

**ORIGINAL**

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**State Bar Court of California
Hearing Department
Los Angeles**

Counsel For The State Bar Fumiko D. Kimura Deputy Trial Counsel State Bar of California 1149 S. Hill St. Los Angeles, CA 90015-2299	Case Number (s) 03-O-00693; 03-O-00694-RAP	<p align="center">FILED</p> <p align="center">MAY 04 2007 <i>ROC</i></p> <p align="center">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
Bar # 208763 Counsel For Respondent Kevin P. Gerry, Esq. 1001 Olive St. Santa Barbara, CA 93101	<p align="center">PUBLIC MATTER</p>	
Bar # 129690 In the Matter Of: STANLEY B. GRANVILLE Bar # 87127 A Member of the State Bar of California (Respondent)		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **June 29, 1979**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **9** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."

- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☐ costs added to membership fee for calendar year following effective date of discipline (public reproof)
 - ☐ case ineligible for costs (private reproof)
 - ☒ costs to be paid in equal amounts for the following membership years: **two (2) billing cycles after the effective date of the Supreme Court Order.**
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - ☐ costs entirely waived
- (9) The parties understand that:
- (a) ☐ A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
 - (b) ☐ A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
 - (c) ☒ A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☒ **Prior record of discipline [see standard 1.2(f)]**
- (a) ☒ State Bar Court case # of prior case **97-C-17145; 97-O-15551**
 - (b) ☒ Date prior discipline effective **July 11, 1998**
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **B&PC § 6068(a) based on the conviction of a violation of Vehicle Code § 21352(a), driving under the influence of alcohol or drugs, a misdemeanor; B&PC § 6068(l)**
 - (d) ☒ Degree of prior discipline **private reproof with public disclosure.**
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☒ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ on in restitution to without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.

- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

See "Other Factors in Consideration" on Page 7

D. Discipline:

- (1) ☐ **Private reproof (check applicable conditions, if any, below)**
- (a) ☐ Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) ☐ Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2) ☒ **Public reproof (Check applicable conditions, if any, below)**

E. Conditions Attached to Reproval:

- (1) ☒ Respondent must comply with the conditions attached to the reproof for a period of **two (2) years**.
- (2) ☒ During the condition period attached to the reproof, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the condition period attached to the reproof. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of the reproof during the preceding calendar quarter. Respondent must also state in each report whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 (thirty) days, that report must be submitted on the next following quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the condition period and no later than the last day of the condition period.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the conditions attached to the reprobation.
- (8) ☐ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☒ No Ethics School recommended. Reason: **Respondent attended the Ethics School on October 26, 2006 and passed the test given at the end of the session.**
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☒ Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year of the effective date of the reprobation. See F - "Other Conditions Negotiated by the Parties:"
- ☐ No MPRE recommended. Reason:
- (11) ☐ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

As the reprobation period is for two years, Respondent has two years from the effective date of the reprobation to provide proof of passage of the MPRE to the Office of Probation.

Attachment language (if any):

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Stanley B. Granville

CASE NUMBERS: 03-O-00693; 03-O-00694

FACTS AND CONCLUSIONS OF LAW

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct:

Facts

1. Respondent was admitted to the practice of law in the State of California on June 29, 1979, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.
2. On May 19, 2005, Respondent entered into an Agreement in Lieu of Discipline ("ALD") in case numbers 03-O-00693 and 03-O-00694. Both parties signed the ALD on May 19, 2005.
3. Pursuant to the ALD, Respondent was required, among other things, to attend the State Bar Ethics School ("Ethics School") and provide proof of attendance and passage of the test given at the end of the session to the Office of Probation within one year of the date of the execution of the ALD or by May 19, 2006.
4. Respondent failed to attend the Ethics School by May 19, 2006.

Conclusions of Law

By failing to timely attend the Ethics School and provide proof of attendance and passage of the test given at the end of the session to the Office of Probation by May 19, 2006, Respondent failed to comply with a condition of the ALD and willfully violated the Business and Professions Code section 6068(l).

Underlying ALD

In the ALD, Respondent admitted and stipulated that he willfully violated the rule 3-300 of the Rules of Professional Conduct by failing to advise his client in a criminal matter in writing that he might seek the advice of an independent lawyer of the client's choice and by failing to give him a reasonable opportunity to seek that advice, before taking his vehicle as security for payment of attorney's fees.

