PUBLIC MATTER—NOT DESIGNATED FOR PUBLICATION

Filed April 4, 2018

STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

In the Matter of	)	Case No. 16-N-12766
	)	
JAMES HSIAOSHENG LI,	)	OPINION AND ORDER
	)	
A Member of the State Bar, No. 176662.	)	
	)	

A hearing judge found James Hsiaosheng Li culpable of failing to comply with rule 9.20 of the California Rules of Court, as ordered by the Supreme Court in his prior discipline case.[1] The judge recommended that Li be disbarred.

Li seeks review, challenging culpability. Alternatively, he argues that if we find him culpable, disbarment is too severe and should be substantially modified because any errors he made were procedural and he made them in good faith. The Office of Chief Trial Counsel of the State Bar (OCTC) supports Li's disbarment.

After independent review of the record under rule 9.12, we affirm the hearing judge's culpability findings, but not her disbarment recommendation. Though Li failed in his notification and reporting duties under rule 9.20, he made good faith attempts to comply in two cases where he represented his sister. Under these circumstances, suspension rather than disbarment is appropriate. Since Li served a six-month actual suspension in his prior case, we recommend progressive discipline including a one-year actual suspension.

[1] All further references to rules are to the California Rules of Court unless otherwise noted.

I. PROCEDURAL AND FACTUAL BACKGROUND[2]

A. Li's Prior Discipline Case

Li has been a member of the State Bar since 1995, and has one prior record of discipline. On August 26, 2015, we issued an unpublished opinion (as modified on October 8, 2015) finding Li culpable of: (1) committing an act of moral turpitude by fabricating a legal claim to avoid refunding a $30,000 advance fee, in violation of Business and Professions Code section 6106;[3] (2) failing to return the $30,000 unearned fee for over four years, in violation of Rules of Professional Conduct, rule 3-700(D)(2); (3) falsely indicating on his personal bankruptcy compliance statement that he had completed credit counseling, in violation of section 6068, subdivision (d); and (4) charging and collecting an illegal fee, in violation of Rules of Professional Conduct, rule 4-200(A).

In aggravation, Li committed multiple acts of wrongdoing, caused significant client harm, lacked insight and remorse, and engaged in overreaching. In mitigation, he was credited for more than 12 years of legal practice without discipline and for pro bono and community service.

We recommended that Li be suspended from practicing law for two years, execution of the suspension stayed, and that he be placed on disciplinary probation for two years with conditions. One condition was that he be actually suspended for six months.

B. The Supreme Court Order in Li's Prior Discipline Case

On January 7, 2016, the Supreme Court issued its order imposing our recommended discipline.[4] Li stipulated that he received the order, which was properly served on January 7, and

---

[2] We base the facts on the stipulated facts, the trial evidence, and the hearing judge's factual findings, to which we give great weight. (Rules Proc. of State Bar, rule 5.155(A).)

[3] All further references to sections are to the Business and Professions Code unless otherwise noted.

[4] Supreme Court Case No. S230359 (State Bar Court Case Nos. 11-O-14430 and 11-O-17550 (consolidated)).

became effective on February 6, 2016. The order also required Li to comply with the notification provisions of rule 9.20(a)[5] on or before March 7, 2016, and the reporting requirements of rule 9.20(c)[6] by March 17, 2016. Finally, the order warned Li that his "[f]ailure to do so may result in disbarment or suspension."

On January 29, 2016, an attorney from the State Bar's Office of Probation (Probation) sent Li a letter reminding him of the terms of the Supreme Court order and his obligations under rule 9.20. The Probation attorney alerted Li to file his compliance declaration by March 17, 2016. Li received and read the letter, along with an enclosed copy of rule 9.20, a blank court-approved rule 9.20 compliance declaration, and a blank quarterly report form.

