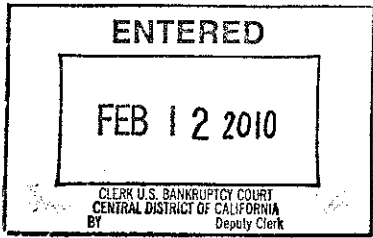
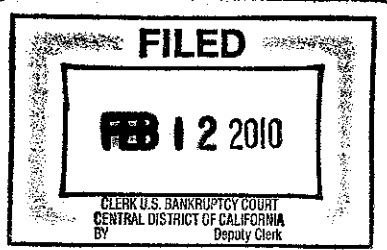


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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re
THE DISCIPLINARY PROCEEDING OF
STEVEN E. SMITH.

Case No. SV MI 09-00014

MEMORANDUM DECISION ON
DISCIPLINARY PROCEEDING OF
STEVEN E. SMITH

Date: November 13, 2009
Time: 10:30 a.m.
Place: Courtroom 1545
Roybal Federal Building
255 East Temple Street
Los Angeles, CA

On November 13, 2009, the matter of the disciplinary proceeding of Steven E. Smith ("Smith") came on for hearing before the hearing panel designated to hear the matter consisting of the undersigned United States Bankruptcy Judges, the Hon. Sheri Bluebond, Presiding Judge, the Hon. Peter H. Carroll, and the Hon. Robert N. Kwan. Steven E. Smith appeared for himself. Jennifer L. Braun, Assistant United States Trustee, appeared for the United States Trustee.

This disciplinary proceeding was initiated by the Hon. Geraldine Mund, United States Bankruptcy Judge, against Smith pursuant to this court's General Order 96-05, by a filing a Statement of Cause on July 8, 2009 in the case of *In re Nelvine A. Ocampo*,

1 Case No. SV 07-14538 GM chapter 11, pending in this court before Judge Mund.

2 Pursuant to the general order, the Clerk of the Court designated the undersigned United
3 States Bankruptcy Judges as the panel of judges to hear this matter.

4 In her Statement of Cause, Judge Mund stated that she was referring Smith for an
5 attorney disciplinary proceeding because evidence presented in the case demonstrated
6 that Smith had failed to adequately represent clients, to adequately communicate with
7 clients and other parties in interest, and to comply with the Bankruptcy Code, Bankruptcy
8 Rules, Local Bankruptcy Rules, Rules of Professional Conduct or California Business and
9 Professions Code in the case and other cases known to the United States Trustee as set
10 forth in the *U.S. Trustee's Response to the Court's Request to Provide Information on*
11 *Issues of Representation by Steven Smith*, filed on June 22, 2009, and *Declaration of*
12 *Melissa K. Besecker in Connection with Order to Show Cause Regarding Attorney*
13 *Steven Smith*, filed in the *Ocampo* case on June 22, 2009. In her *Statement of Cause*,
14 Judge Mund recommended that Smith no longer be permitted to represent debtors in
15 chapter 11 cases, that Smith be allowed to undertake the representation of debtors in no
16 more than 20 new chapter 13 cases in any given month, or a lower number of cases if
17 after a reasonable period it is demonstrated that he is not competent to handle that many
18 cases, that Smith be required to consult with a person who is competent to advise him on
19 how to set up his office procedures in order to properly handle a "high volume" of
20 bankruptcy debtor practice and that Smith be required to immediately take steps to
21 disassociate himself from Edison A. Castro or any other non-attorney who is not under
22 Smith's direct supervision and resident in Smith's office and that Smith be required to
23 undertake all necessary efforts to prevent Edison A. Castro from holding himself out as
24 an attorney and from indicating any relationship with Smith.

25 In support of the referral, Judge Mund submitted the response of the Office of the
26 United States Trustee ("OUST") to the order to show cause in the *Ocampo* case, which
27 response asserted that Smith failed to properly perform his duties and responsibilities as
28 an attorney representing chapter 11 and chapter 13 debtors in numerous cases before

