only be posted if felony charges are filed in court. Prosecutors are required by law to disclose to the State Bar the pendency of an action against an attorney charging a felony or misdemeanor. (Bus. & Prof. Code § 6101(b)). Prosecutors are similarly required to notify the State Bar of the filing of an Information or Indictment charging an attorney with a felony. (Bus. & Prof. Code § 6068(o)(4)).

The State Bar is required by law to disclose to any member of the public so inquiring any information reasonably available to the State Bar pursuant to the above sections. (Bus. & Prof. Code, § 6086.1(c)). A member of the public navigating to a licensee's State Bar profile page should be deemed to be an inquiry as to the licensee's status and potential disciplinary actions. Therefore, consumer alerts for felony charges would assist the State Bar in complying with both statutorily mandated duties: disclosing information regarding pending felony charges and protecting the public.

This consumer alert would be removed from the licensee's State Bar profile page: (1) upon verification of notice to the State Bar that the charges have been dismissed, or reduced from a felony to a misdemeanor, or (2) upon the filing of a decision or order of the State Bar Court adjudicating a disciplinary proceeding based upon the facts underlying the felony prosecution.

In making this proposal, OCTC is mindful that information about felony charges would be posted prior to any conviction and recognizes that this is controversial. While OCTC believes that such a policy is required to comply with our statutory duty to disclose such information, we recognize that the current trend in handling criminal history information is to limit the circumstances under which people must release criminal history information, including "ban the box" initiatives. As a result, an alternative proposal could be that we post the alert only after any conviction in the matter. However, OCTC believes that statutory amendments may be required to permit more limited consumer alerts in this area.

4. Superior Court Assumption of Jurisdiction Over Attorney's Caseload.

This proposal would authorize consumer alerts whenever the superior court assumes jurisdiction over an attorney's caseload. A superior court order assuming jurisdiction requires a finding that: (1) the attorney has one or more active cases and (2) the attorney is unable to practice law because of death, incapacity, suspension from practice, or disbarment. (See Bus. & Prof. Code, §§ 6180, et seq. 6190 et seq.)¹ When an assumption order is issued, it is particularly important that the public, active clients, courts, and opposing counsel be informed.

This consumer alert would be removed from the licensee's State Bar profile page after the superior court order is rescinded or ended.

5. Inactive Enrollments, Suspensions, Disbarments, and Resignations with Charges Pending.

This proposal would protect the public by authorizing consumer alerts whenever an attorney is placed on involuntary inactive enrollment, suspended, disbarred, or resigned for one of the following reasons:

- The State Bar Court has recommended that the attorney be disbarred (Bus. & Prof. Code, § 6007(c)(4));
- The State Bar Court has found that the attorney violated his or her disciplinary probation (Bus. & Prof. Code, § 6007(d));
- The attorney has defaulted in a disciplinary proceeding (Bus. & Prof. Code, § 6007(e));
- The attorney is delinquent in his or her child support obligations (Fam. Code, §17520);
- The attorney has failed to pay a fee arbitration award (Bus. & Prof. Code, § 6203);
- The attorney has failed to comply with his or her MCLE obligations (Cal. Rule of Court 9.31);
- The attorney has been enrolled inactive because he or she has committed a disciplinary violation and has been enrolled inactive pursuant to the Alternative Discipline Program (Bus. & Prof. Code, § 6233); or
- The attorney has been placed on interim suspension pending finality of a conviction for a felony or misdemeanor involving moral turpitude (Bus. & Prof. Code, § 6102), resigns with disciplinary charges pending, or is suspended or disbarred by the Supreme Court.

Attorneys who are enrolled inactive, suspended, disbarred, or resign with disciplinary charges pending lose their right to practice law. (Bus. & Prof. Code, § 6125 et seq.) Therefore, it is imperative that clients, prospective clients, opposing counsel, and the courts receive clear notice that the licensee can no longer practice and cannot accept new cases.

When an attorney is enrolled inactive involuntarily for one of these reasons, suspended, disbarred, or resigned with disciplinary charges pending, a consumer alert will be posted stating that the attorney is not entitled to practice law and informing the consumer that the order or decision is available in the "Disciplinary and Related Actions" section at the bottom of a licensee's State Bar Profile page would be posted. This consumer alert would remain on the licensee's State Bar Profile page until a return to active status with the State Bar.

¹ Unlike the 2013 OCTC proposal to modify the consumer alert policy (attachment B), under this proposal, a consumer alert would not be posted merely because the State Bar has filed a petition with the superior court to assume jurisdiction over an attorney's caseload. Rather, the alert would be posted after the petition is granted by the superior court.

These consumer alerts will remain posted until such time as the attorney is reinstated to the practice of law, if ever. All consumer alerts must be removed upon the death of an attorney or former attorney.

Generally, a consumer alert would not apply to cases in which the attorney is enrolled inactive based on mental illness, mental disability, or substance dependency. (Bus. & Prof. Code, §§ 6007(a) & (b)(1) & (b)(3).) In these circumstances, a consumer alert is unnecessary because, in the experience of OCTC, attorneys who assert claims of being mentally incompetent, or have been determined to be unable to practice law due to a mental infirmity or substance dependency, commonly do not engage in the unauthorized practice of law.

A consumer alert would be authorized, however, when the superior court has been required to take over the law practice of a disabled attorney. (Bus. & Prof. Code, §§ 6190, 6007(b)(2).) In such situations, the consumer alert will assist the State Bar in notifying clients, courts, and opposing counsel that the State Bar is in the process of winding down the attorney's law practice

Court Comment

State Bar Court staff has reviewed this proposal and raised no objection to the language.

FISCAL/PERSONNEL IMPACT

Additional staff effort will be required to initiate, update, and remove the consumer alerts. Depending on the number of alerts issued, this may be significant. The new case management system may automate some portions of these efforts.

RULE AMENDMENTS

Board policy regarding Consumer Alerts.

BOARD BOOK AMENDMENTS

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: 2. Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system for the more than 250,000 lawyers licensed in California.

RECOMMENDATION

It is recommended that the Regulation and Discipline Committee approve the following resolution:

RESOLVED, that staff is authorized to make available, for public comment for a period of 45-days, proposed amendments to:
Board policy statements, as set forth in Attachment A; and it is

FURTHER RESOLVED, that this authorization for release for public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed amended Rules of Procedure or Board policy.

ATTACHMENT(S) LIST

- A.** Proposed Board policy re Posting of Consumer Alerts
- B.** July 2013 Proposal for Modification of Consumer Alert policy
- C.** November 2013 Withdrawal of Proposal for Modification of Consumer Alert policy
- D.** Current Licensee Profile Page Example (Full)
- E.** Current Licensee Profile Page Example (Visible Text With No Scrolling)
- F.** Potential Modified Licensee Profile Page Example (Full)
- G.** Potential Modified Licensee Profile Page Example (Visible Text With No Scrolling)
- H.** Example of Current Consumer Alert Placement and Format
- I.** Example of Proposed NDC Consumer Alert Placement and Format
- J.** Example of Proposed Threat of Harm Consumer Alert Placement and Format
- K.** Example of Proposed Discipline Consumer Alert Placement and Format
- L.** Example of Proposed Felony Consumer Alert Placement and Format
- M.** Example of Proposed Assumption Consumer Alert Placement and Format
- N.** Example of Proposed Involuntary Enrollment Consumer Alert Placement and Format
- O.** Example of Proposed Suspended Consumer Alert Placement and Format
- P.** Example of Proposed Disbarred Consumer Alert Placement and Format
- Q.** Example of Proposed Resigned with Charges Pending Consumer Alert Placement and Format

ATTACHMENT A (Proposed Board Policy re Posting of Consumer Alerts)

1. Filing of a Notice of Disciplinary Charges (NDC) and Substantial Threat-of-Harm Proceedings.

When disciplinary proceedings are commenced in State Bar Court or when OCTC files a petition alleging that the attorney should be placed on inactive status because he or she poses a substantial threat of harm to the public or clients, the State Bar will post one or both of the following Consumer Alerts above the attorney's name on the licensee's State Bar profile page:

"CONSUMER ALERT: Formal disciplinary proceedings are pending against this attorney. Pursuant to State Bar policy, a copy of the State Bar's Notice of Disciplinary Charges and the attorney's reply, if filed, will remain posted in the Disciplinary and Related Actions section, below, until the proceedings have been adjudicated. Upon the filing of a court decision or order adjudicating the proceedings, that court decision or order will be posted in place of the Notice of Disciplinary Charges and the reply."

and:

"DISCLAIMER: Any Notice of Disciplinary Charges filed by the State Bar contains only allegations of professional misconduct. The attorney is presumed to be innocent of any misconduct warranting discipline until the charges have been proven."

and/or:

"CONSUMER ALERT: A petition for inactive enrollment is pending alleging that this attorney represents a substantial threat of harm to the interests of the attorney's clients or the public. Upon the filing of a court decision or order adjudicating the proceedings, that court decision or order will be posted in the Disciplinary and Related Actions section, below. Anyone who believes they have been the victim of attorney misconduct is urged to file a complaint with the State Bar."

and:

"DISCLAIMER: Petitions for inactive enrollment contain only allegations of professional misconduct. The attorney is presumed to be innocent of the allegations unless the State Bar Court finds the attorney culpable by clear and convincing evidence."

2. Imposition of Discipline.

If, after a decision finding culpability or an order adjudicating the disciplinary proceeding is issued, the attorney is placed on probation or is issued a public reproof with conditions, the State Bar will post the following Consumer Alert above the attorney's name on the licensee's State Bar profile page:

"CONSUMER ALERT: This attorney has been placed on probation or been issued a reproof and ordered to comply with certain conditions. The decision(s) or order(s) are posted in the Disciplinary and Related Actions section, below. The State Bar posts consumer alerts online whenever attorneys are placed on

probation or issued a reproof with conditions. This alert will remain online until the attorney has completed any conditions of reproof or until the end of the term of probation. Anyone who believes they have been the victim of attorney misconduct is urged to file a complaint with the State Bar.”

