PUBLIC MATTER – NOT DESIGNATED FOR PUBLICATION

Filed September 4, 2014

STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

In the Matter of	)	Case No. 12-O-13956
	)	
MARC YOUSSEF LAZO,	)	OPINION
	)	
A Member of the State Bar, No. 215998.	)	
	)	

A hearing judge found that respondent Marc Youssef Lazo misled a superior court judge in his unsuccessful effort to continue a trial, and then disobeyed two court orders by failing to appear at the trial and failing to timely pay sanctions. The hearing judge recommended discipline that included a 90-day suspension. Lazo appeals and requests a private reproval. The Office of the Chief Trial Counsel of the State Bar (OCTC) supports the hearing judge's decision. After independent review (Cal. Rules of Court, rule 9.12), we agree with the hearing judge's conclusions and affirm the recommended discipline.

I. FACTS[1]

Lazo was admitted to practice law in California in December 2001. He lived with, and was very close to, his parents. In June 2011, he left his law firm to help care for his father, who had been diagnosed with cancer. On November 13, 2011, his father passed away. At the time, Lazo was representing Nahed Anwar Girgis pro bono in superior court against a claim by

[1] We adopt and summarize the hearing judge's factual findings, adding relevant facts from the record. (Rules Proc. of State Bar, rule 5.155(A) [judge's findings of fact entitled to great weight on review].)

Girgis's former attorney, Wm. Scott Ayers, who sued her to collect outstanding attorney fees in a family law matter.

A trial date was set in the *Ayers v. Girgis* (*Girgis*) matter. On December 22, 2011, about a month after his father died, Lazo attended a Case Management Conference. Neither party objected to the court setting a trial date of April 2, 2012. But a month later, on January 19, 2012, Lazo purchased refundable plane tickets to travel with his mother to Europe and the Middle East from March 30 (three days before the scheduled trial) through April 28, 2012. The trip was planned to coincide with a ceremony to honor the dead on April 15 in Lazo's ancestral village in Lebanon, and included stops in Rome, Paris, and Beirut. Originally, Lazo hoped his brother would accompany his mother, but he decided to go himself when his uncle died unexpectedly on February 18, 2012.

Lazo unsuccessfully attempted to continue the *Girgis* trial. On February 27, 2012, he asked Ayers to agree to a continuance and emailed him his travel itinerary, which showed the January 19, 2012 reservation date. Ayers refused Lazo's request. Weeks later, on March 19, 2012, Lazo filed a "Notice of Non-Availability," informing the court that he would be out of the country from March 30 through April 28, 2012. On March 21, 2012, the court rejected it, confirming the April 2, 2012 trial date.

A. Lazo's First Ex Parte Application

Lazo then filed an ex parte application on March 21, 2012 to continue the trial, stating: "Recently a close family member of trial counsel, Marc Lazo, passed away. *Arrangements were thereafter made* to join other family members out of the country during the month of April, 2012." (Italics added.) Although Lazo did not identify the family member in the application, he testified at his disciplinary trial that he was referring to his uncle, who had passed on February 18, 2012. He attached a copy of his itinerary to the application, but it was missing the January

reservation date. Ayers opposed Lazo's request for a continuance and provided his copy of the itinerary showing that Lazo made the flight reservations on January 19, 2012 — a month *before* Lazo's uncle died.

On March 22, 2012, the superior court denied Lazo's request for a continuance. The court was concerned that the itinerary revealed a one-week stay in Rome and an "unexplained event in Beirut," and that Lazo failed to "identify his relationship with the unnamed decedent." These concerns suggested to the court that the trip was "more in the nature of a planned vacation." The court was also troubled that the itinerary Lazo provided did not include the January 19, 2012 reservation date. The court ordered Lazo to appear "at 9:00 a.m. on April 2, 2012, ready and prepared to represent the defendant in the trial of this action."