C. Li's Client and Cases in the Current Proceedings

Li was involved in two civil cases on and after January 7, 2016, the date the Supreme Court's order was filed. He represented one client in both cases—his sister, Poshan Lee.[7]

1. The Judicial Foreclosure Action[8]

In August 2015, Li initiated a judicial foreclosure action on behalf of Poshan. He testified that she orally assigned her beneficiary interest in the case to him in December 2015, but the assignment was never recorded or formalized. Li thought such assignment would end the

---

[5] Rule 9.20(a)(1) and (4) require an attorney to: (1) notify all clients being represented in pending matters, along with any cocounsel, of a suspension and consequent disqualification to act as an attorney after the suspension's effective date; (2) notify the clients to seek other legal advice if there is no cocounsel; (3) notify opposing counsel in pending litigation; (4) if there is no opposing counsel, notify the adverse parties of the suspension and consequent disqualification to act as an attorney after the suspension's effective date; and (5) file a copy of the notice with the court, agency, or tribunal before which the litigation is pending.

[6] Rule 9.20(c) requires an attorney to file an affidavit with the Clerk of the State Bar Court showing compliance with the provisions of the order entered under this rule within the time prescribed in the order after the effective date of the suspension.

[7] We refer to Poshan Lee Chan by her first name to provide clarity for the reader as the record refers to her as both "Poshan Lee Chan" and "Poshan Lee."

[8] *Poshan Lee v. Michael Kin Wing Chui, et al.*, Los Angeles County Superior Court, Case No. EC064251.

attorney-client relationship, but began to question it after he received the Supreme Court order. To be cautious, he filed a formal motion on February 2, 2016, to replace Poshan as the plaintiff. In a footnote in his motion, Li disclosed that he would be "suspended from practicing law from 2/6/16 for 6 months." The superior court granted Li's motion on February 26, 2016, which formally ended his representation of Poshan. Li conceded at trial that he was Poshan's attorney of record on January 7, 2016.

The hearing judge found that Li did not perform his notification duties in the judicial foreclosure action. He failed to provide Poshan with timely rule 9.20 written notification of his suspension by certified or registered mail, return receipt requested, before the March 7, 2016 due date. Li testified that there were no opposing counsel to notify because the defendants were never served, and OCTC did not challenge this testimony. On April 1, 2016, Li filed a late notice of his suspension with the superior court.

2. The Declaratory Relief Action[9]

In July 2015, Li represented Poshan on a motion to intervene in a declaratory relief action where he was a defendant in pro. per. The case had been pending for several years. The motion was denied, and Poshan did not appeal. The ruling on the motion ended her attorney-client relationship with Li. However, the lawsuit continued and was pending on January 7, 2016. On January 19, Poshan was served with a deposition subpoena to appear as a third party witness. Li agreed to represent her to object to the subpoena until February 5, 2016—the day before his suspension took effect.

On January 28 and February 3, 2016, Li served objections to the subpoena on opposing counsel, Candie Chang. Li described himself in the pleadings as "Attorney for Poshan Lee until and inclu[d]ing 2/5/16." The hearing judge found Poshan and Chang were aware of Li's

[9] *Cindy Kin Mi Tsui, et al. v. Michael Kin Wing Chui, et al.*, Los Angeles County Superior Court, Case No. GC038906.

suspension prior to its effective date, even though Li failed to timely give the required written rule 9.20 notices by certified or registered mail, return receipt requested. Li filed a late notice of his suspension with the superior court on April 4, 2016.

D. Li's First Rule 9.20 Compliance Declaration

Li filed a rule 9.20 compliance declaration with the State Bar Court on the due date of March 17, 2016, using a court-approved form. He failed to mark all the boxes, but attached a four-page supplemental declaration.

On March 24, 2016, the Probation supervising attorney informed Li by letter that his rule 9.20 compliance declaration was defective "for a variety of reasons." To begin, he did not check any box for item 1, regarding the required notification to clients and cocounsel by certified or registered mail, return receipt requested. Second, he did not check any box for item 4, regarding the required notification to opposing counsel or adverse parties by certified or registered mail, return receipt requested. Li stated the reasons he did not check boxes in items 1 and 4 in his supplemental declaration. The compliance declaration permitted this procedure: "If neither option [box] is correct, attach a declaration under penalty of perjury explaining your situation."