The consumer alert will be removed from the licensee’s profile page posting when the period of probation is over or the conditions of reproof have been met.

3. Felony Charges

When the State Bar learns that an attorney has been charged in court with a felony, the State Bar will post the following Consumer Alert above the attorney’s name on the licensee’s State Bar profile page:

“CONSUMER ALERT: This attorney has been charged with a felony. For more information, contact the State Bar. The State Bar posts consumer alerts online when lawyers are charged in court with felonies. Anyone who believes they have been the victim of attorney misconduct is urged to file a complaint with the State Bar.

“DISCLAIMER: The filing of criminal charges does not constitute a finding of guilt or professional misconduct. Criminal defendants are presumed to be innocent until proven guilty in a court of law.”

This consumer alert will be removed from the licensee’s State Bar profile page: (1) upon verification of notice to the State Bar that the charges have been dismissed or reduction from a felony to a misdemeanor, or (2) upon the filing of a decision or order of the State Bar Court adjudicating a disciplinary proceeding based upon the facts underlying the felony prosecution.

4. Superior Court Assumptions of Law Practices.

When the superior court issues an order assuming jurisdiction over a law practice of lawyer or former lawyer (Bus. & Prof. Code, §§ 6180 et seq., 6190, et seq.), the State Bar will post the following Consumer Alert above the attorney’s name on the licensee’s State Bar profile page:

“CONSUMER ALERT: The superior court has assumed jurisdiction over this attorney’s former law practice and has appointed the State Bar to arrange for the return of client files, to notify parties and the courts, and to perform other related duties. Please contact the Office of Chief Trial Counsel if you have questions or concerns about this attorney’s former law practice. The State Bar posts consumer alerts online when the superior court assumes jurisdiction over an attorney’s or former attorney’s caseload. Anyone who believes they have been the victim of attorney misconduct is urged to file a complaint with the State Bar.”

This consumer alert text will be removed from the licensee’s State Bar profile page immediately after the superior court order is rescinded or ended.

5. Involuntary Inactive Enrollments.

When the State Bar places an attorney on inactive enrollment pursuant to Business and Professions Code sections 6007(c)(4)), 6007(d)), 6007(e)), 6203, or 6233, Family Code section 17520, or rule 9.31, California Rules of Court, is placed on interim suspension

pending the finality of a conviction for a felony or misdemeanor involving moral turpitude (Bus. & Prof. Code, § 6102), is suspended, disbarred, or resigned from the practice of law by the Supreme Court, the State Bar will post the following Consumer Alert above the attorney's name on the licensee's State Bar profile page:

"CONSUMER ALERT: The State Bar has placed this attorney on involuntary inactive status. As a result, the attorney is ineligible to practice law. The State Bar posts consumer alerts online in most instances when attorneys are placed on involuntary inactive status. The decision(s) or order(s) are posted in the Disciplinary and Related Actions section, below. Anyone who believes they have been the victim of attorney misconduct is urged to file a complaint with the State Bar."

or

"CONSUMER ALERT: This attorney is suspended from the practice of law. As a result, the attorney is ineligible to practice law. The State Bar posts consumer alerts online when attorneys are suspended from practice. The decision(s) or order(s) are posted in the Disciplinary and Related Actions section, below. Anyone who believes they have been the victim of attorney misconduct is urged to file a complaint with the State Bar."

or

"CONSUMER ALERT: This attorney is disbarred from the practice of law. As a result, the attorney is ineligible to practice law. The State Bar posts consumer alerts online when attorneys are disbarred. The decision(s) or order(s) are posted in the Disciplinary and Related Actions section, below. Anyone who believes they have been the victim of attorney misconduct is urged to file a complaint with the State Bar."

or

"CONSUMER ALERT: This attorney has resigned from the practice of law with disciplinary charges pending. As a result, the attorney is ineligible to practice law. The State Bar posts consumer alerts online when attorneys resign with disciplinary charges pending. The decision(s) or order(s) are posted in the Disciplinary and Related Actions section, below. Anyone who believes they have been the victim of attorney misconduct is urged to file a complaint with the State Bar."

These consumer alerts will remain posted until such time as the attorney is reinstated to the practice of law, if ever. All consumer alerts must be removed upon the death of an attorney or former attorney.

AGENDA ITEM

DATE: July 5, 2013

TO: Members, Regulation, Admissions and Discipline Oversight
Members, Board of Trustees

FROM: Jayne Kim, Chief Trial Counsel

SUBJECT: Modification of Board Policy Regarding Posting of Consumer Alerts – Request for Release for Public Comment

EXECUTIVE SUMMARY

The State Bar's existing policy authorizes the posting of a Consumer Alert on a member's State Bar online profile page under two circumstances: (1) where the State Bar has filed a notice of disciplinary charges ("NDC") or petition for involuntary inactive enrollment, pursuant to Business and Professions Code section 6007(c), alleging either a misappropriation of \$25,000 or more of client funds and (2) where the State Bar has filed a NDC or petition for involuntary inactive enrollment, pursuant to Business and Professions Code section 6007(c), alleging 15 or more cases of loan modification misconduct. Under the existing policy, the Consumer Alert, informational text and disclaimer is removed from the member's profile page immediately upon the filing of a decision or order of the State Bar Court adjudicating the disciplinary proceeding, which is subsequently posted on the member's State Bar online profile page.

This agenda item seeks modification of the State Bar's existing policy to authorize the posting of a Consumer Alert: (1) where the NDC or petition for involuntary enrollment alleges any misappropriation of \$25,000 or more (i.e. not limited to theft of client funds); (2) where the NDC or petition for involuntary enrollment alleges 15 or more cases of professional misconduct (i.e. not limited to loan modification misconduct); and (3) where the State Bar has filed an application seeking superior court assumption of an attorney's law practice, pursuant to Business and Professions Code section 6180 *et. seq.* or 6190 *et. seq.* The agenda item further seeks authorization to keep the Consumer Alert on the member's State Bar online profile page where the State Bar Court finds the member culpable of professional misconduct or grants the State Bar's petition for involuntary inactive enrollment or where the superior court grants the State Bar's application for court assumption of the member's law practice.

BACKGROUND

In July 2008, upon recommendation by the Board Committee on Regulation, Admissions and Discipline Oversight (“RAD”), the Board of Trustees of the State Bar of California, formerly the Board of Governors (“Board”) first approved and adopted the State Bar’s policy of posting public NDCs on the attorney profile page of the State Bar’s website. In March 2013, the Board of Trustees approved modification authorizing the more immediate posting of NDCs upon public filing of the NDC in State Bar Court.

Pursuant to existing policy, the State Bar posts both the NDC and responsive pleading (if filed) on an attorney’s profile page where they remain until the State Bar Court files and posts a decision or order adjudicating the proceedings. Where the State Bar Court’s decision or order includes a finding of professional misconduct, the initial and responsive pleadings are removed from the profile page and replaced with the State Bar Court’s decision or order. Where the State Bar Court dismisses the proceedings without any finding of professional misconduct, its decision or order is posted and remains on the profile page for a period of 60 days, along with the initial and responsive pleadings, unless the attorney requests earlier removal of those documents. Whenever the State Bar posts a NDC, it also provides notice to the public that the attorney is presumed innocent of the allegations in a NDC unless and until State Bar Court files a decision or order approving a stipulated disposition, finding that one or more charges of misconduct have been established by clear and convincing evidence.

In May 2011, upon recommendation by RAD, the Board approved the State Bar’s existing policy authorizing the posting of a Consumer Alert where the State Bar filed formal charges alleging misappropriation of client funds in the amount of \$25,000 or more. In July 2011, upon recommendation by RAD, the Board approved expanding the use of Consumer Alerts by authorizing the posting of a Consumer Alert where the State Bar filed 15 or more cases involving allegations of loan modification misconduct. In both instances, the Board determined that public allegations of major misappropriation and filing of multiple loan modification cases warranted stronger public protection measures than provided by the mere posting of NDCs.

Under the existing Consumer Alert policies, the State Bar removes the Consumer Alert, informational text and disclaimer from the attorney profile page immediately upon the filing of a decision or order of the State Bar Court adjudicating the disciplinary proceeding. The State Bar Court decision or order is posted online and the NDC and responsive pleading are removed as described above.

In May 2013, consistent with the State Bar’s primary mission to protect the public from unethical attorneys, the Office of Chief Trial Counsel (“OCTC) sought Board approval to expand the State Bar’s Consumer Alert policy and allow the posting of a Consumer Alert after any public filing of formal charges in State Bar Court alleging professional misconduct by an attorney. OCTC also sought expansion and approval to post a Consumer Alert after public filing of an application for assumption of an attorney’s law practice in superior court. Pursuant to RAD discussion, which included

consideration of public comment, the agenda item was continued for further consideration.

ISSUE

Whether RAD should authorize circulation of the proposed modification to the State Bar's Policy Re Posting of Consumer Alerts, hereto attached as Attachment A, for a 60-day period of public comment.

CONCLUSION

RAD should authorize staff to circulate the proposed Modification to the State Bar's Policy Re Posting of Consumer Alerts, hereto attached as Attachment A, for a 60-day period of public comment.

