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PUBLIC MATTER—DESIGNATED FOR
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Review Department of the State Bar Court of
California.

In the MATTER OF Jeffrey Jason OLIN,
State Bar No. 298826.

SBC-23-O-30674

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OPINION

HONN, P. J.

*1 This matter reflects a growing concern in our courts regarding serious misconduct by lawyers in how they refer to or correspond with judicial officers. Often, zealous advocacy is cited as a rationale for tirades leveled at judges and other legal officers. **Our Supreme Court and other courts have carefully navigated between these outbursts and the First Amendment rights of the lawyer involved.** (See *Ramirez v. State Bar* (1980) 28 Cal.3d 402; *Standing Committee v. Yagman* (9th Cir. 1995) 55 F.3d 1430.) In such cases, the resulting discipline has been very low, if any was imposed at all. Indeed, the following from *Bridges v. State of California, Times-Mirror Co., et al.* (1941) 314 U.S. 252, 270 was quoted in *Yagman*: “The assumption that respect for the judiciary can be won by shielding judges from published criticism wrongly appraises the character of American public opinion. For it

is a prized American privilege to speak one’s mind, although not always with perfect good taste, *on* all public institutions. And an enforced silence, however limited, solely in the name of preserving the dignity of the bench, would probably engender resentment, suspicion, and contempt much more than it would enhance respect.” (*Standing Committee v. Yagman, supra*, 55 F.3d at p. 1445.)

But such protection has limits. When, as here, the repeated, abusive criticism by an attorney departs from normal or excessive zealous advocacy, constituting harassment, bordering on misogynistic language, or enters the realm of credible criminal threats against a judicial officer or her family, we cannot stand by and minimize the seriousness of the conduct as simply aggressive lawyering. As we discuss, *post*, such serious misbehavior warrants serious discipline. The discipline we recommend reflects **the changed mores of our society in the areas of attorney civility and harassment.** It also is consistent with the discipline imposed on lawyers in other states for similar misconduct.

In his first disciplinary proceeding, Jeffrey Jason Olin is charged with eight counts of misconduct based on his actions surrounding a family law matter involving his wife and son. The Office of Chief Trial Counsel of the State Bar (OCTC) charged Olin with seven counts of failing to maintain respect due to courts and judicial officers, under **Business and Professions Code section 6068, subdivision (b),**^{0F1} based on disrespectful and demeaning emails he sent to multiple judicial officers. Olin’s alleged misconduct also included a violation of section 6106 for moral turpitude (threat of violence) based on **an email he sent to a court commissioner stating that if he won the lottery, he would pay someone to kill her minor child.**

In a well-reasoned decision, the hearing judge found Olin culpable of three counts but **dismissed the remaining five counts upon determining certain statements in the dismissed counts constituted protected speech under the First Amendment to the United States Constitution and others lacked sufficient proof of culpability.** We affirm the **dismissal of counts two, three, five, seven, and eight with prejudice.** The judge’s recommended discipline included a 90-day actual suspension on the three counts. Olin appeals and asserts that all of his statements are constitutionally protected and not disciplinable. OCTC accepts the judge’s culpability findings and discipline recommendation and did not appeal.

*2 Upon our independent review of the record (**Cal. Rules of Court, rule 9.12**), and after supplemental briefing by the

parties, discussed in more detail below, we affirm the hearing judge's culpability findings, along with certain findings in mitigation and aggravation. After reviewing the record, the relevant standards, and comparable law, we conclude that the recommended discipline should be increased to a nine-month period of actual suspension.

I. PROCEDURAL BACKGROUND

OCTC filed its Notice of Disciplinary Charges (NDC) on June 1, 2023, and an amended NDC (ANDC) on June 6, 2023. On September 5, the parties filed a Stipulation to Undisputed Facts (Stipulation). After a four-day trial, which commenced on September 19, the matter was submitted for decision on October 13, and post-trial briefing followed. On October 24, Olin filed a motion to reopen the record to submit a reporter's transcript from the underlying family law matter. The hearing judge denied Olin's motion for lack of good cause.

The hearing judge issued her decision in this matter on January 4, 2024. Olin filed a request for review on February 5. Oral argument was heard on August 15, during which the court informed the parties it was contemplating further briefing. On August 20, we invited the parties to submit post-oral argument supplemental briefs regarding the level of discipline in this matter. In that order, we suggested that the parties may reference the decisions of other jurisdictions' highest courts in evaluating the appropriate level of discipline. After receiving briefs from both OCTC and Olin, and upon the expiration of the time for the parties to submit such briefing, this case was submitted on August 28, 2024.

II. RELEVANT FACTUAL BACKGROUND^{1F2}

Olin was admitted to practice law in California on December 1, 2014, and has no prior history of discipline.

A. Olin's Marriage Dissolution and Subsequent Family Law Matter

On June 17, 2011, Olin and Kelly Olin^{2F3} entered into an agreement to dissolve their marriage in a Los Angeles Superior Court, which was approved by Commissioner Glenda Veasey in *Kelly Olin v. Jeffrey Olin*, case number YD058401. As a result of the dissolution, the parties agreed to joint custody of their biological son "J,"^{3F4} with Kelly as the custodial parent and Olin having visitation

rights. This co-parenting agreement worked well for seven years.

On August 6, 2018, Kelly filed a domestic violence restraining order (DVRO) and temporary restraining order (TRO) against Olin to prevent him from contacting her, J, and her older son "G."^{4F5} In her request, Kelly alleged that on July 31, 2018, Olin verbally harassed and threatened her and J via text messages and emails; she also alleged a physical assault incident from 2008 where Olin purportedly struck G.

^{*3} Commissioner Veasey denied the TRO and set a hearing for August 22, 2018. However, on August 13, Kelly filed a waiver of the hearing because she did not want her children to have to attend an evidentiary hearing. That same day, she also filed a separate request for an order seeking a change in the visitation schedule to reflect alternating weeks between her and Olin.^{5F6} Olin viewed Kelly's request as providing him with increased visitation and in later proceedings asserted that the modification proved that Kelly had committed perjury in filing her first DVRO request. On August 17, Olin filed a request for a DVRO and a TRO against Kelly, seeking to restrain her from contacting him or J, and he alleged emotional and physical stress based on Kelly's purported acts of parental alienation. During a hearing on September 4, Commissioner Veasey denied Olin's TRO, noting that Olin could file a request for an order to address any custody or visitation issues. On October 2, Commissioner Veasey held a hearing on Kelly's August 13 request to modify the visitation schedule. During the hearing the court asked Olin, "The mother is asking for—that parties have fifty-fifty custody. But I have a response from Mr. Olin indicating that he wants no visitation with the minor child and says that the child is a clear and present danger to his security and safety. Is that still your position, sir?" Olin replied, "Absolutely," and the court stated that it had "no choice under these circumstances, except to give the mother legal and physical custody of the minor child" and that the child's "contact with the father shall be by mutual agreement between the father and the minor child."

B. Commissioner Veasey Issues a Five-Year Restraining Order Against Olin

On October 18, 2018, Kelly filed a second request for a DVRO and a TRO, seeking protection for herself and J against Olin. She alleged that, following the October 2 hearing, Olin had trespassed on her property—throwing J's belongings in front of the garage door in view of J's bedroom window; posted a Yelp review on Kelly's

employer's page accusing her of a conflict of interest in having a romantic relationship with a tenant (Steven Silver); and sent a harassing email to Kelly and her employer. Commissioner Veasey granted the TRO and set a hearing date in November. On October 22, Olin filed a second request for a DVRO. His request was denied because the facts did "not show reasonable proof of a past act or acts of abuse." On October 29, Olin filed an ex parte application for reconsideration of the order granting Kelly's TRO, which was denied. On November 8, Olin filed his response to Kelly's second DVRO request and claimed Kelly committed perjury.

On November 9, 2018, Commissioner Veasey held a hearing on Kelly and Olin's respective second DVRO requests but continued the hearing until November 30, with all existing TROs in effect. At the conclusion of the hearing, Commissioner Veasey granted Kelly's second DVRO request and issued a five-year restraining order against Olin. Olin appealed the commissioner's order, as well as the order denying Olin's second DVRO request. On March 9, 2020, the Second Appellate District Court of Appeal affirmed both orders.

1. Olin Files a Motion to Disqualify Commissioner Veasey

On April 10, 2019, Olin filed a motion seeking an order to appoint an independent child custody evaluator and to disqualify Commissioner Veasey. He alleged that Kelly engaged in parental alienation and interfered in his relationship with his son. Olin alleged, "For the record – as this matter has been intentionally mischaracterized by the unashamedly biased Commissioner Veasey, [Olin's] problem with this is not that [Kelly] communicated with the minor child, but rather that it was done in secret with the clear purpose of causing discord ... [and Commissioner] Veasey has chosen to be willfully ignorant as the facts conflict with her unmitigated bias against [Olin]." He further stated, "Please, please, please don't continue to deny me justice. I am already suicidal enough and everyday [*sic*] is already a struggle." During the disciplinary trial, Commissioner Veasey testified that she was concerned because Olin had filed pleadings on an ongoing basis using berating language and what she perceived as escalating threats towards her. She stated she could no longer ignore her concerns after Olin filed a pleading with a reference about only being alive because four others needed to precede him, and she believed she was one of the "main people on that list."^{6F7}

2. Commissioner Veasey Modifies the November 2018 Restraining Order and Recuses Herself

*⁴ Six months later, on October 3, 2019, Commissioner Veasey granted an ex parte application filed by Kelly, requesting to modify the November 2018 restraining order to prohibit Olin from possessing any swords, knives, or stabbing weapons. The minute order characterized the proceedings as "Petitioner's Ex Parte Hearing" and reflected that Kelly, as petitioner, was the only party present. The order further stated that the court read and considered the ex parte application "[o]ut of the presence of the Court Reporter." On October 4, 2019, law enforcement searched Olin's home for any of the items prohibited by the modified restraining order and placed him under a 72-hour psychiatric hold pursuant to [Welfare and Institutions Code section 5150](#).