Item 1 deals with formal notice to clients and cocounsel. Li stated that he did not check a box for this item because, although he believed Poshan was not his client since she had orally assigned her interest in the case to him, he thought the law might prohibit such assignments. He stated he provided informal notice of his suspension to Poshan, and concluded that "[a]lthough I think the second option for question 1 applies [no clients], I think a disclosure is a better option." Item 4 deals with formal notice to opposing counsel or adverse parties. Li stated that he did not check a box for this item because he did not represent any client in a case that had an opposing counsel or adverse party. He further noted that Poshan was his client as a third party witness

only between January 21 and February 5, 2016. Li concluded, "As such, I think the second option for question 4 applies [no clients], I think a disclosure is a better option."

The Probation supervising attorney also informed Li in her March 24, 2016 letter that his supplemental declaration was deficient because he failed to state: (1) that he gave Poshan the required notice by certified mail, return receipt requested; (2) whether he had clients other than Poshan as of January 7, 2016; (3) that he gave opposing counsel the required notice by certified mail, return receipt requested; and (4) whether he notified all opposing counsel who were entitled to notice. The letter advised Li to file a compliant rule 9.20 declaration, and included another blank court-approved form. Li received the letter and the enclosures.

E. Li's Second Rule 9.20 Compliance Declaration

On April 5, 2016, Li filed his second rule 9.20 compliance declaration. On April 8, the Probation supervising attorney again informed Li by letter that his rule 9.20 compliance declaration was noncompliant. This time, Li checked all appropriate boxes. However, he crossed off general language about the notification due date, and instead interlineated a statement that he did not complete the required rule 9.20 notification tasks until "3/28/2016." The deadline was March 7. The hearing judge concluded that "other than the fact that the requisite notices and the rule 9.20 declaration were not timely filed pursuant to the Supreme Court's January 7, 2016 Order, the [second] declaration, on its face, complied with rule 9.20."[10]

F. The Notice of Disciplinary Charges

On July 28, 2016, OCTC filed a two-count Notice of Disciplinary Charges against Li.

Count one alleged that Li "failed to provide the requisite notice via certified or registered mail, return receipt requested, to all clients, opposing counsel and adverse parties as required by

[10] The Probation supervising attorney confirmed in her letter to Li that he may not be able to file a compliant declaration if he did not complete the required tasks by the ordered deadlines.

California Rules of Court, rule 9.20(a)(1), and as required by Supreme Court order no. S230359, in willful violation of California Rules of Court, rule 9.20."

Count two alleged that Li "failed to file a declaration of compliance as required by California Rules of Court, rule 9.20 in conformity with the requirements of rule 9.20(c) with the clerk of the State Bar Court by March 17, 2016, as required by Supreme Court order no. S230359, in willful violation of California Rules of Court, rule 9.20."

G. The Hearing Judge's Decision and Amended Decision

Li was the only witness to testify at the one-day trial on November 22, 2016. The hearing judge issued her decision on February 27, 2017, found Li culpable as charged, and recommended disbarment.

Li filed a timely motion for a new trial and for reconsideration, objecting to the hearing judge's findings that he had been dishonest. OCTC filed an opposition on March 23, 2017, and Li filed a reply on March 29.

On April 28, 2017, the hearing judge denied Li's motion for a new trial, but found that "the decision, based on the evidence already before the court, contains one or more errors of fact." The judge issued an amended decision that day, concluding that Li: (1) did not make a false representation in his second rule 9.20 compliance declaration and did not lack candor; (2) had no intent to deceive when he filed his declarations, making the present case unlike his prior discipline; and (3) had not been dishonest. The judge deleted her finding of dishonesty in aggravation, but retained the culpability findings and disbarment recommendation.

II. CULPABILITY

The hearing judge found Li culpable of count one for willfully violating rule 9.20 by failing to provide the required notice to his sister/client and opposing counsel by certified or registered mail, return receipt requested, by March 7, 2016, as required by rule 9.20(a) and as

ordered by the Supreme Court. The judge also found Li culpable of count two for willfully violating rule 9.20 by failing to file a declaration of compliance with rule 9.20(a), with the clerk of the State Bar Court by March 17, 2016, as required by rule 9.20(c) and as ordered by the Supreme Court. Based on the evidence detailed above, we agree with and adopt the hearing judge's culpability findings.

