

Filed December 26, 2013

STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

In the Matter of)	
)	Case Nos. 11-O-14777, 11-O-14778
THEODORE DENNIS STALCUP,)	(Cons.)
)	
A Member of the State Bar, No. 250135,)	
)	OPINION
and)	
)	
CHRISTOPHER PHILLIP DOBBINS,)	
)	
A Member of the State Bar, No. 258002.)	
_____)	

This case turns on the credibility of three witnesses in a superior court criminal molestation trial who testified that they met as a group with respondents Theodore Dennis Stalcup and Christopher Phillip Dobbins to discuss the case the night before their trial appearances. On the basis of their testimony, a superior court judge imposed sanctions of \$1,500 each on Stalcup and Dobbins, finding “beyond a reasonable doubt” that they “willfully failed to comply with the [court’s] order to admonish witnesses” not to discuss their testimony with each other. The judge determined that they “knowingly and intentionally brought their witnesses together to discuss their knowledge of and statements relating to the case and to formulate their testimony in violation of the [court’s order].”

The hearing judge below found the three witnesses’ testimony at the criminal trial to be credible and that their contrary testimony in the hearing department was not credible. She

therefore concluded there was clear and convincing evidence¹ that Stalcup and Dobbins willfully violated Business and Professions Code section 6103 by failing to obey a court order.² The hearing judge further found that they violated section 6068, subdivision (o), because they failed to report the judicial sanctions. Finding significant mitigation and no aggravation, the hearing judge ordered a public reproof with conditions for each respondent.

The State Bar is appealing and asks for a minimum of stayed suspension, asserting that Stalcup's and Dobbins's misconduct is seriously aggravated by their lack of insight. Stalcup and Dobbins also seek review. They do not dispute that they failed to timely report the sanctions order, but instead argue there is a lack of clear and convincing evidence that they failed to obey the superior court's order. They contend that the nature of their misconduct and their substantial mitigation warrant no more than a private reproof.

Although we have independently reviewed the record (Cal. Rules of Court, rule 9.12), we afford great weight to the credibility determinations of both the superior court judge and the hearing judge because they were in the best position to observe the demeanor of the witnesses to assess their truthfulness. (Rules Proc. of State Bar, rule 5.155(A) [finding of facts of hearing judge entitled to great weight].) We accordingly find the evidence adduced below supports the hearing judge's culpability findings for violations of sections 6103 and 6068, subdivision (o). However, we recommend that the discipline be increased to include a six-month stayed suspension because the misconduct is significantly aggravated by Stalcup's and Dobbins's lack of insight and failure to appreciate the serious nature of their misconduct.

¹ Clear and convincing evidence must leave no substantial doubt and must be sufficiently strong to command the unhesitating assent of every reasonable mind. (*Conservatorship of Wendland* (2001) 26 Cal.4th 519, 552.)

² All further references to sections are to the Business and Professions Code unless otherwise noted.

I. FACTUAL AND PROCEDURAL BACKGROUND

Stalcup was admitted to the Bar on June 10, 2007, and Dobbins was admitted on December 1, 2008. During the relevant time period, they were both criminal defense attorneys. Stalcup handled preliminary hearings, law and motion, criminal appeals, and writs of habeas corpus, but was not a trial attorney. Dobbins handled the cases once they went to trial.

The essential facts in this case involve a 2011 criminal trial in Santa Clara County where three defense witnesses testified that they had met the previous evening at the law offices of Stalcup and Dobbins to discuss the testimony they would be giving the following day. Stalcup and Dobbins represented the defendant, Mario Jaime Anguiano, who was charged with molesting two young girls who lived with him. Prior to commencement of the trial, Stalcup and Dobbins filed a motion pursuant to Evidence Code section 777, subdivision (a), to exclude witnesses from the courtroom. Superior Court Judge Linda R. Condrón granted the motion, and ordered:

Counsel are instructed to admonish their witnesses not to discuss their testimony among themselves or with anyone else other than counsel or counsel's representatives until the conclusion of the trial proceedings, and to remain outside the courtroom and while here in court in the witness waiting room at all times when they are not actually testifying.

A. The Criminal Court Proceedings

At the criminal trial, the defense called the three witnesses, all of whom had lived with the defendant. The witnesses were Guadalupe Macias (Lupe), Eli De Los Santos (Eli), and Thomas Purcella, Jr. (T.J.).³ Each testified that Anguiano had not behaved inappropriately with the two young girls while living together in either of two homes. However, when questioned by the prosecutor, all three witnesses responded that they met with each other and with Stalcup and Dobbins at their law office the previous evening and jointly discussed a "timeline" about who was living with the defendant at various times. The timeline was crucial in establishing that they

³ We refer to these witnesses by their first names because those were the names used during the criminal trial and disciplinary proceedings.

were percipient witnesses to Anguiano's behavior towards the girls. The following example of Eli's testimony is illustrative:

Prosecutor: Who was present at that meeting [at Stalcup's and Dobbins's office the previous night]?