DISCUSSION

Consistent with its mission to protect the public, in 2008 and 2011, the Board authorized the posting of NDCs and certain Consumer Alerts on the State Bar's online attorney profile pages. In addition, in 2011, the California Legislature statutorily mandated renewed focus on public protection by enacting Business and Professions Code section 6001.1, which states as follows:

Protection of the public shall be the highest priority for the State Bar of California and the board of trustees in exercising their licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

Although prior Board action has allowed greater and more immediate public access to the State Bar's public records and proceedings, OCTC has identified certain gaps in the existing Consumer Alert policy, as follows:

- The existing policy limits Consumer Alerts to misappropriation allegations involving only client funds. The policy does not contemplate misappropriation allegations involving other types of entrusted funds.
- The existing policy limits Consumer Alerts to allegations involving multiple cases (15 cases or more) only if the attorney's practice area involved loan modification misconduct. The policy does not contemplate multiple case allegations involving other practice areas.
- The existing policy provides no notification to the public where the State Bar has initiated proceedings before the superior court to assume jurisdiction over an attorney's law practice.
- The existing policy requires the State Bar to remove the Consumer Alerts after the State Bar Court has found the attorney culpable of professional misconduct.

For these reasons, OCTC requests authorization to release for public comment the proposed modification of the State Bar's Consumer Alert policy, as provided in Attachment A. The proposed modification is not only harmonious with prior Board action but will further the State Bar's primary mission to protect the public.

Current Policy for Major Misappropriation Cases

The existing policy limits the use of Consumer Alerts to formal charges involving the misappropriation of client funds, requiring that the attorney's misconduct occur during the practice of law. The California Supreme Court and State Bar Court, however, have long recognized that a licensed California attorney must adhere to his fiduciary duties regardless of whether he is performing during the practice of law. "An attorney who accepts the responsibility of a fiduciary nature is held to the high standards of the legal profession whether or not he acts in his capacity of an attorney. (*Worth v. State Bar* (1976) 17 Cal.3d 337, 341; see also *Ridge v. State Bar* (1989) 47 Cal.3d 952, 961.)

California attorneys may be disciplined for misappropriating entrusted funds, not limited to funds held in trust for a client. The existing limitation of the State Bar's Consumer Alert policy, therefore, should be modified to authorize the posting of a Consumer Alert where the State Bar has filed allegations involving the misappropriation of \$25,000 or more of entrusted funds.

The existing policy – limited to cases involving the misappropriation of client funds – is as follows:

1. Contemporaneously with posting online a notice of disciplinary charges which includes a charge of misappropriation involving \$25,000 or more of client funds, whether as a single charge or an aggregate of charges, the State Bar posts a Consumer Alert above the respondent member's name, including informational text and disclaimer, on the member's profile page.

2. Upon the filing of a decision or order of the State Bar Court adjudicating the disciplinary proceeding, the Consumer Alert, informational text and disclaimer is removed from the member's profile page immediately.

3. The State Bar Court posts a true and correct copy of a petition filed pursuant to Business & Professions Code section 6007(c)[threat of harm] to enroll a member involuntarily inactive on the respondent member's profile page when the verified application upon which the petition is based relies on, in whole or part, misappropriation of client funds involving \$25,000 or more, whether as a single charge or an aggregate of charges, and a true and correct copy of any response.

4. Contemporaneously with the posting of a filed petition under Business and Professions Code section 6007(c), which meets the criteria set forth in paragraph number 3 above, the State Bar posts a Consumer Alert above the member's name, including informational text and disclaimer. That text is modified to relate to the filing of

a petition rather than a notice of disciplinary charges on the respondent's member profile page.

5. Upon the filing of a decision or order of the State Bar Court adjudicating the Business & Professions Code section 6007(c) petition, the Consumer Alert, informational text and disclaimer is removed from the member's profile page immediately.

Current Policy for Loan Modification Cases

The existing policy limits the use of Consumer Alerts to formal charges involving 15 or more cases alleging loan modification misconduct. The Board approved this policy in 2011, after the State Bar experienced an increase of complaints against attorneys suspected of engaging in loan modification misconduct. In adopting the existing policy, the Board recognized that lawyers engaged in multiple cases of professional misconduct are not only a danger to the public but also put significant strain on the discipline system and the Client Security Fund.

As detailed in the July 122 Agenda Item to RAD, State Bar investigations revealed a variety of schemes involving attorneys engaged in loan modification misconduct and demonstrated that attorneys involved in fraudulent schemes often accumulate a multitude of complaints involving similar acts of misconduct. In developing the criteria for this Consumer Alert policy, the Board considered that a monetary threshold was less meaningful than the volume of complaints. Loan modification outfits often charged nominal fees or fees under \$5,000 and used a business model involving mass scale advertisement and call center solicitation.

Fraudulent schemes, however, continue to morph and develop over time and the same public protection concerns exist where the State Bar has filed formal charges against an attorney in multiple cases regardless of whether that attorney performed loan modification, immigration, criminal defense, bankruptcy, debt consolidation, or other legal services. The existing limitation of the State Bar's Consumer Alert policy, therefore, should be modified to authorize the posting of a Consumer Alert where the State Bar has filed allegations involving 15 or more cases of professional misconduct against an attorney.

The existing policy – limited to cases involving the loan modification misconduct – is as follows:

1. Contemporaneously with posting online a notice of disciplinary charges that includes 15 or more cases of loan modification misconduct, the State Bar posts a Consumer Alert above the respondent member's name, including informational text and disclaimer, on the member's profile page.

2. Upon the filing of a decision or order of the State Bar Court adjudicating the disciplinary proceeding, the Consumer Alert, informational text and disclaimer is removed from the member's profile page immediately.

3. The State Bar Court posts a true and correct copy of a petition filed pursuant to Business and Professions Code section 6007(c)[threat of harm] to enroll a member involuntarily inactive on the member's profile page when the verified application upon which the petition is based relies on, in whole or part, loan modification misconduct, and a true and correct copy of any response.

4. Upon the posting of a State Bar Court decision or order adjudicating the petition, assuming that the petition is granted, the petition and response are removed from the website. In the event of denial of petition or dismissal of the proceeding, the decision or order is posted but the petition and response also remain posted for a period of 60 days, after which all three items relating to the proceeding (petition, response if any, and decision or order) are removed from the member's page.

5. Contemporaneously with the posting of a filed petition under Business & Professions Code section 6007(c), which meets the criteria set forth in paragraph number 3 above, the State Bar posts a Consumer Alert above the member's name, including informational text and disclaimer. That text is modified to relate to the filing of a petition rather than a notice of disciplinary charges on the member's profile page.

6. Upon the filing of a decision or order of the State Bar Court adjudicating the Business & Professions Code section 6007(c) petition, the Consumer Alert, informational text and disclaimer is removed from the member's profile page immediately.

Current Lack of Policy Re Assumption of a Law Practice

The current policy fails to contemplate public proceedings initiated by the State Bar in superior court, pursuant to Business and Professions Code sections 6180 and 6190, wherein the State Bar has made an application to the superior court for assumption by the court of jurisdiction over the law practice of a license California attorney. Although section 6180 and 6190 proceedings do not always involve related disciplinary proceedings, alerting consumers of these public proceedings serves an important public protection purpose.

Pursuant to Business and Professions Code section 6180 *et seq.*, the State Bar will file an application seeking court assumption of a law practice where an attorney has died, resigned, become inactive, been disbarred or suspended and has either left an unfinished client matter for which no other active member has agreed to assume with consent of the client or there is a belief that the interests of one of more clients or interested persons will be prejudiced if the proceeding is not maintained.

Pursuant to Business and Professions Code section 6190 *et seq.*, the State Bar will file an application seeking court assumption of a law practice where an attorney has, for any reason, become incapable of devoting the time and attention to, and providing the quality of service for, his or her law practice which is necessary to protect the interest of a client if there is an unfinished matter for which no other active member has agreed to assume responsibility with the consent of the client.

The current policy should be modified to authorize the posting of a Consumer Alert where the State Bar has initiated public proceedings in superior court, whether pursuant to Business and Professions Code sections 6180 *et seq.* or 6190 *et seq.* Currently, there is no public notice available on the State Bar's website where the State Bar has initiated such proceedings seeking superior court assumption of the attorney's law practice.

Current Policy Re Removal of Consumer Alert

The existing policy requires the State Bar to remove the Consumer Alert, informational text and disclaimer from the attorney's profile page upon the filing of a decision or order of the State Bar Court adjudicating the proceedings – even if the State Bar Court has found the attorney culpable of professional conduct or grants the State Bar's petition, pursuant to Business and Professions Code section 6007c. In such cases, the State Bar posts the State Bar Court decision or order on the attorney's profile page when it removes the Consumer Alert.

Given the purpose of a Consumer Alert – to provide heightened public protection measures based upon the seriousness of the alleged misconduct – the State Bar should maintain a Consumer Alert on the attorney's profile page where the State Bar Court files a decision or order finding the attorney culpable of professional conduct or grants the State Bar's petition, pursuant to Business and Professions Code section 6007c.

Consistent with the purpose of providing Consumer Alerts to the public, the existing policy should be further modified to allow posting of a Consumer Alert in any disciplinary proceeding where the State Bar Court has found the attorney culpable of professional misconduct, grants the State Bar's petition, pursuant to Business and Professions Code section 6007c, not limited to those cases involving major misappropriation or consolidated matters of 15 or more cases, or when the superior court grants the State Bar's application under Business and Professions Code sections 6180 or 6190 to assume jurisdiction of a law practice.

Current Consumer Alert Language

The Consumer Alert language for both major misappropriation and loan modification cases is similar and, generally, as follows:

CONSUMER ALERT: The State Bar of California has filed disciplinary charges against this attorney alleging 15 or more cases of loan

modification misconduct. Loan modification misconduct is a serious disciplinary offense prosecuted by the State Bar.

DISCLAIMER: Any Notice of Disciplinary Charges filed by the State Bar contains only allegations of professional misconduct. The attorney is presumed to be innocent of any misconduct warranting discipline until the charges have been proven.

