

Filed December 5, 2022

**STATE BAR COURT OF CALIFORNIA**  
**REVIEW DEPARTMENT**

In the Matter of ) SBC-21-J-30482  
 )  
LISA FISHER, ) OPINION AND ORDER  
 )  
State Bar No. 192777. )  
\_\_\_\_\_ )

In her first disciplinary case since her December 1997 licensure to practice law in California, Lisa Fisher was publicly reprimanded by the Supreme Court of South Carolina for misconduct committed while she served as counsel admitted to practice *pro hac vice* in a case pending before the South Carolina courts. A hearing judge of this California State Bar Court, proceeding on the South Carolina reprimand as a reciprocal discipline matter, has now imposed a public reproof with certain duties attached to it. Fisher appeals, contending that the law governing California reciprocal discipline cases provides too narrow a definition of the other states’ “proceedings,” but if we were to uphold the hearing judge on this aspect, Fisher does not challenge the judge’s findings of culpability, on aggravating and mitigating factors, or her decision of public reproof. The Office of Chief Trial Counsel of the State Bar (OCTC) supports the judge’s culpability findings, all but one of the judge’s findings in mitigation, and the decision of public reproof.

Upon our independent review (Cal. Rules of Court, rule 9.12), we affirm the decision of the hearing judge, including public reproof as appropriate discipline.

## I. PROCEDURAL BACKGROUND

This reciprocal discipline case originated following the finality of the unanimous memorandum opinion and order of the Supreme Court of South Carolina, filed January 27, 2021. It issued a public reprimand of Fisher as a result of her misconduct while appearing *pro hac vice* in family-related matters pending in the South Carolina state courts.<sup>1</sup>

On June 30, 2021, OCTC filed in our Hearing Department a Notice of Disciplinary Charges (NDC), pursuant to California's expedited disciplinary procedures when a California State Bar licensee is found culpable of professional misconduct in another jurisdiction. (Bus. & Prof. Code, § 6049.1, subd. (b);<sup>2</sup> Rules Proc. of State Bar, rules 5.350-5.354.) OCTC filed an amended NDC on September 16, 2021, which attached certified copies of the South Carolina disciplinary order but did not include any substantive changes.

Trial on the charges was conducted in our court's Hearing Department in September 2021. After post-trial briefing, the hearing judge filed her decision on December 28, 2021. Fisher appealed that decision to us. On September 28, 2022, we heard oral argument.

## II. BASIS OF FISHER'S DISCIPLINE IN SOUTH CAROLINA

The South Carolina Supreme Court publicly reprimanded Fisher based on its statement of Fisher's misconduct, *post*. It held that Fisher had violated rules 3.1 and 8.4(a) of the South Carolina Rules of Professional Conduct.<sup>3</sup> In essence, the South Carolina Supreme Court

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<sup>1</sup> South Carolina and California each provide that, when appearing in courts of the state *pro hac vice*, attorneys are subject to the regulation of the courts of the state and the jurisdiction of the state's attorney disciplinary body. (Rule 404(d)(9) and (g), SCACR; Cal. Rules of Court, rule 9.40(f).)

<sup>2</sup> All further references to sections are to the Business and Professions Code.

<sup>3</sup> Rule 3.1 bars an attorney from bringing, defending, asserting, or controverting an action or matter without a basis in law or fact for doing so which is not frivolous. Rule 8.4(a) makes it an act of professional misconduct, *inter alia*, to violate or attempt to violate, the South Carolina Rules of Professional Conduct, or violate those rules through the acts of another.

concluded that, while acting *pro hac vice* in a probate action, Fisher engaged in frivolous litigation which protracted the underlying court proceeding for ten years:

[Fisher's] great-aunt passed away in February 2009, and through a series of frivolous pleadings, motions, and appeals, [Fisher] raised various challenges to the will and protracted the related litigation for over ten years until the Supreme Court of the United States finally denied her petition for a writ of certiorari. [Citations.] In our opinion addressing the lower court's award of sanctions against [Fisher], this Court concluded [she] lacked standing and repeatedly pursued claims that were meritless and wholly without evidence to support them. *See Fisher v. Huckabee*, 140 S.Ct. 59 (2019) (denying certiorari); *Fisher v. Huckabee*, 422 S.C. 234, 811 S.E.2d 739 (2018) (rejecting [Fisher's] legally flawed claims). In our opinion addressing the lower court's award of sanctions against [Fisher,] this Court concluded [Fisher] lacked standing and repeatedly pursued claims that were meritless and wholly without evidence to support them. *Fisher v. Huckabee*, Op. No. 2018-MO-039 (S.C. Sup. Ct. filed Dec. 12, 2018) (withdrawn, substituted, and refiled Jan. 16, 2019). In doing so, we observed [Fisher] "has certainly engaged in abusive litigation tactics that amount to sanctionable conduct" under Rule 11, SCRPC. [Citation.] [Fisher's] misconduct resulted in a substantial waste of time, judicial resources, and estate assets.

Accordingly, we accept the [Hearing] Panel's finding that [Fisher] violated Rule 3.1, RPC, Rule 407, SCACR (setting forth a lawyer's duty not to abuse legal procedure through frivolous proceedings). We further find [Fisher] committed professional misconduct under Rule 8.4(a), RPC, Rule 407, SCACR, which constitutes grounds for discipline under Rule 7(a)(1), RLDE, Rule 413, SCACR. We find a public reprimand is the appropriate sanction [citation], and we hereby publicly reprimand [Fisher] . . . .

The findings of the Hearing Panel of the South Carolina Commission on Lawyer Conduct (Hearing Panel), accepted by the South Carolina Supreme Court, showed these additional background facts. In 2008, Fisher retained South Carolina counsel to represent her and her mother in a guardianship or conservatorship action in South Carolina concerning Fisher's elderly aunt. After the aunt passed away in 2009, Fisher's counsel challenged the aunt's will. In June 2009, the probate court granted Fisher's application to act *pro hac vice* as counsel in the litigation. She remained as counsel *pro hac vice* until April 2018, when the South Carolina Supreme Court terminated Fisher's *pro hac vice* status. About this time, the probate court conducted a trial on the will contest. This resulted in a jury verdict upholding the will. The

probate court then resolved the equitable claims set forth in the probate action. In doing so, the probate court found in March 2018, that, by “overwhelming clear and convincing evidence,” Fisher’s claims in the probate action were entirely frivolous and Fisher and her counsel had violated rule 11 of the South Carolina Rules of Civil Procedure, subjecting them to sanctions.

Fisher appealed the probate court’s decision to the Supreme Court of South Carolina, which upheld it by opinion of December 12, 2018 (revised and refiled on January 16, 2019) (*Fisher v. Huckabee* (2018) Op. No. 2018-MO-039) and reduced the amount of the sanctions imposed by the probate court. The 2018 opinion clarified that the sanctions rested only on Fisher’s violations of rule 11 of the South Carolina Rules of Civil Procedure. Fisher unsuccessfully petitioned the Supreme Court of the United States for certiorari. (*Fisher v. Huckabee* (2019) 140 S.Ct. 59, cert. den.)

The Hearing Panel explained in its report why its findings of fact did not contain more detail as to Fisher’s conduct. As the Hearing Panel reported, South Carolina’s prosecuting disciplinary counsel chose to rely solely on the prior orders entered by the probate court and the South Carolina Supreme Court’s resolution of Fisher’s appeal of the probate court decision. The disciplinary counsel also chose not to present evidence of specific instances of abusive litigation tactics utilized by Fisher. The Hearing Panel noted that, when the South Carolina Supreme Court affirmed the probate court’s decision, it admonished Fisher and imposed sanctions upon her.

### **III. RECIPROCAL DISCIPLINE IN CALIFORNIA IS WARRANTED**

The NDC starting this California proceeding was based solely on Fisher’s discipline in South Carolina, and its supporting record.

For the past 36 years, California law, following the practice of sister jurisdictions, has provided a streamlined process for trial and adjudication of State Bar disciplinary proceedings

when California attorneys have been found by another jurisdiction to have committed professional misconduct in that other jurisdiction. (§ 6049.1; e.g., *In the Matter of Jenkins* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 157, 162-163 [California attorney's Michigan law license previously revoked by Supreme Court of Michigan for corrupt conduct while serving as Michigan state court judge; disbarred in California].) These cases are commonly referred to as "reciprocal" disciplinary proceedings.

