PUBLIC MATTER – NOT DESIGNATED FOR PUBLICATION

Filed November 6, 2015

STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

In the Matter of	)	Case Nos. 12-O-15072; 12-O-15676
	)	
ROBERT L. ANDERSON,	)	OPINION AND ORDER
	)	
A Member of the State Bar, No. 40025.	)	
	)	

Robert L. Anderson appeals a hearing judge's decision finding, inter alia, that he willfully misappropriated a total of $294,459 from two separate clients of his law firm during the period of about November 2009 to April 2010 (*Margolin* matter) and November to December 2011 (*Ramirez* matter). The record shows that Anderson has restored only $76,500 to one client. Thus, he still owes $217,959 of the misappropriated funds to these two clients, each of whom came to the firm for help with their debts and personal finances and was seriously harmed by Anderson's misconduct. The hearing judge recommended Anderson's disbarment.

At the State Bar Court trial and before us, Anderson has offered as his sole defense that he was not the managing partner of the firm when the funds were misused and that he was only following the directives of the attorney who was the managing partner. He also points to mitigating factors, and states that his only misconduct was in not reporting to the State Bar earlier the loss of the clients' funds, for which he should receive an unspecified sanction.

The Office of the Chief Trial Counsel of the State Bar (OCTC) has urged that the hearing judge's findings are amply supported and that disbarment is necessary for public protection.

We have reviewed the record independently (Cal. Rules of Ct., rule 9.12), and find clear and convincing testimonial and documentary evidence[1] supporting the hearing judge findings. Anderson's defense, rejected by the hearing judge, is unavailing because it is at odds with his actual role in the law firm, with the many personal acts he took to misappropriate the clients' trust funds, and with his admissions that he was responsible for the safety and security of the clients' trust funds, that he knew of the loss of the clients' funds at the time of his acts, and he concealed those losses from the clients. His defense also defies the most basic principles of attorney professional responsibility.

We conclude that the hearing judge's recommendation of disbarment is abundantly supported by weighty aggravating factors surrounding Anderson's misconduct.

I. FACTS AND CULPABILITY DISCUSSION

Anderson has no record of prior discipline. He graduated from the University of California Los Angeles Law School and was editor-in-chief of its Law Review. Admitted to practice in California at the end of 1967, he had seven years of experience as an associate in a large multinational law firm engaged in business transactional law, followed by service as the managing partner of a small firm which had a significant land development client in the Middle East and grew into a 27-lawyer multinational firm. Seeking less travel, he left that firm to practice business transactional law as a partner in two successive San Francisco law firms.

In 1998, Anderson joined the firm of Lanahan and Reilly in Santa Rosa, and became an equity partner in either 2001 or 2002. He served as managing partner in 2006 and 2007. In 2010, the firm was renamed Lanahan, Steever and Anderson, LLP. While at this firm, Anderson continued to do business transactional law.

[1] Clear and convincing evidence leaves no substantial doubt and is sufficiently strong to command the unhesitating assent of every reasonable mind. (*Conservatorship of Wendland* (2001) 26 Cal.4th 519, 552.) Rule 5.155(A) of the Rules of Procedure of the State Bar provides that the "findings of fact of the hearing judge are entitled to great weight."

The managing firm partner in the period 2009 through February 2012 was Scott Steever,[2] but Anderson had signature authority on different firm and client trust bank accounts (CTA) and used that authority from about November 2009.[3] Between March and December 2012, Anderson assumed the role of managing partner due to Steever's illness.

The two client matters in this proceeding rest on extensive evidence, particularly documentary, and we set forth their key facts concisely in chronological order.

A. Margolin Matter—Anderson's Misappropriation of $252,511.55

Bonnie Margolin's husband, Ed, had been a long-time client of the Lanahan and Reilly firm concerning his varied investments and business transactions. He died in January 2009. Bonnie, a retired preschool teacher in her late sixties who had an adult disabled daughter living with her, knew little of his investments and their finances, and sought help from the Lanahan firm. A short time after Ed's death, Bonnie and the firm learned of Ed's intricate and perilous state of financial affairs. These included several actual or threatened civil lawsuits against the Margolins, unpaid, delinquent taxes, and the likelihood that creditors might attach the proceeds of a $500,000 insurance policy on Ed's life.