The first hyperlink (shown as underlined text above) would link to the Disciplinary and Related Actions section of a member's profile page. The second hyperlink would open a "pop up" to provide a brief explanation of loan modification misconduct by attorneys generally. Consumer Alerts for major misappropriation cases would contain a hyperlink "pop up" regarding misappropriation misconduct.

Proposed Consumer Alert Language

For consistency and efficiency, the proposed modification to the State Bar's Consumer Alert policy provides for a more uniform approach to the posting of Consumer Alerts. The hyperlinks (shown as underlined text below) would link to the posted documents in the Disciplinary and Related Actions section of a member's profile page.

Disciplinary Proceedings

Contemporaneously with the posting of a NDC or petition pursuant to Business and Professions Code section 6007, involving the alleged misappropriation of \$25,000 or more or involving 15 or more disciplinary proceedings, the Consumer Alert should state as follows:

CONSUMER ALERT: The State Bar of California has filed formal proceedings against this attorney. Pursuant to State Bar policy, a copy of the State Bar's initiating document and the attorney's response, if filed, will remain posted in the Disciplinary and Related Actions section below until the proceedings have been adjudicated. Upon the filing of a court order or decision adjudicating the proceedings, that court order or decision will be posted in place of the initiating and responsive pleadings.

DISCLAIMER: Any Notice of Disciplinary Charges or petition, pursuant to Business and Professions Code section 6007c, filed by the State Bar contains only allegations of professional misconduct. The attorney is presumed to be innocent of the allegations unless the State Bar Court finds the attorney culpable or grants the State Bar's petition.

Contemporaneously with the posting of a public order or decision by the State Bar Court finding an attorney culpable of any professional misconduct or granting a petition, pursuant to Business and Professions Code section 6007c, a Consumer Alert should be posted to state as follows:

CONSUMER ALERT: The State Bar Court has filed an order or decision finding the attorney culpable of professional misconduct or granting the State Bar's petition, pursuant Business and Professions Code section 6007c.

This Consumer Alert based upon public court order or decision is not limited to misappropriation or consolidated cases and would replace any earlier Consumer Alert posted based upon the filing of such allegations.

Superior Court Proceedings

Contemporaneously with the posting of an application for assumption of an attorney's law practice, pursuant to Business and Professions Code section 6180 *et. seq.*, the Consumer Alert should state as follows:

CONSUMER ALERT: The State Bar of California has initiated formal proceedings in superior court alleging that this attorney has died, resigned, become inactive, been disbarred or suspended and has either left an unfinished client matter for which no other active member has agreed to assume responsibility with consent of the client or there is a belief that the interests of one of more clients or interested persons will be prejudiced if the proceeding is not maintained.

Any application filed by the State Bar, pursuant to Business and Professions Code section 6180 *et. seq.*, contains only allegations that superior court assumption of the attorney's law practice is warranted. Pursuant to State Bar policy, a copy of the State Bar's initiating document and the attorney's response, if filed, will remain posted in the Disciplinary and Related Actions section below until the proceedings have been adjudicated. Upon the filing of a court order or decision adjudicating the proceedings, that court order or decision will be posted in place of the initiating and responsive pleadings.

Contemporaneously with the posting of an order or decision by the Superior Court granting the State Bar's application to assume jurisdiction of an attorney's law practice, the Consumer Alert should be replaced with language as follows:

CONSUMER ALERT: The Superior Court has filed an order or decision assuming jurisdiction of the attorney's law practice, pursuant to Business and Professions Code section 6180 *et. seq.* If you have questions related to this law practice, please contact the State Bar's Complaint Hotline 1-800-842-9053.

Contemporaneously with the posting of an application for assumption of an attorney's law practice, pursuant to Business and Professions Code section 6190 *et. seq.*, the Consumer Alert should state as follows:

CONSUMER ALERT: The State Bar of California has initiated formal proceedings in superior court alleging that this attorney has become incapable of devoting the time and attention to, and providing the quality of service for, the attorney's law practice which is necessary to protect the interest of a client if there is an unfinished matter for which no other active member has agreed to assume responsibility with the consent of the client.

Any application filed by the State Bar, pursuant to Business and Professions Code section 6190 *et. seq.*, contains only allegations that superior court assumption of the attorney's law practice is warranted. Pursuant to State Bar policy, a copy of the State Bar's initiating document and the attorney's response, if filed, will remain posted in the Disciplinary and Related Actions section below until the proceedings have been adjudicated. Upon the filing of a court order or decision adjudicating the proceedings, that court order or decision will be posted in place of the initiating and responsive pleadings.

Contemporaneously with the posting of an order or decision by the Superior Court granting the State Bar's application to assume jurisdiction of an attorney's law practice, the Consumer Alert should be replaced with language as follows:

CONSUMER ALERT: The Superior Court has filed an order or decision assuming jurisdiction of the attorney's law practice, pursuant to Business and Professions Code section 6190 *et. seq.* If you have questions related to this law practice, please contact the State Bar's Complaint Hotline 1-800-842-9053.

FISCAL / PERSONNEL IMPACT:

None.

RULE AMENDMENTS:

None.

BOARD BOOK IMPACT:

None.

RECOMMENDATION

OCTC recommends that RAD authorize staff to circulate, for a 60-day period of public comment, the proposed modification to the State Bar's policy regarding the posting of consumer alerts on the State Bar's website, as set forth herein in Attachment A.

PROPOSED BOARD COMMITTEE RESOLUTION:

Should the Regulation, Admissions and Discipline Oversight Committee agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, that the Regulation, Admissions and Discipline Oversight Committee authorize staff to make available, for public comment period of 60 days, the proposed modification to the State Bar's policy regarding the posting of consumer alerts on the State Bar's website, as set forth herein in Attachment A.

FURTHER RESOLVED, that this authorization for release from public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed item.

ATTACHMENT A

[PROPOSED] STATE BAR POLICY REGARDING POSTING OF CONSUMER ALERTS

The State Bar shall post a Consumer Alert on an attorney's online State Bar profile page where the State Bar has initiated proceedings in superior court seeking the assumption of an attorney's law practice or where the State Bar has initiated proceedings in State Bar Court involving either allegations of misappropriation in the amount of \$25,000 or more – whether as a single charge or an aggregate of charges – or allegations of professional misconduct in 15 or more cases.

Where the State Bar has initiated proceedings in State Bar Court, as described above, the State Bar shall post a Consumer Alert as follows:

1. Contemporaneously with the online posting of a filed Notice of Disciplinary Charges (“NDC”) or filed petition under Business and Professions Code section 6007(c), the State Bar will post a Consumer Alert above the respondent member's name, which shall include the following informational text and disclaimer language:

CONSUMER ALERT: The State Bar of California has filed formal proceedings against this attorney. Pursuant to State Bar policy, a copy of the State Bar's initiating document and the attorney's response, if filed, will remain posted in the Disciplinary and Related Actions section below until the proceedings have been adjudicated. Upon the filing of a court decision or order adjudicating the proceedings, that court decision or order will be posted in place of the initiating and responsive pleadings.

DISCLAIMER: Any Notice of Disciplinary Charges or petition, pursuant to Business and Professions Code section 6007c, filed by the State Bar contains only allegations of professional misconduct. The attorney is presumed to be innocent of the allegations unless the State Bar Court finds the attorney culpable or grants the State Bar's petition.

2. Contemporaneously with the online posting of any filed court decision or order finding the attorney culpable of one or more acts of professional misconduct as alleged or granting the State Bar's petition under Business and Professions Code section 6007(c), the State Bar will post a Consumer Alert above the respondent member's name, which shall include the following informational text and disclaimer language and, if applicable, replace the pre-existing Consumer Alert notifying the public about the filing of allegations against the attorney:

CONSUMER ALERT: The State Bar Court has filed an order or decision finding the attorney culpable of professional misconduct or granting the State Bar's petition, pursuant Business and Professions Code section 6007c.

3. Contemporaneously with the online posting of a filed court decision or order dismissing the proceedings in its entirety, the State Bar shall immediately remove any posted Consumer Alert, informational text and disclaimer from the member's profile page.

Where the State Bar has initiated proceedings in Superior Court, pursuant to Business and Professions Code section 6180 *et. seq.* , the State Bar shall post a Consumer Alert as follows:

4. Contemporaneously with the online posting of a filed application under Business and Professions Code section 6180 *et. seq.*, the State Bar will post a Consumer Alert above the respondent member's name, which shall include the following informational text and disclaimer language:

CONSUMER ALERT: The State Bar of California has initiated formal proceedings in superior court alleging that this attorney has died, resigned, become inactive, been disbarred or suspended and has either left an unfinished client matter for which no other active member has agreed to assume responsibility with consent of the client or there is a belief that the interests of one of more clients or interested persons will be prejudiced if the proceeding is not maintained.

Any application filed by the State Bar, pursuant to Business and Professions Code section 6180 *et. seq.*, contains only allegations that superior court assumption of the attorney's law practice is warranted. Pursuant to State Bar policy, a copy of the State Bar's initiating document and the attorney's response, if filed, will remain posted in the Disciplinary and Related Actions section below until the proceedings have been adjudicated. Upon the filing of a court order or decision adjudicating the proceedings, that court order or decision will be posted in place of the initiating and responsive pleadings.

5. Contemporaneously with the online posting of a filed superior court decision or order granting the State Bar's application under Business and Professions Code section 6180 *et. seq.*, the State Bar will remove the online posting of the initiating document and any response filed by the attorney and shall replace the Consumer Alert language with the following: .

CONSUMER ALERT: The Superior Court has filed an order or decision assuming jurisdiction of the attorney's law practice, pursuant to Business and Professions Code section 6180 *et. seq.* If you have questions related to this law practice, please contact the State Bar's Complaint Hotline 1-800-842-9053.

