

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PUBLIC MATTER

FILED

OCT 01 2004

STATE BAR COURT
CLERKS OFFICE
LOS ANGELES

THE STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of

PETER J. LONGANBACH,

Member No. 48988,

A Member of the State Bar.

Case No. 04-V-12515-RMT

DECISION

I. INTRODUCTION

The issue herein is whether Petitioner Peter J. Longanbach ("Petitioner") has demonstrated, to the satisfaction of this Court, his rehabilitation, present fitness to practice law, and present learning and ability in the general law, so that he may be relived from his actual suspension to practice law. (Standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct ["standard 1.4(c)(ii)"].)¹

For the reasons set forth below, the Court finds that Petitioner has shown, by a preponderance of the evidence, that he has satisfied the requirements of standard 1.4(c)(ii). The Court therefore grants Petitioner's petition to be relieved from his actual suspension from the practice of law.

II. SIGNIFICANT PROCEDURAL HISTORY

On June 11, 2004, Petitioner filed a verified petition seeking relief from actual

¹The standards are found in Title IV of the Rules of Procedure of the State Bar of California. All further references to standards are to this source.



1 suspension. He was represented by counsel, Ellen A. Pansky and Thomas A. Kosakowski. The
2 Office of the Chief Trial Counsel ("OCTC"), by Fumiko D. Kimura, filed its response to the
3 petition on July 23, 2004, indicating that it did not possess sufficient facts to determine whether
4 it opposed the petition.

5 After a hearing, the matter was submitted for decision after hearing on September 21,
6 2004.

7 **III. JURISDICTION**

8 Petitioner was licensed to practice law in the State of California on January 18, 1971, and
9 at all times mentioned herein has been a member of the State Bar of California.

10 **IV. FINDINGS OF FACT**

11 **A. Underlying Disciplinary Proceedings**

12 On February 2, 2004, the Supreme Court issued an order in Supreme Court matter
13 S120133 (State Bar Court Case No. 01-C-0583) suspending Petitioner from the practice of law
14 for three years, staying execution of said suspension, and placing Petitioner on probation for
15 three years on conditions, including actual suspension from the practice of law for two years and
16 until he complied with standard 1.4(c)(ii). Credit toward the period of actual suspension was to
17 be allowed for the time spent on interim suspension, which commenced on January 7, 2002.
18 Petitioner was also ordered to comply with the other conditions of probation as recommended by
19 the Hearing Department of the State Bar Court, among other things.

20 **B. Nature of Underlying Misconduct**

21 In Supreme Court matter S120133, discipline was imposed due to Petitioner's November
22 9, 2001, plea and one-count felony conviction for violating Penal Code section 287 (grand theft).
23 (San Diego Superior Court case no. CD163137.)

24 Petitioner was a prosecutor for the San Diego County District Attorney's Office. In
25 entering his plea, Petitioner admitted that he used office staff to prepare personal documents and
26 that he used the office fax, copy machine and telephone equipment for personal purposes. He
27 also admitted that he worked on private matters during work hours. The conduct occurred
28 between 1992 and February 8, 2000.

1 Petitioner was placed on three years summary probation and also ordered to: (1) pay a
2 \$200 fine and \$200 restitution fine; (2) pay \$25,000 restitution to San Diego County victim; and
3 (3) perform 350 hours of community service, among other things.

4 Petitioner has complied with all of the conditions of his criminal probation. The
5 restitution and fines were paid on March 28 and June 17, 2002, respectively.

6 On November 8, 2002, the superior court reduced the conviction from a felony to a
7 misdemeanor pursuant to California Penal Code section 17(b).

8 On June 8, 2004, Petitioner's unopposed motion for early termination of probation was
9 granted.

10 On August 16, 2004, Petitioner's motion to expunge his conviction for relief pursuant to
11 Penal Code sections 1203.4 and 1203.4a was granted.

12 After referral from the Review Department, Petitioner and OCTC stipulated that his
13 misconduct violated Business and Professions Code section 6068(a) and warranted discipline as
14 more fully described above. In mitigation, the parties stipulated that Petitioner had no prior
15 discipline, was candid and cooperative and that his good character was attested to by persons
16 who were aware of the full extent of his misconduct. The parties agreed that there were no
17 aggravating circumstances. On August 28, 2003, the State Bar Court Hearing Department
18 approved the stipulation and recommended to the Supreme Court the discipline ultimately
19 imposed.

