PUBLIC MATTER – NOT DESIGNATED FOR PUBLICATION

Filed October 11, 2016

**STATE BAR COURT OF CALIFORNIA**

**REVIEW DEPARTMENT**

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| In the Matter of | ) | Case No. 14-O-00894 |
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| MARK EUGENE HUBER, | ) | OPINION AND ORDER |
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| A Member of the State Bar, No. 179183. | ) | |
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Since his admission to the State Bar of California in 1995, Mark Eugene Huber has been disciplined on two prior occasions for misconduct, including his failure to perform competently, respond to client inquiries, refund unearned fees, and obey court orders. In the present case, the hearing judge found Huber failed to obey multiple court orders and to report a $1,000 judicial sanction. The judge applied disciplinary standard 1.8(b),[1] which provides for disbarment when an attorney has two or more prior disciplines, and she recommended that Huber be disbarred.

Huber stipulated to his misconduct, but contends on appeal that the judge's disbarment recommendation is "manifestly disproportionate to the cumulative misconduct." His principal argument for a lesser discipline is that his current misconduct was aberrational because it was caused by his addiction to prescription drugs, from which he has demonstrated his rehabilitation.

The Office of the Chief Trial Counsel of the State Bar (OCTC) does not appeal, but asks us to find that Huber has demonstrated a pattern of misconduct that justifies disbarment.

Upon our independent review of the record (Cal. Rules of Court, rule 9.12), we affirm the hearing judge's culpability findings. We also find more evidence in aggravation and less in

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

mitigation than did the hearing judge. Most notably, we find that Huber's misconduct constitutes a pattern, and one that involves a common thread—abandonment of his professional responsibilities to his clients and the courts.

In assessing the proper discipline for Huber's misconduct, we consider his two prior discipline records and apply standard 1.8(b). While we commend Huber for his commitment to his rehabilitation, the record does not provide clear and convincing evidence[2] of compelling mitigation that clearly outweighs the serious aggravation. As such, we do not find sufficient justification to depart from the standard's recommended discipline of disbarment, which we conclude is necessary to protect the public, the profession, and the administration of justice.

## I. FACTUAL AND PROCEDURAL BACKGROUND[3]

Debra Shatswell hired Huber to represent her in a personal injury/product liability lawsuit, and on November 13, 2012, he filed a lawsuit on her behalf in Sutter County Superior Court (the *Shatswell* matter). On the same date, the court issued an order in the *Shatswell* matter requiring Huber to appear at a status conference on November 18, 2013. Huber received the order and was aware of its contents,[4] but he did not appear at the status conference. The court then issued an order requiring Huber to appear at a status conference on December 2, 2013, but he again failed to appear, causing the court to issue another order requiring him to appear at a status conference on December 23, 2013, and to pay $250 in sanctions on or before that date. Huber neither appeared on December 23, 2013, nor paid the $250 sanctions. Therefore, the court

[2] 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.)

[3] We base the factual background on the parties' Stipulation as to Facts and Admission of Documents, trial testimony, documentary evidence, and the hearing judge's factual findings, which are entitled to great weight. (Rules Proc. of State Bar, rule 5.155(A).)

[4] Huber stipulated that he either appeared at the hearings at which the judge issued his orders or was aware of the contents of all of the court orders that he stipulated to disobeying.

issued an order requiring him to appear at a status conference on January 6, 2014, and to pay $500 in sanctions on or before that date for failing to appear at the December 2, 2013 status conference. The court further ordered Huber to pay $500 in additional sanctions for failing to pay the $250 in sanctions that were due by December 23, 2013.

Once again, Huber failed to appear at the January 6, 2014 status conference or to pay the sanctions. The court accordingly issued an order requiring him to appear at a status conference on February 3, 2014, and it imposed sanctions of $1,000 for failure to pay the past-due sanctions. The order also stated that Huber would be reported to the State Bar. He did not report the imposition of $1,000 in sanctions to the State Bar.