6. Contemporaneously with the posting of an application for assumption of an attorney's law practice, pursuant to Business and Professions Code section 6190 *et. seq.*, the Consumer Alert should state as follows:

CONSUMER ALERT: The State Bar of California has initiated formal proceedings in superior court alleging that this attorney has become incapable of devoting the time and attention to, and providing the quality of service for, the attorney's law practice which is necessary to protect the interest of a client if there is an unfinished matter for which no other active member has agreed to assume responsibility with the consent of the client.

Any application filed by the State Bar, pursuant to Business and Professions Code section 6190 *et. seq.*, contains only allegations that superior court assumption of the attorney's law practice is warranted. Pursuant to State Bar policy, a copy of the State Bar's initiating document and the attorney's response, if filed, will remain posted in the Disciplinary and Related Actions section below until the proceedings have been adjudicated. Upon the filing of a court order or decision adjudicating the proceedings, that court order or decision will be posted in place of the initiating and responsive pleadings.

7. Contemporaneously with the posting of an order or decision by the Superior Court granting the State Bar's application to assume jurisdiction of an attorney's law practice, the Consumer Alert should be replaced with language as follows:

CONSUMER ALERT: The Superior Court has filed an order or decision assuming jurisdiction of the attorney's law practice, pursuant to Business and Professions Code section 6190 *et. seq.* If you have questions related to this law practice, please contact the State Bar's Complaint Hotline 1-800-842-9053.

8. Contemporaneously with the online posting of a filed court order terminating section 6180 *et seq.* or 6190 *et. seq.* proceedings, the State Bar shall immediately remove the Consumer Alert, informational text and disclaimer from the member's profile page.

9. This policy is intended to replace any previous policy regarding the posting of consumer alerts on the State Bar's website and is consistent with the State Bar's policy regarding the online posting of NDCs and other initiating documents.

AGENDA ITEM

Modification of Board Policy Regarding Posting of Consumer Alerts: Return from Public Comment

DATE: October 25, 2013

TO: Members, Regulation, Admissions and Discipline Oversight

FROM: Jayne Kim, Chief Trial Counsel

SUBJECT: Acceptance of Public Comment Re Modification of Board Policy Regarding Posting of Consumer Alerts

EXECUTIVE SUMMARY

At its July 2013 meeting, the Committee on Regulation, Admissions and Discipline Oversight (“RAD”) approved circulation of the proposed modification of Board Policy Regarding Posting of Consumer Alerts, for a 60-day period of public comment. The Office of Chief Trial Counsel (“OCTC”) received one public comment during the 60-day public comment period and recommends that RAD accept public comment and take no further action at this time.

BACKGROUND

In July 2008, upon recommendation of RAD, the Board of Trustees of the State Bar of California, formerly the Board of Governors (“Board”) first approved and adopted a State Bar policy of posting public Notice of Disciplinary Charges (“NDCs”) on the attorney profile page of the State Bar’s website.

In May 2011, upon recommendation of RAD, the Board approved the State Bar’s existing policy authorizing the posting of a Consumer Alert where the State Bar filed formal charges alleging misappropriation of client funds in the amount of \$25,000 or more.

In July 2011, upon recommendation of RAD, the Board approved expanding the use of Consumer Alerts by authorizing the posting of a Consumer Alert where the State Bar filed 15 or more cases involving allegations of loan modification misconduct. In both instances, the Board determined that public allegations of major misappropriation and filing of multiple loan modification cases warranted stronger public protection measures than provided by the mere posting of NDCs.

Under the existing Consumer Alert policies, the State Bar removes the Consumer Alert, informational text and disclaimer from the attorney profile page immediately upon the filing of a decision or order of the State Bar Court adjudicating the disciplinary proceeding. The State Bar Court decision or order is posted online and the NDC and responsive pleading are removed.

In May 2013, consistent with the State Bar's primary mission to protect the public from unethical attorneys, the Office of Chief Trial Counsel ("OCTC") sought Board approval to expand the State Bar's Consumer Alert policy and allow the posting of a Consumer Alert after any public filing of formal charges in State Bar Court alleging professional misconduct by an attorney. OCTC also sought expansion and approval to post a Consumer Alert after public filing of an application for assumption of an attorney's law practice in superior court. Pursuant to RAD discussion, which included consideration of public comment, the agenda item was continued for further consideration.

In July 2013, RAD authorized the release, for public comment, of a proposed modification of Board policy to authorize the posting of a Consumer Alert: (1) where the NDC or petition for involuntary enrollment alleges any misappropriation of \$25,000 or more (i.e. not limited to theft of client funds); (2) where the NDC or petition for involuntary enrollment alleges 15 or more cases of professional misconduct (i.e. not limited to loan modification misconduct); and (3) where the State Bar has filed an application seeking superior court assumption of an attorney's law practice, pursuant to Business and Professions Code section 6180 *et. seq.* or 6190 *et. seq.* The proposed modification also sought authorization to keep the Consumer Alert on the member's State Bar online profile page where the State Bar Court finds the member culpable of professional misconduct or grants the State Bar's petition for involuntary inactive enrollment or where the superior court grants the State Bar's application for court assumption of the member's law practice.

The Committee's discussion during the July meeting suggested that the State Bar, in addition to completing the public comment period, further contemplate the proposed modification, including clarification of the Consumer Alert language where the State Bar has filed an application regarding the assumption of an attorney's law practice due to death, pursuant to Business and Professions Code section 6180 *et. seq.*, and to consider whether to remove Consumer Alerts upon completion of probation, return to active status or an otherwise defined period of time.

PUBLIC COMMENT

The only public comment received during the 60-day public comment period was from Michael Wine, President of the Association of Discipline Defense Counsel, in opposition to the proposed modification. A copy of the text of this comment is hereto attached as Attachment A.

In sum, Mr. Wine argues the following:

- The Consumer Alert policy destroys an attorney's practice without having to prove disciplinary charges and references a case recently dismissed by the Hearing Department after trial, which OCTC has appealed.
- The term "Consumer Alert" means that the attorney is a threat to the public and, therefore, should apply solely where the factual basis demonstrates a threat to the public.
- Clarification is needed regarding whether 15 counts or 15 complaints/cases would trigger a Consumer Alert.
- Consumer Alerts should be removed upon completion of reprobation conditions, probation or upon return to active status.

RESPONSE TO PUBLIC COMMENT

Although only one public comment was received during this public comment period, the State Bar recommends that RAD accept public comment and take no action at this time.

OCTC and the State Bar Court are currently in the process of moving towards new case management systems. Selection and configuration of the State Bar Court's new case management, in particular, may significantly change what public information will be readily accessible through the State Bar website. This, in turn, may impact the scope and design of the State Bar's Consumer Alert policy. Both the proposed change to post a Consumer Alert after culpability finding by the State Bar Court and the proposed suggestion to remove Consumer Alerts upon completion of probation, return to active status or other defined time triggered by court order, for example, would require State Bar Court action. Under a new case management system, such court action could become more readily available to the public and change the State Bar's needed scope for a Consumer Alert.

OCTC also provides the following information in response to Mr. Wine's public comment:

- As of September 2013, the percentage of filed cases that resulted in dismissal this year was 1%. In other words, 99% of the Hearing Department decisions and orders filed this year have resulted in culpability or other favorable findings for OCTC.¹ OCTC notes that this calculation does not take into account the last quarter of 2013, so the percentage may change by year's end.

¹ To avoid concerns of self-reporting, OCTC asked the State Bar Court to provide data regarding court dismissal of cases. According to that data, from January 1 through September 24, 2013, there were eight (8) dismissals out of 821 filed Hearing Department decisions and orders (266 decisions and 555 other dispositions).

- OCTC submits that the public has an important interest in knowing whether the State Bar has filed formal disciplinary charges against an attorney. A Consumer Alert is utilized only upon public filing of formal charges and does not replace the posting of a NDC and responsive pleading. Any inquiring member of the public may review the filed allegations and the attorney's response to weigh the seriousness of the allegations or to make other informed decisions. A Consumer Alert notifies the public that formal charges have been filed and the public is entitled to that information.
- The current Consumer Alert policy authorizes the posting of a Consumer Alert when the State Bar files loan modification charges involving 15 or more cases (not merely 15 or more counts/allegations). The proposed modification to expand the 15-case threshold was based upon the same requirement – a requisite filing of 15 or more consolidated cases.

In sum, OCTC recommends that RAD accept public comment and take no further action at this time to allow completion of the OCTC and State Bar Court case management system initiatives. Both OCTC and State Bar Court provide regular reports to RAD, which shall include updates on the respective case management systems. When the State Bar is ready to re-propose changes to the Consumer Alert policy, it will bring the agenda item back before RAD and seek another public comment period for any proposed recommendation.

FISCAL / PERSONNEL IMPACT:

None.

RULE AMENDMENTS:

None.

BOARD BOOK IMPACT:

None.

RECOMMENDATION

OCTC recommends that the RAD accept public comment and take no further action at this time.

PROPOSED BOARD COMMITTEE RESOLUTION:

Should the Regulation, Admissions and Discipline Oversight Committee agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, that the Regulation, Admissions and Discipline Oversight Committee accepts public comment in response to the proposed Modification to Board Policy Regarding Posting of Consumer Alerts.

ATTACHMENT D (Example of Current Licensee Profile Page)

The State Bar of California
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[Finding the Right Lawyer](#)
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[Problem with a Lawyer](#)

Attorney Search

Current Status: Not eligible to practice law (Not Entitled)
 See below for more details.

Profile Information
 The following information is from the official records of The State Bar of California.

Bar Number: [REDACTED]	Phone Number: [REDACTED]
Address: [REDACTED]	Fax Number: [REDACTED]
Email: [REDACTED]	
County: [REDACTED]	Undergraduate School: [REDACTED]
District: [REDACTED]	
CLA Sections: [REDACTED]	Law School: [REDACTED]

California Lawyers Association (CLA) is an independent organization and is not part of The State Bar of California.