20 Petitioner has complied with the conditions of his disciplinary probation.

21 **C. Petitioner's Rehabilitation and Present Fitness to Practice Law**

22 **1. Rehabilitation**

23 In March 2002, Petitioner retired from the San Diego County District Attorney's Office
24 as a result of the investigation that led to the criminal conviction. This was his primary source of
25 income. At the time he retired, he relinquished more than 500 hours of sick and vacation pay.

26 Since then, he has had the opportunity to reflect on his misconduct, which he deeply
27 regrets. He realizes that his misconduct besmirched his professional and personal reputations
28 which he has worked hard to restore. As a result of the failures and successes in his life, he has

1 reprioritized his values. He has committed to becoming a better person and to emphasizing more
2 the needs of others. He has learned through this experience what is important in life and will
3 strive to make the best decisions based on what is right.

4 Petitioner had practiced law for over 20 years at the time the misconduct commenced²
5 and he realized how important his law license still is to him. He would like to return to active
6 practice.

7 In early 2003, Petitioner relocated to North Carolina. He continues to manage a small
8 rental property in California which provides a modest income. He also receives some retirement
9 benefits from the San Diego County District Attorney's Office.

10 **2. Volunteer Work and Court-Ordered Community Service**

11 Petitioner performed volunteer work prior to being ordered to perform community
12 service. He volunteered at Village Presbyterian Church working on fellowship breakfast and
13 meetings for church members, among other things. He also was involved in planning community
14 activities for FRCC, a golf organization, and to a leadership program sponsored by Sigma Nu,
15 his college fraternity.

16 Petitioner has exceeded the court's order to complete 350 hours of community service as
17 part of his probation in the criminal matter. He completed a total of 426 hours of community
18 service. Between March and October 2002, he completed 351 hours in the kitchen of the St.
19 Vincent de Paul Village, a homeless shelter in downtown San Diego. He continued to work there
20 although he had completed his mandated hours. Laura Kojima, the volunteer coordinator for the
21 shelter, observed his reliability, trustworthiness, kindness and compassion toward clients and
22 leadership in training others who came into the program. She noted that he was a valuable
23 volunteer who would be greatly missed.

24 Between March and June 2002, Petitioner completed 50 hours of community service with
25 the American Junior Golf Association, a nonprofit organization dedicated to assisting boys and
26 girls who aspire to earn scholarships through competitive golf.

27
28 ²Petitioner was admitted to the practice of law in California on January 18, 1971.

1 Between February and May 2002, Petitioner volunteered 25 hours to the Tri-City Hospital
2 Foundation during their annual fundraiser.

3 **3. Character Witnesses**

4 Petitioner's character witnesses, who were familiar with the nature and extent of his
5 misconduct, consistently attested to his honesty, candor and trustworthiness.

6 **a. William T. Stewart**

7 William Stewart has known Petitioner since 1996. He manages Petitioner's office
8 building in Carlsbad, California, and has almost daily contact with him. He has worked with
9 Petitioner in matters relating to leases, tenants, collections in which he could have taken
10 advantage of others whose minds did not work as quickly or as methodically as his. Petitioner
11 has not been dishonest or unfair with anyone.

12 Stewart strongly believes that Petitioner would never again do anything that would cause
13 even the least amount of suspicion or impropriety. In his experience, Petitioner has always been
14 completely truthful and honest. He has the most respect for Petitioner both as an attorney and as
15 a person of high moral character. He would not hesitate to hire him as his attorney.

16 Stewart believes that Petitioner will never engage in any type of negative or questionable
17 behavior and that he will conduct himself in a professional and trustworthy manner in the future.

18 **b. Ron Reina**

19 Ron Reina was a radio and television sportscaster for 25 years and, for the six years prior
20 to his retirement, was the Special Assistant to the Sheriff of San Diego County in charge of
21 public affairs.

22 Reina first met Petitioner in the mid-1970s. They have a common interest in sports which
23 created a bond between them. They got to know each other better on football road trips and also
24 share an interest in basketball and golf. Petitioner often participated in charitable fundraising
25 golf tournaments. Moreover, when Reina was with the Sheriff's Department, he was impressed
26 with Petitioner's efforts in that agency's cases in which he demonstrated a dedication to law
27 enforcement and to victims.

