

Filed January 26, 2017

STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

In the Matter of)	Case No. 14-O-00143
)	
SHAMEEM HASAN,)	OPINION
)	
A Member of the State Bar, No. 223281.)	
_____)	

The Office of the Chief Trial Counsel of the State Bar (OCTC) charged Shameem Hasan with five counts of misconduct in one client’s immigration matter. Before his disciplinary trial, Hasan applied to participate in the State Bar’s Alternative Discipline Program (ADP), a disciplinary option for members with substance abuse or mental health issues. When he failed to complete the required contract, Hasan was not accepted into the ADP, and his case went to trial.

Hasan stipulated to four counts of culpability at the close of trial, including that he failed to: (1) respond to client inquiries; (2) release his client’s file; (3) refund unearned fees; and (4) refund advance costs. The hearing judge also found him culpable of failing to perform with competence, and recommended discipline that included a three-month actual suspension.

Hasan appeals, but does not challenge culpability. He contends he should have been admitted into the ADP. Alternatively, he argues for more mitigation, less aggravation, and a public reproof. OCTC does not appeal, but contests Hasan’s ADP arguments.

Upon independent review of the record (Cal. Rules of Court, rule 9.12), we reject Hasan’s ADP challenge as procedurally improper. Though we make adjustments to some factors in mitigation and aggravation, we affirm the hearing judge’s discipline recommendation.

I. HASAN'S ADP CHALLENGE IS PROCEDURALLY IMPROPER

On September 8, 2014, OCTC filed the Notice of Disciplinary Charges (NDC). On October 2, 2014, Hasan applied to participate in the ADP. At the first status conference, the hearing judge set a trial date, but referred Hasan's ADP application for consideration to an assigned ADP judge, who vacated Hasan's trial dates. On November 5, 2015, Hasan failed to file the required ADP contract.¹ As a result, the ADP judge returned the matter to the trial judge, who set a new trial date of January 20, 2016.

The day before trial, Hasan reiterated his wish to participate in ADP, and filed a motion to be "readmitted."² The ADP judge denied Hasan's motion at a hearing held the morning of January 20, after which trial before the hearing judge commenced. The trial concluded on January 22, 2016, and the judge issued his decision on March 3, 2016.

We reject Hasan's challenge of the ADP judge's January 20, 2016 ruling for two reasons. First, it was untimely. Referral to the ADP must be made 45 days prior to the first scheduled trial date. (Rules Proc. of State Bar, rule 5.381.) Hasan sought admission for the second time the day before trial, making his request 44 days late. Second, Hasan's ADP challenge was not brought under the correct rule. The Review Department evaluates grants or denials of admission to the ADP program pursuant to interlocutory review procedures. (Rules Proc. of State Bar, rules 5.389, 5.150.) Hasan was required to file his petition for interlocutory review within 15 days after the ADP judge's January 20, 2016 order. (Rules Proc. of State Bar, rule 5.150(B).) He failed to do so. Instead, he waited more than two months to file his request for review of the hearing judge's decision pursuant to rule 5.151 of the Rules of Procedure of the State Bar. In

¹ See Rules of Procedure of the State Bar, rules 5.380-5.389.

² Hasan designated his motion as one for readmission, but we note that he was never admitted to the ADP.

that request, he sought review of the ADP judge's pretrial order denying his admission to the ADP, which should have been addressed by interlocutory review.³

II. FACTS SUPPORTING UNCONTESTED CULPABILITY⁴

The facts, as summarized herein, support the hearing judge's uncontested culpability findings. Hasan was admitted to the practice of law in California on December 12, 2002, and has no prior record of discipline. From 2003 through 2012, he partnered with his brother, Shahed, in the Hasan Law Firm. In January of 2013, Hasan began working at another firm. While he was still at the Hasan Law Firm, Melanie Oduguwa retained him to file an I-130 immigration petition requesting that her husband be allowed to immigrate to the United States from Nigeria. The petition was denied in November 2012.

Thereafter, Oduguwa contacted Hasan to file a new petition. Hasan responded from the Hasan Law Firm email address without telling Oduguwa that he no longer worked there. He quoted her an advance attorney fee of \$1,000 and advance costs of \$738 to file the new petition. Oduguwa paid the fee in full and the costs in installment payments. On February 26, 2013, Hasan informed Oduguwa, again using the Hasan Law Firm email, that he would start preparing the petition. He copied his brother on the email, explaining to Oduguwa that "he [Shahed] may be assisting me with the preparation of this case."