1 the court during years 2008 and 2009, including *In re Nelvine A. Ocampo*, Case No. 1:07-
2 bk-14538-GM chapter 11 (repeated continuances of chapter 11 plan disclosure statement
3 hearing due to Smith's failure to submit approvable disclosure statement and court's
4 referral to attorney discipline panel for failure of Smith to appear and prosecute case); *In*
5 *re Manuel and Carmen De La Cruz*, Case No. 1:08-bk-19836-KT chapter 11 (court's
6 denial of Smith's employment as attorney for debtors-in-possession due to insufficient
7 expertise, inadequate representation of the debtors, failure to disclose all persons
8 working on the case and discrepancies in disclosures regarding the amount of retainer
9 paid to him and dismissal of case based on failures to comport with requirements of court
10 and OUST); *In re Ignacio Valdivia*, Case No. 1:08-bk-15843-GM chapter 11 (case
11 dismissed and most of Smith's fees ordered disgorged for failure to seek timely approval
12 of his employment); *In re Noe Obando*, Case No. 1:08-bk-16243-GM chapter 11 (most of
13 Smith's fees ordered disgorged for failure to seek timely approval of his employment); *In*
14 *re Rosa Ibanez and Mario Hernandez-Ibanez*, Case No. 1:08-bk-15664-MT chapter 13
15 (partial disgorgement of Smith's fees ordered for his failure to adequately communicate
16 with or advise the debtors in connection with their case); *In re Irene Nichole Velasquez*,
17 Case No. 1:08-bk-18230-GM chapter 13 and *In re Irene Nichole Velasquez*, Case No.
18 1:09-bk-10522-GM chapter 13 (Smith's fees ordered disgorged for inadequate
19 representation of debtor, including his failure to appear at a first meeting of creditors,
20 resulting in dismissal of a case and the loss of her home, and his failure to answer the
21 debtor's questions); *In re Maria A. Fernandez-Izquierdo*, Case No. 1:08-bk-15172-MT
22 chapter 13 (Smith disgorged fees for the case after admitting his failure to provide
23 adequate legal representation to the debtor); *In re Vitali Mackovski and Maria Karmalyuk*,
24 Case No. 1:08-bk-19118-KT chapter 7 (Smith filed a Form B22A, incorrectly stating that a
25 presumption of abuse arose in the case, and had to file a corrected Form B22A after
26 notice from the OUST); and *In re Manuel I. Zermeno and Maria De Los Angeles*
27 *Zermeno*, Case No. 9:09-bk-11703 RR chapter 7 (Smith failed to respond to repeated
28 inquiries of the OUST requesting information regarding the case in which the

1 presumption of abuse arose, prompting the OUST to file a Statement of Presumed
2 Abuse, which might result in a motion to dismiss the case). *U.S. Trustee's Response to*
3 *the Court's Request to Provide Information on Issues of Representation by Steven Smith,*
4 filed on June 22, 2009 in Case No. 1:07-bk-14538-GM chapter 11, at 2-5.

5 In support of the referral, Judge Mund also submitted the declaration of Melissa K.
6 Besecker, staff attorney for chapter 13 Standing Trustee Elizabeth F. Rojas in the
7 *Ocampo* case, which asserted that Smith failed to properly perform his duties and
8 responsibilities as an attorney representing chapter 13 debtors in numerous cases before
9 the court during years 2008 and 2009 in failing to appear at hearings and to comply with
10 documentation requirements and other tasks necessary for confirmation of chapter 13
11 plans of his clients, resulting in multiple continuances of hearings and dismissals of his
12 clients' cases for non-compliance with documentation or other plan confirmation
13 requirements, including *In re Mayra Reyes*, Case No. SV 08-19837-MT chapter 13; *In re*
14 *Maria Gutierrez*, Case No. SV 09-11809-MT chapter 13; *In re Maria Farias*, Case No. SV
15 09-12780-GM chapter 13; *In re Karla Lopez*, Case No. SV 08-20433-GM chapter 13; *In*
16 *re Roberto Luna*, Case No. SV 09-10359-GM chapter 13; *In re Gabriela Guzman*, Case
17 No. ND 08-13042-RR chapter 13; *In re Vila Piedra*, Case No. SV 09-10002-RR chapter
18 13; *In re Alberto Caceres*, Case No. ND 08-13209-RR chapter 13; *In re Enrique Ortiz*,
19 Case No. ND 09-10680-RR chapter 13; *In re Juana Lima*, Case No. SV 08-20068-KT
20 chapter 13; and *In re Patricia Quijas*, Case No. SV 08-15363-MT chapter 13.

21 *Declaration of Melissa K. Besecker in Connection with Order to Show Cause Regarding*
22 *Attorney Steven Smith*, filed on June 22, 2009 in Case No. 1:07-bk-14538-GM chapter
23 11, at 2-5.

