

# STATE BAR OF CALIFORNIA

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*Protection of the public, which includes support for greater access to, and inclusion in, the legal system, shall be the highest priority for the State Bar of California and the Board of trustees in exercising their licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.*

— Business and Professions Code § 6001.1

The State Bar of California was created by legislative act in 1927 and codified in the California Constitution at Article VI, section 9. The State Bar was established as a public corporation within the judicial branch of government, and licenses all attorneys practicing law in California. The Bar enforces the State Bar Act, Business and Professions Code section 6000 et seq., and the Rules of Professional Conduct. The Bar's attorney discipline system includes an online complaint form and in-house professional investigators and prosecutors housed in the Office of the Chief Trial Counsel (OCTC). The California Bar's attorney discipline system also includes the nation's first full-time professional attorney discipline court which neither consists of, nor is controlled by, practicing lawyers. The State Bar Court consists of the Hearing Department (which includes five full-time judges who preside over individual disciplinary hearings) and a three-member Review Department which reviews appeals from hearing judge decisions. State Bar Court decisions must be appealed to the Supreme Court, and its review is discretionary. The Bar may impose a wide range of potential sanctions against violators of the State Bar Act or the Rules of Professional Conduct; penalties can range from private reproof to disbarment and may include "involuntary inactive enrollment" (interim suspension) under Business and Professions Code section 6007. In connection with its

discipline system, the Bar operates two client assistance programs: its [Client Security Fund](#), which attempts to compensate clients who are victims of attorney theft; and its [Mandatory Fee Arbitration Program](#), which arbitrates fee disputes between attorneys and their clients in an informal, out-of-court setting.

January 1, 2018, marked a historic organizational shift for the State Bar when [SB 36 \(Jackson\) \(Chapter 422, Statutes of 2017\)](#) became effective, mandating that the Bar “deunify” its trade association function from its regulatory function. [[23:1 CRLR 157](#)] At that time, the 16 State Bar Sections and the California Young Lawyers Association separated from the Bar and formed a new, private, nonprofit entity called the California Lawyers Association (CLA). SB 36 also eliminated elected members from the Board, reducing the Board of Trustees from 19 to 13 members, and eliminated trustee officer elections, providing that the Supreme Court will approve the Chair and Vice Chair of the Board of Trustees on an annual basis.

With the transition, the Board now consists of 13 members: five attorneys appointed by the California Supreme Court, two attorneys appointed by the legislature (one appointed by the Senate Committee on Rules and one by the Speaker of the Assembly), and six public, non-attorney members, four of whom are appointed by the Governor, one appointed by the Senate Rules Committee, and one appointed by the Assembly Speaker. Trustees serve four-year terms.

On December 1, 2020, Governor Gavin Newsom [appointed](#) public members Melanie Shelby, managing director of business consulting firm, Gray, Greer, Shelby & Vaughn, and Mark Toney, executive director of The Utility Reform Network, to serve on the Board of Trustees, each to a four-year term.

The State Bar re-opened its search for a new Executive Director at its November 2020 [meeting](#), and at the March 19, 2021 [meeting](#), interim Executive Director Donna Hershkowitz

announced that they expected to complete the search and have a new Executive Director by the May Board meeting.

## HIGHLIGHTS

### **State Bar Challenges Tom Girardi Protective Conservatorship, Files Disciplinary Charges**

On March 12, 2021, the State Bar filed a [verified objection](#) to a petition for temporary conservatorship of attorney Thomas Girardi’s person and estate in *Conservatorship of Thomas v. Girardi*, Case No. 21STPB00413, in Probate Court in the Superior Court of Los Angeles. On February 1, 2021, the court granted in part a petition by Girardi’s brother, Robert Girardi, to appoint him as temporary conservator of Girardi and his estate, including Girardi’s now-bankrupt law firm, Girardi Keese. The petition for conservatorship was based on arguments that Girardi suffered from dementia and Alzheimer’s disease and was unable to care for himself.

In the March 12 objection, the State Bar notes the “highly unusual circumstances” of the petition for conservatorship, namely the timeliness of this conservatorship and medical diagnosis in anticipation of State Bar disciplinary proceedings. Arguing that Girardi’s claims of dementia are simply a strategy to avoid discipline, the State Bar offers evidence that Girardi instructed Continuing Legal Education courses as recently as October and November 2020. The Bar’s objection notes that Girardi himself has not asserted that he lacks the capacity to participate in the State Bar proceeding.