On March 20, 2013, Oduguwa emailed Hasan for an update. The following week, Hasan again replied from the Hasan Law Firm email stating that he was working on the petition and "[i]t should be ready soon." Hasan stipulated that he provided no legal services for Oduguwa

³ Even if we were to consider Hasan's untimely challenge of the ADP judge's decision, he did not provide the required supporting materials needed for a meaningful review. (Rules Proc. of State Bar, rule 5.150(C) [interlocutory petition must be supported by appendix containing copy of written order or audiotape of hearing and copies of all related pleadings].)

⁴ The facts are based on the Stipulation as to Facts and Admission of Documents (Stipulation), trial testimony, documentary evidence, and the hearing judge's factual findings, which are entitled to great weight. (Rules Proc. of State Bar, rule 5.155(A).)

after this date. Between May 20, 2013 and September 30, 2013, Oduguwa called Hasan at least 20 times and made written requests for a status report. Shahed testified that he had relayed several phone messages from Oduguwa to his brother. Though Shahed believed that Hasan was communicating with Oduguwa, Hasan had not been responding. Hasan testified that Shahed “had taken over the case,” and Hasan did not know about Oduguwa’s attempts to reach him. The hearing judge found that Hasan’s testimony was “false and lacked candor,” relying on Shahed’s credible testimony that he repeatedly told Hasan that Oduguwa had called.

On July 19, 2013, Oduguwa wrote to Hasan and inquired whether the petition had been filed. She also complained that she had not heard from his brother or him for five months, stating: “If you don’t want to be my lawyer let me know. Then you can repay me back my \$1738.00.” Hasan did not respond, return the money, or reveal he had left the Hasan Law Firm.

In November 2013, Oduguwa filed a complaint with the State Bar alleging that she had not heard from Hasan in seven and one-half months. She requested that Hasan refund her money and return her file. Hasan stipulated that Oduguwa sent him a copy of her complaint.

On March 26, 2014, the State Bar sent Hasan a letter asking him to respond to Oduguwa’s complaint. On April 26, 2014, Hasan replied and agreed to refund the money. He stated that he did not finish the I-130 petition because Oduguwa chose to delay its filing for strategic reasons, and he was busy with other projects by the time she wished to proceed. The hearing judge found Hasan’s statement to be a “complete misrepresentation” to the State Bar, as it was inconsistent with Oduguwa’s multiple letters and emails to Hasan emphasizing the urgency of filing the petition. On May 8, 2014, Oduguwa wrote to Hasan and again demanded a refund. He refunded her money on May 16, 2014, but testified at trial that he has not returned her file because he did not want to contact his former client after the disciplinary proceedings began.

III. HASAN IS CULPABLE ON ALL COUNTS

Based on Hasan's stipulations and the trial evidence, the hearing judge found him culpable of: (1) failing to promptly respond to his client's inquiries, in willful violation of Business and Professions code section 6068, subdivision (m);⁵ (2) failing to promptly release his client's papers and property, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1);⁶ (3) failing to promptly refund advanced, unearned fees, in willful violation of rule 3-700(D)(2);⁷ (4) failing to return unused advance costs, in willful violation of rule 4-100(B)(4);⁸ and (5) intentionally, recklessly, or repeatedly failing to perform legal services with competence, in violation of rule 3-110(A).⁹ We adopt these unchallenged findings as supported by the record, and focus on the issues Hasan raises on review: aggravation, mitigation, and level of discipline.

IV. AGGRAVATION AND MITIGATION

Standard 1.5 of the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct¹⁰ requires OCTC to establish aggravating circumstances

⁵ All further references to sections are to the Business and Professions Code. Section 6068, subdivision (m), requires an attorney to "respond promptly to reasonable status inquiries of clients and to keep clients reasonably informed of significant developments in matters with regard to which the attorney has agreed to provide legal services."

⁶ All further references to rules are to the Rules of Professional Conduct unless otherwise noted. Rule 3-700(D)(1) requires an attorney whose employment has terminated to "promptly release to the client, at the request of the client, all the client papers and property."

⁷ Rule 3-700(D)(2) requires an attorney whose employment has terminated to "[p]romptly refund any part of a fee paid in advance that has not been earned."

⁸ Under rule 4-100(B)(4), a member shall "[p]romptly pay or deliver, as requested by the client, any funds, securities, or other properties in the possession of the member which the client is entitled to receive."