Later in 2009, an annuity for Bonnie was created with $200,000 of Ed's life insurance proceeds. Bonnie entrusted the Lanahan firm with the remaining $318,903.94 in insurance proceeds, including accrued interest. The Lanahan firm was to use these funds to resolve and pay debts incurred by Ed prior to his death. Any funds not needed to pay debts were to be

[2] Steever was charged jointly with Anderson in this proceeding's Notices of Disciplinary Charges. The State Bar Court's records show that Steever defaulted to the charges, his case was severed from this proceeding, his default was entered, and he was recommended for disbarment. (Bus. and Prof. Code, § 6088; Rules Proc. of State Bar, rules 5.81-5.85.) The Supreme Court ordered Steever's disbarment on February 25, 2015. (*In re Scott Loren Steever on Discipline* (S223278), State Bar Court case nos. 12-O-14682; 12-O-15071; 12-O-10188.)

[3] When asked below why he had issued a number of checks on the various firm accounts when Steever was the managing partner, Anderson testified that Steever was often out of the office for litigation appearances, and Anderson was usually in the office doing transactional work.

returned to Bonnie for her living expenses. It was unclear which attorneys in the Lanahan firm were assigned to Bonnie's representation, but it is clear, *post*, that Anderson was centrally involved in misappropriating her funds.

In mid-November 2009, Bonnie's $318,903.94 was deposited into a Lanahan firm CTA as to which Anderson was a signatory. Between November 17, 2009 and February 10, 2010, Anderson signed 30 checks and ordered a wire transfer, disbursing a total of $192,978.64 to law firm expenses not related to Bonnie's matters, including firm staff salaries and partner draws.[4] By December 31, 2009, six weeks after the deposit of Bonnie's funds, the CTA balance was just over $132,000. By April 30, 2010, the balance was zero and the account had been closed by the bank. None of the disbursements of Bonnie's funds went to creditors or for her benefit, and during this time, no one at the Lanahan firm told Bonnie that her funds had been withdrawn.

In her affairs and dealings with the Lanahan firm, Bonnie was aided considerably by an attorney and friend, Michael Shiffman. He had formerly been a Lanahan firm partner and had worked on Ed's matters, but left that firm some years earlier, remaining "of counsel" to it. In early 2012, Shiffman concluded that Bonnie's financial situation had been resolved. On her behalf, from March 2012 until June 2012, Shiffman unsuccessfully sought to obtain from the Lanahan firm an accounting of funds and return of funds not used for her debts. However, in March 2012, almost two years after Anderson knew that her funds were depleted, he misrepresented to Shiffman that Bonnie had a "trust balance" of $252,511.55.

Shiffman continued to press Anderson for an accounting of Bonnie's funds. When Shiffman learned in June 2012 of worsening financial conditions at the Lanahan firm, he was

[4] Regarding the disbursements Anderson made on this CTA, the hearing judge found that Anderson had written at least eight checks totaling $175,692, and ordered a $7,200 wire transfer. Our record review shows that Anderson had written 30 checks totaling $192,978.64. From Bonnie's funds, partner Steever wrote checks payable to Anderson for $20,500, presumably as part of Anderson's law firm compensation.

able to speak to firm partner Daniel Lanahan. Lanahan looked into the matter and related that it appeared that Bonnie's funds were gone and that Anderson and Steever had taken them. Shiffman promptly filed a State Bar complaint on behalf of Bonnie.[5] During the Bar's investigation of this complaint, Anderson wrote a Bar investigator on November 13, 2012, admitting that "At the time [Bonnie's] money was taken out of trust, I [Anderson] was fully aware of what was happening and should have reported it at that time. However, . . . I was also convinced that the money would be quickly replaced because of the anticipated collection from my clients of substantial invoices then outstanding." He concluded this letter to the State Bar, "So as it turned out, my optimism about replacing [Bonnie's] trust fund money was misplaced and I had mistakenly allowed the funds to be taken."

