

FILED

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STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

PUBLIC MATTER - NOT DESIGNATED FOR PUBLICATION

REVIEW DEPARTMENT OF THE STATE BAR COURT

In the Matter of)
)
EDGAR LOUIS BORNE III,)
)
A Member of the State Bar.)
_____)

Nos. **04-O-11970, 04-O-14219 (Cons.)**

OPINION ON REVIEW

This is respondent Edgar Louis Borne III's fifth disciplinary proceeding. He requests review of a hearing judge's recommendation that he be disbarred for misconduct involving two clients in two separate matters. The hearing judge found in one matter that Borne did not perform with competence because he failed to respond to a marital petition, resulting in a default against his client. In the second matter, the hearing judge found that Borne committed an act of moral turpitude because he threatened to accuse his incarcerated client of perjury and to testify negatively against him during a parole hearing unless the client withdrew his State Bar complaint against Borne. The hearing judge also found that Borne failed to cooperate with the State Bar by not responding to an investigator's letters regarding the client's complaint.

Borne disputes the hearing judge's culpability findings and contends that the hearing judge wrongfully denied the admission of evidence about his rehabilitation. Borne also asserts that the hearing judge's disbarment recommendation is excessive and that two years' actual suspension is the appropriate discipline. The Office of the Chief Trial Counsel of the State Bar (State Bar) asks that we affirm the hearing judge's culpability findings and recommended discipline.