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**ORDER, SUPREME COURT OF CALIFORNIA
(APRIL 2, 2025)**

**IN THE SUPREME COURT OF CALIFORNIA
En Banc**

In the Matter of
ARTHUR EDWARD EZOR,
A Member of the State Bar.

State Bar Court - No. 12-O-10043

S289361

Before: GUERRERO, Chief Justice.

The petition for review is denied.

/s/ Guerrero
Chief Justice

App.2a

**ORDER, STATE BAR COURT OF CALIFORNIA
REVIEW DEPARTMENT
(JANUARY 17, 2025)**

**STATE BAR COURT OF CALIFORNIA
REVIEW DEPARTMENT**

En Banc*

**IN THE MATTER OF A. EDWARD EZOR
(State Bar No. 50469)**

Case No. 12-O-10043

**Before: W. KEARSE McGILL,
Acting Presiding Judge.**

On December 30, 2024, respondent A. Edward Ezor filed a petition for review of a December 18, 2024 Hearing Department order, which denied his request to (1) vacate this Court's order recommending disbarment in the above-captioned matter; (2) place respondent on inactive status; and (3) reverse the California Supreme Court's 2015 order of disbarment in the same matter (S227682). On January 6, 2025, the Office of Chief Trial Counsel of the State Bar filed an opposition.

* Honn, J., deeming himself disqualified, did not participate.

App.3a

Respondent's petition is denied as this Court no longer has jurisdiction over his 2015 disciplinary matter.

/s/ W. Kearse McGill
Acting Presiding Judge

**ORDER DENYING
MOTION TO VACATE DISBARMENT,
STATE BAR COURT OF CALIFORNIA
(DECEMBER 18, 2024)**

**STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT—LOS ANGELES**

**IN THE MATTER OF A. EDWARD EZOR
(Former State Bar No. 50469)**

Case No. 12-O-10043 (S227682)

**Before: Dennis G. SAAB,
Judge of the State Bar Court.**

On November 19, 2024,¹ A. Edward Ezor (Respondent) filed a motion seeking to (1) vacate the court's order recommending his disbarment; (2) place him on inactive status; and ultimately, (3) reverse the California Supreme Court's order of his disbarment. However, the relief sought by Respondent would require this court to vacate the California Supreme Court's September 23, 2015 order of disbarment in case No. S227682. Hence, his motion is DISMISSED for lack of jurisdiction.

¹ Respondent filed an identical motion on December 13, 2024. As the two motions are duplicative, they are addressed together in this order.

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IT IS SO ORDERED.

/s/ Dennis G. Saab
Judge of the State Bar Court

Dated: December 18, 2024

**ORDER DENYING PETITION FOR REVIEW,
SUPREME COURT OF CALIFORNIA
(SEPTEMBER 23, 2015)**

**IN THE SUPREME COURT OF CALIFORNIA
En banc**

In re A. EDWARD EZOR on Discipline

No. S227682

State Bar Court No. 12-O-10043

Before: CANTIL-SAKAUYE, Chief Justice.

The petition for review is denied.

The court orders that A. Edward Ezor, State Bar Number 50469, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

A. Edward Ezor must make restitution as recommended by the Hearing Department of the State Bar Court in its Decision filed on December 3, 2013. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

A. Edward Ezor must comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

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Costs are 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.

Werdegar, J., was absent and did not participate.

/s/ Cantil- Sakauye
Chief Justice

**OPINION AND ORDER (DISBARMENT),
STATE BAR COURT OF
CALIFORNIA REVIEW DEPARTMENT
(MAY 19, 2015)**

**PUBLIC MATTER — NOT DESIGNATED FOR
PUBLICATION**

**STATE BAR COURT OF CALIFORNIA
REVIEW DEPARTMENT**

In the Matter of
A. EDWARD EZOR,
A Member of the State Bar, No. 50469.

Case No. 12-O-10043

OPINION AND ORDER

This case illustrates the dire consequences an attorney may face when he allows financial self-interest to override his fiduciary responsibilities to a client. A. Edward Ezor appeals a hearing judge's decision that he be disbarred for willful misappropriation and for failing to maintain funds in trust for an elderly, disabled client. Ezor concedes he did not maintain the required balance in his client trust account (CTA), but denies he misappropriated the funds. He insists that a single accounting error caused the deficiency. The judge rejected his explanation, finding it lacked credibility and supporting proof. After independently reviewing the record (Cal. Rules of Court, rule 9.12), we also reject Ezor's explanation

and find that he intentionally and dishonestly misappropriated \$37,247.22. We affirm the hearing judge's disbarment recommendation.

I. Factual and Procedural Background¹

Ezor was admitted to the State Bar in 1972, and has no record of prior discipline. His misconduct arose out of his representation of Maxine Marx, a beneficiary of the estate of her late father, Chico Marx. Chico² was a member of the Marx Brothers comedy team, and his estate held royalty rights to two Marx Brothers' movies: "A Day at the Races" and "A Night at the Opera."

Ezor began representing Maxine in 1999. He collected the movie royalties from producer Warner Brothers Entertainment, Inc. (Warner Brothers), deposited them in his CTA, and then allocated them to Maxine and Chico's other beneficiaries. Maxine died in September of 2009 at the age of 91.

Brian and Kevin Culhane, Maxine's sons, were the sole beneficiaries of her will and co-executors of her estate. Shortly after her death, Brian and Kevin

¹ We base the factual background on a pretrial 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).) In particular, we give considerable weight to the findings based on credibility evaluations. (*McKnight v. State Bar* (1991) 53 Cal.3d 1025, 1032 [hearing judge best suited to resolve credibility questions "because [he] alone is able to observe the witnesses' demeanor and evaluate their veracity firsthand"].)

² To avoid confusion, we refer to persons sharing the surname "Marx" and to Maxine's sons, Brian and Kevin Culhane, by their first names.

received a notice from the Internal Revenue Service (IRS) that she owed substantial back taxes on funds earned by Chico's estate. Maxine's sons were stunned; they were unaware of the royalty rights and believed their mother had died penniless. They located Ezor's phone number in Maxine's files, and Brian called him for an explanation of the unexpected taxes. Ezor told Brian about the royalty rights and that he was holding approximately \$20,000 on Maxine's behalf. For the next two years, Brian and Kevin sought information from Ezor about the royalties, his fees, and his retainer agreement with Maxine. Ezor either ignored the inquiries or provided incomplete, irrelevant, and insufficient responses. As a result, Brian ultimately reported Ezor to the State Bar.

The trial evidence revealed that, between February 2000 and December 2009, Ezor collected nearly \$200,000 in royalties from Warner Brothers on Maxine's behalf. He deposited them in his CTA, deducted his fees, and disbursed monies to pay Maxine's debts and expenses (such as legal fees for movie royalty rights litigation). Ezor admitted he and Maxine did not have a written fee agreement, and he produced no receipts, documents, or other records showing that Maxine had authorized the disbursements. However, the Office of the Chief Trial Counsel (OCTC) accepted Ezor's largely undocumented accounting of Maxine's funds.

The parties stipulated that, as of December 31, 2009, Ezor was required to maintain a balance of \$26,001.48 in trust on behalf of Maxine's estate, and failed to do so on the following occasions:

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Date	Balance
01/29/10	\$6,981.17
02/08/10	\$1,208.58
11/01/10	\$1,141.62
12/17/10	\$1,008.28

In December 2010 and December 2011, Ezor received additional yearly royalties, which he deposited into his CTA. Ezor and OCTC further stipulated that, after deducting his fee, he was required to maintain \$41,399.48, as of February 12, 2012. Ezor admitted, and his bank account statements confirmed, that his CTA balance on February 12, 2012 was only \$4,152.26. After the State Bar contacted Ezor in January 2012, he repaid the bulk of the money he owed to Maxine's estate (in April 2012).³

On August 14, 2012, OCTC filed a two-count Notice of Disciplinary Charges (NDC) alleging that Ezor violated: (1) rule 4-100(A) of the Rules of Professional Conduct,⁴ by failing to maintain funds in his CTA on behalf of Maxine's estate; and (2) section 6106 of the

³ Ezor repaid \$40,925.10 with two checks, each dated April 26, 2012. The first was written from his business account for \$1,488.96. The second was for \$39,436.14 from his CTA, leaving a balance due of \$474.38. Ezor deposited personal funds into his CTA in order to write the larger check.

⁴ All further references to rules are to this source, unless otherwise noted. Under rule 4-100(A), “[a]ll funds received or held for the benefit of clients by a member . . . shall be deposited in one or more identifiable bank accounts labeled ‘Trust Account,’ ‘Client’s Funds Account’ or words of similar import”

Business and Professions Code,⁵ by “dishonestly and with gross negligence misappropriat[ing] funds from the Estate of Maxine Marx.” At trial, only Ezor and Brian testified.

II. Ezor Admits he Violated Rule 4-100 [Count One]

Ezor concedes he failed to hold funds in trust for Maxine’s estate, as required by rule 4-100. The hearing judge found him culpable, which Ezor does not challenge on review. We affirm this finding as supported by the evidence.

