FILED OCTOBER 15, 2008

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES

In the Matter of **BRIAN G. MAGRUDER,** **Member No. 229675,** A Member of the State Bar.	)	Case No.: **06-O-13457 (06-O-13460)** **DECISION AND ORDER**

INTRODUCTION

In this default matter, respondent Brian G. Magruder (respondent) is charged with six counts of misconduct involving two client matters. The charged misconduct includes: (1) failure to perform legal services with competence; (2) improper withdrawal from legal employment; (3) failure to render appropriate accounts to a client regarding client funds in respondent's possession; and (4) failure to respond promptly to reasonable client status inquires. The court finds, by clear and convincing evidence, that respondent is culpable of all the violations charged in the NDC.

In view of respondent's misconduct, the aggravating circumstances, and the lack of any mitigating circumstances, the court recommends, among other things, that respondent be suspended from the practice of law for two (2) years, that execution of the suspension be stayed, and that respondent be actually suspended from the practice of law for ninety (90) days and until

the State Bar Court grants a motion to terminate respondent's actual suspension at its conclusion or upon such later date ordered by the court. (Rules Proc. of State Bar, rule 205(a)-(c).)

PERTINENT PROCEDURAL HISTORY

This proceeding was initiated by the filing of a Notice of Disciplinary Charges (NDC) against respondent by the State Bar of California, Office of the Chief Trial Counsel (State Bar), on April 24, 2008.[1] At the time this matter was submitted for decision, the State Bar was represented in it by Deputy Trial Counsel Melanie J. Lawrence (DTC Lawrence).

A copy of the NDC was properly served on respondent on April 24, 2008, by certified mail, return receipt requested, addressed to respondent at his official membership record address (official address). The NDC was returned by the U.S. Postal Service bearing the word "closed".

On April 29, 2008, a Notice of Assignment and Notice of Initial Status Conference was filed in this matter, setting an in person status conference for June 5, 2008. A copy of the notice was properly served on respondent by first-class mail, postage fully prepaid, on April 29, 2008, addressed to respondent at his official address. The copy of the notice was returned unopened to the State Bar Court with a note indicating that respondent relocated in April 2006 to Guadalajara, Jalisco, Mexico.

On May 20, 2008, DTC Lawrence sent a letter, via regular, first-class mail, to respondent's official address advising him that a NDC had been filed and that his response was past due. The letter was not returned.

Efforts by DTC Lawrence to contact or locate respondent in May 2008 through internet searches and directory assistance were to no avail. Although one possible telephone number for respondent was found, that number was disconnected.

[1] On June 4 and 26, 2008, a 20-day letter was mailed to respondent at his official membership records address. Neither 20-day letter was returned.

On June 5, 2008, the court held a status conference in this matter. Respondent did not appear at the status conference either in person or through counsel. On June 6, 2008, the court filed a Status Conference Order which set forth that respondent needed to file his response to the NDC immediately or his default would be entered on the filing of a motion by the State Bar. A copy of said order was properly served on respondent by first-class mail, postage fully prepaid, on June 6, 2008, addressed to respondent at his official address. The copy of the order was not returned to the State Bar Court by the U.S. Postal Service as undeliverable or for any other reason.

As respondent did not file a response to the NDC as required by rule 103 of the Rules of Procedure of the State Bar of California (Rules of Procedure), on June 10, 2008, the State Bar filed a motion for the entry of respondent's default. The motion also contained a declaration of Melanie J. Lawrence, an attached Exhibit 1, and a request that the court take judicial notice, pursuant to Evidence Code section 452, subdivision (h), of all of respondent's official membership addresses,.[2] A copy of the motion was properly served on respondent on June 10, 2008, by certified mail, return receipt requested, addressed to respondent at his official address.

After respondent failed to file a written response within 10 days after service of the motion for the entry of his default, the court filed an Order of Entry of Default (Rule 200 – Failure to File Timely Response), Order Enrolling Inactive, and Further Orders on June 26, 2008.[3] A copy of said order was properly served on respondent on June 26, 2008, by certified mail, return receipt requested, addressed to respondent at his official address. The copy of the order was returned by the U.S. Postal Service bearing a sticker indicating that it was not

[2] The court grants the State Bar's request and takes judicial notice of all of respondent's official membership addresses.

[3] Respondent's involuntary inactive enrollment pursuant to Business and Professions Code section 6007, subdivision (e), was effective three days after the service of this order by mail.

deliverable as addressed and that the postal service was unable to forward it. However, the return receipt was returned to the State Bar Court bearing the signature of an agent.