⁹ Under rule 3-110(A) "[a] member shall not intentionally, recklessly, or repeatedly fail to perform legal services with competence."

¹⁰ All further references to standards are to this source.

by clear and convincing evidence.¹¹ Under standard 1.6, Hasan has the same burden to prove mitigation.

A. Aggravation

1. Multiple Acts

Hasan does not challenge the hearing judge's finding that he committed multiple acts of misconduct. (Std. 1.5(b) [multiple acts of wrongdoing are aggravating].) We agree, and assign moderate aggravating weight as Hasan is culpable of five counts of varied misconduct. (*In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 646-647 [three instances of misconduct considered multiple acts].)

2. Indifference toward Rectification/Atonement for Consequences of Misconduct

The hearing judge found that Hasan lacks insight into his misconduct. (Std. 1.5(k) [aggravation for indifference toward rectification or atonement for consequences of misconduct]; *Weber v. State Bar* (1988) 47 Cal.3d 492, 506 [lack of remorse and failure to acknowledge wrongdoing are aggravating factors].) Hasan challenges this finding. We agree with the hearing judge.

Hasan argues that he does not lack insight and has demonstrated his remorse by testifying that he would handle the Oduguwa matter differently now, and should have done a better job of following up with his brother to timely complete the work. Such an expression of remorse at trial, however, "is an elementary moral precept which, standing alone, deserves no special consideration in determining the appropriate discipline." (*Hipolito v. State Bar* (1989) 48 Cal.3d 621, 627, fn. 2; see *In the Matter of Song* (Review Dept. 2013) 5 Cal. State Bar Ct. Rptr. 273, 279 [aggravation for lack of insight based on trial record even where respondent acknowledged

¹¹ 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.)

wrongdoing and expressed remorse at oral argument].) This is particularly true here because much of Hasan's other testimony demonstrates his indifference to the way he treated his client: that it was "none of her business" if he worked out of the Hasan Law Firm; it was not his responsibility to inform Oduguwa that he had moved to a new firm; and when he failed to respond to Oduguwa's calls and emails, she should have known to contact his brother instead of him. (See *Gadda v. State Bar* (1990) 50 Cal.3d 344, 356 [lack of insight shown by attempts to blame others for misconduct].) We assign moderate aggravating weight to Hasan's indifference.

3. Intentional Misconduct/Bad Faith/Dishonesty

The hearing judge assigned aggravation for Hasan's bad faith and dishonesty in his dealings with Oduguwa. (Std. 1.5(d) [aggravation for intentional misconduct, bad faith, or dishonesty].) We agree. Hasan accepted Oduguwa as a client but failed to inform her when he left the Hasan Law Firm and misrepresented to her in March 2013 that he was working on the petition and that it would be "ready soon." We assign substantial weight to this aggravating factor.

4. Lack of Candor

The hearing judge found that Hasan lacked candor when he falsely represented to the State Bar in response to Oduguwa's complaint that she asked him to delay preparing the I-130 petition. (Std. 1.5(l) [aggravation for lack of candor and cooperation to victims or to State Bar during disciplinary investigation or proceeding].) The judge found this "purported account" of why Hasan did not timely prepare the I-130 petition to be "palpably false," and that Hasan's trial testimony also lacked candor at times. We give great weight to the judge's candor findings, and conclude that the documentary evidence and Oduguwa's testimony support them. (*In the Matter of Dahlz* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 269, 282 [hearing judge's findings on candor entitled to great weight].) We assign significant aggravating weight to this factor.

5. Uncharged Violation for Failure to Change Address

The hearing judge assigned aggravation for an uncharged violation of section 6002.1¹² because Hasan failed to update his address with the State Bar. (Std. 1.5(h) [aggravation for uncharged violations of sections].) Hasan does not challenge this finding, and we affirm it, noting that the supporting evidence properly originates from Hasan’s testimony about the charged misconduct. (*Edwards v. State Bar* (1990) 52 Cal.3d 28, 35-36 [unnoticed allegations aggravating if proved by attorney’s testimony elicited for relevant purpose of inquiring into charged misconduct].)

6. Vulnerable Client

The hearing judge found that Oduguwa was a highly vulnerable client. (Std. 1.5(n) [aggravation for high level of vulnerability of victim].) Hasan argues she was not vulnerable. We agree with the hearing judge. Oduguwa is a certified nursing assistant who was unsophisticated in her understanding of the legal issues involved in bringing her husband to the United States. She relied on Hasan to assist her. Further, financial circumstances added to her vulnerability. As the hearing judge aptly noted: “[Oduguwa’s] financial condition made it impossible, as a practical matter, to secure alternative representation without her advanced fees and costs being returned.” We assign moderate weight to this aggravating factor.