Huber appeared at the February 3, 2014 status conference, but did not pay any sanctions. The court therefore ordered him to appear at another status conference on April 28, 2014, and to pay all of the past-due sanctions before that date. Huber appeared at the April 28, 2014 status conference, but still failed to pay any sanctions, so the court once more ordered him to appear at another status conference on May 27, 2014. Again, he failed to appear at that status conference, and the court issued another order requiring Huber to appear at a status conference on June 16, 2014.[5] The order stated that the court would consider the imposition of an additional $1,000 in sanctions for failing to appear at the May 27, 2014 status conference.

Huber appeared at the June 16, 2014 status conference, but did not pay any sanctions. That same day, the court ordered him to appear at a status conference on October 14, 2014, and to pay $250 in sanctions on or before that date for failing to appear on December 2, 2013.

On October 14, 2014, Huber appeared at the status conference, but he did not pay the $250 in sanctions.

[5] Huber attempted to notify the court that he would not appear at the May 27, 2014 status conference due to an accident he had suffered.

In 2014, Huber was arrested for illegally possessing prescription medications. He was charged with 24 counts of obtaining prescriptions illegally and possessing inappropriate amounts of narcotics, and entered a guilty plea.[6] In November 2014, Huber entered a court-ordered drug rehabilitation program where he received substance abuse counseling.

On November 7, 2014, OCTC initiated this proceeding by filing a two-count Notice of Disciplinary Charges (NDC), alleging violations of Business and Professions Code sections 6103 (failure to obey court order)[7] and 6068, subdivision (o)(3) (failure to report judicial sanctions).[8] At the one-day trial on March 12, 2015, the parties filed a stipulation as to facts, culpability, and the admission of documents. Huber was the sole witness. The hearing judge filed her decision on April 30, 2015.

Huber failed to timely file a request for review, and he sought relief under section 473 of the Code of Civil Procedure on the grounds that his failure was due to a miscommunication with his counsel. Ultimately, we granted Huber's request on December 1, 2015.

On April 1, 2016, Huber filed his opening brief, together with a motion to augment the record with evidence of his continuing sobriety and proof of his compliance with rule 9.20 of the California Rules of Court, which we granted over the objection of OCTC. On April 21, 2016,

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[6] The record does not disclose the number of counts of possession to which Huber pled guilty or whether those counts were felonies or misdemeanors. On January 27, 2016, after completing court-ordered drug counseling, Huber's guilty plea was ordered withdrawn and the charge against him was dismissed with prejudice. The dismissal does not affect our consideration of his guilty plea, which we relied on solely as evidence that his possession of drugs was unauthorized by a prescription.

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

[8] Section 6068, subdivision (o)(3), requires an attorney "[t]o report to the [State Bar], in writing, within 30 days of the time the attorney has knowledge of . . . [¶] . . . [¶] . . . [t]he imposition of judicial sanctions against the attorney, except for sanctions for failure to make discovery or monetary sanctions of less than one thousand dollars ($1,000)."

OCTC filed its responsive brief and a request for judicial notice of the Supreme Court's order imposing discipline in Huber's second disciplinary proceeding, which we also granted.

## II. HUBER IS CULPABLE OF TWO COUNTS OF MISCONDUCT

### A. Count One: Failure to Obey Court Orders (§ 6103)

Huber stipulated to disobeying the Sutter County Superior Court's orders of November 13, 2012, November 18, 2013, December 2, 2013, December 23, 2013, February 3, 2014, April 28, 2014, and June 16, 2014, all of which were in willful violation of section 6103. The hearing judge found Huber culpable, and we agree, as the judge's finding is supported by the record.

### B. Count Two: Failure to Report Judicial Sanctions (§ 6068, subd. (o)(3))

Huber also stipulated to failing to timely report the court-imposed $1,000 in sanctions to the State Bar, in willful violation of section 6068, subdivision (o)(3). The hearing judge found him culpable, and we adopt this finding because Huber did not report the sanctions order.