In addition to *In the Matter of Jenkins, supra*, our court has published three opinions in reciprocal discipline cases. (*In the Matter of Romano* (Review Dept. 2015) 5 Cal. State Bar Ct. Rptr. 391 [California attorney suspended indefinitely by United States Bankruptcy Court for the Central District of California for professional misconduct committed in cases pending before that court]; *In the Matter of Freydl* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 349 [California attorney suspended for misconduct in Michigan]; and *In the Matter of Kauffman* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 213 [California attorney suspended for professional misconduct committed while handling Illinois cases].)

Section 6049.1, subdivision (a), provides that, subject only to the two exceptions in section 6049.1, subdivision (b), the final determination of professional misconduct found by another jurisdiction shall be conclusive evidence that the California law licensee is culpable of professional misconduct disciplinable in this state. The two exceptions are whether, as a matter of law, the attorney's culpability in the other jurisdiction's proceeding would not warrant imposition of discipline in California under the governing laws or rules at the time of the misconduct, and whether the proceedings of the other jurisdiction lacked fundamental constitutional protection. (§ 6049.1, subd. (b)(2)-(3).) Moreover, the licensee shall have the burden to establish that the exceptions do not warrant the imposition of discipline by our court. (§ 6049.1(b).)

In this case, the hearing judge determined that the record of the South Carolina disciplinary proceedings of Fisher met the criteria of section 6049.1 in order to warrant giving conclusive effect of culpability under California law. The judge found neither of that section's two exceptions was established by Fisher. Further, the judge found that, as charged in the NDC, Fisher's South Carolina misconduct constituted willful violations of California ethical duties found in section 6068, subdivision (c),<sup>4</sup> and former rule 3-200(B) of the Rules of Professional Conduct.<sup>5</sup>

On appeal, Fisher focuses her main argument on the point that the hearing judge's decision rests on too narrow an interpretation of section 6049.1, subdivision (b)(3). As Fisher argues, the section's exception to treating the South Carolina decision as conclusive evidence of culpability in California should be interpreted by considering whether all of the court proceedings in the underlying probate action, which led the South Carolina Supreme Court to impose a public reprimand, lacked fundamental constitutional protection. Since the judge evaluated the exception in section 6049.1, subdivision (b)(3), only as to whether the South Carolina *disciplinary* proceedings lacked fundamental constitutional protection, Fisher argues the judge held an incorrectly narrow view of this exception.

OCTC has not sought review but argues that the hearing judge correctly interpreted section 6049.1, subdivision (b)(3), as relating only to whether the South Carolina *disciplinary* proceeding lacked fundamental constitutional protection. We agree with OCTC and uphold the

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<sup>4</sup> Section 6068, subdivision (c) provides, "It is the duty of an attorney . . . [t]o counsel or maintain those actions, proceedings, or defenses only as appear to him or her legal or just, except the defense of a person charged with a public offense."

<sup>5</sup> Former rule 3-200(B) provides that an attorney must not seek, accept, or continue employment if the attorney knows or should know that the objective of that employment is "[t]o present a claim or defense in litigation that is not warranted under existing law, unless it can be supported by a good faith argument for an extension, modification, or reversal of such existing law." All further references to rules are to the former California Rules of Professional Conduct that were in effect until November 1, 2018, unless otherwise noted.

judge's analysis and decision to give conclusive evidence of culpability to Fisher's South Carolina reprimand.

The plain meaning of section 6049.1 is apparent that it concerns only the attorney *disciplinary* proceeding imposed on a California attorney in a separate jurisdiction, and not predicate court proceedings that may have led to the disciplinary proceeding. Accordingly, in this situation, no resort is needed to discern legislative history or to consult related interpretive sources. (*Hoechst Celanese Corporation v. Franchise Tax Board* (2001) 25 Cal.4th 508, 519.) Moreover, the meaning of a statute's words is informed from the context of the law. (*Busker v. Wabtec Corp.* (2021) 11 Cal.5th 1147, 1159.) Section 6049.1 begins with the phrase, "In any disciplinary proceeding under this chapter, a certified copy of a final order made by any . . . body authorized . . . to conduct disciplinary proceedings against attorneys . . . determining that a [California attorney] committed professional misconduct in such other jurisdiction shall be conclusive evidence that the [attorney] is culpable of professional misconduct in this state, subject only to the [exceptions of subdivision (b)]."