Status History

Effective Date	Status Change
Present	Not Eligible To Practice Law in CA
12/8/2017	Not Eligible To Practice Law in CA
5/3/2017	Active
4/24/2017	Not Eligible To Practice Law in CA
6/23/1978	Admitted to The State Bar of California

Explanation of licensee status

Actions Affecting Eligibility to Practice Law in California

Disciplinary and Related Actions

Effective Date	Description	Case Number	Resulting Status
12/8/2017	Discipline w/actual suspension	[REDACTED]	Not Eligible To Practice Law in CA
4/24/2017	Suspended, failed to pass Prof. Resp Exam	[REDACTED]	Not Eligible To Practice Law in CA
3/18/2016	Discipline, probation, no actual susp.	[REDACTED]	

Overview of the attorney discipline system.

Administrative Actions

This member has no public record of administrative actions.

Copies of official attorney discipline records are available upon request.
 Explanation of common actions.

State Bar Court Cases

NOTE: The State Bar Court began posting public discipline documents online in 2005. The format and pagination of documents posted on this site may vary from the originals in the case file as a result of their translation from the original format into Word and PDF. Copies of additional related documents in a case are available upon request. Only opinions designated for publication in the State Bar Court Reporter may be cited or relied on as precedent in State Bar Court proceedings. For further information about a case that is displayed here, please refer to the State Bar Court's online docket, which can be found at: <http://wps.statebarcourt.ca.gov/dockets.aspx>

DISCLAIMER: Any posted Notice of Disciplinary Charges, Conviction Transmittal or other initiating document, contains only allegations of professional misconduct. The attorney is presumed to be innocent of any misconduct warranting discipline until the charges have been proven.

Effective Date	Case Number	Description
12/8/2017	[REDACTED]	Stipulation [PDF]
5/3/2017	[REDACTED]	Order Terminating Suspension [PDF]
4/24/2017	[REDACTED]	MPRE Suspension Order [PDF]
3/18/2016	[REDACTED]	Stipulation [PDF]

California Bar Journal Discipline Summaries

Summaries from the California Bar Journal are based on discipline orders but are not the official records. Not all discipline actions have associated CBJ summaries. Copies of official attorney discipline records are available upon request.

December 8, 2017

[REDACTED] was suspended Dec. 8, 2017, for one year and placed on probation for two years. His suspension's time frame is contingent upon paying restitution. He must make restitution of \$3,941 to two clients. [REDACTED] stipulated that he collected an illegal fee to perform home mortgage loan modification legal services in Wisconsin, where he is not licensed to practice. He committed similar misconduct with clients in Illinois, Washington, New York and New Mexico. He charged and collected legal fees for loan modification services in California before he had fully performed those services. In aggravation he had one prior record of discipline stemming from five ethical violations in two client matters. He has shown a pattern of misconduct. He caused significant harm to financially vulnerable clients. He showed indifference toward rectification and atonement for the consequences of his misconduct. He failed to make full restitution to two clients.

March 18, 2016

[REDACTED] was placed on two years' probation and faces a one-year suspension if he does not comply with the terms of his disciplinary probation. He was also ordered to take the MPRE. The order took effect March 18, 2016.

[REDACTED] charged upfront fees and failed to provide clients with a statement indicating they did not need to hire a third party to arrange for a loan modification. In one of the matters he failed to properly supervise his staff which resulted in his employees giving clients incorrect information.

In mitigation, he had no prior record of discipline and entered into a pre-filing stipulation with the State Bar.

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San Francisco (Main Office)
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 San Francisco, CA 94105
 415-398-2000
 Los Angeles
 845 S. Figueroa St.
 Los Angeles, CA 90017
 213-765-1000

ATTACHMENT E (Example of Current Licensee Profile Page Visible Text With No Scrolling)

The State Bar of California

Log in | News | Forms | Contact

PUBLIC: Free Legal Information | Complaints & Claims | Need Legal Help | Resources & Forms

Attorney Search

Current Status: Not eligible to practice law (Not Entitled)
See below for more details.

Profile Information

The following information is from the official records of The State Bar of California.

Bar Number: [REDACTED]

Address: [REDACTED] Phone Number: [REDACTED]
Fax Number: [REDACTED]

Email: [REDACTED]

County: [REDACTED] Undergraduate School: [REDACTED]

District: [REDACTED]

CLA Sections: [REDACTED] Law School: [REDACTED]

California Lawyers Association (CLA) is an independent organization and is not part of The State Bar of California.

Status History

ATTACHMENT F (Example of Potential Modified Licensee Profile Page)

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Attorney License Profile

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Licensee Status: Not Eligible
 Address: [REDACTED]
 County: [REDACTED]
 Phone Number: [REDACTED]
 Fax Number: [REDACTED]
 Email: [REDACTED]
 Law School: [REDACTED]

License Status, Disciplinary and Administrative History

Below you will find all changes of license status due to both non-disciplinary administrative matters and disciplinary actions.

Date	License Status	Discipline	Administrative Action
Present	Not Eligible To Practice Law in CA		
12/8/2017	Not Eligible To Practice Law in CA	Discipline w/actual suspension	
5/3/2017	Active		
4/24/2017	Not Eligible To Practice Law in CA	Suspended, failed to pass Prof. Resp Exam	
3/18/2016		Discipline, probation; no actual susp.	
6/23/1978	Admitted to The State Bar of California		

Sections: None

California Lawyers Association is an independent organization and is not part of The State Bar of California.

State Bar Court Cases:

Below you will find most documents filed in State Bar Court cases.

Effective Date	Case Number	Description
12/8/2017	[REDACTED]	Stipulation [PDF]
5/3/2017	[REDACTED]	Order Terminating Suspension [PDF]
4/24/2017	[REDACTED]	MPRE Suspension Order [PDF]
3/18/2016	[REDACTED]	Stipulation [PDF]

Additional Information:

- Explanation of licensee status
- Explanation of disciplinary action
- Explanation of administrative actions, which are non-disciplinary
- Copies of official licensee discipline records are available upon request

Discipline Summaries

Summaries from the California Bar Journal are based on discipline orders but are not the official records. Not all discipline actions have associated CBJ summaries. Copies of official licensee discipline records are available upon request.

December 8, 2017

[REDACTED] was suspended Dec. 8, 2017, for one year and placed on probation for two years. His suspension's time frame is contingent upon paying restitution. He must make restitution of \$3,941 to two clients. [REDACTED] stipulated that he collected an illegal fee to perform home mortgage loan modification legal services in Wisconsin, where he is not licensed to practice. He committed similar misconduct with clients in Illinois, Washington, New York and New Mexico. He charged and collected legal fees for loan modification services in California before he had fully performed those services. In aggravation he had one prior record of discipline stemming from five ethical violations in two client matters. He has shown a pattern of misconduct. He caused significant harm to financially vulnerable clients. He showed indifference toward rectification and atonement for the consequences of his misconduct. He failed to make full restitution to two clients.

March 18, 2016

[REDACTED] was placed on two years' probation and faces a one-year suspension if he does not comply with the terms of his disciplinary probation. He was also ordered to take the MPRE. The order took effect March 18, 2016.

[REDACTED] charged upfront fees and failed to provide clients with a statement indicating they did not need to hire a third party to arrange for a loan modification. In one of the matters he failed to properly supervise his staff which resulted in his employees giving clients incorrect information.

In mitigation, he had no prior record of discipline and entered into a pre-filing stipulation with the State Bar.

NOTE: The State Bar Court began posting public discipline documents online in 2005. The format and pagination of documents posted on this site may vary from the originals in the case file as a result of their translation from the original format into Word and PDF. Copies of additional related documents in a case are available upon request. Only opinions designated for publication in the State Bar Court Reporter may be cited or relied on as precedent in State Bar Court proceedings. For further information about a case that is displayed here, please refer to the State Bar Court's online docket.

DISCLAIMER: Any posted Notice of Disciplinary Charges, Conviction Transmittal or other initiating document, contains only allegations of professional misconduct. The licensee is presumed to be innocent of any misconduct warranting discipline until the charges have been proven.

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ATTACHMENT G (Potential Modified Licensee Profile Page Example - Visible Text With No Scrolling)

The State Bar of California Log in | News | Forms | Contact  

PUBLIC: [Free Legal Information](#) [Complaints & Claims](#) [Need Legal Help](#) [Resources & Forms](#)

Legal Specialist Search

Finding the Right Lawyer

Attorney Search

Find Legal Help

Legal Guides

Lawyer Referral Service

Problem with a Lawyer

Attorney Licensee Profile

Select Language ▼

Licensee Status: Not Eligible

Address: [REDACTED]

County: [REDACTED]

Phone Number: ([REDACTED]) [REDACTED]

Fax Number: [REDACTED] [REDACTED]

Email: [REDACTED]

Law School: [REDACTED]

License Status, Disciplinary and Administrative History

Below you will find all changes of license status due to both non-disciplinary administrative matters and disciplinary actions.

Date	License Status	Discipline	Administrative Action
Present	Not Eligible To Practice Law in CA		
12/8/2017	Not Eligible To Practice Law in CA	Discipline w/actual suspension	
5/3/2017	Active		

ATTACHMENT H (Example of Current Consumer Alert Placement and Format)

Legal Specialist Search

Finding the Right Lawyer

Attorney Search

Find Legal Help

Legal Guides

Lawyer Referral Service

Problem with a Lawyer

Attorney Search

CONSUMER ALERT

The State Bar of California has filed disciplinary charges against this attorney alleging that the attorney engaged in a major misappropriation of client funds. You may read the Notice of Disciplinary Charges filed by the State Bar against the attorney, and any reply filed by the attorney. You may also learn more about the general nature of misappropriation of client funds.

