



FILED

DEC 21 2009

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

**STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES**

PUBLIC MATTER

| | | |
|-----------------------------------|---|---------------------------------------|
| In the Matter of |) | Case Nos.: 05-O-04193-DFM |
| |) | (05-O-04712) |
| WILLIAM MICHAEL FRANTZ, |) | |
| |) | DECISION AND DISCIPLINE ORDER; |
| Member No. 153673, |) | ORDER SEALING CERTAIN |
| |) | DOCUMENTS |
| <u>A Member of the State Bar.</u> |) | |

On May 2, 2006, the State Bar of California, Office of the Chief Trial Counsel (State Bar), filed a Notice of Disciplinary Charges (NDC) against respondent **William Michael Frantz** (respondent) in case no. 05-O-04193 (05-O-04712).

Respondent sought to participate in the State Bar Court's Alternative Discipline Program (ADP), and on July 31, 2006, this matter was referred to the State Bar Court's Alternative Discipline Program (ADP).¹

The parties entered into a Stipulation Re Facts and Conclusions of Law which was received by the State Bar Court on October 17, 2006. On March 6, 2007, respondent submitted a second amended declaration establishing a nexus between his mental health issue and his misconduct.

On April 8, 2008, the court issued an order formally accepting respondent into the ADP. On April 9, 2008, the court also lodged the Confidential Statement of Alternative Dispositions

¹ This program was earlier referred to by other names.

and Orders, the Contract and Waiver for Participation in the State Bar Court's ADP (Contract), and the parties' Stipulation Re Facts and Conclusions of Law.

On October 22, 2009, the court issued an order finding that respondent has successfully completed the ADP. Thereafter, on that same date, the parties' Stipulation Re Facts and Conclusions of Law was filed, and this matter was submitted for decision.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

In this proceeding, respondent was the attorney of record for John Campbell (Campbell), the court appointed administrator in a probate matter. The decedent's daughter was represented in the probate matter by attorney Gary D. Jander (Jander).

During the probate proceedings, respondent failed to timely file a case management conference statement and a settlement conference brief; he failed to inform Campbell of the settlement brief and the March 18, 2005 settlement conference and case management conference; and he failed to appear for the March 18, 2005 settlement conference and case management conference.

On or about March 25, 2005, Jander filed a motion for sanctions against respondent and Campbell. In response to the motion for sanctions, respondent wrote Jander a letter, on or about March 29, 2005, threatening to report Jander to the Department of Homeland Security as well as to the State Bar if Jander did not withdraw the motion for.

On or about March 25, 2005, the probate court issued an Order to Appear and Show Cause (OSC) to respondent and Campbell. Respondent was given notice of and was served with the OSC. Respondent subsequently failed to appear for the scheduled OSC hearing. When respondent failed to appear, the probate court continued the OSC hearing and served respondent with notice of the continuance. Despite receiving the notice of the continued OSC hearing, respondent failed to appear for the continued OSC hearing.

Based on the aforementioned conduct, respondent stipulated that he willfully violated: (1) rule 3-110(A), Rules of Professional Conduct² by intentionally, recklessly or repeatedly failing to perform legal services with competence; (2) Business and Professions Code³ section 6103 by disobeying the probate court's orders requiring him to do acts connected with or in the course of his profession which in good faith he ought to do; and (3) rule 5-100(A) by threatening to present criminal and disciplinary charges against Jander to obtain an advantage in a civil dispute.

In mitigation, respondent had no prior record of discipline and displayed candor and cooperation with the State Bar. No aggravating circumstances were involved.

The parties' stipulation as to facts and conclusions of law, including the court's order approving the stipulation, is attached hereto and hereby incorporated by reference, as if fully set forth herein. The stipulation as to facts and conclusions of law set forth the factual findings, legal conclusions, and aggravating and mitigating circumstances in this matter.

Supreme Court and Review Department case law establish that extreme emotional difficulties are a mitigating factor where expert testimony establishes that these emotional difficulties were directly responsible for the misconduct, provided that the attorney has also established, through clear and convincing evidence, that he or she no longer suffers from such difficulties. (*Porter v. State Bar* (1990) 52 Cal.3d 518, 527; *In re Naney* (1990) 51 Cal.3d 186, 197; *In re Lamb* (1989) 49 Cal.3d 239, 246; *In the Matter of Frazier* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 676, 701-702.)