24 On July 22, 2009, the court filed and served on Smith a *Notice of Assignment of*
25 *Hearing Panel; General Order 96-05; Statement of Cause*. This notice indicated that
26 Judge Mund had initiated a disciplinary proceeding under General Order 96-05 and that
27 the Clerk of the Court had designated a hearing panel for the proceeding. By notice of
28

1 hearing, the court set a hearing in this disciplinary proceeding for September 18, 2009 at
2 10:30 a.m.

3 On September 4, 2009, the OUST filed and served on Smith a *Notice of Intent to*
4 *Appear* advising the court and Smith that the office intended to appear at the disciplinary
5 hearing for the purposes of supporting the recommendation of Judge Mund that he be
6 prohibited from representing debtors in chapter 11 bankruptcy cases, recommending that
7 the panel order Smith to identify and disgorge all fees in cases where he did not meet his
8 clients prior to filing their cases or did not perform services under the Rights and
9 Responsibilities Agreements filed with the court, recommending that the panel find that
10 Smith aided in the unauthorized practice of law by Edison Castro, and recommending
11 that Smith be suspended from practice before the court for an appropriate period of time
12 of no less than 90 days, and for presenting evidence in support of its recommendations.
13 *Notice of Intent to Appear*, filed on September 4, 2009, at 1-2.

14 On September 11, 2009, Smith filed his emergency request for continuance and/or
15 in the alternative request to bifurcate proceedings in order for him to prepare for the
16 hearing in the disciplinary proceeding and to negotiate stipulations regarding the
17 disciplinary proceeding with the United States Trustee's Office. On September 16, 2009,
18 the court on behalf of the panel filed and entered an order granting Smith's emergency
19 motion for continuance. The court's order continued the hearing to November 13, 2009
20 at 10:30 p.m., but denied the additional relief requested by Smith.

21 On or about November 11, 2009, Smith signed and filed a pleading entitled
22 *Admissions, Representations, and Proposed Discipline of Steven E. Smith*. In this
23 document, Smith acknowledged and admitted the following statements of fact and
24 requested the court to enter findings of fact consistent with these admissions: ¹

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26
27 ¹ The following paragraphs 1 through 18 are Smith's admissions quoted verbatim from the
28 *Admissions, Representations, and Proposed Discipline of Steven E. Smith*, filed
on November 11, 2009, at pages 2-4.

1 1. Smith is an attorney licensed to practice in CA under bar # 140031, admitted
2 since 1989.

3 2. For the seven to eight year period preceding April, 2008 Smith's office filed
4 approximately 40 to 45 bankruptcy cases, predominantly in chapter 7.

5 3. On or about April, 2008, after positive recommendations from his friend and
6 colleague, G. Helena Philips, who was going on maternity leave, Smith engaged Edison
7 Castro, her Spanish-speaking legal assistant as his office manager, as well as her office
8 staff.

9 4. Starting in about April 2008 and continuing through about May 15, 2009
10 ("Relevant Time Period"), Smith's office was inundated with more than five hundred
11 debtors, whose primary language and often exclusive language, was Spanish, which
12 Smith did not speak.

13 5. Smith became attorney of record for a large number of chapter 13 debtors.

14 6. In order to make a dent in the volume, Smith engaged contract lawyers for
15 some appearances and permitted his office manager to increase staff to many Spanish
16 speaking assistants.

17 7. Because the eligibility requirements for chapter 13 cases precluded some
18 clients with excessive secured debt from filing under that chapter, Smith also began
19 handling a number of chapter 11 cases. Smith himself lacked adequate experience and
20 exposure to chapter 11 matters, having handled only one previous chapter 11 filing
21 successfully to confirmation.

22 8. During the Relevant Time Period, Smith commenced taking each of the
23 following "shortcuts" in order to accommodate his booming practice, which was
24 essentially limited to bankruptcy matters:

25 a. he delegated to Castro and the staff Castro engaged, most of the
26 duties of intake, client communications and relations;

27 b. he delegated to Castro most of the duties of management, fee
28 collection and setting, pre-filing document review et al.;

1 c. Smith gave Maria Abril and Vicki Castrellon, who were non-
2 attorney members of his staff hired by Castro, authority to electronically file
3 debtors' bankruptcy documents;

4 d. Smith did not monitor which of his clients he had personally
5 spoken to, which of his clients had spoken to G. Helena Philips, and which
6 of his clients had not spoken to any lawyer in his office, prior to the filing of
7 bankruptcies.

8 9. As volume increased, Smith became pre-occupied with going from court to
9 court. As a consequence, during the Relevant Time Period, Smith's supervision of all
10 staff, including Castro was minimal; and Smith discontinued pre and post-petition duties
11 mandated by the Rights and Responsibilities Agreement ("RARA"). In one instance he
12 failed to appear at a client's confirmation hearing.