Shiffman also filed suit in Superior Court, Sonoma County, on behalf of Bonnie against the Lanahan firm and Anderson and Steever individually. After Shiffman's prolonged efforts to reach a settlement, Anderson and Steever signed a stipulation in late 2013, which was filed in the civil action. Therein, each admitted, inter alia, that as late as June 2012, the Lanahan firm records represented that $252,511.55 remained in the trust fund for Bonnie. However, when Bonnie requested return of the funds, she was told that the balance did not exist and the funds had been removed without her knowledge or consent. Anderson's and Steever's stipulation further admitted that the firm concealed from Bonnie that the trust funds were not held in trust but had been expended on the Lanahan firm's operations. Finally, Anderson and Steever stipulated that they were partners in the Lanahan firm and were responsible for the safety and security of Bonnie's trust funds.

[5] At the end of June 2012, Anderson had telephoned an OCTC attorney and had followed up with an August 3, 2012 letter to OCTC reporting that a total of $259,000 was missing or possibly missing from the firm's trust accounts on behalf of Bonnie and two other Lanahan clients. He also stated that there might be other missing amounts of which he was unaware. Anderson gave no other details in this report.

The evidence amply supports the hearing judge's conclusions in this matter, that Anderson failed to maintain Bonnie's funds in trust as required by rule 4-100(A), Rules of Professional Conduct,[6] and committed moral turpitude by willfully misappropriating over $250,000 of Bonnie's funds as proscribed by Business and Professions Code section 6106.[7]

Similar attorney misappropriations of trust funds, have been found in the past to be willful and to involve moral turpitude. (E.g., *Grim v. State Bar* (1991) 53 Cal.3d 21, 29; *Kelly v. State Bar* (1988) 45 Cal.3d 649, 656; *In the Matter of Kueker* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 583, 594.)

Anderson concedes that he violated rule 4-100(B) as determined by the hearing judge by not promptly paying Bonnie's funds on request, but Anderson inaptly contends that it was negligent. We consider it intentional, especially since it was accomplished by Anderson's many personal acts and contemporaneous knowledge of trust fund conversion.[8]

Anderson's defenses at trial and on review were simply not credible: that his acts of writing checks and requesting wire transfers of Bonnie's funds for non-trust purposes were ministerial acts and that the managing partner, Steever, was responsible as he had to authorize all actions regarding the use of these funds. Anderson's assertions were unsupported by any other evidence. More importantly, they conflict with significant weighty evidence, including several of his own admissions, showing the following: Anderson was well aware of the financial pressures on the law firm from at least some time in 2009. He had significant managing partner experience in two law firms, including earlier in the Lanahan firm. He used his authority as a Lanahan equity and named partner and took many steps starting in 2009 such as writing many

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[6] All further references to rules are to this source.

[7] All further references to sections are to this source.

[8] As is customary, we accord no added weight to the rule 4-100(B) violation in assessing degree of discipline as the same misconduct is addressed by the violation of section 6106. (*In the Matter of Sampson* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 119, 127.)

CTA checks on Bonnie's funds and initiating CTA wire transfers on them because he was available when Steever was not. He admitted that he was fully aware that Bonnie's funds were depleted and was convinced that they could be quickly replaced by firm receivables. He and Steever admitted that they were each responsible, as partners, for the safety and security of over a quarter million dollars of those funds. From all of the above evidence, we can only conclude that Anderson was responsible for deliberately misusing Bonnie's funds with the unrealized hope that he could replace them with receivables before she became aware of their loss.[9]

Although Anderson ultimately apologized to Bonnie for what happened, he has repaid her only $76,500 in restitution as of the time of the trial below. Based on Anderson's total misappropriation of $252,511.55, he still owes Bonnie $176,011.55.

The harm caused by Anderson's misappropriation to Bonnie was serious. At age 70, she was required to return to substitute teaching and often ended the month with only a few dollars remaining. Her tight budget, including caring for her disabled daughter, left her little room for basic necessities such as auto repairs and rent. Her annuity payments are expected to last only a few more years and she testified that she continues to receive Internal Revenue Service (IRS) inquiries relative to Ed's business dealings. She fears that the IRS may seek to attach her modest income sources.