B. Lazo's Second Ex Parte Application

On March 27, 2012, after receiving the court's order, Lazo filed a second ex parte application to continue the trial. He asserted he had to travel with his mother "to attend to necessary family business in Italy and Lebanon for a period of one month," and stressed in his declaration, "I simply cannot be in [the United States] during the month of April for reasons I cannot make public." He also declared that he had a death in his immediate family late last year, and "will not publicize anything further to this Court or anyone else."[2] Lazo did not address the court's concerns, i.e., the deceased family member's identity, or the discrepancy between the travel itinerary he gave Ayers and the one he submitted to the court. Nor did he explain why he made flight reservations that conflicted with the trial date. Instead, his application stated: "Family matters take precedence over this trial."

The court denied Lazo's second ex parte request to continue the trial, concluding that he "grossly misrepresented the facts surrounding the basis and circumstances reported in an earlier

[2] Lazo testified at his discipline trial that the immediate family member was his father.

ex parte application to continue next week's trial." The court reasoned that the renewed application "provides no explanation, or even an apology for the misrepresentations and omissions of the previous application. Instead, Mr. Lazo simply demands to be accommodated." Lazo received the order.

C. Lazo Failed to Appear at Trial

Lazo did not appear for trial; instead, he and his mother proceeded with their trip. Lazo sent in his place an attorney who had been working for him for approximately one week, and who was not prepared to try the case. Lazo's client appeared and told the court that Lazo called her the previous week to tell her he would not appear for trial.[3]

The court continued the trial to April 30, 2012, and issued concurrent orders to show cause (OSC) against Lazo for sanctions and contempt. Lazo attended the OSC hearing and offered the justification that he and his mother had "family business to take care of due to my deceased father's situation that occurred in November, on November 13." Lazo also claimed that the two travel itineraries were different documents, stating: "The first itinerary was just an estimate of when I was going to be gone. The second itinerary was confirmation."[4]

The superior court found that Lazo "intentionally misled the court in the process of attempting to obtain a trial continuance at the 11th hour." At the conclusion of the April 30,

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[3] Girgis said she became "very nervous, very agitated" upon learning that Lazo would not be at the trial and told him: "I'm going to go. Why you put me in this position because it's not my fault. You representing me. You've been in this case for a period of time and I wasn't aware of that. But I told him I would show up. I don't want to look bad in front of the judge."

[4] However, Lazo's computer science expert testified that there was only one itinerary. She opined that the reservation date was inadvertently removed from the itinerary Lazo provided the court when his secretary forwarded it from one email account to another before printing it. Based on the findings below, the hearing judge did not accept the expert's testimony and neither do we since the expert was not unbiased — she was Lazo's former client, a friend of his brother, and a character witness. (Evid. Code, § 780, subd. (f) [the "existence or nonexistence of a bias, interest, or other motive" on the part of a witness ordinarily is relevant to the truthfulness of the witness's testimony].)

2012 OSC hearing, the court ordered Lazo to pay $3,654.20 in sanctions to Ayers, but did not set a specific payment deadline. The court then vacated the contempt OSC, ordered Lazo to report the sanctions to the State Bar, and instructed Ayers to convert the order to a judgment, which he never did. Lazo reported the sanctions to the State Bar on May 7, 2012, but did not pay Ayers until November 30, 2012, after OCTC contacted him and shortly before disciplinary charges were filed.

II. CULPABILITY

A. Lazo Is Culpable of Count One for Violating Business and Professions Code Section 6068, Subdivision (d)[5] (Seeking to Mislead a Judge)

The hearing judge correctly found Lazo culpable of violating section 6068, subdivision (d), by misrepresenting to the superior court certain facts surrounding his request to continue the *Girgis* trial. We give a strong presumption of validity to the superior court's findings that Lazo "grossly misrepresented" the facts in his first ex parte application. (*Maltaman v. State Bar* (1987) 43 Cal.3d 924, 947 [civil findings entitled to strong presumption of validity when supported by substantial evidence].) Those findings are supported by the clear and convincing evidence standard of proof that applies to this proceeding. (Rules Proc. of State Bar, rule 5.103 [culpability must be proved by clear and convincing evidence]; *Conservatorship of Wendland* (2001) 26 Cal.4th 519, 552 [clear and convincing evidence leaves no substantial doubt and commands unhesitating assent of every reasonable mind].)