III. Ezor is Culpable of Intentional Misappropriation [Count Two]

The hearing judge found Ezor culpable of moral turpitude in violation of section 6106 for *willfully* misappropriating \$37,247.22 (the difference between the \$41,399.48 Ezor was required to maintain as of February 12, 2012 and the \$4,152.26 balance in his CTA on that date). The judge, however, did not specify whether the misappropriation was grossly negligent or intentionally dishonest. (*See In the Matter of Respondent F* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 17, 26 [willful misappropriation occurs where level of misconduct rises to at least gross negligence]; *Jackson v. State Bar* (1979) 25 Cal.3d 398, 403 [attorney’s ongoing refusal to account to heirs of

⁵ All further references to sections are to this source. Under section 6106, “[t]he commission of any act involving moral turpitude, dishonesty or corruption, whether the act is committed in the course of his relations as an attorney or otherwise . . . constitutes a cause for disbarment or suspension.”

estate in face of repeated demands may justify finding of willful misappropriation].)

Ezor claims he did not misappropriate funds either intentionally or by gross negligence. Instead, he asserts he mismanaged his CTA through *simple negligence* by accidentally misallocating monies due to an accounting error. The hearing judge found Ezor lacked credibility and rejected his misallocation explanation. We too reject it because the record clearly and convincingly establishes that Ezor's conduct, considered collectively and as detailed below, proves an intentional and dishonest misappropriation of \$37,247.22.⁶ (*See In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602 [dishonest use of money for attorney's own purposes where trust funds depleted over several years, repayment delayed until after State Bar contacted attorney, and explanations lacked credibility].)⁷

⁶ 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.)

⁷ To begin, Ezor's admitted lack of a written fee agreement with Maxine is troubling. He claims he had an oral arrangement from 2000 to 2004 to receive five percent of all gross receipts earned, and that Maxine agreed orally in 2005 to increase his fee to 33-1/3 percent. This undocumented fee increase prompts significant concern because Maxine was 86 years old at the time and had moved into a nursing home due to her diminished capacity from a stroke.

A. Ezor's Misallocation Explanation is not Credible

Ezor testified that after he learned of the State Bar's investigation, he contacted his long-time accountant, Kevin Antrobus, to review Maxine's records. He claimed that Antrobus discovered an August 9, 2006 accounting error, which led to a misallocation of funds and, ultimately, to the CTA deficiency. Ezor further asserted that a \$42,500 check he wrote from his business account on August 9, 2006, payable to the Estate of Alva Fleming Marx (also known as Susan Marx) was at the core of the accounting error. We find that the explanations for the alleged error were varied, inconsistent, convoluted and, as the hearing judge found, not credible.

Generally, Ezor claimed he held a bidding deposit for the painting "Lovers" for Susan's estate. When the painting sold, he disbursed the deposit to Susan's estate, but combined it with a payment, also to Susan's estate, for Maxine's litigation expenses (the combination equaling \$42,500). The records were erroneously updated, allocating an incorrect amount from Maxine's account. The details of this purported misallocation theory have changed over the course of these proceedings.

At trial, Ezor claimed he combined an \$8,300 payment Maxine owed to Susan's estate for litigation expenses with a \$34,200 payment to Susan's estate for the "Lovers" painting. He then erroneously charged the full \$42,500 to Maxine's account, not just the \$8,300 portion she owed Susan's estate.

In his opening brief, Ezor claimed he issued a check for \$42,500 from his business account to the

Estate of Alva Fleming Marx. He then mistakenly misallocated that \$42,500 from Maxine's account when it should have been allocated to Susan's estate. A later passage in the brief states, "Ezor distributed the proceeds of [the painting] sale, inadvertently writing the check for the sale of the painting, against Maxine's account instead of Susan Marx's Trust account funds. [Citation.] \$35,300 in legal fees payable to the law firm of Freund Brackey, and expenses that should have been charged against the trust funds of Alva Fleming Marx was [sic] mistakenly treated as being chargeable to Maxine."⁸

Aside from these shifting explanations, none of Ezor's misallocation theories leads to the \$37,247.22 missing from his CTA. Further, Maxine's estate did not have any interest in the "Lovers" painting, and Ezor failed to explain why he paid Maxine's debt to Susan jointly with the painting sale deposit. In addition, the August 9, 2006 check itself does not reflect any purpose other than the painting sale; the memo line merely states, "EST. SUSAN MARX / 'Lovers,'" with no reference to Maxine or to any litigation fees. Finally, Ezor did not explain why he would pay litigation expenses from his business account instead of from his CTA.

The only evidence of the misallocation claim is Ezor's testimony and a copy of the August 9, 2006

⁸ At oral argument, Ezor's counsel provided yet another explanation — that Ezor wrote the \$42,500 check as a combination of \$34,200 he believed Maxine owed Susan's estate for litigation fees, plus the "Lovers" bidding deposit. However, Maxine had already reimbursed Susan's estate for the full amount of the litigation fees.

check. Ezor's accountant, Antrobus, passed away before trial, and Ezor did not submit documentation evidencing Antrobus's discovery of the alleged error. As the hearing judge noted, the fact that Antrobus "was purportedly able to identify the alleged misallocation" indicates Ezor "presumably had his 2006 CTA records on-hand," yet he never explained why he failed to offer those records or any other documentary evidence showing the misallocation.⁹ Ezor's failure to provide evidence to support his misallocation theory reinforces the hearing judge's finding that it did not credibly explain the CTA deficiency.

B. Ezor was Unresponsive to Maxine's Sons

Ezor's refusal to provide basic information to Maxine's sons regarding her accounts further undermines his claim of an honest accounting mistake. Brian and Kevin, personally and through counsel, tried unsuccessfully to obtain information about the royalty funds and Ezor's fee agreement with Maxine. Brian testified he "couldn't even get a straight answer" to simple questions.

For example, in early March 2010, Brian and Kevin's probate attorney, Jay Zeiger, sent Ezor a letter requesting: (l) a "statement as to the royalty payments that the Estate of Maxine Marx would be

⁹ See *In the Matter of Oheb* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 920, 935, fn. 13 (respondent's unexplained failure to substantiate his testimony with evidence that one would have expected to be produced is strong indication testimony is not credible); see also *Rodgers v. State Bar* (1989) 48 Cal.3d 300, 311 ("attorney's failure to keep adequate records or proper accounts is inherently suspicious and can support an inference that his testimony is untrue").

entitled to;” (2) a “schedule as to the manner in which the statement was prepared;” (3) “payment of the amount that the Estate is entitled to, as set forth in said schedule;” and (4) a “schedule of the payments that you made to Maxine Marx during these previous years prior to her death and the dates of said payments.” Ezor did not provide an accounting for more than seven months. When he finally sent it in late October 2010, it consisted of a one-and-a-half-page spreadsheet titled “MAXINE MARX RE: Marx Brothers Revenues and Disbursements, YEARS 2000 through 2009.” The spreadsheet contained vaguely identified credits and debits to and from Maxine without any explanations or supporting documentation, and fell far short of the detailed accounting Brian and Kevin sought. (*See Walter v. State Bar* (1970) 2 Cal.3d 880, 889 [attorney’s failure to keep proper books of account is suspicious circumstance that may support inference of conversion of client funds to personal use].)

On October 30, 2010, Brian emailed Ezor requesting:

- (1) proof of payments to Maxine, including,
 - (a) specific information about Ezor’s arrangements for Chico’s estate’s income,
 - (b) with what financial institution,
 - (c) the dates and amounts of deposits, and
 - (d) the current balance;
- (2) copies of all relevant time sheets relating to the legal expenses in the spreadsheet;

- (3) an explanation of the spreadsheet's "Disbursements" column; and
- (4) information regarding lawsuits involving Chico's estate.

Brian also asked Ezor: "If you are working on the Estate's behalf, what has been your business arrangement and fee structure regarding Estate business? We would like copies of all pertinent business contracts." Brian further declared, "I do not want this process to be put on hold. I expect that you will immediately respond. I believe my brother and I have shown a good deal of patience with you, notwithstanding your accounting having taken nearly a year." On November 3, 2010, Ezor emailed back: "Do not treat me as an adversary. I am on your side."

Over the next few days, Brian sent several follow-up emails requesting prompt responses to his questions due to an upcoming meeting with the IRS. Ezor mailed him what Brian described as a "hefty packet" of law firm billings for the years 2000 through 2001, none of which mentioned Maxine's name or explained her involvement in any lawsuit. As for his retainer agreement, Ezor responded vaguely, "since I represented Susan Marx in the Harpo Marx Estate, Maxine confirmed that I should represent her in the Chico Marx Estate." Ezor did not answer Brian's other questions.