B. Ramirez Matter—Anderson's Misappropriation of $41,947

In late October 2011, Joanna Ramirez, a small business owner, hired the Lanahan firm to resolve an obligation owed to plaintiffs in a civil action. The record suggests that Ramirez was

[9] Even if, arguendo, Anderson's many direct acts of misuse of Bonnie's funds had been less direct, as an equity partner of the Lanahan firm with disbursement authority over trust funds, he had a non-delegable ethical duty as a fiduciary to safeguard client funds. (See, e.g., *Clark v. State Bar* (1952) 39 Cal.2d 161, 166, superseded on other grounds in *Black v. State Bar* (1962) 57 Cal.2d 219; *In the Matter of Blum* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 403, 410-412.) The stipulation Anderson ultimately signed and submitted to support the superior court judgment against him and the firm correctly reflected his ethical duties.

dissatisfied with her representation by her previous attorney, as she believed that she was now obligated to pay the plaintiffs as much as $50,000.

When Ramirez hired the Lanahan firm, she met with Steever, who agreed that, for a flat fee of $5,000, the firm would represent her in resolving her obligation to plaintiffs. On October 20, 2011, Ramirez sent a check to the Lanahan firm for $55,500, representing $5,000 for the flat fee, $500 for expenses, and up to $50,000 to resolve the civil plaintiffs' claim. Steever told Ramirez that he or his firm could likely reduce her obligation to the plaintiffs to $25,000 or less. In that case, any unneeded funds of her $50,000 advance would be returned to her.

On October 28, 2011, Ramirez's $55,500 check was deposited into one of the Lanahan firm's operating (non-CTA) accounts. From these funds, a $44,000 cashier's check was purchased by and made payable to the Lanahan firm. About ten days later, from the proceeds of the $44,000 check, a $42,400 cashier's check was purchased using Ramirez's funds and, from that check, $42,000 was deposited into a Bank of America CTA on November 7, 2011, which had been established about four months earlier. Anderson was the only signatory on it. After the deposit of Ramirez's $42,000, this CTA balance was $42,223. Between November 7 and December 31, 2011, all of Ramirez's $42,000, save $53, had been depleted from the trust account for law firm salaries and expenses in 20 disbursements made by Anderson. Ramirez was never informed during the key times that Anderson had depleted her funds.

In January 2012, the attorney representing the civil suit plaintiffs agreed with the Lanahan firm attorneys that Ramirez's debt would be satisfied for $25,000 plus interest if it were paid in installments of $5,000 every three weeks. But all parties also agreed that if these payments were not made, plaintiffs would be entitled to a $259,334.76 judgment to be offset only by any $5,000 payments which had been made.

Steever never sent Ramirez this settlement agreement. She learned of it in late March or the first days of April 2012 when a secretary of the plaintiffs' law firm called her and reported that the firm had only received one $5,000 payment in January 2012. This caused Ramirez to seek an early April 2012 meeting with Steever. As he was out of the office at the time, she met with Anderson instead. Anderson misled Ramirez, stating that he did not know what Steever had done with her funds, but agreed to ask that Steever contact her.

In addition to the January 2012 payment of $5,000 to the plaintiffs on behalf of Ramirez, the Lanahan firm made only one other such payment of $5,000, in April 2012, to the plaintiffs. Both of these payments were made after Anderson had converted all of Ramirez's funds and came from law firm operating funds. In June 2012, the plaintiffs offered Anderson a settlement of Ramirez's obligations by making one final payment of $16,838.52. But neither Anderson nor anyone else in the Lanahan firm made further payments. Plaintiffs invoked their earlier agreement and obtained judgment against Ramirez for over $250,000. Ramirez, who came to the Lanahan firm disappointed in her previous attorney's work which had left her with up to a $50,000 obligation, was now bound to pay five times that amount. Anderson testified below that he knew by December 2011 that Ramirez's funds were depleted from the trust account and used for Lanahan firm operating expenses.

Because of the highly convoluted way in which Ramirez's $55,000 made its shrinking way from a Lanahan non-trust account, through two cashier's checks, and ended up as a $42,000 deposit to a CTA which Anderson solely controlled, it was challenging to the court to fix the amount of funds Anderson is required to restore. However, except for a $53 difference, we adopt the hearing judge's calculations. The evidence shows that Anderson had personally depleted $41,947, consisting of $42,000 in misappropriated funds less a $53 CTA balance. We use that $41,947 figure as the measure of restitution Anderson owes to Ramirez, which also

reflects that Ramirez's funds were depleted promptly upon her payment and that neither Anderson nor the firm earned the flat fee they had charged Ramirez since they abandoned their duty to resolve her debt.