## III. SIGNIFICANT AGGRAVATION OUTWEIGHS MITIGATION

Standard 1.5 requires OCTC to establish aggravating circumstances by clear and convincing evidence. Standard 1.6 requires Huber to meet the same burden to prove mitigation. The hearing judge found two factors in aggravation (prior record of discipline and multiple acts) and two factors in mitigation (extreme emotional and physical difficulties, and candor and cooperation). We adopt some of these findings, but find more aggravation and less mitigation.

### A. Aggravation

#### 1. Prior Record of Discipline (Std. 1.5(a))

Standard 1.5(a) provides that a prior record of discipline may be an aggravating factor. The hearing judge assigned substantial weight to this factor. We agree because Huber's prior

record shows that he has repeatedly committed misconduct and harmed multiple clients since 2007.

***Huber I***.[9] On August 31, 2011, the Hearing Department privately reproved Huber with conditions after he stipulated to four counts of misconduct in two client matters, which included failing to perform with competence, respond to client inquiries, and refund unearned fees. This misconduct occurred between 2007 and March 2011. In mitigation, Huber had no prior record of discipline, was candid and cooperative with the State Bar, and "was suffering from a debilitating physical ailment at the time of the misconduct." No aggravating circumstances were involved.

***Huber II***.[10] On February 5, 2015, we found Huber culpable of more than 25 counts of misconduct in nine client matters, stemming from his move from California to Utah in August 2011 without informing several clients of his relocation. Huber's misconduct included failing to perform with competence, communicate with clients, return unearned fees, cooperate with a disciplinary investigation, disclose a conflict of interest, and obey court orders. Most of this misconduct occurred between mid-2009 and mid-2012.

Huber received limited mitigation for good character evidence and his emotional, financial, and physical difficulties related to his separation from his wife, his daughter's marriage at a young age, and his battle with Crohn's disease. In aggravation, Huber had a prior record of discipline, committed multiple acts of wrongdoing, caused significant harm to his clients, and demonstrated indifference by failing to timely refund unearned fees. However, because most of the misconduct at issue occurred during an approximate three-year period, we did not find a pattern of wrongdoing. Nevertheless, we recommended a two-year actual suspension to continue until Huber paid restitution and proved his rehabilitation because the extent of his misconduct

[9] State Bar Court case no. 11-O-10379 (11-O-11105).

[10] Supreme Court case no. S225299; State Bar Court case nos. 12-O-10290 (12-O-10291); 12-O-11524 (12-O-11735; 12-O-11736; 12-O-12235; 12-O-12428); 12-O-14409; 12-O-15611; 12-O-17770 (consolidated).

and the harm to clients warranted serious discipline. The Supreme Court imposed this recommended discipline on May 26, 2015.

Huber argues that the aggravating effect of his prior disciplines should be diminished because of the overlap in the timing of his first two matters, citing to *In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 618-619 (aggravating force of prior misconduct diminished if it occurred at same time as current misconduct). We agree with the hearing judge, who found that *Sklar* does not apply because Huber's present misconduct occurred during a time period that was subsequent to his earlier misconduct, i.e., the misconduct in *Huber I* occurred between 2007 and March 2011, most of the misconduct in *Huber II* occurred between mid-2009 and mid-2012, and the present misconduct occurred between November 2013 and October 2014.[11]

In fact, Huber committed the present misconduct after he was on notice that his previous disobeyance of court orders was a disciplinable offense. (See *In the Matter of Harney* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 266, 283 [filing of formal charges puts attorney on notice charged conduct is ethically questionable].) Our admonition in *In the Matter of Sklar*, *supra*, 2 Cal. State Bar Ct. Rptr. at p. 619 is particularly apt in this case—to the effect that "the rationale for considering prior discipline as having an aggravating impact is that it is indicative of a recidivist attorney's inability to conform his or her conduct to ethical norms [citation] . . . ."