Brian sent another email, again requesting the same basic information Ezor had yet to provide, such as: "(1) who owns the film rights and what company is paying residuals; (2) what portion of the residuals benefits [Maxine's] estate; and (3) what your on-going specific terms of service are for the Chico Marx

Estate.” Brian continued, “Really, I think these three questions can be rather quickly answered in your next email.” He also pointed out that Maxine’s name appeared nowhere in the pile of law firm billings. Ezor emailed back days later, stating only that he would send Brian “the Settlement Agreement [for] the Federal lawsuit.” He otherwise ignored Brian’s questions.¹⁰

Maxine’s sons eventually hired a California lawyer, Steven Winters, because they believed they “might have to take [Ezor] to court to get him to actually come up with the information that [they] wanted and the money.” On June 1, 2011, Winters sent a certified letter (also signed by Brian and Kevin) informing Ezor that Maxine’s sons had engaged Winters to represent her estate and instructing him to transfer all relevant files to Winters. The letter further requested a full accounting of the estate monies in Ezor’s possession, copies of all payments and checks, a final accounting including all details about the source of royalties or other payments, the percentage due to Maxine, Ezor’s claimed expenses, and a final check payable to Brian and Kevin. Ezor refused the certified letter. Winters then emailed him a copy of the letter, but received no response. Ezor stipulated he did not open the email.

¹⁰ At some point, Ezor provided the following additional limited information in an undated, unaddressed note: “The lawsuit billings were advanced in large part by the Harpo Marx Estate which got reimbursed by the Chico Marx Estate when there was liquidity,” and, regarding royalties, “Warner Bros. has exclusive distribution rights and the three brothers’ estate [sic] are revenue participants.” Brian confirmed he received the note, but could not recall when.

C. Ezor Falsely Represented the Funds He Was Holding for Maxine

In the limited information Ezor provided to Maxine's sons, he made false statements about the CTA funds. The October 2010 accounting Ezor sent reflected a \$23,960.14 balance held on behalf of Maxine's estate as of December 31, 2009.¹¹ That amount should have remained steady until December 20, 2010, when Ezor received Maxine's 2010 royalty check. Yet Ezor's CTA balance fell significantly below \$23,960.14 on several occasions during 2010, and dipped as low as \$1,008.28 on December 17, 2010. During October 2010, the month Ezor sent the accounting, his CTA was consistently below \$23,960.14, with high and low balances of \$17,850.17 and \$1,141.62, respectively.

Ezor also falsely represented his CTA balance to the State Bar. In his February 16, 2012 letter response to the Bar's investigation, Ezor stated: "I am now, and have always been, ready, willing and able to turn over those funds in my possession to the Estate of Maxine Marx . . ." He further stated that he was holding \$39,436.14 "on hand" for the benefit of Maxine Marx. However, Ezor's CTA records prove that its balance four days earlier, on February 12, 2012, was only \$4,152.26. Although Ezor made deposits between February 12 and 16 that increased the balance in his

¹¹ A corrected accounting Ezor introduced at trial indicates he actually should have been holding \$26,001.48, for Maxine's estate at that time; Ezor and OCTC so stipulated.

CTA, the monies were not for the benefit of Maxine's estate.¹²

IV. Ezor's Judicial Bias Claim Lacks Merit

Ezor argues the hearing judge was biased against him and denied him a fair trial. He asserts that he heard the State Bar's attorney say "bullshit" during a February 2013 telephonic status conference when the hearing judge granted Ezor's request for a trial continuance due to illness. Ezor alleges that the hearing judge responded, "yeah, I think it's bullshit too, but I'm not a doctor." He claims this proves the hearing judge was biased against him when he found Ezor's testimony lacked credibility. He filed a motion to disqualify the hearing judge, which was denied; Ezor did not seek interlocutory review.

We reject Ezor's claim of judicial bias and unfair trial as meritless. A party claiming judicial bias has the "burden to clearly establish such bias and to show how he was specifically prejudiced." (*In the Matter of Kueker* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 583, 592; *see also Ryan v. Welte* (1948) 87 Cal.App.2d 888, 893.) Ezor has done neither. The record is inconclusive as to whether the hearing judge made the alleged comment; it is not audible in the recording of the status conference. Moreover, our review of the entire record shows Ezor received a fair trial as the hearing judge made balanced rulings throughout the proceedings.

¹² We reject Ezor's argument that he did not immediately disburse the funds because he honestly believed they were subject to government liens. Even if they were, the funds should still have been in his CTA.

V. Aggravation Outweighs Mitigation¹³

The hearing judge found two factors in aggravation (significant harm to Maxine and her heirs and indifference toward rectification or atonement) and two in mitigation (no prior record and cooperation with the State Bar).

A. Significant Aggravation

The hearing judge found aggravation for significant harm and indifference. We agree.

1. Significant Harm to Client and Heirs (Std. 1.5(f))

Ezor claims that “[n]o harm has come about as a result of the delayed payment” because he repaid the estate funds with interest. His argument is contrary to the evidence. Ezor’s misconduct undoubtedly caused significant financial harm to Maxine, an infirm elderly client who could have used the substantial misappropriated monies. Instead, she relied on Social Security benefits. Ezor also caused harm to Maxine’s sons who worked with counsel for over two years in attempting to recover the money Ezor owed. We assign substantial aggravating weight to this factor. (Std. 1.5(f) [aggravation for significant harm to client, public, or administration of justice].)

¹³ Standard 1.5 of the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct requires OCTC to establish aggravating circumstances by clear and convincing evidence. All further references to standards are to this source. Under standard 1.6, Ezor is required to meet the same burden to prove mitigation.

**2. Indifference toward Rectification /
Atonement (Std. 1.5(g))**

Ezor has demonstrated indifference to the negative consequences of his misconduct. His continued assertion of “specious and unsupported [misallocation theories] in an attempt to evade culpability in this matter reveals a lack of appreciation both for his misconduct and for his obligations as an attorney.” (*In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 647.) Further, his delayed, inaccurate, and insufficient responses to Brian’s and Kevin’s requests for information, coupled with his failure to rectify the situation until he was subject to State Bar investigation, merit substantial aggravation for indifference.

B. Limited Mitigation

The hearing judge assigned reduced mitigation credit for no prior disciplinary record over many years, and for cooperation for entering into an extensive factual stipulation. We assign limited mitigation for cooperation and minimal credit for a lengthy discipline-free practice given the serious misconduct. We reject Ezor’s claims that lack of harm, payment of restitution, and good faith are also mitigating factors.

1. Cooperation with State Bar (Std. 1.6(e))

Neither party challenges the hearing judge’s finding that Ezor receive “some” mitigation for cooperating with the State Bar. We agree. (*In the Matter of Gadda* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 416, 443 [factual stipulation merited some mitigation for cooperation].)

2. Lack of Prior Discipline (Std. 1.6(a))

The hearing judge assigned reduced mitigation for Ezor's lengthy discipline-free practice (since his admission to the Bar in 1972), reasoning that "this mitigation is reduced somewhat because the underlying misconduct is serious." (See std. 1.6(a) [mitigation for "absence of any prior record of discipline over many years of practice coupled with present misconduct, which is not deemed serious"].) We agree. Where the misconduct is serious, as it decidedly was here, the lack of a prior discipline record is most relevant if the misconduct is aberrational and unlikely to recur. (*Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1029; *In the Matter of Reiss* (Review Dept. 2012) 5 Cal. State Bar Ct. Rptr. 206, 218.) Ezor's misconduct spanned several years, and he "has shown a lack of insight by offering ill-founded explanations for his misappropriations. Consequently, we are not persuaded by [his lengthy] record of discipline-free practice that he will avoid future misconduct." (*In the Matter of Song* (Review Dept. 2013) 5 Cal. State Bar Ct. Rptr. 273, 279.) We therefore assign only minimal mitigating credit under standard 1.6(a) for his long discipline-free record.

3. No Mitigation for Good Faith (Std. 1.6(b)), Lack of Harm (Std. 1.6(c)), or Payment of Restitution (Std. 1.6(j))

Ezor seeks mitigation for his purported good faith, asserting "there is no evidence that [he] acted with corrupt motives of fraud when he withdrew [funds] from the Trust Account and caused the balance to drop. Nor is there any evidence of bad faith regarding [his] decision not to immediately release the

funds to Maxine's sons after her death, as he possessed a genuine and reasonable concern that IRS and Medicaid liens would attach to the funds upon distribution" We reject Ezor's position, which is entirely at odds with our factual findings.

Ezor requests additional mitigation for lack of harm and payment of restitution. We reject this request because he did in fact cause significant harm to Maxine and her sons, and repaid the bulk of Maxine's funds, with \$474.38 outstanding, *only after* the State Bar contacted him. (Std. 1.6(j) [mitigation where restitution made without threat or force of disciplinary proceedings].)

VI. Disbarment is the Presumptive and Appropriate Discipline¹⁴

Our disciplinary analysis begins with the standards (*In re Silverton* (2005) 36 Cal.4th 81, 91). Standard 2.1(a) is most apt because it deals specifically with misappropriation, and provides that disbarment is appropriate for intentional misappropriation "unless the amount misappropriated is insignificantly small or the most compelling mitigating circumstances clearly predominate, in which case actual suspension of one year is appropriate." Ezor intentionally misappropriated \$37,247.22, a significant amount. (See *Lawhorn v. State Bar* (1987) 43 Cal.3d 1357, 1367-1368 [misappropriation of \$1,355.75 deemed significant].) Further, his mitigation (cooperation with the State

¹⁴ The purpose of attorney discipline is not to punish the attorney, but to protect the public, the courts, and the legal profession, to preserve public confidence in the profession, and to maintain high professional standards for attorneys. (Std. 1.l.)