On October 7, 2019, Olin appeared in the courthouse and Commissioner Veasey's courtroom wearing a t-shirt that read "Veasey's Victims" although his family law case was not on calendar that day. During his disciplinary trial, Commissioner Veasey testified that she was frightened when seeing him and left the courtroom to lock herself in her chambers. Olin admitted to starting the group "Veasey's Victims" after he became aware of other interested individuals.^{7F⁸} He testified that he was motivated to start a "movement" to get Commissioner Veasey removed through "strength in numbers." Commissioner Veasey recused herself from Olin's family law matter on October 16. The matter was transferred to Judge Lawrence Riff, the supervising judge, who then reassigned the matter to Judge Michael Powell.

C. Olin Sends Numerous Harassing and Offensive Emails to Multiple Judicial Officers

1. Olin Accuses Judge Powell of Accepting a Bribe

Judge Powell presided over several contested issues in Olin's family law matter. After a hearing held on June 18, 2021, Judge Powell denied Olin's request for a mental health evaluation of his son, J. The judge reasoned that Olin made a similar request in April 2019, which was denied, and there had been no change in circumstances. The judge also concluded that Olin had not presented any authority or factual basis to support such an order as the non-custodial parent. While on the record, Olin accused Judge Powell of

not caring about the child and commenting that the judge was “a horrible person.”

Less than an hour after the conclusion of the hearing, Olin emailed Judge Powell at his court email address with the subject line, “Bribed?,” and the body of the message stated, “How much is my ex-wife’s rich boyfriend paying you? Why are you so corrupt? Did you ever have a soul?” The hearing judge found that Judge Powell credibly testified during the disciplinary trial that he had no relationship with Silver, which was corroborated by Silver’s testimony. Olin testified he “believed it was possible” that Judge Powell had been bribed based on the ruling, the judge’s “lordly” demeanor, and his claim that Judge Powell yelled at him in court during an earlier hearing on a motion for reconsideration of Commissioner Veasey’s modification of the November 2018 restraining order, despite the judge ultimately ruling in Olin’s favor. After receiving Olin’s email, Judge Powell included the following in his June 18 minute order: “[B]oth parties are ordered and not permitted to make ex parte improper contact with any Judicial Officer directly via e-mail, fax, telephone, mail, messenger, or other communication method.”^{8F⁹}

*⁵ During the family law matter, Olin filed at least four complaints against Commissioner Veasey and Judge Powell. Judge Riff, as supervising judge of the family law division, investigated one of those complaints filed on October 10, 2019. The hearing judge found that Judge Riff credibly testified that, while handling the investigation, he gave Olin the opportunity to provide evidence to support his allegations. Olin’s complaint was supplemented with approximately 57 pages of exhibits. After Judge Riff reviewed the complaint and materials and interviewed Commissioner Veasey, he concluded there was no ethical violation and closed the investigation.

On March 2, 2020, Judge Riff sent a five-page response to Olin explaining that the court was closing his October 2019 complaint upon finding that Commissioner Veasey did not engage in any improper ex parte communication with Kelly. The judge also provided Olin with the contact information for the Commission on Judicial Performance (CJP), informing him of his right to also file a complaint with the CJP.

More than a year later, on June 23, 2021, Olin sent an email to Judge Riff, and copied Commissioner Veasey, with the subject line “Wishes.” The email read: “You are a corrupt judge and you run an entirely corrupt department. When I complained about Glenda Veasey holding a non-noticed in camera hearing at which only my ex-wife was present after which Veasey issued an unconstitutional ‘permanent’ amendment to a DVRO she issued illegally, without setting

any hearing on the permanence of that amendment, YOU took nearly half a year to determine that the record of that illegal hearing – the official Minute Order – was simply wrong because Veasey just doesn’t do that. You just get to decide the OFFICIAL RECORD OF THE EVENT was wrong – and took nearly six months to make that absurd determination. That is TYRANNY.”

The email continued by describing the “Incompetent Veasey” and calling the commissioner “a piece of shit” because she supposedly “ordered a mother to wean her child because the breast feeding [*sic*] was interfering with the father’s visitation.” The email ended with, “I sincerely hope you catch an especially painful and prolonged form of terminal brain [cancer](#), tyrant. I hope you and Veasey burn in hell.”

2. Olin Emails Judge Riff Calling Him Corrupt and Claiming Kelly Committed Perjury

The next day, on June 24, 2021, Olin again emailed Judge Riff and Commissioner Veasey, writing, “You allowed my ex-wife to engage in parental alienation and you let her be a serial perjurer. You maliciously destroyed my fatherhood and my life. I pray that You [*sic*] receive some type of horrible payback for the pure evil that you do.” The email’s subject line read: “This is What YOU Stole From Me,” and Olin attached 10 photographs of himself with his son.

The following day, on June 25, 2021, Olin sent another email to Judge Riff and Commissioner Veasey with the subject line “Perjury” stating, in part: “So on August 6, I was a child abuser. On August 13, I wasn’t spending enough unsupervised time with my son. VEASEY NEVER GAVE A SHIT ABOUT THIS ABSURDITY. VEASEY HAD ALREADY COMPLETELY SIDED WITH MY PERJURIOUS EX-WIFE, SO I NO LONGER HAD RIGHTS Since the incompetence of the [Los Angeles Superior Court] is not limited to the family courts, when I was charged with violating the DVRO and I attempted to do a Habeas Petition to kill the DVRO itself, the lying moronic piece of shit Judge Kimberley Baker Guillemet – who only read the prosecutor’s opposition and didn’t even realize she was ruling on a habeas petition (she called it a [P\[enal\]C\[ode\] 1385](#) Motion), said that because of the allegations of child abuse (WHICH VEASEY HAD REVIVED FROM THE 8/6/18 DVRO) made her not want to grant the “motion.” I am stuck in an Orwellian nightmare of horribly lazy and incompetent judges. This is what caused me to flee LA County. I had been transferred to the lying cunt Guillemet after the lying cunt Rene Gilbertson of Torrance Department 2 demonstrably lied about having

read my motion pleadings [*sic*] before a hearing on July 9, 2020. You people are lying corrupt scum. You people are Evil and have maliciously destroyed my soul.”

*6 That same day, on June 25, 2021, Olin also emailed Judge Guillemet, stating, “You destroyed me with your lies and incompetence. You should not be a judge. You are the real criminal. You lie and violate laws with ease and frequency. You are a despicable person. You are evil.”

3. Olin Emails Commissioner Veasey and Threatens to Pay Someone to Kill Her Child

Olin sent a third email on June 25, 2021, to Commissioner Veasey, with the subject line “Goals” and the body of the email stating, “If I ever won the lottery, I would pay someone to kill [Commissioner Veasey’s minor child, ‘T’].”^{9F10} Commissioner Veasey was frightened by Olin’s email and felt the need to protect herself and her family. She requested her local police patrol her street and home, and she pursued a workplace restraining order against Olin, which was granted. A Los Angeles County superior court found “clear and convincing evidence of credible threats of violence against Commissioner Veasey by [Olin]” following an evidentiary hearing on the matter in October 2021. During the hearing, Olin denied having sent the threatening email but conceded that he had sent other emails to Commissioner Veasey. Olin claimed he was a “victim of Glenda Veasey,” stating that she had ruined his life “[b]ecause when someone takes your child away from you, it’s an incredibly, incredibly, incredibly soul-wrenching experience.” He further complained that Commissioner Veasey was “using this [email] as her excuse to get a restraining order,” pointing out that he had also sent emails to Judge Riff and he had not filed for a restraining order.

At the disciplinary trial, the hearing judge rejected as untrue Olin’s testimony that he did not send the threatening email. The judge considered additional evidence—including that the email was sent from veaseyvictims@gmail.com (an account Olin controlled and had used to send emails to other judicial officers) coupled with Olin sending several other emails to judges that same day conveying his thoughts on being victimized—supporting the fact that Olin was the author of the threatening email to Commissioner Veasey.^{10F11}

4. Olin Emails Judge Riff to Make a Complaint Against Judge Powell

On July 2, 2021, Olin emailed Judge Riff, with the subject line, “Michael Powell is Apparently Illiterate.” Olin began the email by stating, “THIS IS A FORMAL COMPLAINT ABOUT THE ARROGANT ASS WHO REGULARLY SKIPS READING PLEADINGS, THE DISHONORABLE JUDGE MIKEY POWELL.” He complained about various rulings made by Judge Powell and claimed that the judge “regularly skips reading pleadings.” Olin closed with the following: “YOU DON’T GIVE A SHIT ABOUT THE LAW. YOU DON’T GIVE A SHIT ABOUT FAMILIES. YOU DON’T GIVE A SHIT ABOUT KIDS. YOU ARE AN EVIL PERSON. [¶] Please allow my case to be transferred to Tulare County, where the judges are not as incompetent as you and Mikey are.”