**2. Multiple Acts of Wrongdoing (Std. 1.5(b))**

The hearing judge correctly found that Huber is culpable of multiple acts of misconduct. (Std. 1.5(b) [multiple acts of wrongdoing are aggravating circumstance].) He violated numerous court orders and failed to report a $1,000 non-discovery sanction to the State Bar. (See *In the*

[11] Huber previously received the benefit of the partial overlap between *Huber I* and *Huber II*. In our *Huber II* opinion, we "somewhat reduce[d]" the weight of *Huber I*, but nonetheless found that *Huber I* alone warranted "substantial weight in aggravation."

*Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 646-647 [three instances of misconduct considered multiple acts].) We assign this factor moderate weight.

**3. Pattern of Misconduct (Std. 1.5(c))**

We find additional aggravation in that Huber has demonstrated a pattern by repeatedly committing serious misconduct, much of which was similar in nature, in 12 client matters over approximately seven years. (Std. 1.5(c); *Levin v. State Bar* (1989) 47 Cal.3d 1140, 1149, fn. 14, citing *Lawhorn v. State Bar* (1987) 43 Cal.3d 1357, 1367 [most serious instances of repeated misconduct over prolonged period of time characterized as pattern of misconduct].) We find a common thread beginning in mid-2007 and continuing through October 2014 involving Huber's disregard for his professional duties owed to his clients and the court.

In *Huber II*, we gave Huber the benefit of the doubt as to whether his misconduct established a "pattern." There, we found that his three-year period of misconduct was "close to constituting a pattern" but that it did not occur over an "extended period of time," citing to, inter alia, *In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498, 555, which found that a pattern must involve serious misconduct spanning an extended time period, and *In the Matter of Brockway* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 944, 959, which found that only the most serious instances of repeated misconduct over a prolonged period of time constituted a pattern.

In the present case, we found that Huber committed additional misconduct of a similar nature during what is now a seven-year period. Indeed, his past and present misconduct includes over 30 counts of found misconduct in a dozen matters, which clearly satisfies the severity and temporal requirements to constitute a pattern. (*In re Billings* (1990) 50 Cal.3d 358 [disbarment where attorney with no prior discipline committed "pattern of abandonment of clients" that constituted moral turpitude over period of approximately four years, despite evidence of

alcoholism and rehabilitation efforts]; *In the Matter of Lenard* (Review Dept. 2013) 5 Cal. State Bar Ct. Rptr. 250 [disbarment where attorney with three prior disciplines committed 12 acts of unauthorized practice of law across nine different states that constituted pattern of misconduct].) We assign serious aggravation to Huber's pattern of misconduct.

**B. Mitigation**

**1. No Mitigation for Extreme Emotional and Physical Difficulties (Std. 1.6(d))**

Under standard 1.6(d), mitigation is available for extreme emotional and physical difficulties that: (1) occur at the time of the misconduct; (2) are directly responsible for the misconduct as established by expert testimony; (3) are not the result of illegal conduct; and (4) no longer pose a risk of future misconduct.

As noted, Huber's principal argument on appeal is that his misconduct is significantly mitigated by his addiction to prescription painkillers, which developed when he was taking them to address symptoms of Crohn's disease, and his rehabilitation therefrom. He maintains that his abuse of prescription drugs affected his judgment and ability to think clearly, thus causing his current misconduct.

The hearing judge found Huber was entitled to limited mitigation for these difficulties. We do not, however, afford Huber any mitigation credit because his drug possession was illegal, as evidenced by his guilty plea to illegal possession of prescription drugs in 2014.[12] Standard 1.6(d) expressly excludes any mitigating effect for "extreme emotional difficulties" experienced as a "product of any illegal conduct by the member, such as illegal drug or substance abuse." (See also *Twohy v. State Bar* (1989) 48 Cal.3d 502, 514.)

[12] On January 27, 2016, the Third District Court for Salt Lake County, Utah granted Huber's motion to withdraw his guilty plea and dismissed the charge with prejudice. However, such a dismissal has little, if any, effect on our consideration of the facts underlying Huber's guilty plea.

