

FILED *J.H.*
5/1/2024

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

Public Matter

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

In the Matter of)	Case No. SBC-23-O-30029-YDR
)	
JOHN CHARLES EASTMAN,)	ORDER DENYING RESPONDENT'S
)	MOTION TO STAY INACTIVE
State Bar No. 193726.)	ENROLLMENT OR FOR AN
_____)	INTERIM REMEDY

On April 3, 2024, respondent John Charles Eastman filed a motion to stay to the court's March 27, 2024 order placing him on inactive enrollment pursuant to Business and Professions Code¹ section 6007, subdivision (c)(4) and rule 5.111(D)(1) of the Rules of Procedure of the State Bar². In the alternative, Eastman requests an interim remedy pursuant to section 6007, subdivision (h). The Office of Chief Trial Counsel of the State Bar of California filed a response in opposition to the motion on April 10, 2024.

Section 6007, subdivision (c)(4) provides, in relevant part, that the "State Bar Court shall order the involuntary inactive enrollment of an attorney upon the filing of a recommendation of disbarment after hearing or default." In addition, rule 5.111(D)(1) provides that if "the Court recommends disbarment, it must also order the attorney placed on inactive enrollment under Business and Professions Code § 6007(c)(4)." Consequently, inactive enrollment under section 6007, subdivision (c)(4), and rule 5.111(D)(1) is mandatory.

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

² All further references to rules are to the Rules of Procedure of the State Bar.

Eastman argues that pursuant to rule 5.162 and California Rules of Court, rule 9.10(e), this court has the “authority to delay temporarily the effective date of, or temporarily stay the effect of an order for a licensee’s disciplinary suspension from practice upon a showing of good cause.” (Motion at p. 2, footnote omitted.) The court rejects this argument. Rule 9.10(e) of the California Rules of Court specifically pertains to orders for the disciplinary suspension of an attorney’s license to practice law, rather than an involuntary inactive enrollment. Here, since the Supreme Court has not issued an order suspending Eastman from the practice of law, rule 9.10(e) is inapplicable. (See also rule 5.162(A) [stating that rule 9.10(e) applies to “delay or stay disciplinary suspension ordered by Supreme Court”].)

Eastman also argues that there is good cause to stay his inactive enrollment because his conduct does not pose a substantial threat of harm to his clients. Section 6007, subdivision (c), provides that “the State Bar Court shall terminate the involuntary inactive enrollment upon proof that the attorney’s conduct no longer poses a substantial threat of harm to the interests of the attorney’s clients or the public.” Eastman avers that the charges against him are not based on client complaints. He has provided declarations from his current clients who express a strong desire for him to continue representing them in their ongoing matters.

However, the court made no finding that Eastman’s ethical violations resulted in client harm. Instead, the court found that disbarment was the appropriate sanction for Eastman’s misconduct in part to safeguard the public. The court’s decision determined that Eastman made deceptive and misleading claims in legal documents, public forums, and other contexts concerning the 2020 presidential election and the extent of Vice President Michael R. Pence’s authority to override the electoral process. Eastman’s motion fails to demonstrate that he no longer presents a threat to the public. Despite his clients’ desire for Eastman to continue representing them, based on the gravity of Eastman’s transgressions, particularly those involving

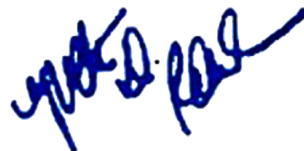
moral turpitude, and the increased likelihood of future misconduct due to his refusal to acknowledge any wrongdoing, there is insufficient evidence to justify a stay of his involuntary inactive enrollment.³

For similar reasons, the court declines to implement interim remedies in lieu of Eastman’s inactive enrollment. Interim remedies “may be imposed upon a showing as provided by subdivision (c)”—specifically, that the attorney presents no significant threat of harm to clients or to the public. (See § 6007, subd. (h).) The court’s conclusion that Eastman failed to show that he poses no significant threat to the public precludes the imposition of interim remedies.

Accordingly, Eastman’s motion to stay the court’s March 27, 2024 order placing him on inactive enrollment or in the alternative, imposing interim remedies in lieu of inactive enrollment is **DENIED**, no good cause having been shown.

IT IS SO ORDERED.

Dated: May 1, 2024



YVETTE D. ROLAND
Judge of the State Bar Court

³ The court is not persuaded that Eastman’s clients will suffer prejudice if he cannot continue to represent them due to his inactive enrollment status. According to Eastman’s own declaration, he informed each of his clients about the possibility that he might be unable to continue as their counsel. Moreover, in each case, Eastman has co-counsel who can assume representation of these clients.