Li's primary argument on review, as it was at trial, is that Poshan was not his client during the relevant times. Regarding the judicial foreclosure action, Li argues Poshan was not his client on January 7, 2016, because she had orally assigned her interest in the lawsuit to him in December 2015. Citing *Fracasse v. Brent* (1972) 6 Cal.3d 784, 790, Li contends that a client may discharge an attorney, with or without cause. He argues that it follows that a client may choose the way to terminate an attorney, including by informal oral assignment. Li also relies on section 368.5 of the Code of Civil Procedure[11] "to conclude that he did not need to formalize the substitution at all."

We reject his arguments and find that Poshan was his client on January 7, 2016. To begin, *Fracasse* and Code of Civil Procedure section 368.5 are not relevant here. Both authorities address a client's ability to transfer personal interests in an action, not when and how an attorney is relieved of the status of being attorney of record with regard to rule 9.20 obligations. And whatever oral or informal assignments Poshan and Li made as to their *personal interests* in the judicial foreclosure action did not affect Li's status as attorney of record for Poshan. He remained in this role from the time he instituted the judicial foreclosure action in August 2015 until the superior court granted his motion to substitute in as plaintiff for Poshan on February 26, 2016—20 days after the effective date of his suspension. Moreover, Li conceded at

[11] This statute provides: "An action or proceeding does not abate by the transfer of an interest in the action or proceeding or by any other transfer of an interest. The action or proceeding may be continued in the name of the original party, or the court may allow the person to whom the transfer is made to be substituted in the action or proceeding."

his disciplinary trial that he was Poshan's attorney of record on January 7, 2016. He did not file a formal motion to substitute in as plaintiff until February 2, 2016, and, in the meantime, never filed a motion in superior court for discharge, substitution, or withdrawal as attorney of record. (See Code Civ. Proc., § 284; rule 3.1362.)

As to the declaratory relief action, we find that Li was obligated to perform all duties under rule 9.20. Li argues that he had no duties because he did not represent Poshan on January 7, 2016, even though the case was pending then and he later represented her before his suspension became effective on February 6, 2016. Li's rule 9.20 obligations extended to all cases pending on January 7, which included the declaratory relief action. We find that when Li thereafter commenced Poshan's representation, he became obligated under rule 9.20. The rule itself requires notification to all clients being represented in pending matters as well as any cocounsel. Further, the court-approved compliance declaration form specified that Li was to notify "all clients and co-counsel, *in matters that were pending* on the date upon which the [Supreme Court] order to comply with rule 9.20 was filed." (Italics added.)

Moreover, we do not interpret rule 9.20 to be inapplicable where an attorney begins representing a client *after* the Supreme Court order is filed yet *before* the suspension begins. To do so would deprive those parties, counsel, and courts of the intended protection of rule 9.20, in particular, to be notified that the attorney will be suspended from the practice of law. (See *Athearn v. State Bar* (1982) 32 Cal.3d 38, 45 [though operative date to identify clients in pending matters is filing date of Supreme Court order and not any later effective date, former rule 955 (predecessor to rule 9.20) contemplates "*advance* notice to *existing* clients of the attorney's prospective inability to represent their interests"].) Li has offered no persuasive authority that rule 9.20 does not apply in his circumstances. His interpretation of the rule is unreasonable, contrary to its purpose, and, as the hearing judge found, "wholly without merit or legal support."

(Accord, *Athearn*, at p. 45 [purpose of former rule 955 is to provide adequate protection of clients].)

III. AGGRAVATION AND MITIGATION

Standard 1.5 of the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct[12] requires OCTC to establish aggravating circumstances by clear and convincing evidence.[13] Li has the same burden to prove mitigation. (Std. 1.6.)

A. Aggravation

In aggravation, the hearing judge found two factors. She assigned great weight to Li's prior serious record of discipline (std. 1.5(a)) and modest weight to his multiple acts of wrongdoing. (Std. 1.5(b).) We agree, as the record supports the judge's findings.

The hearing judge also found that Li did not demonstrate indifference as an aggravating factor. (Std. 1.5(k) [aggravation for indifference toward rectification or atonement for consequences of misconduct].) OCTC urges that Li's claim that Poshan was not his client is "specious" and designed to "confuse and mislead" the court. The hearing judge rejected OCTC's argument at trial, did not find clear and convincing evidence of indifference, and concluded that Li mistakenly believed he did not have to provide formal notice of his suspension to Poshan and Chang. We give great weight to the judge's finding, and adopt it. (See Rules Proc. of State Bar, rule 5.155(A).)