Bar and lack of prior discipline) is neither compelling nor does it clearly predominate when weighed against his overall misconduct and two substantial aggravating factors (significant harm and indifference).

Although standard 2.1(a) is a guideline and not an inflexible rule (*Lipson v. State Bar* (1991) 53 Cal.3d 1010, 1022), misappropriation of client trust funds is “a particularly serious ethical violation” as it “breaches the high duty of loyalty owed to the client, violates basic notions of honesty, and endangers public confidence in the profession. [Citations.]” (*Kelly v. State Bar* (1988) 45 Cal.3d 649, 656.) Accordingly, “misappropriation generally warrants disbarment” and “[e]ven a single ‘first-time’ act of misappropriation has warranted such stern treatment. [Citations.]” (*Id.* at pp. 656-657; *see also Edwards v. State Bar* (1990) 52 Cal.3d 28, 38 [misappropriation is grave misconduct for which disbarment is usual discipline].) ¹⁵ More specific to this case, where an attorney uses “undue influence to acquire a valuable asset from an

¹⁵ In similar cases where attorneys have taken advantage of clients by misappropriating entrusted funds, disbarment has been the proper discipline. (*Kelly v. State Bar, supra*, 45 Cal.3d 649 [disbarment for \$20,000 misappropriation, moral turpitude, dishonesty, and improper communication with adverse party with mitigation of no prior record and no aggravation]; *In re Abbott* (1977) 19 Cal.3d 249, 253-254 [disbarment for \$29,500 misappropriation in single-client matter with mitigation for 13 years’ discipline-free practice and emotional problems undergoing treatment]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511 [disbarment for \$40,000 misappropriation, intentionally misleading client with mitigation for emotional problems, repayment of money, 15 years of discipline-free practice, strong character evidence, and candor and cooperation with State Bar].)

aged and ultimately helpless client," disbarment may be the proper remedy, even absent prior discipline. (*Eschwig v. State Bar* (1969) 1 Cal.3d 8, 18.) To protect the public, the courts, and the legal profession, we recommend that Ezor be disbarred for intentionally misappropriating \$37,247.22.

VII. Recommendation

We recommend that A. Edward Ezor be disbarred and that his name be stricken from the roll of attorneys.

We further recommend Ezor be ordered to make restitution to Jay L. Zeiger, in trust for the Estate of Maxine Marx, in the amount of \$474.38 plus 10 percent interest per year from April 26, 2012 (or reimburse the Client Security Fund to the extent of any payment from the Fund to the Estate of Maxine Marx, in accordance with Business and Professions Code, section 6140.5).

We further recommend that Ezor 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, such costs being enforceable as provided in section 6140.7 and as a money judgment.

VIII. Order

The order that A. Edward Ezor be involuntarily enrolled as an inactive member of the State Bar

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pursuant to section 6007, subdivision (c)(4), will continue, pending the consideration and decision of the Supreme Court on this recommendation.

PURCELL, P. J.

WE CONCUR:
EPSTEIN, J.
McELROY, J.*

* Hearing Judge of the State Bar Court, assigned by the Presiding Judge pursuant to rule 5.155(F) of the Rules of Procedure of the State Bar.

**PETITION FOR REVIEW,
SUPREME COURT OF CALIFORNIA
(FEBRUARY 19, 2025)**

IN THE SUPREME COURT OF CALIFORNIA

In the Disciplinary Matter of
ARTHUR EDWARD EZOR, aka A. EDWARD EZOR,
(California Bar No. 50469)

Case No. (State Bar Court No. 12-O-10043)

PETITION FOR REVIEW

ARTHUR EDWARD EZOR
Respondent
305 S. Hudson Avenue, Suite 300
Pasadena, CA 91101
Telephone: (626) 568-8098
Email: ed@aeezor.com

TO THIS HONORABLE SUPREME COURT OF CALIFORNIA, THE STATE BAR OF CALIFORNIA, OFFICE OF CHIEF TRIAL COUNSEL, AND ALL INTERESTED PARTIES AND COUNSEL:

NOTICE IS HEREBY GIVEN that Respondent **ARTHUR EDWARD EZOR** ("EZOR"), also known as **A. EDWARD EZOR**, petitions the Supreme Court of California for an Order reversing and vacating the state Disbarment Order against him forthwith, reversing any disciplinary costs in connection therewith, and

reinstating him forthwith as an active attorney in the State of California.

The within Petition for Review is being timely brought and filed within sixty (60) days of the en banc Order of the Review Department of the State Bar Court of California, filed January 17, 2025 in EZOR's disciplinary matter, *See Cal.Rules of Ct., Rule 9.13(d)*.

Moreover, this Petition for Review is based on this Notice, Issues Presented for Review Statement of the Case, the attached Argument and Points and Authorities, the attached Declaration of Arthur Edward Ezor, Appendix/Exhibits, prior pleadings submitted, and such other argument, authority and evidence as may be presented.

It is to be noted that the within Petition for Review is based on various new developments, evidence and argument not previously available to EZOR, and following recent rulings from the Hearing Department of the California State Bar Court and Review Department thereof. The Petition for Review is further timely brought.

Respectfully Submitted,

/s/ Arthur Edward Ezor

Respondent

Dated: February 12, 2024

ISSUES PRESENTED FOR REVIEW

1. EZOR's Disbarment Order filed September 23, 2015 in Supreme Court Case No. S227682 should be reversed, vacated and set aside as void ab initio due to extrinsic fraud, the lack of a fair and impartial process, disqualification factors, misconduct by State Bar attorney Eli Morgenstern, and other irregularities and ethical violations, as shown by the record.
2. EZOR's Disbarment Order should be reversed, vacated and set aside due to violations of due process, equal protection of laws and other civil and constitutional rights.
3. The disciplinary costs assessed against EZOR in the attorney disciplinary matter, actual or alleged, should be reversed due to the unlawful and void disbarment, the lack of a proper accounting and itemization pertaining thereto, and the denial of a required jury trial to contest said penal fine or assessment.
4. The State Bar Hearing Department and Review Department should have granted the relief moved for by EZOR due to a showing of an unfair, biased and partial process, irregularities, and an illegal disbarment recommendation in said Courts.
5. The Disbarment Order is unlawful and should be reversed, because the Supreme Court of California failed to provide oral argument and a full-fledged hearing on the merits, against constitutional norms and the Civil Rights Act.

EZOR's First Amendment right and 14th Amendment right of access to the Courts were thereby violated. Such discriminatory, disparate treatment patently offended substantive and procedural due process, equal protection and the Eighth Amendment guarantee against cruel and unusual punishment. Both the U.S. and California Constitutions were violated by virtue of EZOR being disbarred despite the ethical judicial violations, prosecutorial misconduct, improper ex parte communications and other irregularities at issue.

STATEMENT OF THE CASE

In the underlying state bar case, there were improper ex parte communications between State Bar attorney Eli Morgenstern and former State Bar Judge Richard Platel, including the use of profanity, after the conclusion of a hearing whereat EZOR had requested a continuance of his trial. Unbeknown to Mr. Morgenstern and Judge Platel, Mr. Ezor and his then (now deceased) attorney, Dennis Greene, heard the illegal, impermissible and extrajudicial, ex parte conversation because they were still on joint speaker phone, having appeared telephonically earlier for the court appearance. Judge Platel should have disqualified himself and self-reported the matter to the Commission on Judicial Performance. He did not. Mr. Morgenstern acted unethically and remained on the case. Former State Bar Judge Donald F. Miles subsequently did not disqualify Judge Platel when EZOR filed a disqualification motion, and indeed egregiously "covered

up" the misconduct of both Mr. Morgenstern and Judge Platel.

Judge Platel unethically remained on the case and subsequently recommended EZOR's disbarment. When EZOR reported Judge Platel's unethical conduct, he "retired" from the State Bar Court. Mr. Morgenstern remains to this day, employed as a State Bar attorney despite his malfeasance and professional violations towards EZOR.

EZOR was disbarred on September 23, 2015. (*See* Exhibit 1, Appendix).

EZOR has complained, administratively, to State Bar operatives who did not discipline Mr. Morgenstern nor recommend to the Supreme Court of California that EZOR's illegal, tainted disbarment be overturned.

On November 19, 2024, EZOR recently moved to reverse the recommendation order for disbarment and for other relief in the Hearing Department of the State Bar Court. On December 18, 2024, State Bar Judge Dennis G. Saab denied that motion.

On December 30, 2024, EZOR appealed that ruling to the Review Department of the State Bar Court. The State Bar of California, Office of Chief Trial Counsel, filed opposition papers on or about January 6, 2025. On January 17, 2025, the Review Department of the State Bar Court en banc denied the appeal for lack of jurisdiction.

On January 28, 2025, the Clerk of the Supreme Court of California returned via U.S. mail EZOR's petition/motion to reverse and set aside Order of Disbarment and for other relief that he had earlier prepared and submitted for filing in San Francisco,

California, following the January 17, 2025, ruling by the Review Department. (See said motion, Exhibit 2 attached hereto and incorporated by reference herein).