A few hours after sending the July 2 email, Olin followed up by sending a second email to Judge Riff as a “post-script,” noting his much more positive experience having just appeared in front of a Tulare County judge. Olin further stated: “I was trying to keep my PTSD in check, but this morning I had seen yet another posting on The Robing Room by yet another victim of the Apparently Illiterate Incompetent Arrogant Ass Mikey Powell. [¶] [Y]ou judges and your flying monkeys at the LASD make Los Angeles County a tyrannical lawless place. [¶] I will try again to refrain from contacting you directly. Please continue to do nothing but empower the abuse and incompetence of Skeazy Veasey and Mikey Powell. I expect nothing else from you, tyrant.”

D. A Criminal Matter was Initiated Against Olin for Violating the November 2018 DVRO Commissioner Veasey Granted to Kelly

*7 On December 21, 2018, while Kelly’s DVRO restraining order was in effect, Olin emailed Silver, threatening a lawsuit against Kelly. He stated, “As you told me when you were threatening my law license: You better watch out. The Cunt is supposed to have a real estate license or at least be registered ... The Cunt done fucked up going after mine when she doesn’t even have hers.” He further stated, “Finally, her taunting email from today intentionally disturbed my peace and we know what follows that don’t we?” He ended the email by signing off with the phrase “Heghlu’meH QaQ jajvam.”^{11F12} Viewing the email as a threat, Silver forwarded it to Kelly and he took measures to secure his safety, including notifying his surrounding neighbors.

On December 19, 2019, a misdemeanor complaint was

filed in Los Angeles County Superior Court in *People v. Jeffrey Jason Olin*, case number 9TR06381. Olin was charged with two counts of disobeying the November 2018 restraining order in violation of [Penal Code section 273.6](#). Judges Rene Gilbertson and Kimberley Baker Guillemet presided over hearings in this matter.

1. Judge Gilbertson Denies Olin’s Initial Motion to Dismiss

In his criminal matter, Olin filed several motions including a motion requesting mental health diversion. His motion was supported by a psychiatric evaluation. On July 9, 2020, Judge Gilbertson held a hearing, at which she noted that she had “read everything,” including Olin’s “motion for mental health diversion,” the prosecutor’s motion to continue the mental health diversion motion, and Olin’s motion to dismiss. The judge announced that her tentative ruling was to deny Olin’s motion to dismiss and grant the prosecutor’s motion for a continuance but allowed argument from both sides before finalizing her rulings. Concerning the issue of diversion, Judge Gilbertson asked Olin, “[A]bout the actual mental health diversion motion, you have an evaluator, correct?” He replied, “This was all filed with the court, but apparently you didn’t pay attention to it. Yes, I had an evaluation with M---.” The court explained that because the prosecutor’s office was considering amending the criminal complaint, and filing a new action based on additional allegations, the evaluator would need to consider the new information to address the appropriateness of diversion. Olin continued to claim during the hearing that Judge Gilbertson had not read the pleadings. To the contrary, Judge Gilbertson stated during the hearing, “I did read it ... but I am telling you and Ms. Papadakis I need the people’s position to aid me in making my decision.”

2. Olin Emails Judge Guillemet Accusing Her of Incompetence and Lying

Olin filed a second motion to dismiss on August 10, 2020. The prosecutor filed an opposition. Olin filed a reply, in which he stated that he had “mislabeled what is effectively a Petition of Writ of Habeas Corpus as a Motion to Dismiss ...” Judge Guillemet held a hearing on August 21, 2020, and noted that she had received and reviewed the pleadings. The judge also listened to argument from the parties. Judge Guillemet then denied the request, agreeing with the prosecution’s argument that it would be improper

to dismiss the criminal matter under [Penal Code section 1385](#). The criminal matter was ultimately resolved through Olin’s entry into a diversion program in June 2021, in which he was ordered to participate for 12 months. Olin ultimately completed diversion and the criminal matter was ordered dismissed.

*8 During the disciplinary trial, Olin testified that he believed Judge Guillemet erroneously denied his requested relief because, in his view, the judge should have understood his pleading as a petition for writ of habeas corpus, rather than a dismissal request under [Penal Code section 1385](#).

III. CULPABILITY FINDINGS^{12F13}

A. Counts One through Five, Seven, and Eight—Failure to Maintain Respect Due to the Courts (§ 6068, subd. (b))

[Section 6068, subdivision \(b\)](#), provides that it is the duty of an attorney to maintain the respect due to the courts of justice and judicial officers. In counts one through five, seven, and eight, Olin was charged with violating [section 6068, subdivision \(b\)](#), based on numerous statements he made in emails to multiple judicial officers—that are specifically quoted in the factual background, *ante*. His statements accused judicial officers of dishonesty, bribery, corruption, incompetence, engaging in judicial misconduct, and included a litany of insults and personal attacks, some of which amounted to threatening behavior and harassment. The hearing judge found Olin fully culpable under count one and culpable under count four in part. The judge dismissed the remaining counts with prejudice, concluding certain statements are protected by the First Amendment to the United States Constitution and that OCTC failed to sufficiently prove culpability under other statements. As discussed below, we also find Olin culpable under count one and partially under count four. The record contains evidence demonstrating Olin’s reckless disregard for the truth while disrespecting judges by making derogatory and false statements which were not protected speech. Accordingly, Olin twice failed to maintain respect for the courts and judges in willful violation of [section 6068, subdivision \(b\)](#). We affirm the dismissal of counts two, three, five, seven, and eight with prejudice.^{13F14} (*In the Matter of Kroff* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 838, 843 [dismissal of charges for want of proof after trial on merits is with prejudice].)

Case law acknowledges that disciplinary rules governing

the legal profession cannot punish speech protected by the First Amendment. (*In the Matter of Anderson* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 775, 781; see also *Gentile v. State Bar of Nevada* (1991) 501 U.S. 1030, 1054.) Although attorneys are “entitled to the protection of the First Amendment, even as participants in the administration of justice,” disparaging statements amounting to an attack on the honesty, motivation, integrity, or competence of a judge may subject an attorney to discipline. (*In the Matter of Anderson, supra*, 3 Cal. State Bar Ct. Rptr. at pp. 781-782.) Courts have noted that reasonable speech restrictions may be imposed—under certain circumstances—upon attorneys given their special status as officers of the court. (*Id.* at p. 781; see also *In the Matter of Parish* (Review Dept. 2015) 5 Cal. State Bar Ct. Rptr. 370, 375.)

*9 The First Amendment does not protect intentionally false statements and false statements made with reckless disregard for the truth. (*Ramirez v. State Bar, supra*, 28 Cal.3d 402, 411.) Truth is an absolute defense to any statement made by an attorney that impugns the honesty or integrity of a judge. (*Standing Committee v. Yagman, supra*, 55 F.3d 1430, 1438 [discussing district court’s local rule prohibiting conduct that “degrades or impugns the integrity of the Court”].) Additionally, statements characterized as “rhetorical hyperbole” and statements of opinion that are incapable of being proven as true or false are not sanctionable unless such statements could reasonably be understood as declaring or implying actual facts which themselves are false. (*Standing Committee v. Yagman, supra*, 55 F.3d at pp. 1438-1439.) Our First Amendment analysis utilizes an objective standard to determine what a reasonable attorney in light of his or her professional functions would do in the same or similar circumstances. (*Id.* at p. 1437.) Therefore, reckless disregard is shown if the attorney had no reasonable factual basis for making the statements, considering their nature and the context in which they were made. Considering these principles, we evaluate Olin’s statements under counts one and four below.

1. Count One: Olin’s Email (June 18) to Judge Powell Alleging Bribery

On June 18, 2021, Olin emailed Judge Powell with the subject line “Bribed?” and stated the following in the body of the message, “How much is my ex-wife’s rich boyfriend paying you? Why are you so corrupt? Did you ever have a soul?” The hearing judge, in reliance on *Yagman*, found that Olin’s remarks can reasonably be understood as implying that Judge Powell took a bribe from Silver,

Kelly’s boyfriend. And because there was no bribe, and Olin sent this email without conducting any independent investigation, Olin falsely accused Judge Powell of bribery in reckless disregard of the truth.

On review, Olin argues that his statements to Judge Powell are not disciplinable because they (1) were not made publicly, and (2) posed no danger to the administration of justice because no matters were pending before the court at the time. His arguments have no merit. He relies on *In re Green* (Colo. 2000) 11 P.3d 1078, in part, to support his contention. Contrary to Olin’s assertion, culpability under section 6068, subdivision (b), is not predicated on whether an attorney’s false accusations about a judge are made publicly. While publication is a statutory element of defamation (Civ. Code, §§ 45, 46), we decline to read such a requirement into section 6068, subdivision (b); in fact, we do not conclude that the Colorado Supreme Court’s holding in *In re Green* requires publication as Olin argues.^{14F15}

Olin also claims the email is not disciplinable because his accusations are phrased in the form of questions and cites to *Partington v. Buglios* (9th Cir. 1995) 56 F.3d 1147, 1157. As OCTC correctly points out, Olin’s reliance on *Partington* is misplaced as the Ninth Circuit confirmed that a question “can conceivably be defamatory, though it must reasonably read as an *assertion* of a false *fact*”—which occurred here.

As the Supreme Court held in *Ramirez*, statements attacking the integrity of a judge that contain unsupported factual allegations made in reckless disregard for the truth are not constitutionally protected and are disciplinable under section 6068, subdivision (b). (*Ramirez, supra*, 28 Cal.3d at pp. 411-412.) Here, Olin’s email to Judge Powell, sent shortly after the judge denied his motion, contained factual remarks reasonably perceived as accusing the judge of being bribed and paid off by Silver when he ruled against Olin. Silver and Judge Powell both testified during the disciplinary trial. The hearing judge found that Judge Powell credibly testified that he was never offered or accepted a bribe from Silver, nor did he have a relationship with Silver. This testimony was corroborated by Silver, who testified that he had never communicated with Judge Powell. We see no reason to disturb the hearing judge’s credibility findings pertaining to the witnesses’ testimonies. A judge’s credibility findings are accorded great weight because the judge presided over the trial and heard the testimony. (Rules Proc. of State Bar, rule 5.155(A) [great weight given to hearing judge’s factual findings]; see *McKnight v. State Bar* (1991) 53 Cal.3d 1025, 1032 [hearing judge best suited to resolve credibility questions “because [she] alone is able to observe the

witnesses' demeanor and evaluate their veracity firsthand"].)