The record establishes Lazo chose to mislead the court rather than present a valid, honest reason to continue the *Girgis* trial. He made his plans to travel to Europe and the Middle East for the entire month of April 2012 shortly after he agreed to an April 2 trial date. When opposing

[5] Section 6068, subdivision (d), requires an attorney "[t]o employ . . . those means only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law." All further references to sections are to the Business and Professions Code.

counsel did not agree to continue the trial, Lazo filed his first ex parte request for a continuance, stating: "Recently a close family member of trial counsel . . . passed away. *Arrangements were thereafter made* to join other family members out of the country during the month of April, 2012." (Italics added.) Since Lazo testified at the disciplinary hearing that he was referring to his uncle as the close family member who recently died, his statement was false because he had reserved his flight on January 19, 2012 — a month *before* his uncle's February 18, 2012 death. Further, Lazo admitted to the superior court at the OSC hearing that it was his father's death that prompted the trip: "We had family business to take care of due to my deceased father's situation that occurred in November, on November 13th [2011]."

Lazo insists that he did not mislead the court because he never *finalized* his travel plans until after his uncle died. The record does not support his claim. The itinerary shows confirmed, albeit refundable, flights for Lazo and his mother as of January 19, 2012, with specific assigned seats. More importantly, even after his uncle's death, Lazo let more than a month pass before he filed his notice of unavailability and ex parte applications to continue the trial. We find no basis to reverse the hearing judge's finding that Lazo violated section 6068, subdivision (d) by misleading the superior court.[6]

B. Lazo Is Culpable of Counts Two and Three for Disobeying Superior Court Orders in Violation of Section 6103[7]

In Count Two, Lazo is charged with disobeying the superior court's order to appear for trial on April 2, 2012. The hearing judge found him culpable, and we agree.

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[6] The hearing judge dismissed as duplicative count 4, a charge that Lazo failed to maintain respect to the court, in violation of section 6068, subdivision (b). Upon our independent review, we affirm this dismissal with prejudice.

[7] Section 6103 provides that an attorney's "wilful disobedience or violation of an order of the court requiring him to do or forbear an act connected with or in the course of his profession, which he ought in good faith to do or forbear, and any violation of the oath taken by him, or of his duties as such attorney, constitute causes for disbarment or suspension."

To prove failure to obey a court order under section 6103, "[a]t a minimum, it must be established that an attorney ' " ' *knew* what he was doing or not doing and that he intended either to commit the act or to abstain from committing it.' [Citations.]" ' " *(In the Matter of Maloney and Virsik* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 774, 787, quoting *King v. State Bar* (1990) 52 Cal.3d 307, 314.) It is undisputed that Lazo was aware of the order — the superior court denied his two ex parte applications to continue the trial and ordered him to appear and be ready for the April 2, 2012 trial. Yet, he flagrantly disregarded the order by leaving the country and thereby missing the trial date. The Supreme Court has instructed that violating an order of the court is serious misconduct: "Disobedience of a court order, whether as a legal representative or as a party, demonstrates a lapse of character and a disrespect for the legal system that directly relate to an attorney's fitness to practice law and serve as an officer of the court." (*In re Kelley* (1990) 52 Cal.3d 487, 495 citing *Maltaman v. State Bar, supra*, 43 Cal.3d at p. 951; see *Gary v. State Bar* (1988) 44 Cal.3d 820, 823-824 [failure to attend court-ordered hearings violated § 6103].)[8] Lazo committed such serious misconduct by failing to appear for trial and thereby leaving his client without adequate legal representation.