EZOR was referred by the Clerk's Office to the procedural rules of the Supreme Court of California, in order to file a Petition for Review appealing the recent rulings of the State Bar Court and Review Department thereof, with the required filing fee. Thus, EZOR is petitioning the Court at present with: (1) the filing fee; (2) the original and 13 copies of the Petition for Review.

REASONS FOR GRANTING REVIEW

The Supreme Court of California has inherent and statutory authority to order the relief requested. This Court can properly regulate its affairs to effectuate justice. C.C.P. Section 128, subdivisions 3, 5 and 8. *See also Cottle v. Superior Court*, 3 Cal.App.4th 367 (1992); *Mowrer v. Superior Court*, 201 Cal.Rptr. 893 (1969).

Furthermore, the Supreme Court of California has original jurisdiction over attorney licensing matters and discipline. *Jacobs v. State Bar*, 20 Cal.3d 191 (1977); CA *Business & Prof.Code*, Section 6100; Art. VI, Section 10 of Cal.Const.

Therefore, it is warranted that EZOR's present Petition for Review be granted and that he be reinstated forthwith as an active attorney in the State of California.

ARGUMENT

I. EZOR'S DISBARMENT SHOULD BE REVERSED FORTHWITH AS VOID AB INITIO

Former State Bar Judge Platel engaged in improper and illegal ex parte communications off the record with State Bar attorney Morgenstern concerning EZOR, tainting EZOR's disciplinary proceedings and patently depriving EZOR of a fair, impartial process. Judge Platel's failure to disqualify himself, Judge Miles' subsequent failure to order disqualification, and Mr. Morgenstern's unethical conduct with jurist Platel created a showing of extrinsic fraud or "fraud upon the court."

Extrinsic fraud is not allowed in California courts. *In re Marriage of Varner* (1997) 55 Cal.App.4th 128, 140, 63 Cal.Rptr.2d 894.

It is a violation of due process for a party not to receive a fair and impartial trial, pre-trial proceedings and post-trial proceedings. *Caperton v. A.T. Massey Coal Co.* (2009) 556 U.S. 868. Exhibit 2 sets forth ample authority that the lack of proper due process, irregularities and prosecutorial misconduct make any judgments or orders obtained thereby void ab initio.

Canons 1, 3 and 6 of California Code of Judicial Ethics require a fair and impartial judge or trier of fact. The minute EZOR and his counsel brought up the misconduct of Judge Platel and attorney Morgenstern acting in concert to not allow EZOR a fair process was more than sufficient to trigger disqualification of said jurist. Instead, Judge Platel turned an unethical blind eye to his breach of judicial ethics and retaliated

against EZOR by staying on the case and subsequently recommending EZOR's disbarment. Judge Miles exacerbated the problem as well, by not ordering disqualification of Judge Platel, as should have been done.

II. EZOR'S CIVIL AND CONSTITUTIONAL RIGHTS WERE VIOLATED, WHEN HE DID NOT PREVIOUSLY HAVE ORAL ARGUMENT BEFORE THE ENTIRE SUPREME COURT OF CALIFORNIA AND A REASONED, DETAILED DECISION ON THE MERITS

EZOR was disbarred in cursory fashion with no opportunity of oral argument before the Court, nor a reasoned decision on the merits. In the past, it was a given that an attorney facing disciplinary proceedings would have the chance to argue and obtain a detailed, reasoned decision. *See, for example, Belli v. State Bar*, 10 Cal.3d 825 (1974).

The First Amendment dictates that an attorney facing disciplinary charges potentially or actually affecting his standing as an attorney should be allowed to go before the Court of original jurisdiction to argue his cause, either himself or through counsel.

EZOR is being discriminated against by disparate treatment. *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).

III. AS EZOR'S DISBARMENT IS VOID AB INITIO, ANY ALLEGED DISCIPLINARY COSTS OR ALLEGED SECURITY COMMISSION ASSESSMENTS SHOULD BE VACATED, REVERSED AND SET ASIDE

The Disbarment Order does not show with any specificity how the Supreme Court of California came up with any alleged costs or assessments against EZOR. A vague Order does not withstand constitutional scrutiny and should be reversed as a violation of due process and equal protection of laws. Furthermore, a penal fine is subject to the right to a jury trial which EZOR was never afforded. *Southern Union Co. v. United States*, 567 U.S. 343 (2012).

CONCLUSION

For the reasons set forth herein, and in the interests of justice and equity, the within Petition for Review should be granted forthwith and the relief moved for granted. EZOR's Disbarment Order should be reversed retroactively, with a waiver of costs.

Respectfully Submitted,

/s/ Arthur Edward Ezor

Respondent

Dated: February 12, 2025

**RESPONDENT EZOR'S PETITION/
MOTION TO REVERSE AND SET ASIDE
ORDER OF DISBARMENT
(JANUARY 24, 2025)**

IN THE SUPREME COURT OF CALIFORNIA

**In the Disciplinary Matter of
ARTHUR EDWARD EZOR, aka A. EDWARD EZOR,
(California Bar No. 50469)**

Case No. S227682

State Bar Court No. 12-0-10043

**TO THIS HONORABLE SUPREME COURT OF
CALIFORNIA, THE STATE BAR OF CALIFORNIA,
OFFICE OF CHIEF TRIAL COUNSEL, AND ALL
INTERESTED PARTIES AND COUNSEL:**

NOTICE IS HEREBY GIVEN that Respondent, ARTHUR EDWARD EZOR ("EZOR"), also known as A. EDWARD EZOR, petitions or, in the alternative, moves for an Order from the Supreme Court of California as follows, to wit:

- (1) Vacating, reversing and setting aside the prior Order of the State Bar Court Hearing Department placing him on inactive status and recommending his disbarment, with costs;
- (2) Reversing the Order of the Supreme Court of California disbarring him from the practice of

law in this state and assessing disciplinary costs;

- (3) Reinstating him forthwith as an active member of the State Bar of California, with a waiver of any actual or alleged disciplinary costs;
- (4) Declaring null and void the aforesaid Disbarment Order, retroactively, due to a showing of extrinsic fraud and other illegalities, irregularities and other factors set forth in the entire record of this disciplinary matter; and
- (5) Making such other Orders as the Supreme Court of California deems appropriate in the premises to effectuate fairness and proper due process and equal protection of laws to EZOR and in order to restore his license to practice law in good standing in this state.

Dated: January 24, 2025

Respectfully Submitted,

/s/ Arthur Edward Ezor
Respondent/Movant

MEMORANDUM OF POINTS AND AUTHORITIES

I. The Supreme Court of California Has Inherent and Statutory Authority to Order the Relief Requested, Including, Without Limitation, the Reversal of Ezor's Order of Disbarment

It is well settled law that the Supreme Court of California has original jurisdiction over attorney admissions and disciplinary matters in this state. *See Obrien v. Jones* (2000) 23 Cal.4th 40, 48; *Saleeby v. State Bar* (1985) 39 Cal.3d 549, 557.

EZOR was disbarred based upon extrinsic fraud and an unfair and illegal process, as set forth in the substantial record. The State Bar hearing judge, one Richard Platel (now retired), should have disqualified himself or been disqualified.

Disqualification of a judge is mandated in California when there is a showing of bias or the appearance of same. C.C.P. Sections 170.1, 170.6; *Briggs v. Superior Court* (2001) 87 CA4th 312, 319; Code of Judicial Ethics, Canon 3B(5).

Due to bases for the disqualification of jurist Platel, EZOR's Disbarment Order is *void ab initio*. Orders are void when there is a showing of extrinsic fraud or "fraud upon the court". *See Hazel-Atlas Glass Co. v. Hartford Empire Co.*, 322 U.S. 238 (1944). A judge who is biased, or has the appearance of same, creates a due process violation under the 14th Amendment when he illegally and improperly rules. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009). A trier of fact or judge is incompetent to rule based upon a

showing of bias or the appearance of bias. *Gibson v. Berryhill*, 411 U.S. 564 (1973) There were improper and illegal *ex parte* communications between Judge Platel and State Bar attorney Eli Morgenstern. Former State Bar Judge Donald F. Miles improperly did not disqualify Judge Platel and refer Mr. Morgenstern to the State Bar of California for investigation. He knew that the *ex parte* communications took place in open court, but “covered up” for the Platel-Morgenstern unethical conduct.

Extrinsic fraud is not condoned in California, so sayeth the Supreme Court of California. *Bloniarz v. Roloson*, 70 Cal.2d 143 (1969): “The power to set aside judgments obtained through extrinsic fraud or mistake is within the equity jurisdiction of a court.”

EZOR has exhausted remedies in the lower courts (*i.e.*, hearing department and Review Department *en banc*) before appealing to the Supreme Court of California. *See* EZOR Declaration and attached Exhibits incorporated by reference herein.

II Conclusion

For the reasons set forth herein, based upon the entire record of this Court and the courts below, and in the interests of justice and equity, the within Petition/Motion should be granted. EZOR should be reinstated forthwith as a duly licensed attorney in this state, with a waiver of disciplinary costs. His Disbarment Order should be vacated and set aside forthwith and retroactively as void *ab initio*.