13 10. During the Relevant Time Period, Smith failed to fully and properly perform
14 many of the duties mandated by the RARA, which he nonetheless executed as a
15 commitment to fulfill and has paid multiple fee disgorgements as a consequence thereof.

16 11. During the Relevant Time Period, Smith did not personally have any pre-
17 petition communications with many of his debtor clients.

18 12. During the Relevant Time Period, Smith did not personally review documents,
19 including bankruptcy petitions, schedules, statements of financial affairs, forms 22C,
20 chapter 13 plans, and other similar documents before those documents were filed with
21 the court.

22 13. During the Relevant Time Period, Smith did not review his daily Summary of
23 ECF Activity issued by the court.

24 14. During the Relevant Time Period, Smith does not know the exact amount of
25 money collected from his clients in cases where he was the attorney of record. He does
26 know that all the monies collected from his clients during that time were not deposited in
27 his bank accounts.
28

1 15. From April 25, 2009 to May 15, 2009, Smith was on vacation out of the
2 country. During that period, seven cases were filed by his office, of which one, Case No.
3 LA09-21486AA, *In re Manuel Urbano Linares-Campa*, Smith did not personally authorize
4 the filing to be made.

5 16. Smith did not keep adequate financial records or reconcile client payments
6 with his bank statements during the Relevant Time Period.

7 17. On September 11, 2009, Smith filed a criminal complaint against Castro,
8 pending before Los Angeles Police Department ("L.A.P.D.").

9 18. Pursuant to the Stipulation with the US Trustee approved by Judge [E.] Carroll
10 on July 31, 2009, Smith may not permit delegates to electronically file bankruptcy
11 documents in his name but do all such filings personally, personally monitor attorneys
12 appearing on his behalf for clients; personally review RARA and Disclosure of
13 Compensation forms for accuracy and monitor Central District filings through ECF/Pacer
14 to insure of his awareness of all petitions filed under his name.

15 *Admissions, Representations, and Proposed Discipline of Steven E. Smith*, filed on or
16 about November 11, 2009, at pages 2-4.

17 In his November 11, 2009 *Admissions* document, Smith also made the following
18 representations. : ²

19 1. Smith terminated Castro as office manager on or about February, 2009, and
20 established a new office with Ms. Philips, separate and distinct from Mr. Castro, on March
21 1, 2009. Smith discontinued any contact with Mr. Castro and his staff on or about May 1,
22 2009, determining only thereafter that Castro had developed the pattern of having
23 Smith's clients pay "cash", pocketing about half the cash and secreting or destroying
24 documents which reflected the true amount of cash paid by the debtor. In addition Castro
25 maintained two separate personal or "straw" bank accounts, of which Smith was

26 _____
27 ² The following paragraphs 1 through 5 are Smith's representations quoted verbatim from
28 the *Admissions, Representations, and Proposed Discipline of Steven E. Smith*,
filed on November 11, 2009, at pages 4-5.

1 unaware. Castro deposited fees into those accounts and failed to account for such fees
2 to Smith. Although sums recorded and sums embezzled appear to have been within the
3 accepted ranges for non-business chapter 13 filings,³ the improper record-keeping as
4 well as the theft has disrupted Smith's ability to fully and fairly determine what transpired.
5 In addition, Castro "delegated" Smith's matters, of which Smith was unaware of to other
6 attorneys, making it difficult for Smith to fully ensure his awareness of all matters in which
7 he was attorney of record. All of the above has had the effect of making Smith very
8 skeptical about any delegation to staff without full-time supervision.

9 2. Smith has reimbursed some of his complaining clients, whose services were
10 not completed based on client's presumed failure to fulfill fee obligations upon learning of
11 Castro's embezzlement and file disruption.

12 3. Smith understands that Castro, while employed at Smith's office, was engaged
13 in the unauthorized practice of law from May, 2008 to April, 2009.

14 4. Smith understands that monies collected from clients prior to filing the case,
15 including filing fees, may arguably be classified as "client trust funds."

16 5. In the event of any lack of alacrity of the L.A.P.D. in prosecuting Castro, Smith
17 plans thereby to attempt direct filing with the District Attorney, County of Los Angeles.
18 *Admissions, Representations, and Proposed Discipline of Steven E. Smith*, filed on or
19 about November 11, 2009, at pages 4-5.