On July 16, 2008, the State Bar filed a brief on the issues of culpability and discipline. In its brief, the State Bar requested waiver of the hearing in this matter, and this matter was submitted for decision on July 17, 2008.[4]

FINDINGS OF FACT AND CONCLUSIONS OF LAW

All factual allegations contained in the NDC are deemed admitted upon the entry of respondent's default, unless otherwise ordered by the court based on contrary evidence. (Rules Proc. of State Bar, rule 200(d)(1)(A).) No contrary evidence was admitted in this matter. The following findings are based on the admitted allegations of the NDC and the additional evidence submitted by the State Bar and received to evidence by this court.

Jurisdiction

Respondent was admitted to the practice of law in the State of California on December 29, 2003; was a member at all times pertinent to these charges; and is currently a member of the State Bar of California.

Counts One Through Three – Case No. 06-O-13457 - The Edwards Matter

On or about July 9, 2004, Jody Edwards (Edwards) employed respondent to represent her in divorce proceedings in Los Angeles County Superior Court case no. EDO030527, entitled *Edwards v. Edwards* (*Edwards* matter). At or about that time, Edwards paid respondent $4,750.00 in advanced legal fees and $250.00 in advanced costs.

On or about September 9, 2004, respondent filed a substitution of attorney in the *Edwards* matter, becoming Edwards' attorney of record.

[4] The declaration of DTC Lawrence and Exhibit 1 attached to the State Bar's motion for the entry of respondent's default are admitted into evidence. The court also takes judicial notice of the pleadings and documents contained in its own file with regard to the procedural history and efforts to serve respondent with documents, as set forth above.

In or about October 2005, Edwards asked respondent to provide an accounting of the use of the advanced costs, including an itemization of his services and fees in the *Edwards* matter. At no time did respondent provide Edwards with the requested accounting.

On or about October 13, 2005, respondent and Edwards appeared in court for the *Edwards* matter. At that time, the court set the matter for trial on April 10 and 11, 2006.

In or about late October 2005, Edwards began experiencing difficulty communicating with respondent and obtaining copies of documents from him. In or about December 2005, Edwards began making weekly telephone calls to respondent, leaving a message each time, inquiring about the status of the *Edwards* matter. At no time did respondent respond to Edwards' telephone inquiries.

In or about January 2006, Edwards saw respondent in the parking structure of his office building. Edwards approached respondent and asked him if he had received her telephone messages. Respondent told Edwards that he had received her messages, but that he had been "really busy." Respondent further told Edwards that he would set up an appointment with her to discuss the *Edwards* matter.

At no time thereafter did respondent schedule an appointment with Edwards to discuss the status of the *Edwards* matter.

In or about early February 2006, respondent made an unscheduled visit to Edwards' work place and told Edwards that he was leaving the country. At that time, respondent gave Edwards her client file and indicated that he was giving up the practice of law.

At that time, respondent knew that trial in the *Edwards* matter was scheduled to begin on April 10, 2006, and that discovery had not been completed in it. At all relevant times, respondent knew that further discovery was needed to determine all assets and property involved in the case.

At no time during this visit did respondent explain to Edwards the status of her case or ask her to sign a substitution of counsel form. Respondent merely advised Edwards that he would no longer handle the *Edwards* matter and suggested that she retain new counsel.

Immediately thereafter, in early February 2006, Edwards began looking for a new attorney to take over the *Edwards* matter. On or about February 22, 2006, Edwards met with an attorney who declined to take the *Edwards* case, given the circumstances and upcoming trial date. That attorney informed Edwards that respondent remained attorney of record and had not filed a motion to withdraw as counsel or a substitution of attorney.

From on or about February 22, 2006, through on or about April 10, 2006, Edwards made daily telephone calls to respondent at his law office and cell phone numbers. With each telephone call, Edwards left respondent a message to call her back regarding the *Edwards* matter and the fact that respondent remained her attorney of record.

From on or about February 22, 2006, through on or about April 10, 2006, Edwards made daily visits to respondent's office. Each time Edwards went to see respondent he was not present.

On or about April 10, 2006, the court took the *Edwards* matter off calendar due to the assigned judge being sick. The court kept the remaining trial date of April 11, 2006 on calendar.

On or about April 11, 2006, respondent failed to appear for trial in the *Edwards* matter. At that time, Edwards testified that respondent had abandoned her case. Consequently, the court relieved respondent as attorney of record and granted Edwards a continuance of trial to July 17, 2006.

At all relevant times until on or about April 11, 2006, respondent remained attorney of record for Edwards in the *Edwards* matter.