Section 6049.1 concerns only creating an expedited California disciplinary proceeding to consider and act on the separate, and final, disciplinary proceeding which resulted in discipline in another jurisdiction. Thus, the only apt reading of section 6049.1, subdivision (b)(3)'s exception is that California looks to the fundamental constitutional protection afforded only by the *disciplinary* proceeding and not an analysis of any underlying court proceedings in the foreign jurisdiction. To analyze section 6049.1, subdivision (b)(3), as broadly as Fisher urges would not only be contrary to the law's plain meaning, it would also alter the very purposes of section 6049.1 by routinely allowing collateral attacks on disciplinary proceedings taken by other bodies and which extend beyond the two limited statutory exceptions we discussed, *ante*.

We are aware that a record of discipline in another jurisdiction could show constitutional infirmity, which could call into question the fairness of imposing discipline in California based on giving the other jurisdiction's discipline conclusive effect. (§ 6049.1, subd. (b)(3).) But in this case, Fisher has not sustained her burden to establish such infirmity. (§ 6049.1, subd. (b).) Her primary argument before us on this point is that she was subjected to sanctions and disciplinary proceedings in South Carolina, but her local counsel, who filed all papers and made all appearances in the underlying probate matters was not so subjected. However, this different treatment does not show unfairness of the proceeding as to Fisher, especially since we read the record of South Carolina disciplinary proceedings to ascribe to Fisher responsibility for the frivolous and dilatory basis of the probate litigation.

The record shows that Fisher had ample notice of the South Carolina charges, participated, and was represented by counsel in an evidentiary hearing before the Hearing Panel, litigated the matter before the Supreme Court of South Carolina, and sought review before the Supreme Court of the United States. As is the evidentiary burden in California, the South Carolina disciplinary proceeding required presentation by Fisher's opposing counsel of clear and convincing evidence of misconduct in order to support culpability. (*In re Pennington* (2008) 380 S.C. 49, 58 [668 S.E.2d 402, 406].) Fisher's participation in the South Carolina proceedings was the opportunity for her to put at issue and litigate any relevant or cognizable topic as to the civil or probate court proceedings used by the courts of that state which formed the basis of her reprimand.

Fisher advances two other procedural arguments which we hold are unmerited. First, she urges that the hearing judge erred by allowing OCTC to amend the NDC just three days before the start of trial. Second, she claims that the judge erred by not allowing a continuance of trial after allowing OCTC to amend the NDC. However, it is undisputed that the only amendments

OCTC made to the NDC were to allege and attach *certified* copies of the final South Carolina disciplinary order and underlying attorney disciplinary rules, in place of the uncertified records submitted with the original NDC. OCTC offered no substantive amendments to the NDC. Yet Fisher contends on review that the allowed amendment prejudiced her defense strategy by affecting the nature of her defense, including what witnesses to call at trial. We uphold the judge's allowance of OCTC's amendment to the original NDC as non-substantive when denying Fisher's request for a continuance of trial. Such an amendment to the NDC is allowed by rules 5.44(B) and 5.354(C) of the Rules of Procedure of the State Bar. Moreover, the record shows that Fisher was fully prepared to defend OCTC's case and to offer witness testimony, and she did both. Thus, she has not established the required showing of prejudice to support her claims.

Returning to the merits of the hearing judge's decision finding Fisher culpable of section 6068, subdivision (c), and former rule 3-200(B), we note Fisher has stated her position on review that if we reject her argument on broadening section 6049.1, subdivision (b)(3), as she urged, which we have rejected, *ante*, then Fisher does not challenge the judge's findings regarding culpability, aggravating and mitigating circumstances, or the judge's decision for a public reproof. Accordingly, we uphold the judge's findings and conclusions that Fisher is culpable of section 6068, subdivision (c), and former rule 3-200(B).

OCTC also supports in full the above aspects of the hearing judge's decision and urges our affirmance. Nevertheless, as is our function, we have independently reviewed the record and adopt the judge's findings of culpability. As we discuss, *post*, we shall uphold the judge's balance of aggravating and mitigating circumstances, and her decision of public reproof.