OTHER FACTORS IN CONSIDERATION

Respondent acknowledges that he forgot to sign up and take the Ethics School before the deadline of May 19, 2006 because he failed to calendar the Ethics School requirement. However, shortly before the due date of May 19, 2006, Respondent contacted the Deputy Trial Counsel who executed the ALD and they agreed that Respondent could take the June 1, 2006 Ethics School in order to satisfy the Ethics School requirement. Respondent signed up to take the June 1, 2006 Ethics School, however, he became ill. Respondent contacted the State Bar and rescheduled the June 1, 2006 Ethics School to July 19, 2006, which was before the filing of the Notice of Disciplinary Charges. However, due to medical reasons, Respondent was unable to attend the July 19, 2006 Ethics School. Respondent provided the State Bar with a letter from his doctor, which the State Bar accepts provides adequate explanation. On October 26, 2006, Respondent successfully completed the Ethics School and provided the certificate of completion to the State Bar.

PENDING PROCEEDINGS

The disclosure date referred to, on page one, paragraph A (7), was March 7, 2007.

COSTS OF DISCIPLINARY PROCEEDINGS

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of March 7, 2007, the estimated prosecution costs in this matter are approximately \$3,654.00. Respondent acknowledges that this figure is an estimate only. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

SUPPORTING AUTHORITY

Under standard 2.6(a) of Standards for Attorney Sanctions for Professional Misconduct, Title IV of the Rules of Procedure of the State Bar of California ("Standard"), a violation of section 6068(a) of the Business and Professions Code shall result in disbarment or suspension depending on the gravity of the offense or the harm to the victim. Against the mandate of Standard 2.6(a), Standard 1.6 recognizes that the appropriate sanction should be balanced against any mitigating or aggravating circumstances, with due regard for the purposes of imposing discipline under Standard 1.3. The discipline in this matter, for the untimely taking of the Ethics School, although deviating from the parameters of Standard 2.6(a), by recommending less than a suspension, does appear to comport with the nature of the violation, as well as the fact that the member has been honest about his failure. While Respondent understands that his failure to comply with an agreement he entered is not proper, there was no client victim of the failure to timely take the class. The public therefore is sufficiently protected by a public reproof.

There is at least one analogous precedent. In *In the Matter of Posthuma* (1998) 3 Cal. State Bar Ct. Rptr. 813, the attorney was privately reproofed in August 1993, and as one of the conditions of the reproof, he was ordered to take and pass the California Professional Responsibility Examination ("CPRE") within one year of the effective date of the order. He failed to comply with the condition because he was involved in "a very lengthy, complex, and time-consuming civil lawsuit." The State Bar and the attorney filed a joint motion to modify the reproof conditions and the attorney was given until August 1995 to comply with the CPRE condition. Then, the attorney failed to take the CPRE by August 1995. The Review Department found the attorney's prior record of discipline as an aggravating factor. The Court found no mitigating circumstances. The attorney received a public reproof for his failure to comply with the CPRE.

Respondent violated a condition of the ALD while *Posthuma* violated a condition of a private reproof. Moreover, *Posthuma* received a one-year extension of time to take and pass the CPRE after failing to comply with the condition and still failed to comply with the requirement by the extended deadline, which was two years after the effective date of the reproof order. On the other hand, Respondent in this matter

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attempted to comply with the Ethics School requirement several times and he did comply with the condition five months later. In light of Respondent's violation and subsequent compliance under the circumstances of this case, the deviation from the Standard is warranted and an imposition of a public reproof for a period of two years along with the MPRE requirement will achieve the purposes of the disciplinary proceedings as provided in Standard 1.3.

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In the Matter of
STANLEY B. GRANVILLE
Bar #: 87127

Case number(s):
03-O-00693; 03-O-00694-RAP

SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

03-26-07
Date


Respondent's Signature

STANLEY B. GRANVILLE
Print Name

3-20-07
Date


Respondent's Counsel Signature

KEVIN P. GERRY
Print Name

4/3/07
Date


Deputy Trial Counsel's Signature

FUMIKO D. KIMURA
Print Name

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In the Matter Of
STANLEY B. GRANVILLE
Bar #: 87127

Case Number(s):
03-O-00693; 03-O-00694-RAP

ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproval, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☒ The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- ☐ All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 125(b), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

Failure to comply with any conditions attached to this reproval may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

Date

5/2/07

Judge of the State Bar Court

RICHARD A. HONN

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on May 4, 2007, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING**

in a sealed envelope for collection and mailing on that date as follows:


- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**KEVIN GERRY
A PROFESSIONAL CORPORATION
433 N CAMDEN DRIVE 4TH FLOOR
BEVERLY HILLS CA 90210**

- [X] by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

FUMIKO KIMURA, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 4, 2007.


Angela Owens-Carpenter
Case Administrator
State Bar Court