The conservatorship petition came days after the *Los Angeles Times* published its [investigation](#) on March 6, 2021, of Girardi’s long-standing ties to the State Bar and his ability to avoid discipline despite hundreds of malpractice and financial mismanagement suits filed

against Girardi and Girardi Keese since the 1980s. Girardi's past misconduct came to the public's attention after Girardi was found in [civil contempt](#) in December 2020 in the U.S. District Court for the Northern District of Illinois after admitting to \$2 million in unpaid client settlement funds for surviving family members of the Indonesian Lion Air Flight JT 610 crash, in which Girardi Keese represented the class. Among other things, the L.A. Times investigation raises questions about the legitimacy and effectiveness of the Bar's discipline system.

On March 30, 2021, the State Bar filed a [Notice of Disciplinary Charges](#) against Girardi in State Bar Court. In fourteen counts, the Bar charged Girardi with violating multiple codes and rules, including Business and Professions Code section 6106: Moral Turpitude—False Statement in a Settlement Disbursement and Moral Turpitude—Misappropriation, California lawyer Rule of Professional Conduct 1.15(a): Failure to Maintain Funds in Trust Account, and Rule 1.15(d)(7): Failure to Distribute Funds Promptly, both a breach of fiduciary duty. The charges relate to two cases handled by Girardi and Girardi Keese, including \$2,000,000 in unpaid settlement funds to the surviving families for *In re: Lion Air Flight JT 610 Crash* and \$55,944.02 in unpaid settlement funds to the plaintiffs in *Josefina Hernandez and Michael Hernandez v. AMS*. In its charges regarding *Hernandez*, the Bar charges Girardi with “intentional misrepresentation,” or the highest level of violation under Business and Professions Code section 6106. However, if Girardi is deemed “incompetent” and his conservatorship stands, the State Bar cannot proceed with disciplinary proceedings.

On March 15, 2021, the probate court [overruled](#) the Bar's challenge and extended the temporary conservatorship to June 30, 2021. At this writing, a hearing to review the temporary conservatorship over Girardi is scheduled for June 9, 2021.

On April 1, 2021, two State Bar judges voluntarily recused themselves from overseeing the disciplinary proceedings. As of April 2, the Honorable Yvette D. Roland will preside over the matter in State Bar Court. Girardi’s license to practice law has been suspended since March 9, 2021, when the State Bar placed him on “inactive status.” Presently, with disciplinary charges pending, Girardi’s [State Bar profile](#) lists him as “Not Eligible to Practice Law in California.” Bankruptcy proceedings for the Girardi Keese law firm are ongoing. *See In re Girardi Keese*, No. 2:20-bk-21022-BR (*Bankr.* C.D. Cal.).

## **California Superior Court Sustains State Bar’s Demurrer to LegalMatch’s Constitutional Challenge to Business and Professions Code § 6155; Third Amended Cross Complaint Pending**

On February 3, 2021, San Francisco Superior Court Judge Ethan Schulman [sustained](#) the State Bar of California’s demurrer to LegalMatch’s [First Amended Cross Complaint](#) (FACC) for Declaratory Relief, with leave to amend, in *State Bar of California v. LegalMatch.com*, Case No. CGC-20-584278. LegalMatch’s FACC alleged that Business and Professions Code section 6155, which requires that lawyer referral services (LRS) register with the State Bar of California and that such services operate in conformity with certain standards prescribed by the State Bar, is void as unconstitutional because it impermissibly infringes LegalMatch’s right to freedom of speech as guaranteed by the First Amendment to the United States Constitution and by the California Constitution.

This is the latest order in the ongoing legal battle between the State Bar and LegalMatch after the First District Court of Appeal’s December 2019 decision in *Jackson v. LegalMatch.com*, ruling that LegalMatch operates with the “direct or indirect purpose, in whole or in part, of

referring potential clients to attorneys,” and therefore must comply with the LRS requirements as outlined in section 6155. *See* 42 Cal. App. 5th 760, 778 (2019), *as modified on denial of reh’g* (Dec. 17, 2019). Following the Supreme Court’s denial of review, the State Bar filed this action in San Francisco Superior Court seeking an order enjoining LegalMatch.com from operating until it is certified by the Bar as an LRS and meets the necessary requirements. LegalMatch filed a counterclaim in August 2020 and the FACC on November 2, 2020, challenging the constitutionality of section 6155. [[26:1 CRLR 117–118](#)]