Respondent successfully completed the ADP. Respondent's successful completion of the ADP, which required his successful participation in the LAP, as well as the Certificate of One Year Participation in the Lawyer Assistance Program – Mental Health, qualify as clear and

² All further references to rule(s) are to this source unless otherwise indicated.

³ Future references to section(s) are to this source.

convincing evidence that respondent no longer suffers from the mental health issue leading to his misconduct. Accordingly, it is appropriate to consider respondent's successful completion of the ADP as a mitigating circumstance in this matter. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, standard 1.2(e)(iv).)

DISCUSSION

The purpose of State Bar disciplinary proceedings is not to punish the attorney but to protect the public, preserve public confidence in the legal profession, and maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

The parties submitted briefs on the issue of discipline. After considering the parties' briefs, including the case law and standards cited therein, the court advised the parties of the alternative disciplines that would be ordered if respondent successfully completed the ADP or was terminated from or failed to successfully complete the ADP.

In determining the appropriate discipline to recommend in this matter if respondent successfully completed the ADP, the court considered the discipline recommended by the parties, as well as standards 1.3, 1.4, 1.5, 1.6, 2.4(b), 2.6, and 2.10. The court also considered and distinguished *In re Greenwood* (Review Dept. 1998) 3 Cal State Bar Ct. Rptr. 831, *King v. State Bar* (1990) 52 Cal.3d 307, and *In re Aulakh* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 690.

After agreeing to the court's proposed high and low levels of discipline, respondent executed the Contract to participate in the ADP, and respondent's period of participation in the ADP commenced.

Thereafter, respondent successfully participated in the ADP and—as set forth in the court's October 22, 2009 order—successfully completed the ADP. Accordingly, the court orders

imposition of the discipline set forth in the Confidential Statement of Alternative Dispositions and Orders relating to a successful completion of the ADP.

DISCIPLINE ORDER

Accordingly, it is ordered that respondent **William Michael Frantz**, State Bar Number 153673, is hereby publicly reprovved. Pursuant to the provisions of rule 270(a) of the Rules of Procedure of the State Bar of California, the public reprovval will be effective when this decision becomes final. Furthermore, pursuant to rule 9.19(a) of the California Rules of Court and rule 271 of the Rules of Procedure, the court finds that the interests of respondent and the protection of the public will be served by the following specified conditions being attached to the public reprovval imposed in this matter. Failure to comply with any conditions attached to this public reprovval may constitute cause for a separate proceeding for willful breach of rule 1-110 of the Rules of Professional Conduct of the State Bar of California. Respondent is hereby ordered to comply with the following conditions attached to his public reprovval for a period of three years following the effective date of the public reprovval imposed in this matter:

1. Respondent must comply with the provisions of the State Bar Act and the Rules of Professional Conduct of the State Bar of California;
2. 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;
3. Within thirty (30) days after 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;
4. Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10 and October 10 of the period of probation/reprovval. 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 probation/reproval during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him 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 thirty (30) days, that report must be submitted on the next 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 period of probation/reproval and no later than the last day of the probation/reproval period;

5. Subject to the assertion of applicable privileges, respondent must answer fully, promptly and truthfully, any inquiries of the Office of Probation which are directed to respondent personally or in writing relating to whether respondent is complying or has complied with the probation/reproval conditions;
6. 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 State Bar Ethics School, and passage of the test given at the end of that session;
7. Respondent must comply with all provisions and conditions of his Participation Agreement/Plan with the Lawyer Assistance Program (LAP) and must provide the Office of Probation with certification of completion of the LAP. Respondent must immediately report any non-compliance with any provision(s) or condition(s) of his Participation Agreement/Plan to the Office of Probation. Respondent must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and his compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. Respondent will be relieved of this condition upon providing to the Office of Probation satisfactory certification of completion of the LAP;
8. Respondent must take and pass the Multistate Professional Responsibility Examination (MPRE) administered by the National Conference of Bar Examiners, and provide proof of passage of the MPRE to the Office of Probation, within one year after the effective date of this public reproval; and
9. The period during which these conditions are in effect will commence upon the date this decision imposing the public reproval becomes final.