In Count Three, Lazo is charged with disobeying the superior court's April 30, 2012 order to pay sanctions to Ayers. The hearing judge found him culpable. We agree.

While the sanctions order did not designate a deadline for payment, Lazo was required to comply within a reasonable time. (*In the Matter of Respondent Y* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 862, 867-868.) The sanctions were ordered on April 30, 2012, and Lazo paid them on November 30, 2012, but only after OCTC was involved and shortly before disciplinary

[8] At the OSC hearing, the superior court judge expressed his astonishment at Lazo's blatant violation of the order, stating: "I've never had that happen. Eighteen years on the bench, 20 years in practice before that, I've never seen that happen. Would you like to explain to me how it is that you feel so constrained to ignore the court's order and simply leave town, leaving your client towing it?"

charges were filed. This seven-month delay is not reasonable, nor is it excused by Lazo's claim that he was waiting for Ayers to reduce the order to a judgment. Under these circumstances, a judgment is merely an enforcement mechanism and has no effect on Lazo's ethical obligation to timely pay the sanctions. Notably, Lazo never appealed the order even when he stopped representing Girgis in April 2012, nor when the *Girgis* case became final in June 2012. (See *Barton v. Ahmanson Developments, Inc.* (1993) 17 Cal.App.4th 1358, 1361 [sanction order against party's former attorney was immediately appealable since it was final as to him].)

III. AGGRAVATION AND MITIGATION[9]

We agree with the hearing judge's findings of four factors in aggravation and four factors in mitigation. We also find an additional mitigating factor for Lazo's emotional difficulties at the time of his misconduct due to his family members' deaths. However, the seriousness of the aggravating factors outweigh the aggregate mitigation.

A. Aggravating Factors

1. Multiple Acts (Std. 1.5(b))

Standard 1.5(b) provides that aggravating circumstances may include "multiple acts of wrongdoing." Since Lazo committed three ethical violations that arose from one matter, we assign minimal aggravation to this factor. (See *In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 646 [three instances of misconduct constitute multiple acts of wrongdoing]; *In the Matter of Shalant* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 829, 839 [two counts of misconduct arising from one transaction did not constitute multiple acts of misconduct].)

[9] The appropriate discipline is determined in light of the relevant circumstances, including aggravating and mitigating factors. (*Gary v. State Bar, supra,* 44 Cal.3d at p. 828.) OCTC must establish aggravation by clear and convincing evidence (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.5 [hereafter standards], while Lazo has the same burden to prove mitigating circumstances. (Std. 1.6.)

2. Dishonesty (Std. 1.5(d))

Lazo's misconduct was followed by dishonesty. On March 8, 2013, a year after he missed the *Girgis* trial date and a month before his discipline trial, Lazo wrote a letter to the superior court judge in an attempt to justify his conduct. In the letter, he stated: "After my uncle passed [February 18, 2012], because of the circumstances surrounding his death, which involved murder for the inheritance of land, there was no way to get out of the trip." This statement was false. Lazo's brother testified at the disciplinary hearing that the family knew in early March 2012, just weeks after his uncle passed and a year before Lazo wrote the letter, that the uncle's death was from natural causes. Lazo's dishonesty reflects a "disregard of the fundamental rule of ethics — that of common honesty — without which the profession is worse than valueless in the place it holds in the administration of justice. [Citation.]" (*Borré v. State Bar* (1991) 52 Cal.3d 1047, 1053.) We assign significant weight to this aggravating factor.

3. Significant Harm (Std. 1.5(f))

Lazo's failure to appear for trial caused significant harm to the superior court and to the parties. The judge had to reschedule and continue the trial, thereby displacing valuable and scarce judicial resources. And Ayers had to spend additional time preparing for trial a second time. We assign great aggravating weight to this factor. (See *In the Matter of Varakin* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 179, 189 [waste of judicial time and resources constitutes significant harm].)