DISCLAIMER: Any Notice of Disciplinary Charges filed by the State Bar contains only allegations of professional misconduct. The attorney is presumed to be innocent of any misconduct warranting discipline until the charges have been proven.

Current Status: Active

This attorney is active and may practice law in California.

See below for more details.

Profile Information

The following information is from the official records of The State Bar of California.

Bar Number:	
Address:	Phone Number: <input type="text"/>
Map it	Fax Number: <input type="text"/>
Email:	
County:	Undergraduate School: <input type="text"/>
District:	
Sections:	Law School: <input type="text"/>

Status History

Effective Date	Status Change
Present	Active
	Admitted to The State Bar of California

Explanation of licensee status

Actions Affecting Eligibility to Practice Law in California

Disciplinary and Related Actions

Effective Date	Description	Case Number	Resulting Status
12/28/	Notice of Disciplinary Charges Filed in SBCJ	-O-	

Overview of the attorney discipline system

Administrative Actions

This member has no public record of administrative actions.

Copies of official attorney discipline records are available upon request.

Explanation of common actions

State Bar Court Cases

NOTE: The State Bar Court began posting public discipline documents online in 2005. The format and pagination of documents posted on this site may vary from the originals in the case file as a result of their translation from the original format into Word and PDF. Copies of additional related documents in a case are available upon request. Only opinions designated for publication in the State Bar Court Reporter may be cited or relied on as precedent in State Bar Court proceedings. For further information about a case that is displayed here, please refer to the State Bar Court's online docket, which can be found at: <http://apps.statebarcourt.ca.gov/dockets.aspx>

DISCLAIMER: Any posted Notice of Disciplinary Charges, Conviction Transmittal or other initiating document, contains only allegations of professional misconduct. The attorney is presumed to be innocent of any misconduct warranting discipline until the charges have been proven.

Effective Date	Case Number	Description
Pending	-O-	Initiating Document [PDF]
Pending	-O-	Response [PDF]

[Start New Search](#)

Legal Specialist Search

Finding the Right Lawyer

Attorney Search

Find Legal Help

Legal Guides

Lawyer Referral Service

Problem with a Lawyer

Attorney Search

CONSUMER ALERT

The State Bar of California has filed disciplinary charges against this attorney alleging that the attorney engaged in a major misappropriation of client funds. You may read the Notice of **Disciplinary Charges** filed by the State Bar against the attorney, and any reply filed by the attorney. You may also learn more about the general nature of **misappropriation** of client funds.

DISCLAIMER: Any Notice of Disciplinary Charges filed by the State Bar contains only allegations of professional misconduct. The attorney is presumed to be innocent of any misconduct warranting discipline until the charges have been proven.



Current Status: Active

This attorney is active and may practice law in California.

See below for more details.

Profile Information

The following information is from the official records of The State Bar of California.

Bar Number: [Redacted]

Address: [Redacted]

Phone Number: [Redacted]

Fax Number: [Redacted]

PUBLIC: [Free Legal Information](#) [Complaints & Claims](#) [Need Legal Help](#) **[Resources & Forms](#)**

Status History

Effective Date	Status Change
Present	Active
	Admitted to The State Bar of California

[Explanation of licensee status](#)

Actions Affecting Eligibility to Practice Law in California

Disciplinary and Related Actions

Effective Date	Description	Case Number	Resulting Status
12/28/2011	Notice of Disc Charges Filed in SBCt	11-O-111	

[Overview of the attorney discipline system.](#)

Administrative Actions

This member has no public record of administrative actions.

Copies of official attorney discipline records are [available upon request](#).

[Explanation of common actions](#)

State Bar Court Cases

NOTE: The State Bar Court began posting public discipline documents online in 2005. The format and pagination of documents posted on this site may vary from the originals in the case file as a result of their translation from the original format into Word and PDF. Copies of additional related documents in a case are available upon request. Only opinions designated for publication in the State Bar Court Reporter may be cited or relied on as precedent in State Bar Court proceedings. For further information about a case that is displayed here, please refer to the State Bar Court's online docket, which can be found at: <http://apps.statebarcourt.ca.gov/dockets.aspx>

DISCLAIMER: Any posted Notice of Disciplinary Charges, Conviction Transmittal or other initiating document, contains only allegations of professional misconduct. The attorney is presumed to be innocent of any misconduct warranting discipline until the charges have been proven.

Effective Date	Case Number	Description
Pending	11-O-111	Initiating Document [PDF]
Pending	11-O-111	Response [PDF]

ATTACHMENT I (Example of Proposed NDC Consumer Alert Placement and Format)

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Legal Specialist Search

Finding the Right Lawyer

Attorney Search

Find Legal Help

Legal Guides

Lawyer Referral Service

Problem with a Lawyer

Attorney Search

CONSUMER ALERT

Formal disciplinary proceedings are pending against this attorney. Pursuant to State Bar policy, a copy of the State Bar's [Notice of Disciplinary Charges](#) and the attorney's [reply](#), if filed, will remain posted in the Disciplinary and Related Actions section, below, until the proceedings have been adjudicated. Upon the filing of a court decision or order adjudicating the proceedings, that court decision or order will be posted in place of the Notice of Disciplinary Charges and the reply.

DISCLAIMER: Any Notice of Disciplinary Charges filed by the State Bar contains only allegations of professional misconduct. The attorney is presumed to be innocent of any misconduct warranting discipline until the charges have been proven.

Current Status: Active

This attorney is active and may practice law in California.

See below for more details.

Profile Information

The following information is from the official records of The State Bar of California.

Bar Number: [REDACTED]

Address: [REDACTED]

[Map it](#)

Phone Number: [REDACTED]

Fax Number: [REDACTED]

Email: [REDACTED]

County: [REDACTED]

Undergraduate School: [REDACTED]

[REDACTED]

District: [REDACTED]

Sections: [REDACTED]

Law School: [REDACTED]

Status History

Effective Date	Status Change
----------------	---------------

Present	Active
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[REDACTED]	Admitted to The State Bar of California
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[Explanation of licensee status](#)

Actions Affecting Eligibility to Practice Law in California

Disciplinary and Related Actions

Effective Date	Description	Case Number	Resulting Status
----------------	-------------	-------------	------------------

12/28/[REDACTED]	Notice of Disc Charges Filed in	[REDACTED]-[REDACTED]	
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ATTACHMENT J (Example of Proposed Substantial Threat Consumer Alert Placement and Format)

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Legal Specialist Search

Finding the Right Lawyer

Attorney Search

Find Legal Help

Legal Guides

Lawyer Referral Service

Problem with a Lawyer

Attorney Search

CONSUMER ALERT

A petition for inactive enrollment is pending alleging that this attorney represents a substantial threat of harm to the interests of the attorney's clients or the public. Upon the filing of a court decision or order adjudicating the proceedings, that court decision or order will be posted in the Disciplinary and Related Actions section, below. Anyone who believes they have been the victim of attorney misconduct is urged to file a complaint with the State Bar.

DISCLAIMER: Petitions for inactive enrollment contain only allegations of professional misconduct. The attorney is presumed to be innocent of the allegations unless the State Bar Court finds the attorney culpable by clear and convincing evidence.

Current Status: Active

This attorney is active and may practice law in California.

See below for more details.

Profile Information

The following information is from the official records of The State Bar of California.

Bar Number:	
Address:	Phone Number:
Map it	Fax Number:
Email:	
County:	Undergraduate School:
District:	
Sections:	Law School:

Status History

Effective Date	Status Change
Present	Active
	Admitted to The State Bar of California

Explanation of licensee status

Actions Affecting Eligibility to Practice Law in California

Disciplinary and Related Actions

Effective Date	Description	Case Number	Resulting Status
12/28/	Notice of Disc Charges Filed in	:O-	

ATTACHMENT K (Example of Proposed Discipline Consumer Alert Placement and Format)



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- Legal Specialist Search
- Finding the Right Lawyer
- Attorney Search
- Find Legal Help
- Legal Guides
- Lawyer Referral Service
- Problem with a Lawyer

Attorney Search

CONSUMER ALERT

This attorney has been placed on probation or been issued a reproof and ordered to comply with certain conditions. The decision(s) or order(s) are posted in the Disciplinary and Related Actions section, below. The State Bar posts consumer alerts online whenever attorneys are placed on probation or issued a reproof with conditions. This alert will remain online until the attorney has completed any conditions of reproof or until the end of the term of probation. Anyone who believes they have been the victim of attorney misconduct is urged to file a complaint with the State Bar.

[Redacted]

Current Status: Active

This attorney is active and may practice law in California.

See below for more details.

Profile Information

The following information is from the official records of The State Bar of California.

Bar Number: [Redacted]

Address: [Redacted] [Map it](#) Phone Number: [Redacted]

Fax Number: Not Available

Email: Not Available

County: [Redacted] Undergraduate School: [Redacted]

District: [Redacted]

CLA Sections: [Redacted] Law School: [Redacted]

California Lawyers Association (CLA) is an independent organization and is not part of The State Bar of California.

Status History

Effective Date	Status Change
Present	Active
1/5/1966	Admitted to The State Bar of California

Explanation of licensee status

Actions Affecting Eligibility to Practice Law in California

Disciplinary and Related Actions

Effective Date	Description	Case Number	Resulting Status
3/16/1994	Public reproof with/duties	[Redacted]	

[Overview of the attorney discipline system.](#)

Administrative Actions

ATTACHMENT L (Example of Proposed Felony Consumer Alert Placement and Format)



- Legal Specialist Search
- Finding the Right Lawyer
- Attorney Search
 - Find Legal Help
- Legal Guides
- Lawyer Referral Service
- Problem with a Lawyer

Attorney Search

CONSUMER ALERT

This attorney has been charged with a felony. For more information, contact the State Bar. The State Bar posts consumer alerts online when lawyers are charged in court with felonies. Anyone who believes they have been the victim of attorney misconduct is urged to file a complaint with the State Bar.