Anderson's misconduct ruined Ramirez's credit, caused her to file bankruptcy, threatened her ability to retain her house, and caused her emotional and physical illness, resulting in the loss of many of her business clients. Anderson made no restitution to Ramirez but testified that he would like to contact Ramirez to offer her a stipulation similar to the one he signed admitting responsibility in Bonnie Margolin's civil action.

The evidence recounted above overwhelmingly supports the hearing judge's factual findings and her conclusion that Anderson willfully misappropriated $41,947 and, by doing so, committed moral turpitude under section 6106.[10]

At trial and on review, Anderson invokes a defense similar to what he urged in the *Margolin* matter, that he was not the managing partner at the time that Ramirez's funds were depleted and that he was acting under Steever's direction and authority that the Lanahan firm could use Ramirez's funds, supported by a December 19, 2011 purported agreement between Steever and Ramirez. He also testified that when he met with Ramirez in April 2012, he was justified in referring her to Steever for answers to her questions about the whereabouts of her funds and that he did not believe that it was appropriate to discuss this situation directly with Ramirez. For several reasons, the hearing judge found that Anderson's defense was incredible, and we agree.

[10] The hearing judge dismissed a charge that Anderson had violated rule 4-100(A) by not initially placing Ramirez's funds in a CTA. This dismissal was based on the lack of evidence as to who at the Lanahan firm had made the deposits of Ramirez's $50,000 into the various accounts used to hold them. On review, OCTC does not object to this dismissal, and we adopt it for the reasons given by the hearing judge.

The purported "agreement" for Steever to use Ramirez's funds was revealed to be a fabrication and a forgery of Ramirez's signature. It was dated *after* Anderson had depleted almost all of Ramirez's funds. Anderson never sought to contact Ramirez to see if she had given such authority, and Anderson's simple check of Ramirez's file in the Lanahan office would have revealed that the reason she sought representation was to resolve a critical civil litigation obligation, not to finance the Lanahan firm's operations. From Anderson's status and role as an equity and named firm partner, his extensive law firm management experience, detailed *ante*, and his actual involvement in and contemporaneous awareness of the depletion of her funds, we can give no credit whatever to his defense.

II. DEGREE OF DISCIPLINE

It is clear from both the Standards for Attorney Sanctions for Professional Misconduct[11] and decisional law that disbarment is the presumed sanction for intentional misappropriation of funds. (Std. 2.1(a).) Two exceptions to that precept are inapplicable here, that the amount misappropriated is insignificantly small (e.g., *Lawhorn v. State Bar* (1987) 43 Cal.3d 1357, 1361, 1368 [$1,355.75 held to be significant amount]); or, as we shall discuss *post*, that "sufficiently compelling mitigating circumstances clearly predominate." (Std. 2.1(a).)

We find full support for the hearing judge's determination that two somewhat diminished mitigating circumstances are outweighed by evidence of six strongly aggravating circumstances. We are further guided by the standards to follow the hearing judge's recommendation of disbarment.

The hearing judge cited Anderson's lengthy practice without prior discipline (std. 1.6(a)) as mitigation, but she correctly reduced the weight to be given to that factor because of the

[11] Effective July 1, 2015, the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct, were revised and renumbered. As this request for review was submitted for ruling after the July 1, 2015 effective date, we apply the revised version of the standards. All further references to standards are to this version of this source.

serious nature of Anderson's misappropriation. (See *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49.) The current version of standard 1.6(a) requires that the attorney's lengthy practice occur in a context showing that the misconduct is not likely to recur. Considering that it was repeated, occurring more than 50 times in these two matters over a two-year period, it was certainly not aberrational, and we deem that the public could well be at risk of further such misconduct, particularly when viewing Anderson's lack of insight shown at trial and on review.