B. Mitigation

The hearing judge correctly gave minimal consideration to Li's partial stipulation because it contained easily proven facts that did not establish culpability. (See std. 1.6(e)

---

[12] All further references to standards are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

[13] 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.)

[mitigation for spontaneous cooperation displayed to victims or State Bar]; *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 as well as facts].)

We disagree, however, with the judge's finding that Li is entitled to minimal mitigation for his emotional difficulties related to family medical issues. While mitigation is available for emotional difficulties, Li did not prove the requisite elements. (Std. 1.6(d) [extreme emotional difficulties directly responsible for misconduct that no longer pose risk of further misconduct]; see *In re Arnoff* (1978) 22 Cal.3d 740, 747 [domestic and health difficulties mitigating in pre-standards case].) Li presented medical records (with the name redacted) that he testified belonged to his 91-year-old mother who was hospitalized in early February 2016. He also testified that his mother's illness distracted him from his rule 9.20 obligations. These sparse details are insufficient to prove a nexus—that Li's mother's illness was directly responsible for his misconduct. Moreover, Li did not prove he no long suffers from these difficulties.

We find one mitigating factor the hearing judge did not find to which we assign modest weight—lack of harm to the client, public, or administration of justice. (Std. 1.6(c).) Poshan, Chang, and the court in the judicial foreclosure action knew about Li's suspension before it became effective, and the record contains no proof of harm.

Finally, the hearing judge assigned no credit for Li's pro bono and community service work, including his service on the State Bar's Standing Committee on the Delivery of Legal Services (2006–2009), and his testimony that he engaged in educating the Chinese-American legal community in 2005 regarding the constitutionality of California's Proposition 22. We agree because Li's service occurred a decade or more ago and he provided no specifics about the

nature and extent of his work. (See *Rose v. State Bar* (1989) 49 Cal.3d 646, 667 [mitigation for legal abilities, dedication, and zeal in pro bono work].)[14]

IV. ONE-YEAR ACTUAL SUSPENSION IS APPROPRIATE DISCIPLINE

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 standards for attorneys. (Std. 1.1.) Our disciplinary analysis begins with the standards, which, although not binding, are entitled to great weight. (*In re Silverton* (2005) 36 Cal.4th 81, 91–92.)

Rule 9.20 provides that a violation is cause for either disbarment *or* suspension.[15] Generally, the Supreme Court has deemed a violation of former rule 955 (predecessor to rule 9.20) a serious ethical breach for which disbarment is appropriate discipline absent substantial mitigating circumstances. (See, e.g., *Dahlman v. State Bar* (1990) 50 Cal.3d 1088; *Bercovich v. State Bar* (1990) 50 Cal.3d 116; *Powers v. State Bar* (1988) 44 Cal.3d 337.) In reviewing these disbarment cases, we find common themes of failure to file the compliance declaration, serious prior discipline, a pattern of failing to cooperate, and indifference to the responsibilities of a member of the Bar. Those themes are not present here.

Lesser discipline has been imposed for willful violations of former rule 955 in, for example, *Shapiro v. State Bar* (1990) 51 Cal.3d 251 (one-year suspension for filing compliance declaration five months late, plus culpability for client abandonment but substantial mitigation) and *Durbin v. State Bar* (1979) 23 Cal.3d 461 (six-month actual suspension or until attorney files required compliance declaration, whichever is longer, for notifying parties of suspension but

[14] We note that Li received credit for this service in his prior discipline case.

[15] Rule 9.20(d) provides: "A suspended member's willful failure to comply with the provisions of this rule is a cause for disbarment or suspension and for revocation of any pending probation."

failing to file compliance declaration; no discussion of aggravation or mitigation).[16] These cases are distinguishable from those meriting disbarment primarily because the violations were minor (e.g., compliance declarations filed on or close to due date), substantial mitigation was present, or the attorney did not display indifference to the discipline system. The hearing judge's findings below reflect that some of the factors are present here.