A: TJ, Lupe, Chris, Ted, and Gloria showed up.⁴

Q: And you talked about your testimony?

A: Yes.

Q: What was specifically discussed about your testimony?

A: Hmm, the wedding, that I lived there, that [victim's] consent.

Q: And that testimony was discussed in the presence of TJ and Lupe?

A: Yes.

Q: Was a timeline produced?

A: Timeline produced?

Q: Did you talk about a timeline during this time?

A: Talked about a timeline that I lived there, yes.

Lupe and T.J. further testified at the criminal trial that Stalcup or Dobbins did not advise them not to speak to other witnesses about their testimony.

Judge Condrón held a hearing outside the presence of the jury to address the issue of whether Stalcup and Dobbins had violated her April 15, 2011 order. Dobbins argued to the judge: "Your honor, there were—we all were there just discussing what they had witnessed and saw as they lived in these houses." The judge found that Stalcup and Dobbins were in "direct violation" of her order but deferred resolution of the issue until after the trial's conclusion. Ultimately, the jury acquitted Anguiano.

B. The Superior Court Sanctioned Stalcup and Dobbins

On May 20, 2011, Judge Condrón held a sanctions hearing, pursuant to Code of Civil Procedure section 177.5, regarding the apparent violation of her witness sequestration order. Initially, Stalcup and Dobbins objected to the hearing, alleging they did not receive adequate notice. But when the judge offered to continue the hearing, they declined and agreed to proceed.

⁴ Gloria is Anguiano's sister.

At the hearing, Stalcup acknowledged that the three witnesses sat in the lobby of his office discussing the timeline, and thus “there may be a technical violation of the Court’s order.” Dobbins explained that “none of [the witnesses] changed their story after hearing anything [from the other witnesses].” These statements reinforced the superior court judge’s concern about the effect of Stalcup’s and Dobbins’s conduct on the fairness of Anguiano’s trial. She admonished them: “For the very reason you asked this Court to order that witnesses be segregated and excluded from these proceedings, you should be most clearly acknowledging your culpability in bringing together witnesses to discuss their testimony the night before they come into this court to testify”

In her written sanctions order of June 20, 2011, Judge Condron found “beyond a reasonable doubt” that Stalcup and Dobbins knew about the order, and “willfully failed to comply with the order to admonish witnesses.” She also found that they “knowingly and intentionally brought their witnesses together to discuss their knowledge of and statements relating to the case and to formulate their testimony in violation of the [court’s order].” The judge ordered Stalcup and Dobbins to pay \$1,500 each by June 30, 2011, and ordered the court clerk to send a copy of her order to the State Bar.

The superior court mailed the sanctions order to Stalcup and Dobbins on June 20, 2011, and they received it soon thereafter. The State Bar received notice of Dobbins’ sanction on June 24, 2011 and of Stalcup’s sanction on July 1, 2011. Stalcup and Dobbins filed a petition for writ of prohibition and stay of the order in the Court of Appeal, Sixth Appellate District, which was denied on June 30, 2011. On the same date, they each paid \$1,500 to the Santa Clara County Clerk as ordered. On July 11, 2011, they filed a petition for review in the Supreme Court, which was denied on September 14, 2011. After the State Bar investigator contacted them about the sanctions order, Stalcup and Dobbins sent confirmation on August 18, 2011, that

they had paid the sanctions. The State Bar filed a Notice of Disciplinary Charges on July 12, 2012, alleging Stalcup and Dobbins violated sections 6103 (failure to obey a court order) and 6068, subdivision (o)(3) (failure to report judicial sanctions).

C. The Disciplinary Hearing

When Eli and T.J. testified before the hearing judge below, they contradicted their earlier criminal trial testimony. In these proceedings, they stated that they had not met with each other at Stalcup's and Dobbins's offices, but instead had met with the attorneys individually. They further testified that that they had been instructed not to discuss their testimony with anyone else. T.J. and Eli also attested in declarations, which the hearing judge admitted at trial, that they had each met separately with Stalcup and Dobbins at the law office, but not as a group. In addition, Lupe provided a declaration stating that she had met with the attorneys by herself and not in a group.