*10 Under the *Yagman* analysis, when Olin's assertions are considered in the nature and context in which they were made—he sent the email less than one hour after the conclusion of a hearing where Judge Powell denied Olin's request for a mental health evaluation of his son, J—it is reasonable for one to understand his remarks as “declaring or implying *actual facts* capable of being proven true or false.” (*Standing Committee v. Yagman, supra*, 55 F.3d at p. 1439, italics added.) The record does not show that Olin took any investigative steps to determine a credible factual basis for his allegations when making them very shortly after the judge denied his motion. (See *In the Matter of Parish, supra*, 5 Cal. State Bar Ct. Rptr. at p. 375 [court may consider whether attorney pursued readily available means of investigation].) In fact, the record does not reveal any factual basis to support Olin's accusation against Judge Powell.

Olin made baseless assertions against Judge Powell with a reckless disregard for the truth without any reasonable basis. As we found in *In the Matter of Elkins (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 160, 167, 15F¹⁶* Olin's email asserting that Judge Powell had accepted a bribe was based on nothing more than mere conjecture. (*Ibid.* [attorney culpable of violating § 6068, subd. (b), when he falsely accused court clerk and ex officio judge of taking bribes]; see also *In the Matter of Ramirez, supra*, 28 Cal.3d at pp. 411-412 [“conjecture without factual substantiation” demonstrates false statement “made with reckless disregard of the truth” sufficient to find culpability under § 6068, subd. (b)].) Accordingly, we find that Olin willfully violated section 6068, subdivision (b), as charged and affirm culpability under count one.

2. Count Four: Olin's Email (June 25) to Judge Riff and Commissioner Veasey Harassing Multiple Judicial officers and Asserting Accusations of Lying

In count four, OCTC alleged that in Olin's June 25, 2021 email he falsely accused Commissioner Veasey and Judge Gilbertson of corruption, and Judge Guillemet of incompetence and corruption. As noted *ante*, Olin's email, addressed to Judge Riff and Commissioner Veasey, stated the following: “VEASEY NEVER GAVE A SHIT ABOUT THIS ABSURDITY. VEASEY HAD ALREADY COMPLETELY SIDED WITH MY PERJURIOUS EX-WIFE, SO I NO LONGER HAD RIGHTS ... I attempted to do a Habeas Petition to kill the DVRO itself, the lying moronic piece of shit Judge

Kimberley Baker Guillemet – who only read the prosecutor's opposition and didn't even realize she was ruling on a habeas petition ... [Judge Guillemet] said that because of the allegations of child abuse (WHICH VEASEY HAD REVIVED FROM THE 8/6/18 DVRO) made her grant the “motion”. I am stuck in an Orwellian nightmare of horribly lazy and incompetent judges [¶] I had been transferred to the lying cunt Guillemet after the lying cunt [Judge] Rene Gilbertson of Torrance Department 2 demonstrably lied about having read my motion pleadings before a hearing on July 9, 2020. You people are lying corrupt scum. You people are Evil and have maliciously destroyed my soul.”

*11 The hearing judge found culpability as to the statement, “the lying cunt Rene Gilbertson of Torrance Department 2 demonstrably lied about having read my motion pleadings [*sic*] before a hearing on July 9, 2020,” concluding that OCTC proved his assertion was false. As discussed in detail below, the judge determined that the remaining statements concerning Commissioner Veasey and Judge Guillemet did not rise to a violation of section 6068, subdivision (b). We affirm culpability under count four based on Olin's false accusation against Judge Gilbertson.

As stated in *Anderson*, in determining an attorney's culpability under section 6068, subdivision (b), for statements made that may impugn the integrity of judicial officers, we first establish whether the statement is capable of being proved true or false, such that it cannot be considered a statement of opinion. (*In the Matter of Anderson, supra*, 3 Cal. State Bar Ct. Rptr. at p. 786.) In sum, Olin's email contains a combination of statements of fact and opinion.

First, we find that his statements in the beginning of the email, that opined on Commissioner Veasey's handling of his family law matter, contained Olin's subjective beliefs, stating “VEASEY NEVER GAVE A SHIT” and “COMPLETELY SIDED WITH MY PERJURIOUS EX-WIFE.” In these statements, Olin vented about what he considered to be unfair treatment, and as explained in *Yagman*, they amount to rhetorical hyperbole which is protected speech. (*Standing Committee v. Yagman, supra*, 55 F.3d at p. 1438.)

Next, we consider Olin's remark: “lying moronic piece of shit Judge Kimberley Baker Guillemet – who only read the prosecutor's opposition and didn't even realize she was ruling on a habeas petition” The hearing judge determined the statement represents Olin's belief on stated facts. The judge reasoned that Olin was presenting his subjective view and concluded that the statement, whether

accurate or not, was not disciplinable.

Olin's characterization of and accusation about Judge Guillemet was followed by his statement claiming the judge "didn't even realize she was ruling on a habeas petition." As the court clarified in *Yagman*, if an attorney's allegation of dishonesty implies facts capable of objective verification, the statement would not be constitutionally immune from sanctions. (*Standing Committee v. Yagman*, *supra*, 55 F.3d at p. 1441.) OCTC has the burden to prove that Olin's factual assertions were either knowingly false or stated with reckless disregard for the truth.

On review, the evidence relevant to Olin's accusations against Judge Guillemet includes a transcript from Judge Guillemet's hearing where she denied Olin's motion. We note that the transcript references Judge Guillemet's statement that she reviewed the pleadings. Although we have this documentary evidence, which we view as credible, OCTC failed to produce Judge Guillemet as a witness during the disciplinary trial to refute Olin's allegations, establish falsity, and prove culpability. Reasonable doubts must be viewed in the light most favorable to Olin. (*In the Matter of DeMassa (Review Dept. 1991)* 1 Cal. State Bar Ct. Rptr. 737, 749.) Therefore, we find insufficient evidence to establish culpability as to Olin's statement accusing Judge Guillemet of dishonesty.

Finally, we evaluate Olin's statement that "the lying cunt Rene Gilbertson of Torrance Department 2 demonstrably lied about having read my motion pleadings [*sic*] before a hearing on July 9, 2020." This statement is a factual accusation. As stated *ante*, factual accusations that are intentionally false or made with reckless disregard for the truth are not constitutionally protected. (*Ramirez, supra*, 28 Cal.3d at p. 411.) Olin contests culpability by arguing his accusation, that Judge Gilbertson did not read the mental health diversion motion, had a reasonable factual basis and therefore was not made recklessly and is protected by the First Amendment. Olin's argument is premised on his view that Judge Gilbertson did not know whether Olin had an evaluator, which meant the judge did not read the motion. His argument fails because it is not objectively reasonable for an attorney to assert that a judge lied about reading pleadings simply because the judge inquired about facts underlying a motion. As OCTC correctly points out, it was reasonable for Judge Gilbertson to inquire about the evaluator because, as the judge explained, the evaluator would need to consider new information to address the appropriateness of diversion because the prosecutor proposed filing new charges against Olin based on additional criminal acts.

*12 The hearing judge found Judge Gilbertson credibly

testified that she did in fact read the pleadings in advance of the July 9, 2020 hearing. We adopt the judge's credibility findings and determine Judge Gilbertson's testimony is supported by the transcript of the July 9, 2020 hearing—the judge identified and discussed the pleadings and made tentative rulings on the ground that she had "read everything." Upon our review of the record, we find no evidence to comport with Olin's assertion that he had a reasonable factual basis when falsely accusing Judge Gilbertson of lying. The documentary evidence and Judge Gilbertson's credible testimony prove that Olin's accusation, stating the judge lied, was a false statement made in reckless disregard for the truth, and thus we affirm culpability in part under count four.

B. Count Six: Moral Turpitude—Threat of Violence (§ 6106)^{16F17}

In count six, Olin is charged with committing moral turpitude in violation of section 6106 by sending an email on June 25, 2021, to Commissioner Veasey stating, "If I ever won the lottery, I would pay someone to kill [T]," referring to Commissioner Veasey's minor child. The hearing judge found Olin culpable, relying upon this court's analysis in *Elkins*. On review, Olin raises several unavailing arguments and asserts he cannot be found culpable of moral turpitude because he did not convey a "true threat" and thus his statement is protected by the First Amendment.^{17F18} Based on the record and guiding case authority discussed below, we find Olin culpable of committing moral turpitude as charged in count six.