Li is charged with violating rule 9.20 in two cases where he represented only his sister, and no other misconduct. We find his attempts to timely file his rule 9.20 compliance declaration significant—he filed his first one on the due date. He also fully participated in these proceedings, cooperated with the State Bar by filing a partial stipulation, and has not shown indifference to the disciplinary system. Even the hearing judge found that Li had not been dishonest and that his deficient informal notice to Poshan and Chang had, in fact, fulfilled the prophylactic function of rule 9.20.[17] Though we find Li culpable of violating rule 9.20, this is not a case where he ignored his obligations under the rule. Rather, it involves his attempted, albeit deficient, rule 9.20 notifications and filings. Given these factors, including that Li caused no client harm, suspension rather than disbarment is appropriate.[18]

In determining the proper suspension period, we acknowledge the Supreme Court's directive that a willful violation of rule 9.20 "is, by definition, deserving of strong disciplinary measures. [Citations.]" (*Lydon v. State Bar*, *supra*, 45 Cal.3d at p. 1187.) We are also mindful

---

[16] See also *In the Matter of Rose* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 192 (nine-month actual suspension concurrent with two-year actual suspension for probation violations, attempt to file former rule 955 form, no harm and other mitigation) and *In the Matter of Friedman* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 527 (30-day actual suspension for 14-day late filing, compelling mitigation, participation in disciplinary proceedings).

[17] *Lydon v. State Bar* (1988) 45 Cal.3d 1181, 1187 (former rule 955 performs critical prophylactic function of ensuring that all concerned parties learn about attorney's discipline).

[18] The hearing judge relied on *Bercovich v. State Bar*, *supra*, 50 Cal.3d 116 and *In the Matter of Babero* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 322. We find these disbarment cases present far more serious circumstances than Li's case, including questions of fitness to practice law, pattern of inattention to duties to clients, and lack of concern for potential harm.

of the principle of progressive discipline embodied in the standards.[19] Since Li served a six-month actual suspension in his prior case, we recommend discipline that includes a one-year actual suspension and three years' probation. (See std. 1.2(c)(1) ["Actual suspension is generally for a period of thirty days, sixty days, ninety days, six months, one year, eighteen months, two years, three years, or until specific conditions are met"].) This recommendation is appropriately progressive to protect the public, the courts, and the legal profession.

Because we reject the hearing judge's disbarment recommendation, we: (1) order that Li's involuntary inactive enrollment under section 6007, subdivision (c)(4), ordered by the hearing judge, effective on March 2, 2017, be terminated; and (2) recommend that Li be given credit for the period of his inactive enrollment under section 6007, subdivision (c)(4), toward the one-year period of actual suspension that we recommend be imposed on him. (See *In the Matter of Torres* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 138, 143.)

V. RECOMMENDATION

For the foregoing reasons, we recommend that James Hsiaosheng Li 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 year of the period of his probation. However, we recommend that he be given credit for the period of his inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), toward the recommended one-year period of actual suspension. Since Li has already served over one year on inactive enrollment (beginning March 2, 2017), there would be no prospective period of actual suspension in this matter.

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.

[19] Standard 1.8(a) provides: "If a member has a single prior record of discipline, the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust."

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 case specialist to discuss the terms and conditions of probation. Upon the direction of the Office of Probation, he must meet with the probation case specialist either in person or by telephone. During the period of probation, he must promptly meet with the probation case specialist 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. We do not recommend that Li be ordered to attend the State Bar's Ethics School, as he was ordered to do so on January 7, 2016, in Supreme Court Case No. S230359 (State Bar Court Case Nos. 11-O-14430 and 11-O-17550 (consolidated)).

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.

VI. PROFESSIONAL RESPONSIBILITY EXAMINATION

We do not recommend that Li be ordered to take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners as he successfully did so on August 12, 2017, in connection with Supreme Court Case No. S230359 (State Bar Court Case Nos. 11-O-14430 and 11-O-17550 (consolidated)).

VII. RULE 9.20

We do not recommend that Li 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 because there will be no prospective period of actual 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.

IX. ORDER

Finally, because we reject the hearing judge's disbarment recommendation, we order that James Hsiaosheng Li's inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), be terminated immediately. This order does not affect Li's ineligibility to practice law that has resulted or that may hereafter result from any other cause.

PURCELL, P. J.

WE CONCUR:

HONN, J.

McGILL, J.