28 Reina has the utmost regard for Petitioner. He finds him to be honest, truthful, candid,

1 trustworthy and loyal. He is respectful of others no matter what their station in life. He has
2 always been willing to help young people in any way possible.

3 Reina has discussed Petitioner's misconduct with him. He knows that the last two-plus
4 years have been very hard from Petitioner, both personally and professionally. Despite this, he
5 has continued to conduct himself in a first-class manner, maintained an upbeat attitude and an
6 undiminished concern for others in his everyday life. Despite facing his own personal crises,
7 Petitioner frequently set aside his own concerns to reach out to others facing challenges,
8 including Reina, to offer support and encouragement.

9 Reina knows that Petitioner sincerely regrets his misconduct and has taken steps to avoid
10 a reoccurrence. Based on Petitioner's positive attitude and self-reflection, there is no doubt in
11 Reina's mind that Petitioner will continue to be a positive influence in the lives of others and the
12 community. He does not believe that an incident even remotely close to that which caused his
13 suspension would ever reoccur.

14 Reina find the misconduct totally inconsistent with his character. He has observed that
15 Petitioner has refocused his values to what matters most, family, charity and caring for others.
16 He has recommitted to his core being which is being a caring, ethical person looking outward to
17 others and their needs. Reina knows that there are many people in the San Diego area who hold
18 Petitioner in the highest regard personally and professionally. He believes that Petitioner can
19 accomplish much good in the future. The more tools he has to assist others, the more he can
20 accomplish.

21 **c. Shelly Hall**

22 Shelly Hall has owned a San Diego advertising and public relations business for over 23
23 years. He and his spouse have been friends with Petitioner for over 20 years. Although Hall has
24 worked and interacted with a wide variety of individuals, very few, if any, have demonstrated the
25 quality of character of Petitioner.

26 The Halls know Petitioner well. He has always led his life with the highest integrity and
27 concern for others. Since the conclusion of his legal matters, they have remained in touch
28 through golf, social outings and email. He observed Petitioner continuing to move his life

1 forward in a positive direction and he remains a wonderful individual.

2 Hall knows that Petitioner regrets his misconduct and has taken steps to avoid a
3 reoccurrence. The misconduct is inconsistent with Petitioner's character.

4 Hall believes that Petitioner is the kind of person who should be practicing law while
5 continuing to influence others around him in a positive way.

6 **d. Charles R. Grebing**

7 Charles R. Grebing is a California attorney, licensed to practice since 1971. He practices
8 primarily civil litigation. He is a member and past director of the San Diego Bar Association and
9 served on several of its committees. He is a member of and has served as president of the
10 American Board of Trial Advocates and the San Diego Defense Lawyers Association.

11 Grebing and Petitioner have known each other for over 35 years. He characterizes their
12 relationship as friends, law school classmates and subsequent attorney involved in matters
13 relating to Petitioner's suspension. Grebing has the utmost regard for Petitioner.

14 When issues arose regarding the prosecution of the *Ginsler* matter, Petitioner contacted
15 Grebing to discuss matters in great detail, including his recollection of events leading up to the
16 various claims being asserted. He found Petitioner to be very honest, truthful, candid,
17 trustworthy and observant in describing those facts. His recollection of those facts was
18 subsequently determined to be accurate from all witnesses who provided information regarding
19 Petitioner's handling of his duties as a prosecutor. Issues raised by criminal defendants
20 Petitioner prosecuted have similarly proved to be meritless. I learned, and it was verified, that he
21 was respectful of the rights of others and of the judicial process.

22 Petitioner has expressed his deep and sincere concern for any harm caused to the District
23 Attorney's office as a result of his use of staff and equipment while working on private matters.
24 He regrets these failures and has taken affirmative steps to eliminate or minimize any
25 reoccurrence.

26 Grebing believes Petitioner's misconduct is inconsistent with his character. He is
27 confident that if Petitioner's suspension is terminated that he would not engage in the same or
28 similar behavior in the future and that he would conduct himself in a professional, trustworthy

1 and commendable manner.