In its February 3 ruling, the court found that, as alleged, LegalMatch was raising a facial constitutional challenge to section 6155 and applied an intermediate scrutiny test to ascertain whether LegalMatch had sufficiently pled a constitutional violation as a matter of law. Citing *Jackson*, the court found that “there is plainly a substantial government interest in regulating lawyer referral services,” as section 6155 was enacted to protect consumers and maintain attorney professionalism within a broader framework of regulating unlawful solicitation. Order at p. 3–4 (citing *Jackson*, 42 Cal. App. 5th at 772–73). The court also cited *Jackson* in finding that section 6155 directly advances the governmental interests at issue and found that a contrary finding would impermissibly contradict the appellate court’s precedent. *Id.* Even if the *Jackson* court had not ruled on this issue, however, the court still found that LegalMatch failed to sufficiently allege that its “speech is burdened in an unreasonable manner or that there is not a reasonable fit between the statutory registration requirement and the Legislature’s objectives.” Order at p. 5.

Notably, as this litigation has been proceeding, LegalMatch formed a subsidiary, [LegalMatch California](#), which the State Bar approved as a certified LRS effective September 11, 2020. In a [press release](#) announcing the certification, LegalMatch COO, Anna Ostrovsky,

expressed that with LegalMatch California, the company “hope[s] to shake up the California legal industry and give consumers better legal choices.”

LegalMatch filed its [Second Amended Cross-Complaint](#) (SACC) asserting four separate causes of action as to the constitutional challenge of section 6155 and adding a claim that the statute is inconsistent with the Federal Communications Act of 1934, 47 USC section 230 on February 23, 2021, and then a [Third Amended Cross-Complaint](#) (TACC) on April 12, 2021. The court granted permission to file the TACC after the parties filed a [stipulation](#) with the court advising it that they had met and conferred and LegalMatch agreed to remove allegations that attorneys with disciplinary records are barred from using LegalMatch’s services, and also omitting the third cause of action from the SACC. At this writing, the Bar has not filed a responsive pleading to the TACC. A case management conference is set for May 19, 2021.

## **Board of Trustees Postpones Consideration of Creating New Rule of Professional Conduct Concerning Campaign Contributions and Prosecutorial Misconduct**

On January 22, 2021, the Board of Trustees [voted](#) to defer the creation of a new Rule of Professional Conduct or Ethics Opinion related to law enforcement unions’ financial contributions to prosecutorial campaigns and instead monitor proposed legislation before taking any action. At the meeting, staff provided the Board with the Committee on Professional Responsibility and Conduct’s (COPRAC) [analysis and presentation](#) of four options for the Board’s consideration pertaining to a June 1, 2020 [letter](#) requesting that the Bar create a new Rule of Professional Conduct or issue an Ethics Opinion precluding elected prosecutors or those seeking election from seeking or accepting campaign contributions from law enforcement unions. As highlighted in the letter,

which was sent by Diana Becton of Contra Costa County, Chesa Boudin of San Francisco County, Tori Verber Salazar of San Joaquin County, and former district attorney of San Francisco County, George Gascón, the request comes in the wake of the 2020 officer-involved killings of Breyonna Taylor and George Floyd, and the delayed prosecution of the killers of Ahmaud Arbery. On Twitter, the [#CureTheConflict](#) hashtag highlights much of the discussion about police union contributions to district attorney campaigns in California.

On August 11, 2020, after the Chair and Vice Chair of the Board referred the matter to COPRAC, the Committee hosted a [public hearing](#) via Zoom, seeking public comment on the proposed rule or ethics opinion. COPRAC provided a [list of questions](#) asking commenters to offer their own knowledge or expertise, including data or studies on how large these campaign contributions are, and why other conflict of interest Rules are inadequate in addressing the problem.

Interim Executive Director Donna Hershkowitz and other commenters voiced constitutional concerns, pointing out that a rule prohibiting campaign contributions from a class of donors might constitute a restriction on political or viewpoint-based speech under the First Amendment to the United States Constitution and article I, section 2 of the California Constitution.

Commenters in favor of the rule change included the Earl B. Gilliam Bar Association, who pointed out that law enforcement unions contributing to campaigns “creates, at a minimum, the appearance of a conflict of interest for elected prosecutors.” The Queen’s Bench Bar Association noted that if a prosecutor initiates an investigation or prosecution against an officer, the law enforcement union often finances the officer’s legal representation, creating a conflict of interest. One public commenter supporting rule changes offered that while a written endorsement is

acceptable, a financial contribution creates a conflict as the District Attorney may feel indebted to the payor.