#### IV. PUBLIC REPROVAL IS APPROPRIATE DISCIPLINE

Significantly, California reciprocal disciplinary proceedings have more flexibility than found in many other states' reciprocal proceedings in one key area, in that the degree of discipline is a completely open issue in California. (§ 6049.1, subd. (b)(1); *In the Matter of Jenkins, supra*, 4 Cal. State Bar Ct. Rptr. at pp. 163-164.)

Guided by the Standards for Attorney Sanctions for Professional Misconduct (Standards),<sup>6</sup> we next consider the record as it reflects on aggravating and mitigating circumstances. (*In the Matter of Freydl, supra*, 4 Cal. State Bar Ct. Rptr. at p. 358-359.) Standard 1.5 requires OCTC to establish aggravating circumstances by clear and convincing evidence. Fisher has the same burden to prove mitigation. (Std. 1.6.)

##### A. Aggravation

Although, at trial, OCTC urged that the record showed three aggravating circumstances surrounding Fisher's misconduct, the hearing judge did not find that the evidence showed that they were aggravating. On our review, we agree with the judge, noting that OCTC has not disputed the judge's findings. Accordingly, we discuss them briefly.

Significant harm to the client, public, or the administration of justice is an aggravating circumstance if established. (Std. 1.5(j).) The hearing judge decided that the record—including a paucity of evidence bearing on any specific harm Fisher caused—did not warrant concluding that whatever burden Fisher caused to the courts was significant harm. We agree.

Indifference as to the consequences of misconduct (std. 1.5(k)) was also not established in the hearing judge's decision. Although the judge noted Fisher's testimony that she did not consider her probate filings in the South Carolina case underlying her reprimand to be frivolous,

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<sup>6</sup> All further references to standards are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

the judge believed that Fisher's actions showed she had appropriately accepted her culpability. Supporting this conclusion, the judge noted Fisher's credible testimony respecting the finality of her South Carolina discipline, that she since brought an increased level of care to her law practice, and that she has paid in full the South Carolina disciplinary cost assessment incident to her disciplinary proceeding. We agree with the judge's decision.

Finally, OCTC sought to prove in aggravation that the record established Fisher had engaged in a pattern of misconduct. The hearing judge rejected this, noting that a significant showing is required to establish a pattern of misconduct (citing *Levin v. State Bar* (1989) 47 Cal.3d 1140, 1149, fn. 14), which was not made by the small quantum of evidence adduced. Again, we agree with the judge's conclusion.

#### **B. Mitigation**

The hearing judge found three mitigating factors: Fisher's lack of prior discipline, her evidence of good character, and her remorse. Fisher does not take issue with the mitigation found or weighed by the judge. OCTC takes issue only with one mitigating factor found, which we discuss, *post*.

As to lack of prior discipline (std.1.6(a)), the hearing judge gave moderate weight to Fisher's history of no prior discipline since her licensure in California in 1997. What was not established by the record, was whether Fisher's involvement in the frivolous filings and improper litigation steps she took in South Carolina lasted the entirety of a ten-year period or occurred over a lesser time. We agree with weighing this factor as moderate.

Regarding Fisher's evidence of good character, the hearing judge also assigned moderate weight, noting that the quality and quantity of character evidence supports "at least" moderate weight. Of the nine witnesses who submitted character declarations, five were attorneys and two of these attorneys testified before the hearing judge. These two attorneys held long practice

experience in South Carolina and were well familiar with Fisher's conduct which led to her public reprimand. The witnesses were highly laudatory of her character, diligence, and honesty. We agree with the moderate weight assigned by the judge.

Finally, the hearing judge accorded limited weight to the mitigating factor of remorse. (Std. 1.6(g).) On review, OCTC takes issue with the judge crediting Fisher with mitigation for showing remorse. As OCTC argues, the requirement for this factor calls for the evidence of remorse to be shown as prompt and objective steps, and Fisher's actions were not prompt, since her misconduct lasted a decade. However, the judge correctly cited Fisher's evidence of contrition and the increased care that she gives matters she currently handles before courts. Our review shows that within three months of her South Carolina reprimand becoming final, Fisher satisfied in full the costs assessed by that court. In our view, these factors justify the slight mitigating weight found. This finding also appears consistent with the decisions, cited by the judge, which do not normally accord the expression of remorse significant weight by itself. (*Hipolito v. State Bar* (1989) 48 Cal.3d 621, 626-627, fn.2; *Calaway v. State Bar* (1986) 41 Cal.3d 743, 748.). We therefore affirm limited weight under this circumstance.