B. Mitigation

1. No Record of Discipline

The hearing judge assigned significant mitigation for Hasan’s absence of prior discipline in 11 years. We assign limited credit because, given his lack of insight and failure to return Oduguwa’s file, he did not establish that his misconduct is unlikely to recur, as required by the standard. (Std. 1.6(a) [mitigation for absence of prior record of discipline over many years of

¹² Section 6002.1 requires members to provide the State Bar with their current office address, and to notify the Bar of any change in address within 30 days.

practice coupled with present misconduct which is not likely to recur]; *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1029 [if misconduct is serious, long discipline-free practice is most relevant where misconduct is aberrational and unlikely to recur].)

2. Good Character

The hearing judge assigned limited mitigation credit for testimony from Hasan's four character witnesses because none of the witnesses were aware of the full extent of the misconduct. (Std. 1.6(f) [mitigation for extraordinary good character attested to by wide range of references in legal and general communities, who are aware of full extent of misconduct].) Hasan argues he is entitled to significant credit. The hearing judge is correct.

Hasan's witnesses testified about his honesty and integrity, including his brother, Shahed; an accountant Hasan met in 2013 when they both worked at a law firm; a law clerk who has known Hasan since 2015 through the Lawyer Assistance Program (LAP)¹³ and also worked with him; and a long-time friend. These witnesses, however, do not represent a wide range of references in the community (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar. Ct. Rptr. 41, 50 [testimony of four witnesses afforded diminished mitigating weight]), nor were they aware of the full extent of Hasan's misconduct. (*In re Aquino* (1989) 49 Cal.3d 1122, 1131 [seven witnesses and 20 letters of support not significant mitigation because witnesses did not know details of misconduct].) In particular, three witnesses mistakenly believed that Hasan's misconduct was due to miscommunications and that he had taken full responsibility for his actions *before* the disciplinary trial began. In fact, Hasan admitted culpability for most of his misconduct at the close of trial.

¹³ The LAP provides assistance to lawyers who are grappling with stress, anxiety, depression, substance use, or concerns about their career.

3. Lack of Harm

The hearing judge found that Hasan is not entitled to mitigation for lack of harm. (Std. 1.6(c) [mitigation for lack of harm to client, public, or administration of justice].) We agree, and note that Hasan concedes in his brief that he harmed Oduguwa.

4. Extreme Emotional Difficulties

Extreme emotional difficulties may be considered mitigating if: (1) an attorney suffered from them at the time of his misconduct; (2) they are established by expert testimony as being directly responsible for the misconduct; and (3) they no longer pose a risk of future misconduct. (Std. 1.6(d).) The hearing judge found that Hasan failed to prove that his difficulties caused his misconduct or that he is rehabilitated. (See *In re Naney* (1990) 51 Cal.3d 186, 197 [emotional distress from marital difficulties and similar problems not mitigating absent evidence it was directly responsible for misconduct].) Hasan challenges this finding. We agree with the hearing judge.

Hasan testified he could not focus and experienced memory loss in 2013 which led to his misconduct. He stated that he suffered from anxiety, depression, and marital and family problems that began in 2010, has sought professional treatment, and takes medication. In particular, he described struggles with his wife's erratic behavior and mental health issues, ultimately causing severe marital difficulties. Other witnesses corroborated these problems. The hearing judge admitted an April 2015 declaration from Dr. Peck, a non-treating psychologist, which summarized an evaluation conducted in 2015 that detailed Hasan's problems, and concluded that Hasan was "well on his way" to his pre-depression state. The judge did not, however, admit a January 2016 updated declaration from Dr. Peck that Hasan attempted to file at the end of the trial.

As a threshold matter, we granted Hasan's request to augment the record on review with a third declaration from Dr. Peck, dated June 2016. This document came into evidence over objection by OCTC, but subject to our determination of the evidentiary weight to afford it.¹⁴ For reasons analyzed below, we give this declaration minimal weight towards "supplementing or explaining" Hasan's testimony about his emotional difficulties. (Rules Proc. of State Bar, rule 5.104(D) [hearsay evidence may be used to supplement or explain other evidence, but, when timely objection exists, is not sufficient to support finding].)