During oral argument, Olin asserted that judges should be equipped to handle tough comments from attorneys. We agree, but this misses the point: Olin's repeated harassment went far beyond tough comments or even insults and encompassed threatening language to intimidate Commissioner Veasey. As stated in *Elkins*, our moral turpitude analysis for threatening behavior "utilize[s] a 'commonsense' approach." (*In the Matter of Elkins, supra*, 5 Cal. State Bar Ct. Rptr. at p. 166, quoting *In re Mostman (1989)* 47 Cal.3d 725, 738.) The attorney in *Elkins* sent numerous harassing and threatening voice messages over a short period of time, warning the recipient not to "mess" with him or they would "regret it." (*Ibid.*) He advised the recipient in one message to "watch his step" or "regret it for the rest of [his] life." (*Ibid.*) Like in *Elkins*, Olin's statement can be reasonably construed as an explicit threat—the recipient in *Elkins* and Commissioner Veasey both sought and successfully obtained restraining orders after receiving threatening communications. The fact that Olin's threat was conditioned on him winning the lottery did not eliminate Commissioner Veasey's reasonable fear

for the safety of herself and her child when considering Olin’s history of intimidating behavior towards her. And California law prescribes that even without intending to cause immediate death or serious injury the “knowing infliction of mental terror is equally deserving of moral condemnation.” (*People v. Thornton* (1992) 3 Cal.App.4th 419, 424.) Furthermore, the First Amendment does not protect credible threats of violence, like the one Olin made. (*City of San Jose v. Garbett* (2010) 190 Cal.App.4th 526, 536-537.) Olin’s contention that his statement did not “place anyone in actual danger” does not negate the behavior that intentional threatening or harassing behavior involves moral turpitude. (*In the Matter of Elkins*, *supra*, 5 Cal. State Bar Ct. Rptr. at p. 166; *In the Matter of Torres* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 138, 146-147 [harassment and intentional infliction of emotional distress through numerous phone calls to client constitutes moral turpitude]; *In the Matter of Loftus* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 80, 88 [harassing call to juror threatening to report absence from jury duty to juror’s employer constitutes moral turpitude].)

*13 Olin raises legally deficient claims to assert that we cannot rely upon the superior court’s finding when it issued the workplace violence restraining order against him based on the threatening email he sent to Commissioner Veasey. We reject his argument and adopt the superior court’s finding that there was “clear and convincing evidence of credible threats of violence against Commissioner Veasey by [Olin].” (See *Maltaman v. State Bar* (1987) 43 Cal.3d 924, 947 [strong presumption of validity to superior court’s findings if supported by substantial evidence].) Moreover, to the extent that Olin challenges the findings of the superior court, we find he is collaterally estopped from relitigating an issue resolved in the prior proceeding. (See *In the Matter of Kittrell* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 195, 205.)

Lastly, Olin alleges that count six was insufficiently alleged to support culpability. He is mistaken. As a governing principle “adequate notice requires only that the attorney be fairly apprised of the precise nature of the charges before the proceedings commence.” (*Van Sloten v. State Bar* (1989) 48 Cal.3d 921, 929.) And here, the ANDC specifically pleaded facts comprising the moral turpitude violation under section 6106 for Olin’s threat of violence against Commissioner Veasey’s child, which meets the requirements of [rule 5.41\(B\) of the Rules of Procedure of the State Bar](#).^{18F¹⁹}

Olin also argues the hearing judge improperly considered all of his prior behavior against Commissioner Veasey when finding he committed moral turpitude. This argument fails. The judge is not restricted from considering the

surrounding circumstances when analyzing an attorney’s unethical behavior to support a section 6106 violation. (See *In the Matter of Harney* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 266, 280 [hearing judge examines circumstances surrounding ethical violations when finding culpability].)

IV. AGGRAVATION & MITIGATION

Standard 1.5 of the Rules of Procedure of the State Bar title IV, Standards for Attorney Sanctions for Professional Misconduct^{19F²⁰} requires OCTC to establish aggravating circumstances by clear and convincing evidence. Standard 1.6 requires Olin to meet the same burden to prove mitigation.^{20F²¹}

A. Aggravation

1. Multiple Acts (Std. 1.5(b))

The hearing judge assigned aggravation under standard 1.5(b) and determined that Olin committed three unethical acts. The judge assigned moderate aggravating weight because Olin repeatedly contacted judicial officers and made disrespectful and baseless accusations against them as well as threatened Commissioner Veasey, after being ordered by Judge Powell to cease all ex parte contact with the judges. Even though Olin’s unethical acts occurred within a short span of time (from June to July 2021), moderate aggravating weight is appropriate because despite being on notice, he persisted in engaging in additional misconduct. We affirm the hearing judge’s finding under standard 1.5(b). (*In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 646-647 [three instances of misconduct considered multiple acts].)

2. Indifference (Std. 1.5(k))

Indifference toward rectifying or atoning for the consequences of misconduct is an aggravating circumstance. An attorney who fails to accept responsibility for his actions and instead seeks to shift responsibility to others demonstrates indifference and lack of remorse. (*In the Matter of Wolff* (Review Dept. 2006) 5

Cal. State Bar Ct. Rptr. 1, 14.) The hearing judge assigned substantial weight in aggravation for Olin’s failure to appreciate the wrongfulness of his misconduct. Rather than acknowledging any wrongdoing, Olin insists on being exonerated and maintains that his actions were protected by the First Amendment. He claims he “lost control” but went on to state he caused no harm and, if Commissioner Veasey was threatened, she should have recused herself sooner. He also insists the record shows Commissioner Veasey “arbitrarily” took custody of his son and “violated the constitution.” Olin has shown no remorse; instead, he minimizes the seriousness of his actions by blaming the judges who presided over his family law and subsequent criminal matter. (See *In the Matter of Aguiluz* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 41, 50 [blaming others shows indifference and lack of insight].)

*14 While the law does not require false penitence, it does require that an attorney accept responsibility for wrongful acts and show some understanding of his culpability. (*In the Matter of Katz* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 502, 511.) Olin’s blame-shifting and failure to understand the wrongfulness of his actions is especially troubling because it suggests that his misconduct could recur. (*In the Matter of Layton* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 366, 380 [ongoing failure to acknowledge wrongdoing instills concern that attorney may commit future misconduct].) We find that the record demonstrates indifference, but we also note that during oral argument he stated his actions “may have been improper.” As such, we assess only moderate weight for this factor.

B. Mitigation

1. No Prior Record (Std. 1.6(a))

Mitigation is available where no prior record of discipline exists over many years of practice, coupled with present misconduct that is not likely to recur. The hearing judge afforded only minimal mitigation credit for Olin’s seven years of discipline-free practice prior to engaging in misconduct. Olin’s years of discipline-free practice is not a significant period of time. And given his indifference, we cannot conclude that his misconduct was aberrational or unlikely to recur. (See *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1029 [when misconduct is serious, long record without discipline is most relevant when misconduct is aberrational].) We affirm the judge’s finding of minimal mitigating weight. (*In the Matter of Song* (Review Dept. 2013) 5 Cal. State Bar Ct. Rptr. 273, 279

[diminished mitigating weight for 12-year record of discipline-free practice where attorney showed lack of insight by offering ill-founded explanations for misconduct].)

2. Cooperation (Std. 1.6(e))

Olin’s Stipulation with OCTC is a mitigating circumstance to which the hearing judge assigned limited weight. While Olin did not admit culpability, he stipulated by pleading nolo contendere to certain facts, which in our court is considered an admission of those facts. (Rules Proc. of State Bar, rule 5.54(A)(2).) As such, we find that moderate weight in mitigation is appropriate.

V. LEVEL OF DISCIPLINE

The purpose of attorney discipline is not to punish the attorney, but to protect the public, the courts, and the legal profession; to preserve public confidence in the profession; and to maintain high professional standards for attorneys. (Std. 1.1.) Our disciplinary analysis begins with the standards. While they are guidelines for discipline and are not mandatory, we give them great weight to promote consistency. (*In re Silvertown* (2005) 36 Cal.4th 81, 91-92.) The Supreme Court has instructed us to follow the standards “whenever possible.” (*In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) We also look to comparable case law for guidance. (See *Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311.)

We first determine which standard specifies the most severe sanction for the at-issue misconduct. (Std. 1.7(a) [most severe sanction must be imposed where multiple sanctions apply].) The hearing judge correctly determined that standards 2.11 and 2.12(a) equally apply.^{21F}²² The judge’s recommended discipline included a 90-day actual suspension, which is in the lower range provided under the standards.^{22F}²³ In reaching this recommendation, the judge found guidance from *In the Matter of Elkins, supra*, 5 Cal. State Bar Ct. Rptr. 160 [90-day actual suspension for multiple counts of misconduct including violations of § 6106 and § 6068, subd. (b), for making repeated harassing and threatening phone calls]. On review, OCTC requests we affirm the judge’s discipline recommendation.^{23F}²⁴ Olin maintains that he cannot be disciplined, claiming that all of his conduct was protected by the First Amendment. As to Olin’s reliance on *In re Green*, where the Colorado Supreme Court determined an attorney’s statement that a

judge was a “racist and bigot” and having a “bent of mind” were statements of opinion and concluded that it could not, “consistent with the First Amendment,” discipline the attorney for his subjective opinions. (*In re Green, supra*, 11 P.3d at p. 1086.) The court noted that the attorney’s “statements were directed to a limited audience—the judge [to whom the statements had been made] and opposing counsel—and not to the general public,” and thus “First Amendment scrutiny requires closer attention to the somewhat reduced governmental interest at stake in this context than in the case of public comments” (*Id. at pp. 1086-1087.*) In the context of the case at bar, the two statements found to be culpable under [section 6068, subdivision \(b\)](#), were made either to Judge Powell who had denied Olin’s request for a mental health evaluation of his son or to a limited audience of Judge Riff and Commissioner Veasey when he accused Judge Gilbertson of lying. We consider these statements, because neither was made to the general public, as a fact appropriate in assessing the level of discipline to recommend.