Stalcup and Dobbins testified that they met with the witnesses separately to review their individual testimony and that they had admonished each witness not to discuss his or her testimony with anyone else. After considering the conflicting evidence adduced in the disciplinary trial and in the superior court, the hearing judge found that the criminal trial testimony of T.J., Lupe, and Eli was more credible. She further found that the witnesses' declarations, executed over a year after the criminal trial, were less credible than their testimony in superior court the day after the meeting had occurred. Finally, the hearing judge found that Stalcup's and Dobbins's testimony about their meeting with the witnesses lacked credibility.

II. CULPABILITY

Count One – Failure to Obey a Court Order (§ 6103)⁵

The hearing judge found Stalcup and Dobbins culpable of violating section 6103 because they willfully disobeyed the superior court’s April 15, 2011 order to admonish their witnesses not to discuss their testimony with other witnesses and because they met with the witnesses together at their office to discuss their testimony. On appeal, Stalcup and Dobbins contend that there is a lack of clear and convincing evidence to support this culpability finding. We disagree.

As noted earlier, this case turns on the believability of differing versions of the facts underlying Stalcup’s and Dobbins’s conduct. The superior court judge, who heard and saw the three percipient witnesses, observed that they “were in all respects uniquely consistent in their testimony.” She thus concluded that their testimony proved beyond a reasonable doubt that Stalcup and Dobbins violated her order. Recognizing that Judge Condrón was in the best position to assess the witnesses’ credibility, we give great weight to her findings. (See *In the Matter of Brown* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 309, 315 [credibility findings given great weight because judge “heard and saw witnesses and observed their demeanor”].) Furthermore, as noted ante, the superior court’s findings in its sanctions order are entitled to a strong presumption of validity because they were made pursuant to the heightened criminal standard of proof beyond a reasonable doubt. (See *Maltaman v. State Bar* (1987) 43 Cal.3d 924, 947 [civil findings made under preponderance of evidence standard are entitled to strong presumption of validity in disciplinary proceedings if supported by substantial evidence]; *In the Matter of Kittrell* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 195, 205 [attorney precluded from relitigating issues previously resolved adversely under same burden].)

⁵ Section 6103 provides that an attorney’s “willful 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.”

We also give great weight to the hearing judge’s credibility determinations, which she based on the criminal transcripts and the testimony of Stalcup and Dobbins as well as two of the three witnesses who testified in the disciplinary hearing. (See *Connor v. State Bar* (1990) 50 Cal.3d 1047, 1055 [court reluctant to reverse hearing department on matters of credibility]; Rules Proc. of State Bar, rule 5.155(A).) The witnesses’ statements in superior court may not be discounted merely because they were in transcripts rather than live testimony. (*In the Matter of Respondent O* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 581, 588.) Moreover, the witnesses’ testimony in the criminal trial about their meeting the prior evening was specific, unambiguous, consistent, and given when the consequences to Stalcup and Dobbins were not at issue. The hearing judge was thus in a good position to compare and contrast the witnesses’ prior superior court statements with their live testimony in the disciplinary proceeding.

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.) Stalcup and Dobbins met with the three defense witnesses as a group. Moreover, they discussed a timeline of events and the time periods each lived with the defendant Anguiano; and they failed to admonish at least two of the witnesses not to discuss their testimony with anyone else. Thus, Stalcup and Dobbins clearly disobeyed the superior court’s witness sequestration order, in willful violation of section 6103.⁶

⁶ We reject Stalcup’s and Dobbins’s contention that the superior court’s sanctions hearing violated their due process rights because they did not receive adequate notice of the hearing. They declined the continuance offered by the judge and agreed to proceed, thus waiving the issue. (See *In re Marriage of Broderick* (1989) 209 Cal.App.3d 489, 501 [“an appellant waives his right to attack error by expressly or implicitly agreeing or acquiescing at trial to the ruling or procedure objected to on appeal”].)

Count Two – Failure to Report Judicial Sanctions (§ 6068, subd. (o)(3))⁷

Neither party disputes the hearing judge’s finding that Stalcup and Dobbins violated section 6068, subdivision (o)(3), by failing to report the \$1,500 sanctions order. They knew about that order no later than June 28, 2011, when they filed a petition for writ of prohibition in the Court of Appeal. They were required to notify the State Bar of the sanctions order no later than July 28, 2011, yet they did not do so until August 18, 2011, or 20 days late. The pendency of their appeal did not excuse the duty to report sanctions timely pursuant to section 6068, subdivision (o)(3). (*In the Matter of Respondent Y* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 862, 867.) We adopt the hearing judge’s culpability conclusion.