Furthermore, Huber failed to establish a nexus between his drug addiction and his misconduct. In fact, the evidence shows he continued his misconduct well after he stopped abusing drugs. Huber testified he was taking pain medication "at an extremely unhealthy level" between October 2012 and January 2014, but that he ceased using narcotics in January 2014. Yet he continued to disregard various court orders until October 2014. We thus find no evidence of a causal relationship between his addiction to prescription drugs and his misconduct. (*In the Matter of Lynch* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 287, 295 [no mitigation for alcoholism and drug addiction without clear and convincing evidence that disease caused misconduct]; see also *In the Matter of Elkins* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 160, 168 [no mitigative credit where attorney failed to establish causal nexus between emotional difficulties and misconduct].)

Finally, Huber sought treatment and enrolled in a rehabilitation program only after he was arrested and under threat of criminal prosecution. His therapist at the Salt Lake County (Utah) Drug Court and the record of his substance testing history establish a period of sobriety of approximately 16 months, but this evidence does not satisfy his burden of demonstrating "a meaningful and sustained period of successful rehabilitation." (*Rosenthal v. State Bar* (1987) 43 Cal.3d 658, 664; see also *Slavkin v. State Bar* (1989) 49 Cal.3d 894, 905 ["attorney suffering from alcohol or drug dependence generally must establish, by clear and convincing evidence, that his or her addictions are 'permanently under control.' [Citation.]"]; *In re Lamb* (1989) 49 Cal.3d 239, 246 [before emotional difficulties can serve as mitigating circumstance, proof of complete, sustained recovery and rehabilitation must be established]; cf. *Howard v. State Bar* (1990) 51 Cal.3d 215, 222-223 [attorney who abused cocaine and alcohol entitled to substantial reduction in discipline after extensive expert and lay testimony about her rehabilitation].)

**2. Cooperation with State Bar (Std. 1.6(e))**

Huber entered into a stipulation as to facts, culpability, and admission of evidence, which warrants significant consideration in mitigation as this reduced the trial time to one day. (See *In the Matter of Gadda I* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 416, 443 [factual stipulation merits some mitigation]; *In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179, 190 [more extensive mitigation for those who stipulate to culpability].)

## IV. DISBARMENT IS APPROPRIATE

The purpose of attorney discipline is not to punish the attorney, but to protect the public, the courts, and the legal profession. (Std. 1.1.) 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.) We begin with the standards. (*In re Silverton* (2005) 36 Cal.4th 81, 91.)

Multiple standards apply here, but the most relevant is standard 1.8(b).[13] This standard provides for disbarment as the appropriate discipline when a member has two or more prior records of discipline, provided: (1) an actual suspension was ordered in any of the prior disciplinary matters; (2) the prior and current disciplinary matters demonstrate a pattern of misconduct; or (3) the prior and current disciplinary matters demonstrate the attorney's unwillingness or inability to conform to ethical norms.

Huber's case meets all three criteria. First, he received a two-year actual suspension to continue until he paid restitution and established his rehabilitation in *Huber II*. Second, his prior and current disciplinary matters demonstrate a pattern of misconduct. Third, despite receiving

[13] The following standards also apply: 2.12(a) (disbarment or actual suspension is presumed sanction for disobedience or violation of court order related to member's practice of law); and 2.12(b) (reproval is presumed sanction for violation of duties required of attorney under § 6068, subd. (o)). We apply standard 1.8(b) because it calls for the most severe discipline. (Std. 1.7(a) [most severe sanction required where multiple apply].) See also standard 2.7(a) (disbarment presumed sanction for habitual disregard of client interests).

serious discipline in *Huber II*, he again reoffended by committing the same misconduct, which demonstrates his unwillingness or inability to fulfill his ethical duties.

We acknowledge that standard 1.8(b) allows us to depart from the prescribed discipline of disbarment where "the most compelling mitigating circumstances clearly predominate or the misconduct underlying the prior discipline occurred during the same time period as the current misconduct." Such is not the case here. Huber's only mitigation for stipulating to facts and culpability is not compelling, nor does it predominate over the serious aggravation of his two prior discipline records and multiple acts of wrongdoing constituting a pattern of misconduct.