*15 From our case law, we consider two cases in our discipline analysis. First, in *Elkins*, an attorney was found culpable of failing to maintain due respect for the courts and judges, acting with moral turpitude by making repeated harassing phone calls, threatening a criminal investigation to gain an advantage in a civil dispute, and failing to timely update his State Bar address of record. (*In the Matter of Elkins, supra*, 5 Cal. State Bar Ct. Rptr. at p. 166.) This court found that Elkins violated [section 6068, subdivision \(b\)](#), and committed acts of moral turpitude in violation of [section 6106](#) by making harassing phone calls to the estate administrator and the attorney for the estate administrator. (*Ibid.*) The calls were “intentionally harassing” given the volume and timespan, because the attorney made 53 phone calls in the span of approximately a week, and the attorney repeatedly warned the targets not to “mess” with him or they would “regret it.” (*Ibid.*) The calls caused the targets fear, and they sought a restraining order. (*Id. at pp. 165-166.*) Despite Olin being culpable based on three emails, in contrast to Elkins’s 53 phone calls, Olin’s misconduct was just as serious—both attorneys’ behavior included a false allegation of bribery and threatening language placing the recipients in fear.

In aggravation, Elkins’s misconduct included multiple acts of wrongdoing, significant harm, and lack of insight. His conduct was mitigated by 24 years of practice without prior discipline and the court also considered the fact that Elkins ceased his improper accusations and harassment in response to a court order directing him to do so, evidencing an ability to conform his behavior to ethical standards moving forward. In contrast, Olin’s misconduct was aggravated by his indifference—he lacked insight and

blamed the judges for his actions and multiple acts as he continued to send insulting emails and make baseless accusations after being ordered to cease his ex parte communication with the judicial officers. Moreover, while Olin acknowledged during oral argument that some of his misconduct was improper, he nevertheless continued to portray himself as a victim. And unlike the attorney in *Elkins*, Olin does not have a significant prior record of discipline-free practice—he only has seven years in comparison to Elkins’s 24 years. Considering these factors, we find that a period greater than 90-days’ actual suspension is warranted in this case.

Next, we find that *In the Matter of Torres, supra*, 4 Cal. State Bar Ct. Rptr. 138 is also helpful in guiding our disciplinary analysis to address Olin’s cumulative acts of harassment and disrespectful behavior. Although Torres’s misconduct did not involve the same factual situation as Olin, both attorneys engaged in multiple acts of misconduct, which included moral turpitude and harassing behavior. In *Torres*, the attorney received a three-year actual suspension, including conditions to prove his present fitness to practice law and a requirement for mental health treatment, for engaging in multiple acts involving moral turpitude in violation of [section 6106](#) by harassing and intentionally inflicting emotional distress on his client. (*Id. at pp. 143, 146-147.*) While Torres represented his client, he made over 100 late-night calls over a nine-month period, which were either “hang-up” calls or where he would leave an anonymous message. The client ultimately sued Torres for legal malpractice and harassment. (*Id. at pp. 144-145.*) Torres’s harassing phone calls caused his client to lose her job because she became unstable due to thoughts of terror and fear. (*Id. at p. 153.*) In aggravation, Torres was found to have deliberately presented false testimony during his disciplinary trial, caused significant client harm, and exhibited a moderate level of indifference. His only mitigation was for pro bono work. (*Id. at pp. 150-151.*) In comparing *Torres* to the case at bar, we deem Olin’s misconduct less serious because, unlike Torres, Olin’s misconduct was not aggravated by deliberately false testimony or significant client harm. However, both cases present analogous factual patterns concerning very serious and harassing behavior, although Torres’s misconduct occurred over a much longer period of time in comparison to Olin’s.

Out-of-State Cases

*16 Our disciplinary analysis is also informed by other states’ disciplinary cases involving harassing and threatening behavior specifically towards the judiciary,

which we view as persuasive authority. Recently, the Nevada Supreme Court in *Matter of Discipline of Colin* (2019) 135 Nev. 325 suspended an attorney for six months and one day based on multiple false statements concerning several judges that the attorney made with reckless disregard for the truth, which the court found to be prejudicial to the administration of justice. For instance, Colin falsely claimed the justices “affirmatively alter[ed] the appellate record,” “affirmatively fabricated a lie, blatantly contrary to the record,” and participated “in a lengthy and ongoing unconstitutional judicial scheme and conspiracy to circumvent the Nevada Constitution, steal money from the Nevada taxpayers, and put \$30,000 unconstitutional dollars a year into their own, and/or their judicial friend’s pockets.” (*Id.* at p. 331.) In aggravation, the court found that Colin displayed indifference and had substantial experience as an attorney when engaging in the misconduct; the only mitigation established was lack of a prior disciplinary record. (*Id.* at pp. 333-334.) The nature of Olin’s misconduct is similar to Colin’s as it involved repeated unfounded allegations against members of the judiciary. However, *Colin* did not involve a threat of violence as occurred in this matter. As such, Olin’s misconduct is much more serious than that in the *Colin* matter.

In *In re Madison* (Mo. 2009) 282 S.W.3d 350, 359, the Missouri Supreme Court disciplined an attorney indefinitely, without leave to reapply for six months, for impugning the integrity and qualifications of two judges in reckless disregard of the truth. Madison’s misconduct involved multiple instances of harassing ex parte communications, like Olin’s. Madison, upset with the court’s ruling, wrote to one judge shortly after a hearing and stated the judge’s ruling was a “ruthless abuse of power and contempt for the rule of law” and that the judge’s “unethical conduct is the loss of money to my client So, you wrongfully took from my client” (*Id.* at p. 358.) In a separate matter involving a different judge, Madison sent three letters to chambers accusing a judge of being racist and part of an “evil” network—two of the letters were sent after the judge recused herself from the case based on a fear for her safety. (*Id.* at p. 359.) As with the attorney in *Colin*, the attorney in *Madison* did not involve threats of violence on a judicial officer.

Other jurisdictions have imposed more severe discipline against attorneys who engage in egregiously disparaging behavior towards judges. In *Bar Ass’n of Greater Cleveland v. Carlin* (1981) 67 Ohio St.2d 311, the Ohio Supreme Court suspended an attorney for one year upon finding substantial evidence of the attorney’s disrespect to the court, which included making derogatory attacks—at one point on the record the attorney called the judge an

“unmitigated, unequivocal liar.” (*Id.* at p. 313, fn 3.) The court stated that the transcripts of the proceedings were replete with evidence of Carlin making statements of profanity, obscenity, and disparaging remarks toward the judge. (*Id.* at p. 313.)

In an Illinois reciprocal disciplinary proceeding involving the *Matter of Palmisano* (7th Cir. 1995) 70 F.3d 483, the Seventh Circuit Court of Appeals disbarred Palmisano from federal practice after the Illinois Supreme Court’s disbarment order. The Illinois Supreme Court’s disbarment was based on Palmisano’s numerous baseless accusations against judges in pleadings and ex parte communications, which the court determined had no factual basis and were made in retaliation for adverse judicial rulings—Palmisano frequently referred to judges as “crooks” and “dishonest,” and claimed they were “too busy filling the pockets of [their] buddies to act judicially.” (*Id.* at pp. 485-486.) Olin’s ex parte communications to judges involved disrespectful and demeaning language similar to the attorneys in *Carlin* and *Palmisano*. Additionally, Olin’s behavior went beyond harassing language and name-calling, he also engaged in moral turpitude when threatening violence against Commissioner Veasey’s minor son.

In *In re Disciplinary Action against Ulanowski* (Minn. 2011) 800 N.W.2d 785, a Minnesota attorney who engaged in multiple instances of misconduct—which included harassing and threatening opposing counsel, making misrepresentations, filing frivolous claims, violating court rules, and related misconduct—was indefinitely suspended for a minimum of one year. Similar to Olin’s misconduct, Ulanowski sent opposing counsel a communication which was perceived to be a physical threat. (*Id.* at p. 789.)

*17 We also consider jurisdictions that have found disbarment appropriate when attorneys engage in a series of harassing and threatening communication against others, especially when it causes those targeted to have a concern for their safety, as relevant here. In *Manookian v. Board of Professional Responsibility of Supreme Court of Tennessee* (Tenn. 2024) 685 S.W.3d 744, the Tennessee Supreme Court disbarred an attorney who falsely alleged a judge was corrupt and engaged in intimidating, threatening, and demeaning conduct against opposing counsel and their families. Because of his frustration and in an attempt to gain a strategic advantage, Manookian emailed opposing counsel in an intimidating manner and referenced personal details about the attorney’s daughter. (*Id.* at pp. 755-756.) As a result, the attorney filed a motion for sanctions against Manookian. (*Id.* at p. 756.) In granting the sanctions motion, the court viewed Manookian’s email as a “thinly veiled threat” and Manookian was forbidden

from making any further threatening or demeaning communication to counsel and/or their family. (*Id.* at p. 757.) Seven months later and involving the same litigation, Manookian became frustrated with another opposing counsel and sent him five separate emails in violation of the court’s order. (*Id.* at pp. 760-763.) In particular, the fifth email was fashioned in an intimidating tone and included specific details about the attorney such as his IP address, his current and former home addresses, the name of his wife and minor daughters, and his wife’s vehicle’s description, VIN, and license plate. (*Id.* at pp. 762-763.) The attorney perceived this email as a threat. (*Ibid.*) The court rejected Manookian’s First Amendment claims and ultimately found he engaged in a pattern of unethical behavior in violation of multiple professional responsibility rules. When imposing disbarment, the court emphasized that causing the families of opposing counsel well-founded concern for their well-being and safety is “an especially grave offense and a profound dishonor as a lawyer.” (*Id.* at p. 810.)