We acknowledge that Hasan has made efforts to manage his emotional difficulties, but find that he failed to prove a nexus between his problems and much of his misconduct. He did not prove by clear and convincing evidence that his difficulties caused him to make misrepresentations to the State Bar, his brother, or his client. Nor did these problems prevent him from returning Oduguwa's file.

Moreover, as the hearing judge found, Hasan failed to prove he is fully rehabilitated. (*In re Lamb* (1989) 49 Cal.3d 239, 246 [proof of complete, sustained recovery and rehabilitation must be established to qualify for mitigation credit for emotional problems].) The 2015 declaration from Dr. Peck admitted at trial discusses Hasan's ongoing, albeit improving, emotional problems. The June 2016 declaration we admitted is a more recent one-page analysis, based on evaluations of Hasan in April 2015, January 2016, and June 2016. Dr. Peck opines in that declaration that Hasan can function effectively in his capacity as an attorney. Because it was augmented on review and not subject to cross-examination, however, we cannot determine the quality of or reasoning behind Dr. Peck's conclusory opinion in this later declaration. Thus, we do not find that Dr. Peck's report "states any grounds for excusing [Hasan] from the observation of at least the minimum standards of professional conduct." (See *Grove v. State Bar* (1967) 66

¹⁴ Given this admission, we find Hasan's challenge to the hearing judge's failure to admit a January 2016 declaration from Dr. Peck is moot.

Cal.2d 680, 685 [court's duty lies in assurance public will be protected in performance of duties by attorney rather than in analysis of reasons for delinquency].)

While Hasan's emotional distress from his marital problems is not mitigating because he failed to prove they were responsible for his misconduct, "[m]arital difficulties can be considered in mitigation." (*In re Naney, supra*, 51 Cal.3d at p. 197, citing *In re Demergian* (1989) 48 Cal.3d 284, 294 [domestic difficulties properly considered to mitigate seriousness of attorney's professional misconduct].) We therefore assign some mitigation credit to Hasan's marital problems, which he proved through his testimony and that of other witnesses.

5. Cooperation

Hasan seeks mitigation credit for cooperating with OCTC by entering into the written Stipulation and by admitting to four counts of culpability at the close of trial. (Std. 1.6(e) [mitigation for spontaneous candor and cooperation to victims or State Bar].) Though the hearing judge did not address this factor, Hasan is entitled to some mitigating credit for his cooperation, although most of it occurred late in the trial process. (*In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179, 190 [more extensive weight in mitigation accorded those who admit culpability and facts].)

V. THREE-MONTH ACTUAL SUSPENSION IS APPROPRIATE

The purpose of attorney discipline is not to punish the attorney, but to protect the public, the courts, and the legal profession; to preserve public confidence in the profession; and to maintain high professional standards for attorneys. (Std. 1.1.) The standards, although not binding, are guiding and entitled to great weight. (*In re Silverton* (2005) 36 Cal.4th 81, 91-92.) The Supreme Court has instructed us to follow them whenever possible (*In re Young* (1989) 49 Cal.3d 257, 267, fn. 11), and also to look to comparable case law to determine the proper discipline. (*Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311.)

Standard 2.2(a) is most applicable here. It provides that an actual suspension of three months is the presumed sanction for failure to promptly pay out entrusted funds—which we note addresses just one of Hasan’s five counts of culpability. The hearing judge applied this standard, having found Hasan culpable of such misconduct. Hasan argues the judge should have applied standard 2.7(c) (suspension or reproof for, inter alia, performance and communication violations) because the true nature of his misconduct related to lack of communication and failure to perform, rather than failure to promptly pay out funds. We find the hearing judge applied the correct standard because, under standard 1.7(a), we must impose the one that calls for the most severe sanction—which is standard 2.2(a) (minimum three-month suspension).

Hasan further contends that, regardless of the standard we apply, a public reproof is appropriate in light of his mitigation and the decisional law. In support, he offers cases where less than a three-month suspension was imposed. We do not find these cases persuasive because each is distinguishable from Hasan’s case. In *Colangelo v. State Bar* (1991) 53 Cal.3d 1255, the attorney received a stayed suspension because the Supreme Court had concerns about the adequacy of the evidence; here, Hasan does not challenge his culpability. In *In the Matter of Respondent C* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 439, we imposed an admonition because the attorney was culpable of only one instance of failure to communicate following a 30-year discipline-free record and no aggravation; here, Hasan practiced law for 11 years before his misconduct began and we find substantial overall aggravation. And in *Stuart v. State Bar* (1985) 40 Cal.3d 838, the Supreme Court imposed a 30-day actual suspension for an attorney’s failure to communicate and carelessness in handling a case where there was no failure to refund fees and minimal aggravation; here, Hasan committed more serious misconduct and has greater aggravation.