Opponents of the rule change included California Attorney General, Xavier Becerra, who noted that precedent on prosecutorial bias almost always has concerned situations “in which the prosecutor had a personal interest or been claimed to be under the influence of a private party with a personal interest in the prosecution....” Other commenters noted that the rule change is “a flawed attempt to stifle opposing viewpoints and chill political discourse” and pointed out that District Attorneys are bound by prosecutorial ethics and make charging decisions based on fact and law.

As the Committee points out in its memo, after COPRAC’s August 11 hearing, the legislature signaled its own intent to address this issue. Specifically, on September 30, 2020, the governor signed [AB 1506 \(McCarty\) \(Chapter 326, Statutes of 2020\)](#), which amended Government Code section 12525.3 to establish a division within the California Department of Justice to review, upon agency request, the law enforcement agencies’ use-of-force policies, and require state prosecutors to investigate incidents of officer-involved shootings resulting in the death of an unarmed civilian. Additionally, on October 22, 2020, Assemblymember Rob Bonta [announced](#) plans to introduce legislation that would prohibit elected prosecutors from investigating police misconduct if they have accepted campaign contributions from police unions representing the accused officer. According to the press release, the proposed bill would be sponsored by the Prosecutors Alliance of California, whose executive committee includes the four D.A.s who submitted the proposed rule of professional conduct to the State Bar.

Ultimately the Board followed staff’s recommendation and voted to adopt COPRAC’s Option 3, which proposed that the Board defer action on proceeding with a new Rule or Opinion,

in light of these legislative developments. No legislation regarding district attorney campaign contributions was introduced before the February 19, 2021, deadline.

## MAJOR PUBLICATIONS

The following reports/studies have been conducted by or about the State Bar of California during this reporting period:

- [\*Diversity, Equity, & Inclusion Plan: 2021–2022 Biennial Report\*](#), State Bar of California, March 1, 2021 (Pursuant to Business and Professions Code section 6001.3, reports on the Bar’s commitment to and support of effective policies to enhance access, fairness and diversity in the legal profession; covers both the [Farkas Report](#) and [Robertson Report](#), which identified racial and gender disparities in the attorney discipline system, including that black male attorneys, were significantly more likely to be disciplined, to receive complaints, and to be unrepresented at their disciplinary hearing; and states the Bar’s intention to launch a DEI Leadership Seal initiative to encourage legal employers to set diversity, equity, and inclusion goals.)
- [\*The Other Bar 2020 Annual Report\*](#), The Other Bar, March 1, 2021 (Pursuant to Business and Professions Code section 6140.9, report prepared by The Other Bar, Inc., a nonprofit that provides support to California attorneys struggling with alcohol and substance abuse; covers how the COVID-19 pandemic both aided and hindered the Other Bar’s support of attorneys: remote working and isolation aggravated substance abuse issues, but also provided attorneys with free time to seek help to address these problems; reports an increase in hotline call volume, and attorneys being more willing to make room in their schedules for therapy, group meetings, and rehab; finds Zoom technology fueled a 30% increase in meeting attendance.)
- [\*2020 Lawyer Assistance Program Annual Report\*](#), State Bar of California Oversight Committee of the Lawyer Assistance Program (LAP), March 1, 2021 (Pursuant to Business and

Professions Code 6238, presents a 2020 summary of the LAP, whose goal is to assist attorneys and law students struggling with mental health and substance abuse; reports that after the COVID pandemic began in March 2020, LAP adapted its presentations to the new virtual Zoom format; reports a 14% drop in enrollment in the program, for a total of 141 lawyers in the state of California. LAP's Transition Assistance service, which offers career counseling, increased by 95% over summer 2020. LAP referrals in 2020 consisted of 24% State Bar Alternative Discipline Program; 33% State Bar Court standard discipline process; 4% as required by probation by California or other State Bars; and 38% for non-disciplinary, mental health support.)

- [2020 Commission on Judicial Nominees Evaluation Statewide Demographics Report](#),

State Bar of California Commission on Judicial Nominees Evaluation, March 1, 2021 (Pursuant to Government Code section 12011.5(n)(b), presents the aggregate data on demographics of judicial candidates, including race, gender identity, and sexual orientation for 2020; reports that the Commission reviewed 143 candidates for judicial nomination. In the category of “Exceptionally Well-Qualified” candidates, there were generally equal numbers of men and women, but twice as many White and Asian candidates as Black candidates in that category. Overall, there were 59 white candidates that were at least “Qualified” for a judicial nomination, but only 19 Latino candidates, 22 Asian candidates, and 22 Black candidates.)