DISCLAIMER: The filing of criminal charges does not constitute a finding of guilt or professional misconduct. Criminal defendants are presumed to be innocent until proven guilty in a court of law.

[Redacted]

Current Status: Active

This attorney is active and may practice law in California.

See below for more details.

Profile Information

The following information is from the official records of The State Bar of California.

Bar Number: [Redacted]

Address: [Redacted] [Map it](#) Phone Number: ([Redacted])
Fax Number: Not Available

Email: Not Available

County: [Redacted] Undergraduate School: [Redacted]

District: [Redacted]

CLA Sections: [Redacted] Law School: [Redacted]

California Lawyers Association (CLA) is an independent organization and is not part of The State Bar of California.

Status History

Effective Date	Status Change
Present	Active
1/5/1966	Admitted to The State Bar of California

Explanation of licensee status

Actions Affecting Eligibility to Practice Law in California

Disciplinary and Related Actions

Effective Date	Description	Case Number	Resulting Status
3/16/1994	Public reproof with duties	[Redacted]	

[Overview of the attorney discipline system.](#)

[Redacted]

ATTACHMENT M (Example of Proposed Assumption Consumer Alert Placement and Format)



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Legal Specialist Search

Finding the Right Lawyer

Attorney Search

Find Legal Help

Legal Guides

Lawyer Referral Service

Problem with a Lawyer

Attorney Search

CONSUMER ALERT

The superior court has assumed jurisdiction over this attorney's former law practice and has appointed the State Bar to arrange for the return of client files, to notify parties and the courts, and to perform other related duties. Please contact the Office of Chief Trial Counsel if you have questions or concerns about this attorney's former law practice. The State Bar posts consumer alerts online when the superior court assumes jurisdiction over an attorney's or former attorney's caseload. Anyone who believes they have been the victim of attorney misconduct is urged to file a complaint with the State Bar.

Current Status: Disbarred

This attorney is prohibited from practicing law in California by order of the California Supreme Court.

See below for more details.

Profile Information

The following information is from the official records of The State Bar of California.

Bar Number: [REDACTED]

Address: [REDACTED]

[Map it](#)

Phone Number: [REDACTED]

Fax Number: Not Available

Email: Not Available

County: [REDACTED]

Undergraduate School: [REDACTED]

District: [REDACTED]

CLA Sections: [REDACTED]

Law School: [REDACTED]

California Lawyers Association (CLA) is an independent organization and is not part of The State Bar of California.

Status History

Effective Date	Status Change
Present	Disbarred
3/31/2018	Disbarred
8/21/2017	Not Eligible To Practice Law in CA
12/12/1983	Admitted to The State Bar of California

[Explanation of licensee status](#)

Actions Affecting Eligibility to Practice Law in California

Disciplinary and Related Actions

Effective Date	Description	Case Number	Resulting Status
3/31/2018	Disbarment	[REDACTED]	Disbarred

ATTACHMENT N (Example of Proposed Involuntary Enrollment Consumer Alert Placement and Format)



Legal Specialist Search

Finding the Right Lawyer

Attorney Search

Find Legal Help

Legal Guides

Lawyer Referral Service

Problem with a Lawyer

Attorney Search

CONSUMER ALERT

The State Bar has placed this attorney on involuntary inactive status. As a result, the attorney is ineligible to practice law. The State Bar posts consumer alerts online in most instances when attorneys are placed on involuntary inactive status. The decision(s) or order(s) are posted in the "Disciplinary and Related Actions" section towards the bottom of this page. Anyone who believes they have been the victim of attorney misconduct is urged to file a complaint with the State Bar.

Current Status: Not eligible to practice law (Not Entitled)

See below for more details.

Profile Information

The following information is from the official records of The State Bar of California.

Bar Number:	
Address:	Phone Number: <input type="text"/>
Map it	Fax Number: <input type="text"/>
Email:	Not Available
County:	Undergraduate School: <input type="text"/>
District:	
CLA Sections: <input type="text"/>	Law School: <input type="text"/>

California Lawyers Association (CLA) is an independent organization and is not part of The State Bar of California.

Status History

Effective Date	Status Change
Present	Not Eligible To Practice Law in CA
9/1/2017	Not Eligible To Practice Law in CA
11/29/1979	Admitted to The State Bar of California

Explanation of licensee status

Actions Affecting Eligibility to Practice Law in California

Disciplinary and Related Actions

Effective Date	Description	Case Number	Resulting Status
3/16/2018	Ordered inactive		Not Eligible To Practice Law in CA

Overview of the attorney discipline system.

ATTACHMENT O (Example of Proposed Suspended Consumer Alert Placement and Format)



Legal Specialist Search

Finding the Right Lawyer

Attorney Search

Find Legal Help

Legal Guides

Lawyer Referral Service

Problem with a Lawyer

Attorney Search

CONSUMER ALERT

This attorney is suspended from the practice of law. As a result, the attorney is ineligible to practice law. The State Bar posts consumer alerts online when attorneys are suspended from practice. The decision(s) or order(s) are posted in the Disciplinary and Related Actions section, below. Anyone who believes they have been the victim of attorney misconduct is urged to file a complaint with the State Bar.

Current Status: Not eligible to practice law (Not Entitled)

See below for more details.

Profile Information

The following information is from the official records of The State Bar of California.

Bar Number: [REDACTED]

Address: [REDACTED] [Map it](#) Phone Number: [REDACTED]

Fax Number: [REDACTED]

Email: Not Available

County: [REDACTED] Undergraduate School: [REDACTED]

District: [REDACTED]

CLA Sections: [REDACTED] Law School: [REDACTED]

California Lawyers Association (CLA) is an independent organization and is not part of The State Bar of California.

Status History

Effective Date	Status Change
Present	Not Eligible To Practice Law in CA
9/1/2017	Not Eligible To Practice Law in CA
11/29/1979	Admitted to The State Bar of California

Explanation of licensee status

Actions Affecting Eligibility to Practice Law in California

Disciplinary and Related Actions

Effective Date	Description	Case Number	Resulting Status
3/16/2018	Ordered inactive	[REDACTED]	Not Eligible To Practice Law in CA

Overview of the attorney discipline system.

[A Justice System in California](#)

ATTACHMENT P (Example of Proposed Disbarred Consumer Alert Placement and Format)



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Legal Specialist Search

Finding the Right Lawyer

Attorney Search

Find Legal Help

Legal Guides

Lawyer Referral Service

Problem with a Lawyer

Attorney Search

CONSUMER ALERT

This attorney is disbarred from the practice of law. As a result, the attorney is ineligible to practice law. The State Bar posts consumer alerts online when attorneys are disbarred. The decision(s) or order(s) are posted in the Disciplinary and Related Actions section, below. Anyone who believes they have been the victim of attorney misconduct is urged to file a complaint with the State Bar.

Current Status: Disbarred

This attorney is prohibited from practicing law in California by order of the California Supreme Court.

[See below for more details.](#)

Profile Information

The following information is from the official records of The State Bar of California.

Bar Number: [REDACTED]

Address: [REDACTED]

[Map it](#)

Phone Number: [REDACTED]

Fax Number: Not Available

Email: Not Available

County: [REDACTED]

Undergraduate School: [REDACTED]

District: [REDACTED]

CLA Sections: [REDACTED]

Law School: [REDACTED]

California Lawyers Association (CLA) is an independent organization and is not part of The State Bar of California.

Status History

Effective Date	Status Change
Present	Disbarred
3/31/2018	Disbarred
8/21/2017	Not Eligible To Practice Law in CA
12/12/1983	Admitted to The State Bar of California

[Explanation of licensee status](#)

Actions Affecting Eligibility to Practice Law in California

Disciplinary and Related Actions

Effective Date	Description	Case Number	Resulting Status
3/31/2018	Disbarment	[REDACTED]	Disbarred

ATTACHMENT Q (Example of Proposed Resigned with Charges Pending Consumer Alert Placement and Format)

The State Bar of California Log in | News | Forms | Contact  

PUBLIC: [Free Legal Information](#) [Complaints & Claims](#) [Need Legal Help](#) [Resources & Forms](#)

[Legal Specialist Search](#)
[Finding the Right Lawyer](#)
[Attorney Search](#)
[Find Legal Help](#)
[Legal Guides](#)
[Lawyer Referral Service](#)
[Problem with a Lawyer](#)

Attorney Search

CONSUMER ALERT

This attorney has resigned from the practice of law with disciplinary charges pending. As a result, the attorney is ineligible to practice law. The State Bar posts consumer alerts online when attorneys resign with disciplinary charges pending. The decision(s) or order(s) are posted in the Disciplinary and Related Actions section, below. Anyone who believes they have been the victim of attorney misconduct is urged to file a complaint with the State Bar.

Current Status: Not eligible to practice law (Not Entitled)
See below for more details.

Profile Information

The following information is from the official records of The State Bar of California.

Bar Number:

Address: [Map it](#) Phone Number: Fax Number:

Email: Not Available

County: Undergraduate School:

District:

CLA Sections: Law School:

California Lawyers Association (CLA) is an independent organization and is not part of The State Bar of California.

Status History

Effective Date	Status Change
Present	Not Eligible To Practice Law in CA
9/1/2017	Not Eligible To Practice Law in CA
11/29/1979	Admitted to The State Bar of California

[Explanation of licensee status](#)

Actions Affecting Eligibility to Practice Law in California

Disciplinary and Related Actions

Effective Date	Description	Case Number	Resulting Status
3/16/2018	Ordered inactive	<input type="text"/>	Not Eligible To Practice Law in CA

[Overview of the attorney discipline system.](#)