### **C. Discussion on Degree of Discipline**

The purpose of attorney discipline is not to punish the violator but to protect the public and courts, preserve confidence in the legal profession, and maintain high professional standards for attorneys. (Std. 1.1; e.g., *In the Matter of Hoffman* (Review Dept. 2020) 5 Cal. State Bar Ct. Rptr. 698, 710.) Our disciplinary analysis begins with the standards. Although not binding, they are entitled to great weight. (*In re Silvertown* (2005) 36 Cal.4th 81, 91-92.) We are guided by the Supreme Court to follow them whenever possible (see *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11), and to look to comparable case law for additional guidance. (*Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311.)

When we analyze the applicable standards, we determine first which standard specifies the most severe sanction for the at-issue misconduct. (Std. 1.7(a) [most severe sanction shall be imposed where multiple sanctions apply].) The hearing judge correctly applied standard 2.9(b), as it is the substantive guideline for violations of section 6068, subdivision (c), through Fisher's filing of frivolous litigation steps, which, as here, do not show proof of significant harm to an individual or to the administration of justice.<sup>7</sup> That standard provides for a range of reproof to suspension as the basic guideline.

Our balancing of the mitigating and aggravating circumstances leads us to conclude that mitigating circumstances clearly predominate, as there are no aggravating ones found.

In her decision, the hearing judge found the 30-day actual suspension ordered in *Sorensen v. State Bar* (1991) 52 Cal.3d 1036, cited by Fisher, to be far more comparable to this case than the decisions cited below by OCTC when it was seeking actual suspension.<sup>8</sup> In *Sorensen*, the attorney brought litigation against a court reporter over a \$45 billing dispute in which Sorensen sought \$14,000 in exemplary damages as part of a baseless fraud action. Correctly, the judge assessed that Fisher's case revealed less serious and more mitigated conduct than in Sorensen's case. On review, as we noted *ante*, OCTC seeks to uphold the public reproof ordered by the judge as appropriate discipline. Fisher also accepts public reproof, upon our rejection of her overly expansive interpretation of section 6049.1.

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<sup>7</sup> Although, as we noted *ante*, the hearing judge also found that Fisher's South Carolina misconduct would warrant finding a violation of former rule 3-200(B), the judge found it redundant of Fisher's violation of section 6068, subdivision (c), and did not weigh the former rule 3-200(B) violation as warranting additional discipline, citing *In the Matter of Kinney* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 360, 365, fn. 5. We agree with the judge's decision on this point.

<sup>8</sup> In OCTC's closing brief after the disciplinary trial, it cited the following cases, which the hearing judge correctly rejected as involving more serious misconduct: *In the Matter of Varakin* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 179 [disbarment]; *In the Matter of Kinney, supra*, 5 Cal. State Bar Ct. Rptr. 360 [disbarment]; and *In the Matter of Scott* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 446 [60-day actual suspension].

For all the reasons set forth, we shall impose a public reproof.

## V. ORDER

We order that Lisa Fisher, State Bar Number 192777, is publicly reproofed. Pursuant to the provisions of rule 5.127(A) of the Rules of Procedure of the State Bar, this reproof will be effective when this Opinion becomes final. Furthermore, pursuant to rule 9.19(a) of the California Rules of Court and rule 5.128 of the Rules of Procedure of the State Bar, the court finds that the protection of the public and the interests of Fisher will be served by the following conditions being attached to this reproof. Failure to comply with any condition attached to this reproof may constitute cause for a separate disciplinary proceeding for willful breach of rule 8.1.1 of the State Bar Rules of Professional Conduct. Fisher is ordered to comply with the following conditions attached to this reproof for one year following the effective date of the reproof.