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Dated: January 24, 2025

Respectfully Submitted,

/s/ Arthur Edward Ezor
Respondent/Movant

DECLARATION OF ARTHUR EDWARD EZOR

1. I am the Respondent/Movant with regard to the within Petition/Motion. I am an adult over eighteen years old and a resident of the County of Los Angeles, State of California.
2. The facts herein are true and correct. If called as a witness to same, I could and would competently testify thereto under oath.
3. On November 19, 2024, Declarant filed a Motion to Reverse and Set Aside Void Order of Former State Bar Judge Richard Platel, etc. in the Hearing Department of the State Bar Court of California. A true and correct copy of same is marked and attached hereto as Exhibit A and made a part hereof by reference.
4. The Chief Trial Counsel's Office of the State Bar of California did not file any opposition to Exhibit "A".
5. On December 18, 2024, the State Bar Court denied the Motion.
6. On December 30, 2024, Declarant appealed or sought review of that Order to the Review Department of the State Bar Court. A true and correct copy of his pleading pertaining thereto is marked and attached hereto as Exhibit "B" and made a part hereof by reference.
7. On or about January 6, 2025, the State Bar of California, Office of Chief Trial Counsel, filed opposition to Exhibit "B". A true and correct copy of the opposition is marked and attached hereto as Exhibit "C" and made a part hereof by reference.

8. On January 17, 2025, the Review Department of the State Bar Court issued an Order denying EZOR's petitioned or moved for relief. Judge Honn disqualified himself. The Order is en banc. A true and correct copy of said Order is marked and attached hereto as Exhibit "D" and made a part hereof by reference.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Declaration was executed on January 24, 2025, at Pasadena, California.

/s/ Arthur Edward Ezor
Declarant

EXHIBIT A
RESPONDENT EZOR'S MOTION TO
REVERSE AND SET ASIDE VOID ORDER OF
FORMER STATE BAR JUDGE RICHARD
PLATEL RECOMMENDING EZOR'S
DISBARMENT AND PLACING EZOR ON
INACTIVE STATUS
(NOVEMBER 14, 2024)

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT

In the Disciplinary Matter of
ARTHUR EDWARD EZOR, aka A. EDWARD EZOR,
(California Bar No. 50469)

Case No. 12-0-10043
CA Supreme Court Case S227682

TO THIS HONORABLE COURT, ALL
INTERESTED PARTIES AND THEIR COUNSEL
OF RECORD:

NOTICE IS HEREBY GIVEN that Respondent and Movant, ARTHUR EDWARD EZOR ("EZOR") moves: (1) to reverse, set aside and vacate the Order of former State Bar Hearing Judge, RICHARD PLATEL ("PLATEL") recommending EZOR's disbarment as a California attorney; and (2) further recommending, his being placed on inactive status; EZOR should be reinstated forthwith as an active attorney in the State of California, retroactively, with a waiver of any disci-

plinary costs previously assessed. Moreover, given that PLATEL's Order was unlawful and void for extrinsic fraud and other factors, EZOR's subsequent disbarment by the Supreme Court of California should be reversed and set aside.

Dated: November 14, 2024

Respectfully Submitted,

/s/ Arthur Edward Ezor
Respondent/Movant

MEMORANDUM OF POINTS AND AUTHORITIES

I. Ezor Did Not Receive a Fair and Impartial Process from Former State Bar Judge Richard Platel Nor Former State Bar Judge Donald F. Miles in His Disciplinary Matter

The right to a fair and impartial trial is a basic requirement of due process and guaranteed by the both the 5th and Sixth Amendments of the U.S. Constitution. The 14th Amendment recognition of due process is recognized in the California Constitution.

Article 1, Section 7 thereof provides: "A person may not be deprived of life, liberty, or property without due process of law . . ."

The 5th Amendment guarantees that no person can be deprived of life, liberty or property without due process of law. It is well recognized that the Fourteenth Amendment expands the scope of the Fifth Amendment guarantee.

An impartial decision maker is an essential right in civil proceedings.

See, thereto, Goldberg v. Kelly, 397 U.S. 254, 271 (1970); Marshall v. Jerrico, 446 U.S. 238, 242 (1980); Schweiker v. McClare, 456 U.S. 188, 195 (1982).

A trier of fact can be disqualified for bias or the appearance of bias, *Gibson v. Berryhill*, 411 U.S. 564 (1973). When due process is offended by a judicial officer, who does not afford a fair and impartial process, disqualification is mandated. Refer to seminal case, *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009).

In this disciplinary case, the record patently shows that former State Bar Judge PLATEL engaged in improper, extrajudicial ex parte communications with State Bar attorney Eli Morgenstern. When EZOR brought this issue up with former State Bar Judge Donald F. Miles, there was a “cover-up” of Judge PLATEL’s misconduct and the latter was not disqualified as he should have been. Clearly, Judge PLATEL should have disqualified himself. Or been disqualified by another Judge. In unfortunate, apparent retaliation for exposing his judicial misconduct, Judge PLATEL recommended EZOR’s disbarment and EZOR was ultimately, improperly disbarred. The reality of the situation is that Judge PLATEL should have recused himself or been recused. The failure to disqualify is reversible error, mandating that EZOR’s disbarment be reversed, set aside or vacated, with a waiver of disciplinary costs.

II. Irregularity in Proceedings Is a Ground to Reverse, Set Aside or Vacate Ezor’s Disbarment and the Order Recommending Same and Placing Him Previously on Inactive Status

A judgment or order can be reversed due to irregularity in proceedings. If the court, jury or adverse party acts irregularly, the subject judgment or order can be reversed. This relies on the sound concept that the party was prevented from having a fair trial. C.C.P. 657(1).

“No accurate classification of such irregularities can be made, but it is said that an overt act of the trial court, jury, or adverse party, violative of the right to a fair and impartial trial, amounting to misconduct,

may be regarded as an irregularity." *Gray v. Robinson* (1939) 33 C.A.2d 177, 182, 91 P.2d 194.

Misconduct of the court is grounds for reversal. "The language of the statute is sufficiently broad to include any departure by the court from the due and orderly method of disposition of an action by which the substantial rights of a party have been materially affected." *Gay v. Torrance* (1904) 145 C. 144, 149, 78 P. 540. *See also Pratt v. Pratt* (1903) 141 C. 247, 251, 74 P. 742; *Shippy v. Peninsula Rapid Transit Co.* (1925) 197 C. 290, 240 P. 785; *Jacopy v. Feldman* (1978) 81 C.A.3d 432, 446, 146 C.R. 334.

Misconduct of an adverse party or counsel is a frequent ground for reversal of an order or judgment. In this matter, the record is uncontroverted that State Bar attorney Eli Morgenstern had improper, unethical and illegal communications with Judge PLATEL after a hearing was completed.

See Gray v. Robinson (1939) 33 C.A.2d 177, 183, 91 P.2d 194; *Weaver v. Shell Oil Co.* (1933) 129 C.A. 232, 18 P.2d 736; *Du Jardin v. Oxnard* (1995) 38 C.A. 4th 174, 180, 181, 45 C.R.2d 48.

When Judge PLATEL and Attorney Morgenstern had improper ex parte communications off the record immediately after a continuance hearing for medical reasons of EZOR, not realizing that EZOR and his then counsel, Dennis Greene, were still on telephonic speaker apparatus, this was unethical and unjudicial. ABA Rules of Professional Conduct, Rule 2.9, do not permit illegal, ex parte communications between an attorney and court. CA Rule of Professional Conduct 5-300(B) prohibits an attorney, directly or indirectly, communicating with a judge upon the merits of a

contested matter except in open court, with the consent of other counsel, and in the presence of other counsel.

The grounds for reversing and setting aside EZOR's disbarment are not only in the substantial record of the State Bar Court, but succinctly enunciated in EZOR's letter dated June 18, 2022, to California Attorney General Bonta. A true and correct copy of same is marked and attached hereto as Exhibit 1 and incorporated by reference herein.

Mr. Bonta elected not to prosecute Judge PLATEL and State Bar attorney Morgenstern in his discretion, but that does not negate those individuals' culpability and professional and ethical misconduct.

On October 28, 2022, EZOR wrote the Chair of the Board of Trustees of the State Bar of California, one Ruben Duran, Esq., but he did not address the clear problems with EZOR's illegal disbarment. A true and correct copy of this correspondence is marked and attached hereto as Exhibit 2 and incorporated by reference herein.

Attorneys engaged by the State Bar of California, Chief Trial Counsel's Office, ignored the ethical violations by attorney Morgenstern. He was never disciplined nor charged with any professional violations as he should have been. See true and correct copy of EZOR letter dated December 9, 2022, pertaining thereto. (Exhibit 3).

III. Conclusion

For the reasons set forth herein, and in the interests of justice and equity, the Order recommending EZOR's disbarment and placing him on inactive status by Judge PLATEL should be reversed, set aside or vacated. It follows that EZOR's subsequent disbarment should be reversed forthwith retroactively, with a waiver of any previously assessed disciplinary costs.