A New York attorney’s disbarment stemmed from his threats of bodily harm against various members of the judiciary, attorneys, and court staff. (*In re Stern* (2014) 985 N.Y.S.2d 64.) Stern informed a court clerk that he was “seriously considering resorting to violence” and asked whether he would have to “come back [to the courthouse] with a bat.” (*Id.* at p. 65.) He also mailed a box cutter to a judge along with a letter directing the judge to show it to other judges on the panel and opposing counsel. (*Ibid.*) The New York Supreme Court, Appellate Division, found that such threats constituted misconduct, were prejudicial to the administration of justice, and adversely reflected upon Stern’s fitness as an attorney and therefore suspended him indefinitely. (*Id.* p. 66.) Stern was subsequently disbarred based on his failure to cooperate by not appearing at the disciplinary hearing regarding the charges. (*Id.* at p. 67.)

In a reciprocal disciplinary proceeding, the New York Supreme Court, Appellate Division, disbarred an attorney as a result of the Florida Supreme Court determining the attorney engaged in threatening behavior and used social media to make disparaging remarks about a judge and two attorneys. (*Matter of Krapacs* (2020) 138 N.Y.S.3d 290.) The court found that Krapacs’s pattern of misconduct was well documented, and she lacked remorse or insight into her poor judgment and determined disbarment was warranted. (*Ibid.*)

Taken together, *Elkins*, *Torres*, and the persuasive authority from other jurisdictions warrant an actual suspension greater than 90 days as recommended by the hearing judge. As cited above, attorneys have suffered lengthy suspensions and even disbarment in other

jurisdictions when engaging in repeated harassing and threatening misconduct towards the judiciary as Olin did. Elkins received a 90-day actual suspension for some of the same violations as Olin; however, Elkins’s misconduct was substantially mitigated by 24 years of discipline-free practice, which we do not find here. Torres received a three-year actual suspension, continuing until proof of his rehabilitation, for his multiple acts of misconduct. Torres has slightly less mitigation than Olin and he engaged in two acts of moral turpitude over a prolonged period of time, in comparison to Olin’s one [section 6106](#) violation.

We acknowledge the fact that Olin’s misconduct was likely exacerbated by the emotional stress of a family law matter involving his son. We also consider that his disrespectful statements to Judge Powell and about Commissioner Veasy were not public. However, we cannot excuse his repeated misconduct and lack of insight into the wrongfulness of his inappropriate behavior. Based on the case law, aggravation, and mitigation, we find a nine-month actual suspension is appropriate discipline in this case. It reflects our substantial concern about Olin’s failure to maintain respect for the courts and judicial officers and that our realization that the national mores on this subject have changed over time and our recommendation should reflect those changes. This discipline will impress upon Olin the importance of his ethical duties and is necessary to protect the public, the courts, and the legal profession.

VI. RECOMMENDATIONS

***18** We recommend that Jeffrey Jason Olin, State Bar Number 298826, be suspended from the practice of law for two years, that execution of that suspension be stayed, and that Olin be placed on probation for two years with the following conditions:

- 1. Actual Suspension.** Olin must be suspended from the practice of law for the first nine months of the probation period.
- 2. Commencement of Probation/Compliance with Probation Conditions.** The period of probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. Olin must complete all court-ordered probation conditions as directed by the State Bar’s Office of Case Management & Supervision (OCMS) and at Olin’s expense. At the expiration of the probation period, if Olin has complied with all probation conditions, the period of stayed suspension will be satisfied and that suspension will be terminated.

3. Comply with State Bar Act, Rules of Professional Conduct, and Probation Conditions.

Olin must comply with the provisions of the California Rules of Professional Conduct, the State Bar Act ([Business and Professions Code sections 6000 et seq.](#)), and all probation conditions.

4. Review Rules and Statutes on Professional Conduct.

Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Olin must read the California Rules of Professional Conduct and [Business and Professions Code sections 6067, 6068, and 6103 through 6126](#). Olin must provide a declaration, under penalty of perjury, attesting to Olin's compliance with this requirement, to the OCMS no later than the deadline for Olin's first quarterly report.

5. Complete E-Learning Course Reviewing Rules and Statutes on Professional Conduct.

Within 90 days after the effective date of the Supreme Court order imposing discipline in this matter, Olin must complete the e-learning course entitled "California Rules of Professional Conduct and State Bar Act Overview." Olin must provide a declaration, under penalty of perjury, attesting to Olin's compliance with this requirement, to the OCMS no later than the deadline for Olin's quarterly report due immediately after the 90-day period for course completion.

6. Maintain Valid Official State Bar Record Address and Other Required Contact Information.

Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Olin must make certain that the State Bar Office of Licensee Records and Compliance (LR&C) has Olin's (1) current office address and telephone number, or if none, an alternative address and telephone number; and (2) a current email address (unless granted an exemption by the State Bar by using the form approved by LR&C, pursuant to [California Rules of Court, rule 9.9\(d\)](#)), not to be disclosed on the State Bar's website or otherwise to the public without the licensee's consent. Olin must report, in writing, any change in the above information to LR&C within 10 days after such change, in the manner required by LR&C.

7. Meet and Cooperate with the OCMS.

a. Within 15 days after the effective date of the Supreme Court order imposing discipline in this matter, Olin **must schedule**, with the assigned OCMS Probation Case Coordinator, a meeting or meetings either in-person, by telephone, or by

remote video (at the OCMS Probation Case Coordinator's discretion) to review the terms and conditions of probation. The intake **meeting must occur** within 30 days after the effective date of the Supreme Court order imposing discipline in this matter.

***19 b.** During the period of probation, Olin must (1) meet with representatives of the OCMS as directed by the OCMS; (2) subject to the assertion of applicable privileges, fully, promptly, and truthfully answer any inquiries by the OCMS and provide any other information requested by the OCMS; and (3) meaningfully participate in the intake meeting and in the supervision and support process, which may include exploring the circumstances that caused the misconduct and assisting in the identification of resources and interventions to promote an ethical, competent practice.

c. If at any time the OCMS determines that additional probation conditions are required, the OCMS may file a motion with the State Bar Court to request that additional conditions be attached pursuant to [rule 5.300 of the Rules of Procedure of the State Bar](#) and [California Rules of Court, rule 9.10\(c\)](#).

8. State Bar Court Retains Jurisdiction/Appear Before and Cooperate with State Bar Court.

During the probation period, the State Bar Court retains jurisdiction over Olin to address issues concerning compliance with probation conditions. During probation, Olin must appear before the State Bar Court as required by the court or by the OCMS after written notice to Olin's official State Bar record address and e-mail address (unless granted an exemption from providing one by the State Bar as provided pursuant to condition 6, above). Subject to the assertion of applicable privileges, Olin must fully, promptly, and truthfully answer any inquiries by the court and must provide any other information the court requests.

9. Quarterly and Final Reports.

a. Deadlines for Reports.

i. **Quarterly Reports.** Olin must submit quarterly reports to the OCMS no later than each January 10 (covering October 1 through December 31 of the prior year), April 10 (covering January 1 through March 31), July 10 (covering April 1 through June 30), and October 10 (covering July 1 through

September 30) within the period of probation. If the first report would cover less than 45 days, that report must be submitted on the next quarter due date and cover the extended deadline.

ii. **Final Report.** In addition to all quarterly reports, Olin must submit a final report no earlier than 10 days before the last day of the probation period and no later than the last day of probation.

b. Contents of Reports. Olin must answer, under penalty of perjury, all inquiries contained in the report form provided by the OCMS, including stating whether Olin has complied with the State Bar Act and the California Rules of Professional Conduct during the applicable period. All reports must be: (1) submitted on the written or electronic form provided by the OCMS; (2) signed and dated after the completion of the period for which the report is being submitted (except for the final report); (3) filled out completely and signed under penalty of perjury in a manner that meets the requirements set forth in the Rules of Procedure of the State Bar and the Rules of Practice of the State Bar Court; and (4) submitted to the OCMS on or before each report's due date.

c. Submission of Reports. All reports must be submitted to the OCMS. The preferred method of submission is via the portal on Olin's "My State Bar Profile" account that is accessed through the State Bar website. If unable to use the portal, reports may be submitted via (1) email; (2) certified mail, return receipt requested (postmarked on or before the due date); (3) other tracked-service provider, such as Federal Express or United Parcel Service, etc. (physically delivered to such provider on or before the due date); (4) fax; or (5) personal delivery.

***20 d. Proof of Compliance.** Olin must maintain proof of compliance with the above requirements for each submitted report for a minimum of one year after the probation period has ended. Olin is required to present such proof upon request by the State Bar, the OCMS, or the State Bar Court.

10. State Bar of California Ethics School. Within nine months after the effective date of the Supreme Court order imposing discipline in this matter, Olin must submit to the OCMS satisfactory evidence of completion of the State Bar of California Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE)

requirement, and Olin will not receive MCLE credit for attending Ethics School.

Olin is encouraged to register for and complete Ethics School at the earliest opportunity. If Olin provides satisfactory evidence of completion of Ethics School and passage of the test given at the end of the session prior to the effective date of the Supreme Court order imposing discipline in this matter but after the date this Opinion is filed, Olin will receive credit for completing this condition.

11. Proof of Compliance with Rule 9.20 Obligation.

Olin is directed to maintain, for a minimum of one year after commencement of probation, proof of compliance with the Supreme Court's order that Olin comply with the requirements of [California Rules of Court, rule 9.20 \(a\) and \(c\)](#), as recommended below. Such proof must include: the name(s) and address(es) of all individuals and entities to whom Olin sent notification pursuant to [rule 9.20](#); a copy of each notification letter sent to each recipient; the original receipt or postal authority tracking document for each notification sent; the originals of all returned receipts and notifications of non-delivery; and a copy of the completed compliance affidavit filed by Olin with the State Bar Court. Olin is required to present such proof upon request by the State Bar, the OCMS, or the State Bar Court.