4. Lack of Insight (Std. 1.5(g))

We may consider lack of remorse and failure to acknowledge misconduct in aggravation. (*Weber v. State Bar* (1988) 47 Cal.3d 492, 506.) The hearing judge found that Lazo failed "to demonstrate any realistic recognition of or remorse for his wrongdoings and instead continues to assert that his conduct was justified." We agree. At trial, Lazo testified: "[T]he only thing I did

wrong was I did not appear at the court-ordered hearing, but I had no choice." He believed his mistake was in "not getting out of the case." Such an attitude ignores the undeniable fact that Lazo virtually abandoned his client on the trial date; it also reveals that he does not understand the importance of his ethical responsibilities to his client. We assign significant weight to this factor because Lazo's lack of insight raises concerns that his misconduct may recur. (See *Blair v. State Bar* (1989) 49 Cal.3d 762, 781-782 [unlikely misconduct will be corrected without recognition of wrongdoing].)

B. Mitigating Factors

1. No Prior Record of Discipline (Std. 1.6(a))

Standard 1.6(a) provides mitigation in the absence of a prior record of discipline. Since this is Lazo's first disciplinary matter, he is entitled to considerable mitigation credit for 10 years of discipline-free practice. (*Hawes v. State Bar* (1990) 51 Cal.3d 587, 596 [over 10 years of practice before first act of misconduct given significant weight].)

2. Cooperation (Std. 1.6(e))

We assign Lazo modest mitigation credit for stipulating to facts without admitting culpability. (Std. 1.6(e); *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].)

3. Good Character (Std. 1.6(f))

Standard 1.6(f) authorizes mitigating credit for extraordinary good character attested to by a wide range of references in the legal and general communities who are aware of the full extent of the member's misconduct. Lazo presented the testimony of five witnesses and declarations from ten others who attested to his good moral character. They included two college professors (Lazo's brother and his computer science expert), former and current clients, fellow church parishioners and the pastor, a real estate agent, a physician, the owner of a

software company, and a law firm managing partner. The witnesses described Lazo as an excellent attorney and a devoted family man who is honorable, ethical, compassionate, and generous. He was also depicted as a benevolent, upstanding, and highly regarded member of his church. However, most witnesses did not know the facts underlying the disciplinary charges. Therefore, we assign limited weight to Lazo's good character evidence. (See *In re Aquino* (1989) 49 Cal.3d 1122, 1130-1131 [seven witnesses and 20 support letters not significant mitigation because witnesses unfamiliar with details of misconduct].)

4. Pro Bono Work and Community Service

Pro bono work and community service mitigate an attorney's misconduct. (*Calvert v. State Bar* (1991) 54 Cal.3d 765, 785.) Several character witnesses explained that Lazo repeatedly provided them with free legal services. Additionally, after his church burned down, he helped negotiate the insurance claim, sell the church property, and acquire a new church. Lazo provided these services pro bono over the course of six years, and is entitled to significant mitigation for his commendable community service.

5. Extreme Emotional Difficulties (Std. 1.6(d))

Standard 1.6(d) provides that an attorney who suffers from extreme emotional difficulties at the time of his misconduct must establish by expert testimony that those difficulties were directly responsible for the wrongdoing, and they no longer pose a risk of further misconduct. Lazo testified that he was "devastated," and not "rational" around the time his father died; his brother and several character witnesses confirmed this. Also, Lazo's secretary testified that he was preoccupied, tired, withdrawn, suffering weight loss, and generally not himself; she saw him crying in his office and said he was "visibly upset" much of the time. This evidence supports Lazo's testimony that he experienced difficulty making proper decisions around the time his family members died. (See *Lawhorn v. State Bar* (1987) 43 Cal.3d 1357, 1364 [Supreme Court

considered lay testimony of emotional problems as mitigation].) Although these emotional difficulties were situational as they were due to the family member deaths, Lazo did not establish his full recovery or present an expert witness to opine on his present emotional status. Accordingly, we assign this factor minimal mitigation credit.