Dated: September 14, 2024

Respectfully Submitted,

/s/ Arthur Edward Ezor
Respondent/Movant

DECLARATION OF ARTHUR EDWARD EZOR

I, ARTHUR EDWARD EZOR, declare:

1. I am the Movant and Respondent in the above-entitled disciplinary matter. The facts herein are known to this Declarant and true and correct. If called as a witness to same, I could and would competently testify thereto under oath. I am an adult over eighteen years, and a resident of the County of Los Angeles, State of California.

2. I heard Mr. Eli Morgenstern and then State Bar Judge Richard Platel have an ex parte communication concerning my disciplinary matter after the hearing was completed and they were unaware that I and my then counsel, Dennis Greene, were still on speaker phone and could hear their improper, off-the-record conversation.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Declaration was executed on November 14, 2024, at Pasadena, California.

/s/ Arthur Edward Ezor
Declarant

EXHIBIT 1
LETTER FROM A. EDWARD EZOR
TO ROB BONTA CALIFORNIA
ATTORNEY GENERAL
(JUNE 18, 2022)

A. Edward Ezor
305 S. Hudson Avenue, Suite 300
Pasadena, CA 91101
Telephone: (626) 568-8099

Rob Bonta
Attorney General of California
1300 "I" Street
Sacramento, CA 95814

Re: Request for Criminal Investigation of Eli
David Morgenstern and Richard Allen Platel

Dear Attorney General of California:

Please be advised of the following.

- (1) My state disbarment is, and was at all times relevant hereto, illegal and void ab initio.
- (2) I was not given a hearing on the merits and argument in the Supreme Court of California, against my due process rights and the Civil Rights Act. There was no reasoned decision.
- (3) I was not given a jury trial on purported costs, against the California and U.S. Constitutions and applicable U.S. Supreme Court precedent.
- (4) There was extrinsic fraud or "fraud upon the court."

- (5) At a hearing held in the State Bar Court of California (Los Angeles Division), I attended telephonically with my counsel, Dennis V. Greene, myself and my assistant Kim Lam. Judge Richard Platel and State Bar attorney Eli Morgenstern participated as well, present in Court. Mr. Greene and I were physically in my office for this hearing along with the assistant.

The purpose of this hearing was a request for trial continuance. Same was supported by a medical report from my doctor. Judge Platel granted the continuance. After the Judge said the hearing was concluded and before Mr. Greene and I hung up our phones, Eli Morgenstern said to the Judge "Bullshit", referring to my doctor's report as a grounds for the continuance. To which Judge Platel responded: "Yeah, I think it's bullshit, too, but I'm not a doctor."

- (6) At the next hearing in State Bar Court, my attorney requested that Judge Platel recuse himself based on the aforementioned ex parte communication. Judge Platel refused to recuse himself and referred the recusal issue to State Bar Judge Donald F. Miles. The latter subsequently lied stating that this ex parte communication was made in open court, yet it was not in the hearing transcript.
- (7) I complained twice to the California Commission on Judicial Performance. Then staff attorney Victoria Henley said to me: "I am

“sorry but we cannot help you.” There was a cover-up.

- (8) Due to Judge Platel refusing to disqualify himself—despite his obvious bias or appearance of same, I was forced to go to trial with him as a trier of fact. My credibility was attacked by Judge Platel. Due to his bias, he ruled that I was not credible.
- (9) Eli Morgenstern and Richard Platel should be criminally investigated. In view of the foregoing, your office should advise and recommend to the Chief Trial Counsel of the State Bar of California that my California State Bar license be reinstated forthwith.

The address for Richard Allen Platel (CA State Bar # 163455) is 61700 Topaz Dr., La Quinta, CA 92253. The address for Eli David Morgenstern (CA State Bar # 190560) is State Bar of California, 845 S. Figueroa St., Los Angeles, CA 90017.

Very truly yours,

/s/ A. Edward Ezor

CC:

Michael Tilden, CPA (Acting California State Auditor)
Leah T. Wilson (Executive Director of State Bar of California)
George S. Cardona, Chief Trial Counsel, CA State Bar

EXHIBIT 2
LETTER FROM A. EDWARD EZOR
TO RUBEN DURAN
(OCTOBER 28, 2022)

A. Edward Ezor
305 S. Hudson Avenue, Suite 300
Pasadena, CA 91101
Telephone: (626) 568-8099

Ruben Duran, Esq.
Chair, Board of Trustees State Bar of California
180 Howard Street
San Francisco, CA 94105

Ruben Duran, Esq.
Best, Best & Krieger LIP
2855 E. Guasti Rd., 4th Floor
Ontario, CA 91761

Re: Malfeasance and Misconduct Towards A.
Edward Ezor

Dear Mr. Duran:

The recent published LA Times articles by Harriet Ryan and Matt Hamilton reporting your resolve to examine corruption in various Bar proceedings have prompted me to request you do the same on my behalf. There is a *prima facie* case of obstruction of justice towards me by the State Bar of California, former Administrative Hearing Officer Platel, its Prosecutor Eli Morgenstern, and former Administrative Hearing Officer Miles. A summary of said corruption and misconduct is set forth in my correspondence dated June 18, 2022, to Attorney General Bonta of California. Said correspondence was copied to state

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Bar officials. See enclosure. Neither the Attorney General nor any Bar official responded at any time and in any manner to this letter. Please communicate with me re: same.

I want a reversal of my unlawful disbarment and reinstatement of my Bar license which was unscathed until the above-referenced acts of malfeasance to which there is no defense. I am not copying others with respect to my legitimate concerns, anticipating your resolve to "... go wherever the evidence leads ..." Please advise forthwith. of course, feel free to share this missive with State Bar officials as warranted. Thank you.

Very truly yours,

/s/ A. Edward Ezor

Encl.

EXHIBIT 3
LETTER FROM A. EDWARD EZOR
TO LAWRENCE J. DAL CERRO
AND STACIA LAGUNA
(DECEMBER 9, 2022)

A. Edward Ezor
305 S. Hudson Avenue, Suite 300
Pasadena, CA 91101
Telephone: (626) 568-8099

Lawrence J. Dal Cerro
Special Deputy Trial Counsel-Intake
The State Bar of California
2370 W. Cleveland Avenue, # 275
Madera, CA 93637

Stacia Laguna
Special Deputy Trial Counsel-Administrator
25005 Blue Ravine Road, Ste 110 # 406
Folsom, CA 95630

Re: Complaint Against Eli David Morgenstern;
Case No. 22-0-14753; Request for Further
Review of Purported or Actual Decision by
Alleged Special Deputy Trial Counsel
Lawrence J. Dal Cerro—Intake to Stacia
Laguna, Special Deputy Trial Counsel
Within 90 Days of His Letter Dated
November 29, 2022, Improperly And
Wrongfully Closing Disciplinary File

Dear Counsel:

I wish to contest, appeal and seek further review
of the wrongful, improper and unsupportable findings
and purported or actual decision of Special Deputy

Trial Counsel, dated November 29, 2022, by one Lawrence J. Dal Cerro, pertaining to my well-taken and legitimate ethics complaint against unethical, corrupt State Bar attorney, Eli Morgenstern. Conveniently, Mr. Dal Cerro ignored the salient facts, law and evidence pointing to grounds to pursue disciplinary charges against Mr. Morgenstern. It appears that Mr. Cerro is more concerned about protecting the illegal acts of this renegade Bar prosecutor than following the Rule of Law and duly recommending him for disciplinary charges. Thus, Mr. Morgenstern is at the present time allowed to egregiously continue harming me and attorneys similarly situated and violate the applicable Rules of Professional Conduct. Mr. Morgenstern breached the California Business and Professional Code in various particulars, and violated ethical rules of conduct towards me as a licensed attorney and officer of the Court.

In addition, the findings of Mr. Dal Cerro contain intentional mischaracterizations in large measure, contributing to continuing the corruption of the State Bar of California towards me. This has prejudiced my rights to a fair process and affected my ability to practice law in this State. My civil rights have been violated without question. The lack of a fair and impartial process in the State Bar Court, due to the illicit and extrinsic fraud, prior acts of Mr. Morgenstern and former State Bar Judge Richard Platel voids my unlawful Disbarment Order. Accordingly, I am entitled to be reinstated forthwith as a duly licensed attorney in the State of California. Disciplinary costs should be waived as well. My unlawful disbarment Order should be set aside in the interests of justice, fairness and equity. The State Bar of California should stipulate and

recommend to the Supreme Court of California that my license to practice law be reinstated forthwith.

Any retrieval and review of my bonafide Complaints to the Commission On Judicial Performance concerning former State Bar Judge Platel and the CJP Reply convincingly demonstrate that I did not get a fair, unbiased and impartial process by said administrative hearing officer. The lack of a fair trier of fact voids a Judgment/Order and constitutes a violation of substantive and procedural due process. See *Gibson v. Berryhill*, 411 U.S. 564 (1973); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009).