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COSTS

The court orders that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

DIRECTION RE DECISION AND ORDER SEALING CERTAIN DOCUMENTS

The court directs a court case administrator to file this Decision and Discipline Order; Order Sealing Certain Documents. Thereafter, pursuant to rule 806(c) of the Rules of Procedure of the State Bar of California (Rules of Procedure), all other documents not previously filed in this matter are ordered sealed pursuant to rule 23 of the Rules of Procedure.

It is further ordered that protected and sealed material will only be disclosed to: (1) parties to the proceeding and counsel; (2) personnel of the Supreme Court, the State Bar Court and independent audiotape transcribers; and (3) personnel of the Office of Probation when necessary for their duties. Protected material will be marked and maintained by all authorized individuals in a manner calculated to prevent improper disclosure. All persons to whom protected material is disclosed will be given a copy of this order sealing the documents by the person making the disclosure.

IT IS SO ORDERED.

Dated: December 16, 2009


DONALD F. MILES
Judge of the State Bar Court

(Do not write above this line.)

| State Bar Court of California Hearing Department <input checked="" type="checkbox"/> Los Angeles <input type="checkbox"/> San Francisco PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES | | |
|---|--|---|
| Counsel for the State Bar DAVID T. SAUBER Deputy Trial Counsel 1149 South Hill Street Los Angeles, CA 90015 (213) 765-1252 Bar # 176554 | Case Number(s) 05-O-04193; 05-O-04712 FILED OCT 22 2009 <i>h/c</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES PUBLIC MATTER | (for Court use) LODGED APR - 9 2008 <i>h/c</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES |
| <input checked="" type="checkbox"/> Counsel for Respondent <input type="checkbox"/> In Pro Per RICHARD R. LEUTHOLD 12625 HIGH BLUFF DRIVE, SUITE 306 SAN DIEGO, CALIFORNIA 92130-2054 (858) 792-7070 Bar # 52980 | | |
| In the Matter of WILLIAM MICHAEL FRANTZ Bar # 153673 A Member of the State Bar of California (Respondent) | Submitted to Program Judge STIPULATION RE FACTS AND CONCLUSIONS OF LAW <input type="checkbox"/> PREVIOUS STIPULATION REJECTED | |

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 July 5, 1991
(date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on Respondent or the State Bar.
- (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, except for Probation Revocation Proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consists of 8 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts." See Attachment.
- (5) Conclusions of law, drawn from and specifically referring to the facts, are also included under "Conclusions of Law." See Attachment.

(Do not write above this line.)

- (6) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§ 6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

B. Aggravating Circumstances [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 _____
- (b) ☐ Date prior discipline effective _____
- (c) ☐ Rules of Professional Conduct/State Bar Action violations _____
- (d) ☐ Degree of prior discipline _____
- (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline" (above)
- (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 the victims of his/her misconduct or the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct.
- (8) ☒ **No aggravating circumstances are involved.**

Additional aggravating circumstances:

(Do not write above this line.)

C. Mitigating Circumstances [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 to 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 of 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 were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs 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:

ATTACHMENT TO**STIPULATION RE FACTS AND CONCLUSIONS OF LAW**

IN THE MATTER OF: WILLIAM M. FRANTZ, Bar No. 153673

CASE NUMBERS: 05-O-04712; 05-O-04193

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 for Case Nos. 05-O-04712 & 05-O-04193:

1. In or about 2003, Respondent became the attorney of record for John Campbell ("Campbell"), the court appointed administrator in a probate matter entitled Estate of Earle Noland, San Diego County Superior Court case no. P184422 (the "probate matter").
2. Attorney Gary D. Jander ("Jander") represented the decedent's daughter, Lora Toler ("Toler"), in the probate matter.
3. On or about December 8, 2004, the court scheduled a case management conference for January 27, 2005 in the probate matter. The court further ordered counsel for the parties to file the case management statement at least fifteen days prior to the January 27, 2005 case management conference. On or about December 9, 2004, the court properly served notice of the case management conference on Respondent and Jander. Respondent received notice of the January 27, 2005 case management conference.
4. Respondent failed to file the case management statement fifteen days prior to the January 27, 2005 case management conference. Respondent did not file the case management statement in the probate matter until January 26, 2005.
5. On or about January 27, 2005, the court held a case management conference in the probate matter. Respondent and Jander appeared on behalf of their respective clients in the action.
6. On or about January 27, 2005, the court ordered the parties to appear at a settlement conference on March 18, 2005. The court further ordered Respondent and Jander to file the settlement conference briefs by March 11, 2005. On or about January 28, 2005, the court properly served Respondent with notice regarding the settlement conference and the settlement conference brief. Respondent received court's notice regarding the settlement conference and the settlement conference brief.
7. On or about January 27, 2005, the court also rescheduled the case management conference to March 18, 2005 in the probate matter. The court ordered counsel for the parties to file the case management statement at least fifteen days prior to the case management conference. On or about January 28, 2005, the court properly served Respondent with notice of the case management conference. Respondent received the court's notice regarding the case management conference.

8. Respondent did not inform Campbell that the court had scheduled a case management conference and a settlement conference for March 18, 2005 in the probate matter.

9. By March 11, 2005, Respondent had not prepared or filed a settlement conference brief as required by the court's January 27, 2005 order.

10. On or about March 16, 2005, Respondent wrote Jander regarding a proposed settlement offer in the probate matter. In his March 16, 2005 letter, Respondent did not notify Jander that he would not be appearing at the settlement conference and case management conference on March 18, 2005.

11. On or about March 18, 2005, neither Respondent nor Campbell appeared at the case management conference and the settlement conference in the probate matter. On or about March 18, 2005, Jander and Toler appeared at the settlement conference and the case management conference. Respondent did not timely notify Jander or the court that he would not be appearing at the March 18, 2005 case management conference or settlement conference.

12. On or about March 18, 2005, Respondent filed a Notice of Non-Appearence and Request for Continuance. In the March 18, 2005 notice, Respondent informed the court he would not be appearing at the March 18, 2005 settlement conference for "personal reasons". In addition, Respondent requested a one month continuance.

13. On or about March 18, 2005, the court continued the case management conference in the probate matter to May 2, 2005. The court ordered counsel for the parties to file the case management statement at least fifteen days prior to the case management conference. On or about March 21, 2005, the court properly served Respondent with the notice of the May 2, 2005 case management conference. Respondent received the court's March 18, 2005 order.

14. On or about March 18, 2005, the court also directed Jander to prepare an order directing Respondent and Campbell to personally appear and show cause why the court should not impose sanctions against them.

15. On or about March 25, 2005, Jander filed a Motion for Sanctions, Expenses and Attorney's Fees in the probate matter (the "Motion for Sanctions"). In the Motion for Sanctions, Jander requested \$1,827.50 in sanctions from Respondent and Campbell following their failure to appear at the March 18, 2005 settlement conference and the case management conference.

16. On or about March 25, 2005, the court issued an Order to Appear and Show Cause ("OSC") to Respondent and Campbell in the probate matter. Pursuant to the court's OSC, Respondent and Campbell were ordered to appear on May 2, 2005 to show cause as to why they should not be sanctioned for failing to obey the court's orders to prepare and file a settlement conference statement by March 11, 2005 and for failing to comply with the court's order to appear at a settlement conference and a case management conference on March 18, 2005. On or about March 28, 2005, the OSC was properly served on Respondent and Campbell. Respondent received the OSC.

17. On or about March 29, 2005, Respondent wrote Jander regarding the Motion for Sanctions. In the March 29, 2005 letter (mistakenly dated March 39, 2005), Respondent stated the following:

"I am [in] receipt of your Motion. I consider it to be an act of domestic terrorism and as such will be reporting you to the Department of Homeland Security as well as the State Bar of California for prompt and immediate disciplinary action, in the event that you do not remove it from this Court's calendar."

18. On or about April 4, 2005, Jander received Respondent's March 29, 2005 letter.

19. On May 2, 2005, Campbell appeared at the OSC but Respondent failed to appear despite being given notice and being served with an OSC. As a result, on or about May 2, 2005, the court in the probate matter continued the OSC to May 26, 2005. On or about May 3, 2005, the court in the probate matter properly served Respondent with notice of the continuance. Respondent received the court's May 3, 2005 notice.