An appropriate sanction should fall within the range the applicable standard provides unless the net effect of the aggravating and mitigating circumstances demonstrates that a greater or lesser sanction is needed to fulfill the primary purposes of discipline. (Std. 1.7.) To deviate from the applicable standard, we must state clear reasons for doing so, considering the Supreme Court's general directive to follow the standards whenever possible. (Std. 1.1; *In re Young, supra*, 49 Cal.3d at p. 267, fn. 11; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5 [requiring clear reasons for departure from standards].) We find no reason to deviate from the three-month actual suspension that standard 2.2(a) recommends given Hasan's multiple counts of varied misconduct and the aggravating circumstances, particularly his lack of candor and indifference to his wrongdoing.¹⁵

We further recommend that Hasan be ordered to promptly return Oduguwa's file.

VI. RECOMMENDATION

For the foregoing reasons, we recommend that Shameem Hasan be suspended from the practice of law for two years, that execution of that suspension be stayed, and that he be placed on probation for three years on the following conditions:

1. He must be suspended from the practice of law for the first 90 days of the period of his probation.
2. He must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of his probation.

¹⁵ See *Matthew v. State Bar* (1989) 49 Cal. 3d 784, 791-792 (abandonment of clients and failure to return unearned funds warrant period of actual suspension; Supreme Court increased State Bar Court recommendation of no actual suspension to 60 days); *Lester v. State Bar* (1976) 17 Cal.3d 547, 552 (six-month suspension in pre-standards case where attorney failed to perform and refund fees in *four client matters*); *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615 (six-month suspension where attorney *with prior discipline* commingled business and client funds, failed to perform, and failed to return advance costs); see also *Harris v. State Bar* (1990) 51 Cal.3d 1082 (90-day suspension for protracted inattention to client's case with large financial loss; 10 years of discipline-free practice and lack of remorse, insight, and candor).

3. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code, section 6002.1, subdivision (a), including his current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, he must report such change in writing to the Membership Records Office and the State Bar Office of Probation.
4. Within 30 days after the effective date of discipline, he must contact the Office of Probation and schedule a meeting with his assigned probation deputy to discuss the terms and conditions of probation. Upon the direction of the Office of Probation, he must meet with the probation deputy either in person or by telephone. During the period of probation, he must promptly meet with the probation deputy as directed and upon request.
5. He must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, he must state whether he has complied with the State Bar Act, the Rules of Professional Conduct, and all of the conditions of his probation during the preceding calendar quarter. In addition to all quarterly reports, a final report, containing the same information, is due no earlier than 20 days before the last day of the probation period and no later than the last day of the probation period.
6. Subject to the assertion of applicable privileges, he must answer fully, promptly, and truthfully, any inquiries of the Office of Probation that are directed to him personally or in writing, relating to whether he is complying or has complied with the conditions contained herein.
7. He must, within 30 days after the effective date of discipline, return to Melanie Oduguwa all files prepared or maintained by him or the Hasan Law Firm regarding her client matters, including all documents provided by her to him or the firm, and provide proof to the Office of Probation of his compliance with this requirement.
8. Within one year after the effective date of the discipline herein, he must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and of the State Bar's Client Trust Accounting School and passage of the tests given at the end of those sessions. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and he shall not receive MCLE credit for attending Ethics School or Client Trust Accounting School. (Rules Proc. of State Bar, rule 3201.)

The period of probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. At the expiration of the period of probation, if he has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

VII. PROFESSIONAL RESPONSIBILITY EXAMINATION

We further recommend that Shameem Hasan be ordered to take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year of the effective date of the Supreme Court order in this matter and to provide satisfactory proof of such passage to the Office of Probation within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

VIII. RULE 9.20

We further recommend that Shameem Hasan be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and to 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 proceeding. Failure to do so may result in disbarment or suspension.

IX. COSTS

We further recommend that costs be awarded to the State Bar in accordance with section 6086.10, such costs being enforceable both as provided in section 6140.7 and as a money judgment.

PURCELL, P. J.

WE CONCUR:

HONN, J.

STOVITZ, J.*

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