IV. DISCIPLINE[10]

Standard 2.8(a) is most applicable and provides that "disbarment or actual suspension is appropriate" for violating sections 6068, subdivision (d) (misleading a judge) and 6103 (disobeying a court order). Given the broad range of discipline, we consult case law to guide us. (See *Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311.)

In urging a private reproval, Lazo relies on *In the Matter of Respondent X* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 592 and *In the Matter of Respondent Y*, *supra*, 3 Cal. State Bar Ct. Rptr. 862. These cases are not applicable; in both, the attorneys disobeyed a single court order and the misconduct was not as serious as Lazo's. Although no case is directly parallel to Lazo's, we focus on *In the Matter of Maloney and Virsik, supra,* 4 Cal. State Bar Ct. Rptr. 774, which involved intentional misrepresentations in court pleadings. These two attorneys knowingly filed pleadings that were "permeated with half-truths, omissions, and outright misstatements of fact and law." (*Id*. at p. 786.) The attorneys' misconduct, which constituted moral turpitude, was aggravated by several serious factors but tempered by good character and community service. The supervising attorney received credit for 31 years of discipline-free practice while the junior attorney had practiced less than three years and took direction from his supervising attorney. In recommending a 90-day suspension for the senior attorney and a 60-day suspension for the junior attorney, we noted the misconduct was "serious and repeated," but "it

[10] The purpose of attorney discipline is not to punish the attorney, but to protect the public, the courts, and the legal profession; maintain high professional standards; and preserve public confidence. (Std. 1.1.) We begin our analysis with the standards. (*In re Silverton* (2005) 36 Cal.4th 81, 91.)

occurred in a single client matter." (*Id*. at p. 796.) Overall, Lazo's misconduct is more concerning than that of the junior attorney and more akin to that of the supervising attorney.

Lazo was not forthright and honest in his requests for a trial continuance. When an attorney files pleadings with misrepresentations and half-truths, it "not only undermines the ability of the courts to rely on the accuracy" of the information provided, "it also diminishes the public's confidence in the integrity of the legal profession." (*In the Matter of Downey* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 151, 157.) The hearing judge correctly noted: "Integrity and respect for the courts are qualities required of all who wish to practice law in this state."

Nor did Lazo obey the superior court's clear orders to appear for trial and to pay sanctions. The Supreme Court has long viewed violations of court orders as serious misconduct. "Other than outright deceit, it is difficult to imagine conduct in the course of legal representation more unbefitting an attorney." (*Barnum v. State Bar* (1990) 52 Cal.3d 104, 112.) Given the nature of Lazo's misconduct and the serious aggravating factors that outweigh the mitigation, a 90-day suspension is appropriate discipline. (See *Harris v. State Bar* (1990) 51 Cal.3d 1082 [90-day suspension for attorney with no prior discipline who abandons client, causes serious harm, and lacks insight and candor].) Our recommendation is designed to advance the goals of the discipline system and to impress on Lazo the "high degree of care and fiduciary duty he owes to those he represents." (*Stuart v. State Bar* (1985) 40 Cal.3d 838, 847.)

V. RECOMMENDATION

For the foregoing reasons, we recommend that Marc Youssef Lazo 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 two years, with 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.

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. 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 passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and he shall not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)

8. 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 time period of stayed suspension will be satisfied and that suspension will be terminated.

VI. PROFESSIONAL RESPONSIBILITY EXAMINATION

We further recommend that Lazo 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).)

VII. RULE 9.20

We further recommend that Lazo 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.

VIII. COSTS

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

PURCELL, J.

WE CONCUR:

EPSTEIN, J., Acting Presiding Judge

HONN, J.*

*Hearing Judge of the State Bar Court, assigned by the Presiding Judge pursuant to rule 5.155(F) of the Rules of Procedure of the State Bar.