20 The OUST did not expressly stipulate to the admissions, representations and
21 proposed discipline offered by Smith in this document, but the OUST by its attorney, Ron
22 Maroko, signed a statement incorporated into the document, which stated as follows:

23
24
25 ³ Smith's statement that "sums recorded and sums embezzled appear to have been within
26 the accepted ranges for non-business Chapter 13 filings" is quoted here only for the
27 purpose to reflect this was his representation in the *Admissions, Representations,
28 and Proposed Discipline of Steven E. Smith*, filed on November 11, 2009, at page
5. The panel notes that this statement is only Smith's opinion and that the panel
does not accept or adopt in any way the accuracy or validity of the assertions in this
statement of Smith.

1 The U.S. Trustee has no objection to the Panel issuing findings consistent with the
2 [sic] Smith's admissions and entering an order consistent with the proposed
3 discipline described in this document. The United States Trustee takes no position
4 regarding the truthfulness or factual correctness of representations made by Smith
5 in that section of this document.

6 *Admissions, Representations, and Proposed Discipline of Steven E. Smith*, filed on or
7 about November 11, 2009, at page 8.

8 At the duly scheduled time and place of the hearing on November 13, 2009, Smith
9 appeared for himself, and the panel heard from Smith regarding the matter. At the
10 hearing, the panel also heard from an attorney from the OUST. The panel received
11 evidence into the record. The hearing panel received into the record the various
12 pleadings and orders that Judge Mund caused to be filed with this panel, which had been
13 previously filed in the case of *In re Nelvine A. Ocampo*, Case No. SV 07-14538 GM
14 chapter 11, including

15 (1) *Order to Show Cause Why This Chapter 11 Bankruptcy Case Should*
16 *Not Be Dismissed for Failure of Debtor Counsel Steven Earl Smith to Appear and*
17 *Prosecute the Case, Why Attorney Steven Earl Smith Should Not Be Ordered to*
18 *Disgorge All Fees, and Why Attorney Steven Earl Smith Should Not Be Referred*
19 *for Further Discipline*, filed on April 8, 2009;

20 (2) *U.S. Trustee's Response to the Court's Request to Provide Information*
21 *on Issues of Representation by Steven Smith*, filed on June 22, 2009;

22 (3) *Declaration of Melissa K. Besecker in connection with Order to Show*
23 *Cause regarding Attorney Steven Earl Smith*, filed on June 22, 2009.

24 The hearing panel received these documents in Case No. SV 07-14538 GM chapter 11
25 into the record. The panel also received into the record the document entitled
26 *Admissions, Representations, and Proposed Discipline of Steven E. Smith*, filed in this
27 disciplinary proceeding on or about November 11, 2009.

28

1 Having considered the evidence received at the hearing and the oral and written
2 arguments of the parties, the panel finds that based on the admissions, representations
3 and other statements by Smith and the other evidence presented in this disciplinary
4 proceeding, during the relevant time period starting in April 2008 through May 15, 2009,
5 Smith had failed to adequately represent clients, to adequately communicate with clients
6 and other parties in interest, and to comply with the Bankruptcy Code, Bankruptcy Rules,
7 Local Bankruptcy Rules, Rules of Professional Conduct or California Business and
8 Professions Code. Specifically, during this time period, Smith had represented over 500
9 bankruptcy debtors as their counsel of record in chapter 11 and chapter 13 bankruptcy
10 cases before this court, he failed to fully and properly perform many of the duties
11 mandated by the Rights and Responsibilities Agreement in the chapter 13 cases, he
12 lacked adequate experience and competence to handle the chapter 11 cases he filed for
13 some of these debtors, Smith did not personally have any prepetition communications
14 with many of his debtor clients, Smith did not personally reviewed documents, including
15 bankruptcy petitions, schedules, statements of financial affairs, Forms B22C, chapter 13
16 plans and other documents before those documents were filed under his name with the
17 court, Smith failed to properly supervise his office staff, including Edison Castro, in
18 handling the representation of these debtor clients, Smith failed to keep adequate
19 financial records or reconcile client payments with his bank statements, and Smith failed
20 to review his daily Summary of ECF Activity to monitor his filings with the court.