The record discloses there were impermissible, ex parte communications between Mr. Morgenstern and Judge Platel. Moreover, subsequently, former State Bar Judge Donald F. Miles then “covered up” this corruption, lying in written Order that the ex parte communications were in open court when they were not and after the subject hearing was concluded. These ex parte communications are missing from the transcript inexplicably. Thus, former Judges Platel and Miles and attorney Morgenstern are all complicit in an illegal cover-up of impermissible, unethical conduct, again cited with specificity in the CJP file. The CJP incorrectly did not pursue ethics charges against Judges Platel and Miles, but both have been subsequently removed from the bench due to this history of misconduct and other factors. If necessary, I will continue to pursue obstruction of justice allegations and charges against these state actors in appropriate forums available to me. I also reserve my First Amendment right to the media concerning same, if warranted by ongoing developments.

Of further note re: the November 29, 2022 correspondence of the Special Deputy Trial Counsel, without limitation:

- (1) Contrary to what said trial counsel states, there is a clear showing of bias, or the appearance of bias, and improper conduct by the individuals involved.
- (2) There is no limitations issue, because the cover-up and misconduct are ongoing. Furthermore, the void Disbarment Order is a “fraud upon the court” Order which can be set aside at any time. There is no prescription or limitations period involving a null, ultra vires Order or Judgment. The Complaint at issue is not untimely filed. This is pure poppycock, untenable reasoning.
- (3) The tainted cover-up of the misconduct of former Judge Platel and State Bar attorney Morgenstern by discredited and biased former Judge Miles (who was forced off the bench subsequently for misconduct involving this matter and other matters) is more then sufficient evidence to compel the laying of disciplinary charges against Mr. Morgenstern. The evidence in the record amply discloses unethical conduct by all of them of the highest order.
- (4) I have a right to a jury trial, because the purported unlawful disciplinary costs against me constitute a penal fine per applicable U.S. Supreme Court precedent.

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I wish this urgent matter to be calendared for discussion and possible resolution before the Board of Trustees/Governors at their next available meeting.

I reserve the right to supplement the record. Please do another REVIEW of this matter and reverse the clearly erroneous findings of attorney Dal Cerro.

Very truly yours,

/s/ A. Edward Ezor

cc:

Ruben Duran, Esq. (Chair, Board of Trustees,
CA State Bar)

Rob Banta, Attorney General of California

Leah T. Wilson, Executive Director of CA State Bar

George S. Cardona, Chief Trial Counsel, CA State Bar

Enrique Zuniga, Esq., Public Trust Liaison Officer,
CA State Bar

EXHIBIT B
RESPONDENT EZOR'S PETITION FOR
REVIEW OR, IN THE ALTERNATIVE, MOTION
TO REVERSE ORDER FILED 12/18/2024
(DECEMBER 30, 2024)

STATE BAR COURT OF CALIFORNIA
REVIEW DEPARTMENT

In the Disciplinary Matter of
ARTHUR EDWARD EZOR, aka A. EDWARD EZOR,
(California Bar No. 50469)

Case No. 12-0-10043
CA Supreme Court Case S227682

TO THIS HONORABLE REVIEW DEPARTMENT
OF THE STATE BAR COURT, ALL INTERESTED
PARTIES AND THEIR COUNSEL OF RECORD:

NOTICE IS HEREBY GIVEN that Respondent
and Movant, ARTHUR EDWARD EZOR ("EZOR"),
petitions or, in the alternative, moves the Review
Department of the State Bar Court to reverse the
Order filed in the State Bar Court on December 18,
2024 (Exhibit 1).

Dated: December 30, 2024

Respectfully Submitted,

/s/ Arthur Edward Ezor

Respondent/Movant

MEMORANDUM OF POINTS AND AUTHORITIES

I. Exhibit 1 Should Be Reversed in the Interests of Justice and Equity

While the Supreme Court of California ultimately rules on attorney disciplinary cases, as part and parcel of its original jurisdiction, certainly the State Bar Court has jurisdiction to recommend that a void Order emanating from said Court initially be reversed as to EZOR. At a bare minimum, said Court could recommend to the Review Department or the Supreme Court of California that the prior void Order recommending EZOR be placed on inactive status and be disbarred should be reversed and set aside based on factors such as a showing of extrinsic fraud.

It is to be noted that neither the Chief Trial Counsel's Office nor the Office of General Counsel ever opposed the subject motion filed on November 19, 2024 by EZOR in the State Bar Court. This Review Department obviously can take judicial notice of same.

The Review Department has statutory and inherent authority to review the entire EZOR disciplinary matter *de novo*. The State Bar Court Order of former State Bar Judge Platel is void and a nullity since it is marked by extrinsic fraud or "fraud upon the court." The record amply shows that Judge Platel was subject to disqualification or should have disqualified himself due to a bias or the appearance of same, engaging in improper, illegal ex parte communications with State Bar attorney, Eli Morgenstern.

It is well established in California and other jurisdictions, federal and state, that an order is void *ab initio* if it is procured by fraud upon the court.

See, for example, In re Village of Willowbrook, 37 Ill.App.3d 393 (1962).

A void judgment or order is one which, from its inception, is and forever continues, to be absolutely null, without legal efficacy, ineffectual to bind the parties or to support a right, of no legal force and effect whatever, and incapable of enforcement in any manner or to any degree. *Loyd v. Director Dept. of Public Safety*, 480 So.2d 577 (Ala.Civ.App. 1985). *See also City of Los Angeles v. Morgan*, 234 P.2d 319 (Cal.App.2 Dist. 1951).

A judge who enters a void order due to bias or other extrinsic fraud factors is acting in the absence of jurisdiction. Doing such illegality is an act of treason per U.S. Supreme Court precedent. *U.S. v. Will*, 449 U.S. 200, 216 (1980).

Moreover, a void order is void *ab initio*. *Valley v. Northern Fire & Marine Ins. Co.*, 254 U.S. 348, 41 S.Ct. 116 (1920). Sayeth the U.S. Supreme Court, a void order violates due process and deprives a judge of jurisdiction to rule under the law. It can be attacked at any time through legal process. *See Rose v. Himely*, 8 U.S.(4 Cranch) 241 (1808).

II. Conclusion

For the reasons set forth herein, and in the interests of justice and equity, the Order of 12/18/2024 should be reversed. The Review Department should make such other Orders as it deems proper in the premises to effectuate justice to EZOR.

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Dated: December 30, 2024

Respectfully Submitted,

/s/ Arthur Edward Ezor
Respondent/Movant

DECLARATION OF ARTHUR EDWARD EZOR

I, ARTHUR EDWARD EZOR, declare:

1. I am the Movant and Respondent in the above-entitled disciplinary matter. The facts herein are known to this Declarant and true and correct. If called as a witness to same, I could and would competently testify thereto under oath. I am an adult over eighteen years, and a resident of the County of Los Angeles, State of California.

2. On November 19, 2024, I filed a Motion to reverse and set aside void Order of former State Bar Judge Richard Platel recommending my disbarment and placing me on inactive status. Said Motion was filed to be heard by the Hearing Department of the State Bar Court. The Review Department of the State Bar Court can take judicial notice of same. The Motion was unopposed.

3. On December 18, 2024, State Bar Judge Dennis G. Saab denied the Motion. A true and correct copy of the Order pertaining thereto is marked and attached hereto as Exhibit 1 and made a part hereof by reference.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Declaration was executed on December 30, 2024, at Pasadena, California.

/s/ Arthur Edward Ezor
Declarant

**EXHIBIT C - STATE BAR'S RESPONSE TO
RESPONDENT'S DECEMBER 30, 2024,
PETITION FOR REVIEW
(JANUARY 6, 2025)**

STATE BAR COURT – REVIEW DEPARTMENT

In the Matter of:
ARTHUR EDWARD EZOR
(State Bar No. 50469)

Case No. SBC-12-O-10043

On September 23, 2015, the Supreme Court issued an Order disbarring respondent, case No. S227682. (*See* Docket.) On December 13, 2024, respondent moved to reverse or set aside the December 5, 2013, Hearing Department Decision which preceded the 2015 Disbarment Order. (*Ibid.*) On December 18, 2024, the Hearing Department dismissed the motion because “the relief sought by Respondent would require this court to vacate the California Supreme Court’s September 23, 2015 order of disbarment” and, therefore, the State Bar Court lacks jurisdiction. (*Ibid.*) On December 30, 2024, respondent filed the pending petition for review of the December 18, 2024 Order. On the same basis as the Hearing Department found, respondent’s petition should be dismissed for lack of jurisdiction. The final disciplinary determination rests with the Supreme Court; its powers in that regard are “plenary and its judgment conclusive,” and “its jurisdiction over disciplinary proceedings is not limited in

any manner." (*In re Rose* (2000) 22 Cal. 4th 430, 444.) Thus, the State Bar Court is bound by the Supreme Court's decision under the law of the case and the concept of stare decisis. (*See Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450, 455 [under the doctrine of stare decisis, decisions of court exercising superior jurisdiction are controlling].) Accordingly, the Office of Chief Trial Counsel opposes respondent's Petition for Review on the basis of lack of jurisdiction and respectfully seeks an order dismissing the petition.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

By: /s/ Peter A. Klivans
Trial Counsel

Dated: January 6, 2025

**Additional material
from this filing is
available in the
Clerk's Office.**