## **RULEMAKING**

The following is a status update on recent rulemaking proceedings that the State Bar has initiated:

- **Fee Arbitration Award Enforcement Proceedings:** On January 22, 2021, the Board [approved proposed changes](#) to California Rules of Professional Conduct 5.360–5.371 to allow for arbitration awards to be categorized as a “fine, penalty, or forfeiture” such that under

Bankruptcy Code, an attorney hoping to rid themselves of the arbitration debt can no longer file bankruptcy protection and automatically be returned to active status, regardless of failure to pay. This is a recommendation of the Regulation and Discipline (RAD) Committee. The Committee voted to release the proposed changes for a 60 day [public comment](#) period at its September 24, 2020 [meeting](#). Staff reported in January that they did not receive any comments on the proposal. The proposed rules became effective on March 1, 2021.

- **Rules of Professional Conduct:** On February 18, 2021, the Supreme Court [approved](#) the Bar's [proposed amendments](#) to California Rules of Professional Conduct 1.1 [Competence] and 5.4 [Financial and Similar Arrangements with Nonlawyers] as recommended by the Access Through Innovation of Legal Services(ATILS) task force, and revised by the COPRAC. The Board approved the final language after return from public comment at its September 24, 2024 [meeting](#). [*see 26:1 CRLR 108–110*]

- **Proposed Rule Governing Client Security Fund (CSF) Payment Plans:** At its March 19, 2021 [meeting](#), the Board voted to adopt a new Rule 3.453 of the Rules of the State Bar on an emergency basis as an interim rule and concurrently release the rule for a 30 day [public comment](#) period before permanent adoption, that would allow non-disbarred attorneys who have outstanding CSF debt to apply for a payment plan, thus avoiding suspension for non-payment of their fees. According to the [staff memo](#), 120 licensees with CSF debt would be eligible to apply for a payment plan under the rule. The public comment period expires on April 21, 2021.

- **Proposed Revisions to Rule Regarding Legal Services Trust Fund Commission (LSTFC):** At its March 19, 2021 [meeting](#), the Board voted to release proposed amendments to State Bar Rule 3.662 for a 30 day [public comment](#) period, which would extend the term limit for officers of the LSTFC from three years to four years, with the possibility of an extension of an

additional year to serve as Chair or Vice-Chair. According to the [staff memo](#), the amendment would align the LSTFC with the other sub-entities within the State Bar following its 2018 review of governance and oversight of State Bar sub-entities. [see [24:1 CRLR 272–274](#)] Currently, the LSTFC consists of 24 members. The Board appoints 14 members, and the Chief Justice, as chair of the Judicial Council, appoints the remaining 10 members. The public comment period expires April 30, 2021.

- **Proposed Formal Opinion Regarding Improper Contracts Provisions:** At its February 26, 2021 [meeting](#), COPRAC voted to release its [proposed](#) Formal Opinion Interim No. 19-0003 regarding improper contracts provisions for a 90 day [public comment](#) period. The proposed opinion comes at the [request](#) of the Center for Public Interest Law, who expressed concern over lawyers knowingly writing unenforceable contract provisions into contracts, such as employment non-compete agreements. The proposed opinion would clarify that a California attorney’s duty not to counsel or assist a client in conduct that the lawyer knows is criminal, fraudulent, or a violation of any law, rule, or ruling of a tribunal includes the use of a contract provision in a transaction with a third party that has been found to be illegal under the law of the jurisdiction applicable to the transaction. The opinion would state that if the lawyer knows that the provision is illegal, the lawyer should advise the client accordingly, may not recommend the use of the provision, and must counsel the client not to use it. The public comment period will expire on June 8, 2021.