2 **e. Stephen M. Dorros, M.D.**

3 Dr. Stephen M. Dorros and Petitioner have been good friends for 12 years. He believes
4 that Petitioner is an exemplary person, a role model, especially to Dorros' children. He has
5 always been fair, honest and faithful to the idea that everyone must be treated fairly.

6 When Dorros first met Petitioner, Petitioner was retired from his practice to pursue other
7 interests. It seemed remarkable to Dorros that Petitioner would return to the practice of law
8 because the District Attorney needed his help. Petitioner believed that he could help his
9 community, his city and make a difference to the people who live there. This deep personal
10 commitment to make a difference made a mark on Dorros and his children.

11 Dorros believes that Petitioner is a professional who is unrelenting in the pursuit of the
12 truth and the right thing to do. He is the best example of a quality lawyer and, if Dorros needed
13 representation, he would want Petitioner on his side. He believes that the misconduct is
14 inconsistent with Petitioner's character.

15 Dorros has three sons, all of whom are studying law, and he believes that Petitioner had
16 some part in their career decisions. He has been an example to them that hard work and honesty
17 have their rewards.

18 Dorros is confident that if Petitioner's suspension is terminated that he would not engage
19 in the same or similar behavior in the future and that he would conduct himself in a professional,
20 trustworthy and commendable manner. Dorros believes that Petitioner has a new sense of
21 direction in his life. After spending considerable time working in the kitchen at the St. Vincent
22 de Paul Center, he has a new appreciation of his past and his future.

23 **f. Steven R. Buehler**

24 Steven R. Buehler and Petitioner met 18 years ago at the Fairbanks Ranch Country Club
25 and found that they lived right down the street from each other. They developed a close
26 relationship.

27 Buehler has the utmost regard for Petitioner. He has always found Petitioner to
28 demonstrate tremendous integrity and good character. He has never seen Petitioner compromise

1 his integrity firsthand. Buehler believes that Petitioner's misconduct is anomalous. He has
2 found him to be honest, truthful, candid and trustworthy.

3 Buehler knows that Petitioner sincerely regrets his misconduct and has taken steps to
4 avoid a reoccurrence. Petitioner has shared with him the community service Petitioner did and
5 how this entire process has humbled him. They have discussed very candidly his misconduct and
6 how he wants to get this issue behind him. Petitioner sincerely regrets this period in his life.
7 Buehler believes that if Petitioner's suspension is terminated that he would not engage in the
8 same or similar behavior in the future and that he would conduct himself in a professional,
9 trustworthy and commendable manner.

10 **g. Michael Page Davis**

11 Michael Page Davis and Petitioner have known each other for 25 years. Petitioner placed
12 his insurance with Davis' office while Petitioner lived in California.

13 Davis has always known Petitioner to be honest, truthful, candid, diligent, trustworthy
14 and professional in his duties as an attorney. He is respectful of others and of the judicial
15 process.

16 Davis knows that Petitioner sincerely regrets these failures and that he has taken
17 affirmative steps to minimize the risk of misconduct reoccurring. Davis finds Petitioner's
18 misconduct to be an aberration and completely inconsistent with his character. Davis believes
19 that he would not engage in the same or similar behavior in the future and that he would conduct
20 himself in a professional, trustworthy and commendable manner.

21 **D. Petitioner's Present Learning and Ability in the General Law**

22 In July and August 2003, Petitioner participated in California-approved MCLE courses,
23 completing approximately 19 hours in a wide range of practice areas, including legal ethics,
24 elimination of bias, substance abuse prevention, commercial law, real property, business and
25 corporations.³

26
27 ³Petitioner submitted completion certificates for continuing legal education courses in
28 excess of 19 hours, however, it appeared from the certificates that only 19 hours were for courses
approved for California MCLE credit. The balance appeared to be approved for other states.

1 Petitioner completed the State Bar's Ethics School as required by the Supreme Court's
2 disciplinary order.

3 Petitioner continues to read the *Los Angeles Daily Journal*, *California Lawyer* and other
4 legal periodicals. He also maintains regular contact with several attorneys in the San Diego area.

5 **V. DISCUSSION**

6 Standard 1.4(c)(ii) provides, in relevant part, that normally actual suspension imposed for
7 two years or more shall require proof satisfactory to the State Bar Court of the attorney's
8 rehabilitation, present fitness to practice and present learning and ability in the general law before
9 he or she will be relieved of the actual suspension.