III. AGGRAVATION OUTWEIGHS MITIGATION

The offering party bears the burden of proof for aggravation and mitigation. The State Bar must establish aggravating circumstances by clear and convincing evidence. (Rules Proc. of the State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(b).)⁸ Stalcup and Dobbins have the same burden to prove mitigating circumstances. (Std. 1.2(e).)

A. One Aggravating Factor: Lack of Insight and Indifference (Std. 1.2(b)(v))

The hearing judge found no aggravating factors, but we find clear and convincing evidence of one factor in aggravation—lack of insight, as evidenced by Stalcup’s and Dobbins’s indifference to the consequences of their misconduct.

“[A]n attorney’s lack of insight into the wrongfulness of his actions” may be an aggravating factor. (*Rodgers v. State Bar* (1989) 48 Cal.3d 300, 317.) Stalcup and Dobbins consider that their actions at most were a “technical violation” of the court’s order. They

⁷ Section 6068, subdivision (o)(3), requires an attorney to report to the State Bar “within 30 days of the time the attorney has knowledge of [¶] . . . [¶] (3) the imposition of judicial sanctions against the attorney. . . .”

⁸ All further references to standards are to this source.

attribute the sanctions to the fact that “Judge Condron was just upset that we won that [trial].” This attitude demonstrates that they do not understand how serious an ethical breach it was to gather witnesses prior to trial to jointly discuss their testimony. The superior court’s order precluding discussion among witnesses and requiring an admonition to that effect is the very order that Stalcup and Dobbins sought and is central to administering our criminal justice system. (*Geders v. United States* (1976) 425 U.S. 80, 87 [preventing witnesses from discussing their testimony with one another discourages tailored testimony and helps jurors detect false testimony].) We thus assign significant weight to Stalcup’s and Dobbins’s failure to recognize that their misconduct affected the integrity of the criminal trial. This lack of insight raises concerns as to whether their misconduct may recur. (See *Blair v. State Bar* (1989) 49 Cal.3d 762, 781-782.)

B. Mitigation

The hearing judge found that Stalcup’s and Dobbins’s community service and pro bono activities mitigated their overall misconduct, along with a mitigating factor of good faith related specifically to the section 6068, subdivision (o)(3), violation. We agree with these mitigating factors, but discount them both.

1. Community Service and Pro Bono Activities

Pro bono work and community service are mitigating factors. (*Calvert v. State Bar* (1991) 54 Cal.3d 765, 785.) Stalcup testified he was involved in various community and pro bono activities, including spending 65 to 70 hours annually on pro bono cases, serving as a member of the Oakland Board of Education, volunteering at the Alameda County Bar Association Lawyers Library program, which provides free legal and referral information, and providing over 1,100 hours to the Alameda County Superior Court Family Law Facilitators Office to assist pro per parties with family law matters. In 2011, he also co-founded Green

Stampede, a nonprofit organization that combines tutoring Oakland students with baseball, which is co-sponsored by the Oakland Athletics.

Similarly, Dobbins testified he co-founded Green Stampede with Stalcup and is current president. He is an active member of St. Paschal Parish in Oakland, serving as Parish Council President and teaching Sunday school, and is a member of an education foundation that offers scholarships to undergraduate students.

Stalcup's and Dobbins's community service and pro bono activities are most commendable, and we ordinarily would afford them significant weight. But we discount the weight somewhat because their testimony was the only evidence establishing their efforts. (*In the Matter of Shalant* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 829, 840 [limited mitigation weight for community service established only by respondent's testimony].)

2. Good Faith Mitigation

We find that Stalcup and Dobbins honestly but mistakenly believed they did not have to report the sanctions to the State Bar until the appeal of the sanctions order was final. Under these circumstances, they are entitled to some mitigation based on good faith. "In order to establish good faith as a mitigating circumstance, an attorney must prove that his or her beliefs were both honestly held and reasonable. [Citation.]" (*In the Matter of Rose* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 646, 653.)

It was not unreasonable for Stalcup and Dobbins to believe that they did not have to report the sanctions until their appeals were exhausted and the order was final. As Stalcup stated, he believed "[i]t would be like any other order. As long as it's up on appeal, especially in the Supreme Court, it's stayed." (See, e.g., Code Civ. Proc., § 916, subd. (a) [enforcement of order appealed from is stayed, with certain exceptions, by fact alone that appeal has been perfected].) Although we find they are entitled to some good faith mitigation, we emphasize that

it only applies to the section 6068, subdivision (o)(3), violation (failure to report sanctions), and therefore minimally tempers our discipline recommendation.