VII. MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION (MPRE)

We recommend that Olin be ordered to do the following within one year after the effective date of the Supreme Court order imposing discipline in this matter or during the period of Olin's actual suspension in this matter, whichever is longer:

1. Take and pass the MPRE administered by the National Conference of Bar Examiners;
2. During registration, select California as the jurisdiction to receive Olin's score report; and
3. Provide satisfactory proof of such passage directly to the OCMS.

Olin is encouraged to register for and pass the MPRE at the earliest opportunity. If Olin provides satisfactory evidence Olin passed the MPRE prior to the effective date of the Supreme Court order imposing discipline in this matter but after the date this Opinion is filed, Olin will receive credit

for completing this requirement.

Failure to comply with this requirement may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

VIII. CALIFORNIA RULES OF COURT, RULE 9.20

We recommend that Jeffrey Jason Olin be ordered to comply with [California Rules of Court, rule 9.20](#), and to perform the acts specified in (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the date the Supreme Court order imposing discipline in this matter is filed.^{24F²⁵} (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45 [the operative date for identification of clients being represented in pending matters and others to be notified is the filing date of the Supreme Court order imposing discipline].) Failure to do so may result in disbarment or suspension.

IX. MONETARY SANCTIONS

***21** We recommend that Jeffrey Jason Olin be ordered to pay monetary sanctions to the State Bar of California Client Security Fund in the amount of \$2,500 in accordance with [Business and Professions Code section 6086.13](#) and [rule 5.137 of the Rules of Procedure of the State Bar](#).^{25F²⁶} The guidelines suggest monetary sanctions of up to \$2,500 for an actual suspension. After considering the facts and circumstances of the case, we determine that a \$2,500 sanction is appropriate due to Olin's threat of violence against a minor, and unsupported allegations disparaging and demeaning multiple judicial officers for which he has shown no remorse.^{26F²⁷} Monetary sanctions are enforceable as a money judgment and may be collected by the State Bar through any means permitted by law. Monetary sanctions must be paid in full as a condition of

reinstatement or return to active status unless time for payment is extended pursuant to [rule 5.137 of the Rules of Procedure of the State Bar](#).

X. COSTS

We recommend that costs be awarded to the State Bar in accordance with [Business and Professions Code section 6086.10](#), and are enforceable both as provided in [Business and Professions Code section 6140.7](#) and as a money judgment, and may be collected by the State Bar through any means permitted by law. Unless the time for payment of discipline costs is extended pursuant to [subdivision \(c\) of section 6086.10](#), costs assessed against an attorney who is actually suspended or disbarred must be paid as a condition of applying for reinstatement or return to active status.^{27F²⁸}

XI. MONETARY REQUIREMENTS

Any monetary requirements imposed in this matter shall be considered satisfied or waived when authorized by applicable law or orders of any court.

WE CONCUR:

McGILL, J.

RIBAS, J.

All Citations

Not Reported in Cal.Rptr., 2024 WL 6881775

Footnotes

¹ All further references to sections are to the Business and Professions Code unless otherwise noted.

² The facts included in this Opinion are based on the trial testimony, documentary evidence, Stipulation, and the hearing judge's factual findings, which are entitled to great weight. (Rules Proc. of [State Bar, rule 5.155\(A\)](#).) In Olin's opening brief, he disputes four factual findings made by the hearing judge. We have reviewed all his factual challenges and dismiss them as either erroneous, irrelevant, not outcome determinative as it relates to culpability in this matter, or properly resolved by the hearing judge.

- 3 Further references to Kelly Olin are to her first name only to differentiate her from the respondent.
- 4 We refer to the parties' son by the initial J to protect his privacy.
- 5 G is also referred to by an initial to protect his privacy. He is Kelly's adult son from a separate relationship.
- 6 In her request, Kelly explained that J's visitation schedule had not changed since he was in preschool and because he had matured, his interests and schedule had significantly changed; therefore, a modified schedule was "more equitable and stable."
- 7 In her decision, the hearing judge stated that Commissioner Veasey's interpretation of Olin's statement as a death threat was not admitted for the truth of the matter asserted but instead considered for the purposes of establishing Commissioner Veasey's state of mind at the time pursuant to [Evidence Code section 1250](#).
- 8 Two weeks prior to his appearance in the courtroom, personnel from the sheriff's department found stickers around the courthouse stating: "HAS COMMISSIONER GLENDA VEASEY VIOLATED YOUR RIGHTS? YOU ARE NOT ALONE! [JOIN VEASEY'S VICTIMS](#) VeaseysVictims@gmail.com." Olin admitted that he created the stickers but did not recall posting them.
- 9 During his disciplinary trial, Olin acknowledged that he was aware of the language of the order, but he believed it was "improper." He also stressed that he was never prosecuted for violating it.
- 10 To protect privacy, we refer to Commissioner Veasey's child using the initial T.
- 11 Olin did not assert on review that the email was not sent by him.
- 12 During the disciplinary trial, Silver testified that he searched the internet for a translation of that phrase and found it translating as "good day to die." The hearing judge noted that Silver's testimony relating to the translation was received only for the limited purpose of establishing the listener's or reader's state of mind, not for the truth of the matter asserted. (See [Evid. Code, § 1250](#).) Olin stated that he intended the phrase to be "inspirational" and described the meaning as "Today is a good day to die." The phrase is in the "Klingon" language of the Star Trek film franchise.
- 13 All culpability findings in this Opinion are established by clear and convincing evidence. (*Conservatorship of Wendland* (2001) 26 Cal.4th 519, 552 [clear and convincing evidence leaves no substantial doubt and is sufficiently strong to command unhesitating assent of every reasonable mind].)
- 14 Neither party challenges these dismissals on review. The hearing judge dismissed counts two, five, seven, and eight because (1) certain statements contained within those counts amounted to rhetorical hyperbole incapable of being proven true or false, and (2) OCTC failed to present sufficient evidence to establish falsity for the remaining statements. In count three, the hearing judge's

dismissal was based on Olin's statements being protected by the First Amendment as expressions of his subjective opinion. We have reviewed the record and affirm the judge's dismissals with prejudice.

15 We examine *In re Green* further in our discipline analysis discussed *post*.

16 In his briefs on review, Olin asserts that our holding in *Elkins* should be overruled because in his view our analysis was "improper" and "did not engage the mandatory First Amendment analysis." We reject Olin's arguments as meritless. In *Elkins* we found culpability under [section 6068, subdivision \(b\)](#), in reliance on *Anderson and Ramirez*. (*In the Matter of Elkins, supra*, 5 Cal. State Bar Ct. Rptr. at p. 167.) Further, Olin claims that *Elkins* is the only case in which an attorney was disciplined for making statements in a non-public manner. Even if true, this is a red herring because we have concluded no authority exists to support his proposition that false and disparaging remarks to judicial officers must be made publicly in order to result in a violation of [section 6068, subdivision \(b\)](#), as discussed *ante*.

17 Section 6106 states, "The 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, and whether the act is a felony or misdemeanor or not, constitutes a cause for disbarment or suspension."

18 Having independently reviewed all arguments set forth by Olin, those not specifically addressed have been considered and rejected as without merit.

19 [Rule 5.41\(B\)](#) governs the contents of what must be alleged in the NDC.

20 All further references to standards are to this source.

21 In his briefs on review, Olin did not specifically challenge or address the aggravating or mitigating circumstances found by the hearing judge.

22 Standard 2.11 provides, "Disbarment or actual suspension is the presumed sanction for an act of moral turpitude, dishonesty, fraud, corruption, intentional or grossly negligent misrepresentation, or concealment of a material fact. The degree of sanction depends on the magnitude of the misconduct; the extent to which the misconduct harmed or misled the victim, which may include the adjudicator; the impact on the administration of justice, if any; and the extent to which the misconduct related to the practice of law." Similarly, standard 2.12(a) provides that disbarment or actual suspension is the presumed sanction for violations of duties required of an attorney under [section 6068, subdivisions \(a\)\(b\)\(d\)\(e\)\(f\)](#), or (h).

23 Under standard 1.2(c)(1), the range of discipline for an actual suspension is generally for 30 days, 60 days, 90 days, 6 months, 1 year, 18 months, 2 years, or 3 years.

24 We note that OCTC requested a six-month actual suspension in its closing brief submitted after the disciplinary trial in the Hearing

Department.

- 25 Olin is required to file a [rule 9.20\(c\)](#) affidavit even if Olin has no clients to notify on the date the Supreme Court files its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with [rule 9.20](#) is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. ([Cal. Rules of Court, rule 9.20\(d\)](#).) The court-approved [Rule 9.20 Compliance Declaration](#) form is available on the State Bar Court website at <<https://www.statebarcourt.ca.gov/Forms>>
- 26 Monetary sanctions are payable through Olin's "My State Bar Profile" account. Further inquiries related to payment of sanctions should be directed to the State Bar's Division of Regulation.
- 27 The hearing judge recommended that Olin pay \$1,000 in monetary sanctions. Upon our review of the record and considering Olin's serious misconduct and aggravation as detailed in this Opinion, we do not find support to impose a sanction less than \$2,500. We also note Olin did not present any evidence to establish financial hardship or special circumstances for us to consider in this case. (See Rules Proc. of [State Bar, rule 5.137\(E\)\(4\)](#).)
- 28 Costs are payable through Olin's "My State Bar Profile" account. Further inquiries related to payment of costs should be directed to the State Bar's Division of Regulation.