10 In this proceeding, Petitioner has the burden of proving by a preponderance of the
11 evidence that he has satisfied the conditions of standard 1.4(c)(ii). The Court looks to the nature
12 of the underlying misconduct as well as the aggravating and mitigating circumstances
13 surrounding it to determine the point from which to measure Petitioner's rehabilitation, present
14 learning and ability in the general law, and present fitness to practice before being relieved from
15 his actual suspension. (*In the Matter of Murphy* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr.
16 571, 578.)

17 To establish rehabilitation, the Hearing Department must first consider the prior
18 misconduct from which Petitioner seeks to show rehabilitation. The amount of evidence of
19 rehabilitation varies according to the seriousness of the misconduct at issue. Second, the Court
20 must examine Petitioner's actions since the imposition of his discipline to determine whether his
21 actions, in light of the prior misconduct, sufficiently demonstrate rehabilitation by a
22 preponderance of the evidence. (*In the Matter of Murphy, supra*, 3 Cal. State Bar Ct. Rptr. at
23 p. 581.)

24 Petitioner must show strict compliance with the terms of probation in the underlying
25 disciplinary matter; exemplary conduct from the time of the imposition of the prior discipline;
26 and must demonstrate "that the conduct evidencing rehabilitation is such that the court may make
27 a determination that the conduct leading to the discipline ... is not likely to be repeated." (*In the*
28 *Matter of Murphy, supra*, 3 Cal. State Bar Ct. Rptr. at p. 581.)

1 Petitioner was found culpable of serious misconduct on the basis of a criminal conviction,
2 as was set forth above. He has acknowledged the wrongfulness of his misconduct and has
3 expressed remorse as well as his resolve to avoid a reoccurrence. Petitioner complied with the
4 conditions of his criminal and disciplinary probations. The credible testimony of a long-time
5 attorney friend is persuasive in supporting the conclusion that Petitioner has been rehabilitated
6 and presently possesses good moral character. Favorable character testimony from attorneys are
7 entitled to considerable weight. (Cf. *Feinstein v. State Bar* (1952) 39 Cal.2d 541, 547.) Other
8 witnesses credibly attested to Petitioner's good moral character as well.

9 There is nothing in Petitioner's background other than this one incident which would
10 suggest that he is not fit to practice law. On the contrary, he has had no other disciplinary contact
11 with the State Bar in many years of practice prior to the commencement of the misconduct.

12 The evidence of Petitioner's good moral character was uncontroverted.

13 Moreover, Petitioner has demonstrated his present learning and ability in the general law.

14 Therefore, the Court finds that Petitioner has demonstrated, by a preponderance of the
15 evidence, that he is rehabilitated and has present fitness to practice law.

16 **VI. CONCLUSION**

17 Based on the foregoing, the Court finds that Petitioner Peter J. Longanbach has
18 established by a preponderance of the evidence his rehabilitation, present fitness to practice and
19 present learning and ability in the general law.

20 Accordingly, Petitioner's petition for relief from actual suspension from the practice of
21 law pursuant to standard 1.4(c)(ii) is GRANTED. It is further ordered that Petitioner's actual
22 suspension from the practice of law in the State of California is hereby terminated and he shall
23 hereafter be entitled to resume the practice of law in this state upon the payment of all applicable
24 State Bar fees and previously assessed costs.

25
26
27 Dated: October 1, 2004

28

ROBERT M. TALCOTT
Judge of the State Bar Court

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

I am a Case Administrator of the State Bar Court. 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 October 1, 2004, I deposited a true copy of the following document(s):

DECISION, filed October 1, 2004

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

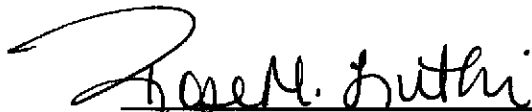
☒ by overnight mail at Los Angeles, California, addressed as follows:

THOMAS KOSAKOWSKI, ESQ.
PANSKY & MARKLE
1114 FREMONT AVE
SOUTH PASADENA CA 91030

☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

FUMIKO KIMURA, A/L, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **October 1, 2004.**



Rose M. Luthi
Case Administrator
State Bar Court