21 Uncontested evidence presented by the OUST in *In re Monica Megalli*, Case No.
22 2:09-bk-14544 EC chapter 13 showed that Smith failed to perform the duties and
23 responsibilities as the attorney for the debtor as represented in the Rights and
24 Responsibilities Agreement, that he improperly delegated such duties and responsibilities
25 to non-attorney agents, including Edison Castro, that Smith failed to properly supervise
26 his non-attorney office staff as to the work the staff performed in the case, and that based
27 on these failings, the court ordered Smith to disgorge all fees. *United States Trustee's*
28 *Notice of Intent to Appear*, filed on September 4, 2009, and *Exhibits 1 and 2 attached*

1 *thereto, Stipulation between Steven E. Smith and the United States Trustee re: Findings*
2 *of Fact and Personally Filing Documents*, filed on June 25, 2009 in Case No. 2:09-bk-
3 14544 EC chapter 13 and *Order Approving Stipulation between United States Trustee*
4 *and Steven E. Smith re: Findings of Fact and Personally Filing Documents*, filed on July
5 31, 2009 in Case No. 2:09-bk-14544 EC chapter 13. Moreover, Smith does not dispute
6 the factual assertions regarding his failures to adequately represent the debtors in
7 chapter 11 and chapter 13 cases before this court described in the *U.S. Trustee's*
8 *Response to the Court's Request to Provide Information on Issues of Representation by*
9 *Steven Smith*, and the *Declaration of Melissa K. Besecker in connection with Order to*
10 *Show Cause regarding Attorney Steven Earl Smith*, filed on June 22, 2009 in Case No.
11 SV 07-14538-GM chapter 11.

12 The above-recited evidence supports Judge Mund's referral of Smith to this panel
13 and her recommendation that he be disciplined. The panel finds that the evidence
14 demonstrates that Smith had failed to adequately represent clients, to adequately
15 communicate with clients and other parties in interest, and to comply with the Bankruptcy
16 Code, Bankruptcy Rules, Local Bankruptcy Rules, Rules of Professional Conduct or
17 California Business and Professions Code in the *Ocampo* case and other cases. The
18 evidence, including Smith's admissions, indicates that he violated Rule 3015-1(v)(2) and
19 (4) in failing to perform the duties and responsibilities of an attorney in handling chapter
20 13 cases in which he had signed the Rights and Responsibilities Agreements (RARA)
21 and in falsely certifying by his signature on the RARA that before the case was filed that
22 he personally met with, counseled and explained to the debtor all the matters set forth in
23 the RARAs. The evidence, including Smith's admissions, also shows that he failed to
24 adequately represent clients in chapter 11 and 13 cases and to adequately communicate
25 with clients and other parties in interest in violations of the standards of practice under
26 Rules 3-110 and 3-500 of the California Rules of Professional Conduct, State Bar of
27 California, and Rule 2090-2 of the Local Bankruptcy Rules (incorporating by reference
28 Local Civil Rule 83-3.1.2 of the Rules of the United States District Court for the Central

1 District of California). The evidence, including Smith's admissions and representations,
2 shows that he violated Rule 4-100 of the California Rules of Professional Conduct by
3 failing to keep and maintain adequate financial records regarding funds received, held
4 and/or disbursed by him on behalf of his clients. The evidence, including Smith's
5 admissions and representations, shows that he violated Rule 1-120 of the California
6 Rules of Professional Conduct by assisting a non-attorney employee of his office staff,
7 Edison Castro, in engaging in the unauthorized practice of law in violation of Rule 1-300
8 of the California Rules of Professional Responsibility. The panel concludes that
9 disciplinary sanctions should be imposed against Smith for his repeated violations of his
10 ethical duties and responsibilities under the Bankruptcy Code, the Federal Rules of
11 Bankruptcy Procedures, this court's rules and the California Rules of Professional
12 Conduct, as detailed in the accompanying order of discipline, but essentially stated as
13 follows:

- 14 1. Smith should be suspended for two years from practicing before the United
15 States Bankruptcy Court for the Central District of California, though he may
16 apply for reinstatement to practice after 90 days of suspension.
- 17 2. As conditions of reinstatement to practice before this court, Smith should be
18 ordered to complete continuing legal education in the subject of legal ethics
19 and undertake other specific measures to remedy deficiencies in the operating
20 procedures of his law office regarding office finances, supervision of non-
21 attorney staff and prevention of unauthorized practice of law.

22 This memorandum decision constitutes the panel's findings of fact and
23 conclusions of law. A separate order setting forth the panel's rulings will follow.

24 IT IS SO ORDERED.

25
26 Dated: 2/12/10



Sheri Bluebond, Presiding

United States Bankruptcy Judge

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Dated: 2/12/10



Peter H. Carroll
United States Bankruptcy Judge

Dated: 2/12/10



Robert N. Kwan
United States Bankruptcy Judge