20. On or about May 25, 2005, Respondent signed a substitution of attorney substituting in attorney Miranda Franks as the attorney of record for Campbell in the probate matter. On or about May 26, 2005, the substitution of attorney was filed with the court in the probate matter.

21. On or about May 26, 2005, the court held a hearing in the probate matter. Respondent failed to appear despite being given notice and being served with the court's notice.

22. On or about May 26, 2005, the court held the OSC hearing in the probate matter and found that there was sufficient cause to sanction Respondent \$1,827.50 for his failure to obey the court's orders directing him to file a settlement brief by March 11, 2005 and directing Respondent to appear at the settlement conference and the case management conference on March 18, 2005.

23. On or about June 13, 2005, the court issued its order sanctioning Respondent \$1,827.50 for his failure to comply with the court's orders. The court ordered Respondent to pay the sanctions within ten days from the date of the court's order. The court properly served Respondent with the June 13, 2005 court order. Respondent received the court's June 13, 2005 order.

24. On or about June 21, 2005, Respondent wrote the State Bar of California notifying the State Bar that he had been sanctioned in the amount of \$1,827.50 in the probate matter.

Conclusions of Law for Case Nos. 05-O-04712 & 05-O-04193:

25. COUNT ONE- Case No. 05-O-04712: By failing to timely file the case management conference statement, by failing to file a settlement conference brief in the probate matter, by failing to appear at the settlement conference and the case management conference on March 18, 2005, by failing to inform Campbell about the settlement brief and by failing to inform Campbell about the March 18, 2005 case management conference and the March 18, 2005 settlement conference, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A).

26. COUNT TWO- Case No. 05-O-04712: By failing to file the settlement brief as directed by the court, by failing to appear at the March 18, 2005 case management conference and settlement conference and by failing to appear in court on May 2, 2005 and May 26, 2005 as ordered by the court, Respondent disobeyed court orders requiring him to do acts connected with or in the course of his profession which in good faith he ought to do, in wilful violation of Business and Professions Code section 6103.

27. COUNT THREE- Case No. 05-O-04193: By sending the March 29, 2005 letter (mistakenly dated March 39, 2005) in which Respondent threatened to present criminal and disciplinary charges against Jander to obtain an advantage in a civil dispute, Respondent wilfully violated Rules of Professional Conduct, rule 5-100(A).

(Do not write above this line.)

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| In the Matter of WILLIAM MICHAEL FRANTZ Member # 153673 | Case number(s): 05-O-04193; 05-O-04712 |
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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 Facts and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

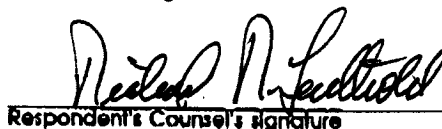
If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

10-2-06
Date


Respondent's signature

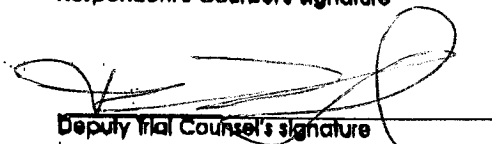
WILLIAM M. FRANTZ
Print name

10/5/06
Date


Respondent's Counsel's signature

RICHARD R. LEUTHOLD
Print name

10-18-06
Date


Deputy Trial Counsel's signature

DAVID T. SAUBER
Print name

(Do not write above this line.)

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| In the Matter of WILLIAM MICHAEL FRANTZ Member # 153673 | Case number(s): 05-O-04193; 05-O-04712 |
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ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☒ The stipulation as to facts and conclusions of law is APPROVED.
- ☐ The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- ☐ 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(b), Rules of Procedure.)

4/9/08
Date


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 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 December 21, 2009, I deposited a true copy of the following document(s):

DECISION AND DISCIPLINE ORDER; ORDER SEALING CERTAIN DOCUMENTS;

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

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

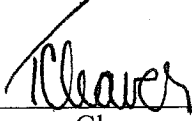
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**RICHARD RALPH LEUTHOLD
12625 HIGH BLUFF DR #306
SAN DIEGO, CA 92130 - 2054**

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

MONIQUE MILLER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 21, 2009.



Tammy Cleaver
Case Administrator
State Bar Court