We also agree with the diminished weight accorded by the hearing judge to Anderson's character evidence. (Std. 1.6(f).) Only one witness, a business developer and financial and securities expert, testified in person. His version of Anderson's misconduct was formed largely from Anderson's view of the facts, and this witness did not believe that the formal disciplinary charges were correct. The remaining ten witnesses submitted brief written declarations,; and, as the hearing judge found, five of these declarants' statements were word-for-word identical.

As we have recited the facts showing aggravating circumstances *ante*, only a brief discussion is needed to set forth our decision to uphold the hearing judge's findings that six aggravating circumstances surrounded Anderson's misappropriation.

Anderson's misconduct showed his culpability of multiple violations of his ethical duties. (Std. 1.5(b).) But aggravation is also warranted under standard 1.5(b) from the more than 50 instances of his depletion of his two clients' trust funds in periods of months during 2009 and 2010 and then again in 2011. (See *In the Matter of Kueker, supra,* 1 Cal. State Bar Ct. Rptr. at p. 594.)

Anderson's misdeeds seriously harmed both clients. (Std. 1.5(j).) Each sought the law firm's help because they faced considerable financial challenges arising from legal issues. Instead of aiding his clients, Anderson misappropriated their funds shortly after receiving them.

This left both clients in even deeper financial peril, and caused them emotional anguish. In Ramirez's case, it also resulted in her pursuing bankruptcy and suffering physical illness.

Anderson's restitution was both significantly incomplete (std. 1.5(m)) and surrounded by indifference (std. 1.5(k)). He had yet to apologize to Ramirez several years after misappropriating her funds. Despite his admissions of wrongdoing, he persists in urging that his partner, Steever, is to blame and that he was only taking Steever's direction. We give great weight to the decision of the hearing judge who observed all the witnesses, including Anderson. (*Van Sloten v. State Bar* (1989) 48 Cal.3d 921, 931; Rules Proc. of State Bar, rule 5.155(A).) She found Anderson indifferent to the impact and seriousness of his misconduct, and we agree, on our own record review.

The Supreme Court's guidance in *Kelly v. State Bar*, *supra*, 45 Cal.3d at pp. 656-657, is fully apt here: "The most obvious candidates for disbarment are attorneys who have been found culpable of misappropriating a large sum of money from several clients. Such broad scale wrongdoing suggests that the attorney is likely to repeat his misconduct and is simply not worthy of the public trust."[12] Like the hearing judge, we recommend that Anderson be disbarred.

III. FORMAL RECOMMENDATION

We recommend that Robert L. Anderson be disbarred from the practice of law and that his name be stricken from the roll of attorneys admitted to practice in California.

[12] See the following additional authorities in which disbarment has been imposed for willful misappropriation of funds, even without prior discipline: *Kaplan v. State Bar* (1991) 52 Cal.3d 1067, 1073 [misappropriation of $29,000 of law firm funds by firm partner]; *Gordon v. State Bar* (1982) 31 Cal.3d 748 [misappropriation of over $27,000, 13 years of discipline-free practice, financial difficulties, emotional difficulties due to divorce, remorse, and lack of harm]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 518-522 [misappropriation of $40,000, aggravated by client harm and uncharged misconduct, despite 15 years of discipline-free practice, emotional problems, restitution, remorse, good character, community service, cooperation by stipulating to culpability and community service].

We further recommend that he make restitution to Bonnie Margolin in the amount of $176,011.55, plus 10 percent interest per year from April 30, 2010, and that he make restitution to Joanna Ramirez in the amount of $41,947, plus 10 percent interest per year from December 31, 2011 (or reimburse the Client Security Fund, to the extent of any payment from the Fund to the payees, in accordance with Business and Professions Code section 6140.5).

We further recommend that he must comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule, within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this matter.

Finally, we recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and that such costs be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

IV. ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

The order that Robert L. Anderson be involuntarily enrolled as an inactive member of the State Bar pursuant to Business and Professions Code section 6007, subdivision (c)(4), effective July 20, 2014, will remain in effect pending consideration and decision of the Supreme Court on this recommendation.

STOVITZ, J.*

WE CONCUR:

PURCELL, P. J.

HONN, J.

*Retired Presiding Judge of the State Bar Court, serving as Review Judge Pro Tem by appointment of the California Supreme Court.