IV. 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 professional standards for attorneys. (Std.1.3.) We balance all relevant factors, including mitigating and aggravating circumstances, on a case-by-case basis to ensure that the discipline imposed is consistent with its purpose. (*In re Young* (1989) 49 Cal.3d 257, 266.) Our analysis begins with the standards. The Supreme Court has instructed that we should follow them “whenever possible” (*Id.* at p. 267, fn. 11), and give them great weight to promote “the consistent and uniform application of disciplinary measures” (*In re Silverton* (2005) 36 Cal.4th 81, 91, internal quotations and citation omitted).

Standard 2.6(a) is the applicable standard for Stalcup’s and Dobbins’s misconduct. It provides that the appropriate discipline for a violation of sections 6068 and 6103 should be “disbarment or suspension depending on the gravity of the offense, or the harm, if any, to the victim” (Std. 2.6.) We find that application of standard 2.6(a) is appropriate in this case.

In recommending a public reproof with conditions, the hearing judge relied on two cases: *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. We find these cases are distinguishable. In *In the Matter of Respondent X, supra*, 3 Cal. State Bar Ct. Rptr. 592, 595, the attorney received a private reproof for violating section 6103. Respondent X deliberately violated the confidentiality provision of a court order enforcing a settlement agreement. (*Id.* at pp. 595, 603.) Unlike the instant case, the attorney did not lack insight into the nature of his wrongdoing. The attorney had practiced law for 18 years without discipline, held a sincere and

principled belief that he acted in support of sound public policy by revealing the confidential information, and was under great pressure from his client and co-counsel who disagreed with his approach to the settlement and confidential terms. (*Id.* at p. 605.) Thus, this court found that discipline within the range provided by standard 2.6 was “not mandated.” (*Ibid.*)

In *In the Matter of Respondent Y, supra*, 3 Cal. State Bar Ct. Rptr. 862, 865, the attorney received a private reproof with conditions for violating section 6103 because he did not obey a court order to pay sanctions imposed as a result of his bad faith tactics and actions while defending a civil action. In addition, the attorney violated section 6068, subdivision (o)(3), by failing to timely report the sanctions to the State Bar. (*Ibid.*) The attorney had no prior disciplinary record and there was no evidence in aggravation. In determining the degree of discipline to impose, this court did not apply standard 2.6(a), but instead we focused on “the narrow violation before us.” (*Id.* at p. 869.)

Far from considering the present misconduct as a “narrow violation,” we view this case as involving a serious act of disobedience of a court order. The core principle of our criminal justice system—the ascertainment of truth—would be ill-served if we were to minimize the consequences of this misconduct. Indeed, disobedience of a court order, and particularly one essential to the integrity of the criminal justice system, is a serious offense warranting considerable discipline. “Other than outright deceit, it is difficult to imagine conduct in the course of legal representation more unbecoming an attorney.” (*Barnum v. State Bar* (1990) 52 Cal.3d 104, 112.) Therefore, guided by standard 2.6(a) and the facts and circumstances of this case, we recommend that Stalcup and Dobbins each receive a six-month stayed suspension.

V. RECOMMENDATION

For the foregoing reasons, we recommend that Theodore Dennis Stalcup and Christopher Phillip Dobbins be suspended from the practice of law for six months, that execution of that

suspension be stayed, and that Stalcup and Dobbins be placed on probation for one year with the following conditions:

1. They must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of their probation.
2. 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 their current office addresses and telephone numbers, or if no offices are maintained, the addresses to be used for State Bar purposes, they must report such change in writing to the Membership Records Office and the State Bar Office of Probation.
3. Within 30 days after the effective date of discipline, they must contact the Office of Probation and schedule a meeting with their assigned probation deputy to discuss the terms and conditions of probation. Upon the direction of the Office of Probation, they must meet with the probation deputy either in person or by telephone. During the period of probation, they must promptly meet with the probation deputy as directed and upon request.
4. They 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, they must state whether they have complied with the State Bar Act, the Rules of Professional Conduct, and all of the conditions of their 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.
5. Subject to the assertion of applicable privileges, they must answer fully, promptly, and truthfully, any inquiries of the Office of Probation that are directed to them personally or in writing, relating to whether they are complying or have complied with the conditions contained herein.
6. Within one year after the effective date of the discipline herein, they 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 they shall not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)
7. 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 they have 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 further recommend that Theodore Dennis Stalcup and Christopher Phillip Dobbins 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. 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.

EPSTEIN, J.

WE CONCUR:

REMKE, P. J.

PURCELL, J.