Huber argues that disbarment is manifestly unjust because his three instances of misconduct do not warrant such a severe discipline. He requests "a lengthy actual suspension with the requirement that [he] go through a mini-reinstatement proceeding," pursuant to standard 1.2(c)(1). We reject his argument because this is the very same discipline he received for serious misconduct in *Huber II*, and yet he reoffended soon thereafter, committing the same or similar misconduct that had given rise to his prior disciplinary cases.

Huber cites several cases in support of his request for more lenient discipline, but we find that these largely older cases are distinguishable. For instance, three of his cited cases, *In the Matter of Riley* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 91, *In the Matter of Nelson* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 178, and *Amante v. State Bar* (1990) 50 Cal.3d 247, involved attorneys who had no prior records of discipline. Another case that Huber cites, *In the Matter of Lawrence* (Review Dept. 2013) 5 Cal. State Bar Ct. Rptr. 239, involved an elderly attorney with three prior records of discipline, but who suffered extreme physical disabilities that provided compelling mitigation, which clearly predominated over evidence in aggravation. Similarly, *Arm v. State Bar* (1990) 50 Cal.3d 763, involved an attorney with three prior records of discipline, but compelling mitigation was found to clearly predominate due to the lack of

significant harm and absence of bad faith. Huber also cites to *Blair v. State Bar* (1989) 49 Cal.3d 762, which involved an attorney with an extensive prior disciplinary record including three suspensions, but whose misconduct (failure to perform) was different from his prior misconduct (e.g., misappropriation).

Like the Supreme Court in *Twohy v. State Bar*, *supra*, 48 Cal.3d at p. 516, we find "the lesser sanctions of probation and suspension 'have proven inadequate to prevent [Huber] from continuing his injurious behavior towards the public' [citation], [and] we would be remiss in our duty to the public, the legal profession and the courts if we were to approve any sanction less severe than disbarment. [Citations.]." Further, a full reinstatement proceeding after Huber is disbarred is the only measure that will adequately serve the goals of attorney discipline. While we acknowledge Huber's significant rehabilitation efforts, he clearly "has exhausted his opportunities for leniency." (*Ibid*.) We accordingly adopt the recommendation of the hearing judge that Huber should be disbarred to ensure adequate protection of the public, the profession, and the administration of justice, as it is supported by the standards and the decisional law.[14]

## V. RECOMMENDATION

We recommend that Mark Eugene Huber be disbarred from the practice of law and that his name be stricken from the roll of attorneys admitted to practice in California.

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[14] *In the Matter of Carver* (Review Dept. 2016) 5 Cal. State Bar Ct. Rptr. 427 (disbarment where attorney with two prior disciplines committed act of moral turpitude by engaging in unauthorized practice of law and had significant aggravation that outweighed limited mitigation); *In the Matter of Hunter* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 63 (disbarment where attorney with two prior disciplines incompetently represented several clients in criminal matters and had multiple aggravating factors and no mitigation); *Barnum v. State Bar* (1990) 52 Cal.3d 104 (disbarment where attorney with three prior disciplines collected unconscionable fee, refused to obey court orders, and committed other misconduct, and suffered depression that was not "most compelling" mitigation when weighed against risk of recurrence of misconduct); *Kent v. State Bar* (1987) 43 Cal.3d 729 (disbarment where attorney with three prior disciplines performed with incompetence and deceived clients about case status and had no compelling mitigation).

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

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

## VI. ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

The order that Mark Eugene Huber be involuntarily enrolled as an inactive member of the State Bar pursuant to section 6007, subdivision (c)(4), effective May 3, 2015, will remain in effect pending consideration and decision of the Supreme Court on this recommendation.

EPSTEIN, J.

WE CONCUR:

PURCELL, P. J.

STOVITZ, J.*

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