- 1. Review Rules of Professional Conduct.** Within 30 days after the effective date of the order imposing discipline in this matter, Fisher must (1) read the California Rules of Professional Conduct (Rules of Professional Conduct) and Business and Professions Code sections 6067, 6068, and 6103 through 6126, and (2) provide a declaration, under penalty of perjury, attesting to her compliance with this requirement, to the State Bar's Office of Probation with Fisher's first quarterly report.
- 2. Comply with State Bar Act, Rules of Professional Conduct, and Reproof Conditions.** Fisher must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all conditions of this reproof.
- 3. Maintain Valid Official State Bar Record Address and Other Required Contact Information.** Within 30 days after the effective date of the order imposing discipline in this matter, Fisher must make certain that the State Bar Attorney Regulation and Consumer Resources Office (ARCR) has her current office address, email address, and telephone number. If she does not maintain an office, she must provide the mailing address, email address, and telephone number to be used for State Bar purposes. Fisher must report, in writing, any change in the above information to ARCR within 10 days after such change, in the manner required by that office.
- 4. Meet and Cooperate with Office of Probation.** Within 30 days after the effective date of the order imposing discipline in this matter, Fisher must schedule a meeting with her assigned probation case specialist to discuss the terms and conditions of Fisher's discipline and, within 45 days after the effective date of the court's order, must participate in such

meeting. Unless otherwise instructed by the Office of Probation, she may meet with the probation case specialist in person or by telephone. During the Repeval Conditions Period, Fisher must promptly meet with representatives of the Office of Probation as requested by it and, subject to the assertion of applicable privileges, must fully, promptly, and truthfully answer any inquiries by it and provide any other information requested by it.

**5. State Bar Court Retains Jurisdiction/Appear Before and Cooperate with State Bar Court.** During the Repeval Conditions Period, the State Bar Court retains jurisdiction over Fisher to address issues concerning compliance with reprobation conditions. During this period, Fisher must appear before the State Bar Court as required by the court or by the Office of Probation after written notice mailed to her official State Bar record address, as provided above. Subject to the assertion of applicable privileges, she must fully, promptly, and truthfully answer any inquiries by the court and must provide any other information the court requests.

**6. Quarterly and Final Reports.**

- a. Deadlines for Reports.** Fisher must submit written quarterly reports to the Office of Probation no later than each January 10 (covering October 1 through December 31 of the prior year), April 10 (covering January 1 through March 31), July 10 (covering April 1 through June 30), and October 10 (covering July 1 through September 30) within the Repeval Conditions Period. If the first report would cover less than 30 days, that report must be submitted on the next quarter date and cover the extended deadline. In addition to all quarterly reports Fisher must submit a final report no earlier than 10 days before the last day of the Repeval Conditions Period and no later than the last day of the Repeval Conditions Period.
- b. Contents of Reports.** Fisher must answer, under penalty of perjury, all inquiries contained in the quarterly report form provided by the Office of Probation, including stating whether she has complied with the State Bar Act and the Rules of Professional Conduct during the applicable quarter or period. All reports must be: (1) submitted on the form provided by the Office of Probation; (2) signed and dated after the completion of the period for which the report is being submitted (except for the final report); (3) filled out completely and signed under penalty of perjury; and (4) submitted to the Office of Probation on or before each report's due date.
- c. Submission of Reports.** All reports must be submitted to the Office of Probation by: (1) fax or email; (2) personal delivery; (3) certified mail, return receipt requested (postmarked on or before the due date); or (4) other tracked-service provider, such as Federal Express or United Parcel Service, etc. (physically delivered to such provider on or before the due date).
- d. Proof of Compliance.** Fisher is directed to maintain proof of her compliance with the above requirements for each such report for a minimum of one year after the Repeval Conditions Period has ended. She is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.

7. **State Bar Ethics School.** Within one year after the effective date of the order imposing discipline in this matter, Fisher must submit to the Office of Probation satisfactory evidence of completion of the State Bar 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 Fisher will not receive MCLE credit for attending this session.
8. **Multistate Professional Responsibility Examination.** Within one year after the effective date of the order imposing discipline in this matter, Fisher must take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period.

## **VI. MONETARY SANCTIONS**

We do not recommend the imposition of monetary sanctions in this matter as sanctions are not applicable since actual suspension or disbarment was not imposed. (Rules Proc. of State Bar, rule 5.137(A).)

## **VII. COSTS**

We further order that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment, and may be collected by the State Bar through any means permitted by law.

STOVITZ, J\*

WE CONCUR:

HONN, P.J.

McGILL, 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.

**No. SBC-21-J-30482**

***In the Matter of***

**LISA FISHER**

***Hearing Judge***

**Hon. Phong Wang**

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