## LEGISLATION

- [SB 211 \(Umberg\)](#), as amended April 14, 2021, would amend sections 6056, 6140, and 6140.03 of, and repeal sections 6011 and 6069.5 of the Business and Professions Code, and is the legislative vehicle for the State Bar’s annual “fee bill.” At this writing, the bill amends section

6140 regarding fees but does not specify what the annual licensing fees for attorneys will be in 2022. It would also repeal section 6011 relating to the transition of the Board of Trustees to a 13-member Board; section 6056 (b) relating to the governance of CLA; and section 6069.5 regarding the establishment of the malpractice insurance working group, which has already concluded its work pursuant to the statute. *[S. Jud]*

- [SB 498 \(Umberg\)](#), as amended March 10, 2021, would amend sections 6213 and 6214 of the Business and Professions Code to expand the definition of “indigent persons” who are eligible to receive free legal services through the Interest on Lawyer Trust Accounts (IOLTA) program from individuals with incomes at or below 125% of the Federal Poverty Level (FPL) to 200% of the FPL. The bill would also require that the income of a veteran be determined after deducting disability compensation. According to the author, this bill is part of the legislature’s recognition of the need to provide legal aid to military service members and veterans. *[S. Floor]*

- [AB 1487 \(Gabriel\)](#), as amended April 8, 2021, would add article 17 (commencing with section 6250) of the Business and Professions Code to establish the Homelessness Prevention Fund to fund education, outreach and legal services targeted towards preventing homelessness among particularly vulnerable renter populations. The bill would provide that the Fund would be administered by the LSTFC, under the State Bar, and funded through appropriation of the legislature. It would also direct the LSTFC to reserve at least 20% of total funds for awards to eligible applicants in communities in the Central Valley, Inland Empire, gateway, rural, and desert communities. According to the author, evictions and displacement are a major factor contributing to California’s homelessness crisis. Temporary moratoria on evictions and foreclosures during the COVID-19 pandemic can only delay this urgent and looming issue. This bill aims to administer

funding to local eviction defense programs, and “builds upon an approach that has been proven to save taxpayer resources and improve the fairness and efficiency of our judicial system.” [A. Floor]

## LITIGATION

- **Fredericka McGee:** On November 23, 2020, according to news reports, former statehouse attorney, Fredericka McGee, submitted a Government Tort Claim regarding the State Bar of California, alleging that the Board of Trustees, through its agents, illegally backed out of an employment agreement that would have made her the Executive Director of the State Bar. It is reported that McGee seeks \$2.9 million in damages for breach of contract, violation of consumer privacy rights, and unlawful race discrimination. McGee filed a 12-page [narrative](#) accompanying her claim form, in which she asserts that she was selected to lead the State Bar by the Board of Trustees on July 17, 2020. On this day, McGee says she was interviewed by the full Board, along with two other finalist candidates. She alleges that on July 19, 2020, representatives from the Bar called her on behalf of the Board, offering her the position, which she accepted the same day. After accepting the position, McGee alleges she received congratulatory calls from Trustees, negotiated a \$340,891 first-year salary, and was set to begin September 21, 2020. On August 13, 2020, McGee claims that she received a call from the same State Bar representatives, informing her that the Board was rescinding her offer of employment and asked her to withdraw her application. McGee alleges that the State Bar’s process of pursuing additional information about her relationship with former California Supreme Court Justice Ron George after her interview, and then rescinding its offer, was improper and racially motivated.

Under the California Tort Claims Act (Government Code §§ 810–996.6), the State Bar had 45 days from receipt to grant or deny the claim. According to news reports, the State Bar denied

McGee's claim in December 2020. At this writing, McGee has not filed a formal complaint in court.

- ***State Bar of California v. LegalMatch.com, Case No. CGC-20-584278:*** LegalMatch.com alleged that Business and Professions Code section 6155, which requires that an LRS register with the State Bar of California and that such services operate in conformity with certain standards prescribed by the State Bar, is void as unconstitutional because it impermissibly infringes LegalMatch's right to freedom of speech as guaranteed by the First Amendment to the United States Constitution and by the California Constitution. LegalMatch filed its [Third Amended Cross-Complaint](#) on April 12, 2021. At this writing, the Bar has not filed a responsive pleading. A case management conference is set for May 19, 2021 (*see* HIGHLIGHTS).

- ***In re Conservatorship of Thomas V. Girardi, Case No. 21STPB00413:*** On March 15, 2021, the probate court [overruled](#) the Bar's challenge and extended the temporary conservatorship over attorney Thomas Girardi to June 30, 2021. A hearing to review the temporary conservatorship over Girardi is scheduled for June 9, 2021 (*see* HIGHLIGHTS). *See also In re Girardi Keese, No. 2:20-bk-21022-BR (Bankr. C.D. Cal.):* Bankruptcy proceedings for the Girardi Keese law firm are ongoing.