Edwards subsequently retained attorney Madeleine Bryant-Kambe (Bryant-Kambe) to represent her in the *Edwards* matter but the discovery period had expired and Bryant-Kambe was unable to conduct further discovery regarding assets of Edwards' soon-to-be ex-husband. As a result, Edwards was unable to obtain a division of those assets.

Count One – Rule 3-110(A) of the Rules of Professional Conduct[5]

Rule 3-110(A) provides that "[a] member shall not intentionally, recklessly, or repeatedly fail to perform legal services with competence." The State Bar proved by clear and convincing evidence that respondent wilfully violated rule 3-110(A). By not responding to Edwards' telephone inquiries prior to his withdrawal from employment and by not taking steps to initiate necessary discovery before notifying Edwards less than two months before the scheduled trial date and discovery cut-off date of his intent to abandon the case, respondent intentionally, recklessly, and repeatedly failed to perform legal services with competence in wilful violation of rule 3-110(A).

Count Two – Rule 3-700(A)(2)

Rule 3-700(A)(2) provides that an attorney may not withdraw from employment until that attorney has taken reasonable steps to avoid reasonably foreseeable prejudice to the client's rights. The State Bar proved by clear and convincing evidence that respondent wilfuly violated rule 3-700(A)(2). Respondent failed to take reasonable steps to avoid reasonably foreseeable prejudice to his client, in wilful violation of rule 3-700(A)(2), by (1) not filing a motion to withdraw from employment or preparing a substitution of attorney in the *Edwards* matter; (2) returning Edwards' file without explaining or advising her about the status of her case, including but not limited to the need and importance of future discovery; and (3) abandoning the file and client less than two months before the scheduled trial and discovery cut-off, without taking any

[5] Unless otherwise indicated, all further references to rule(s) refer to the Rules of Professional Conduct of the State Bar of California.

steps to assure that the needed discovery would be initiated and completed before the scheduled trial and discovery cut-off..

Count Three – Rule 4-100(B)(3)

The State Bar proved by clear and convincing evidence that respondent wilfuly violated rule 4-100(B)(3). This rule provides, in pertinent part, that an attorney must render appropriate accounts to a client regarding all client funds coming into the attorney's possession. By not providing an accounting to Edwards as requested, respondent failed to render appropriate accounts to a client regarding client funds coming into respondent's possession, in wilful violation of rule 4-100(B)(3).

Counts Four Through Six – Case No. 06-O-13460 – The Goldstein Matter

On or about August 22, 2005, David Goldstein (Goldstein) employed respondent to represent him in divorce proceedings in Los Angeles County Superior Court case no. BD283799, entitled *Goldstein v. Goldstein* (*Goldstein* matter), and paid respondent $3,500 in advanced legal fees.

At the time of employment, respondent agreed to do the following, among other things, on behalf of Goldstein: (1) apply for an off-set of liability based on overpayment of community funds to Goldstein's wife (off-set of liability); (2) seek relief from a temporary restraining order (TRO); (3) secure the release of Goldstein's Fidelity funds; and (4) seek attorney fees and costs related to specific rulings on Order to Show Cause (OSC) applications.

On or about October 25, 2005, respondent attended an OSC hearing wherein the court ruled in favor of Goldstein for the release of certain Fidelity funds and for an upward adjustment of credits for Goldstein. Respondent represented to the court that he would prepare the appropriate court order for release of the funds and adjustment of credit ("Fidelity order").

Thereafter, Goldstein began experiencing difficulty communicating with respondent.

From on or about October 25, 2005,[6] through on or about January 18, 2006,[7] respondent failed to prepare the Fidelity order. On or about January 19, 2006, respondent filed a proposed Fidelity order but did not advise Goldstein of that fact until on or about January 27, 2006.

From on or about October 25, 2005, until on or about January 27, 2006, Goldstein left repeated telephone and e-mail messages for respondent at his law office. In each of his messages, Goldstein inquired about the status of the *Goldstein* matter and specific progress on the Fidelity order for release of Goldstein's Fidelity funds and adjustment of credits. Goldstein also inquired about the off-set of liability and hearing for child support and custody. At no time did respondent respond to these messages.

On or about January 20, 2006, Goldstein sent a letter to respondent at his official State Bar membership records address (respondent's law office), via certified mail, asking for a status of the *Goldstein* matter. In his letter, Goldstein expressed frustration over respondent's lack of communication and inquired about the progress of the *Goldstein* matter – specifically the Fidelity order, recovery of legal fees, and relief from the TRO. Respondent received Goldstein's letter.

On or about January 27, 2006, Goldstein received a letter from respondent stating that respondent had prepared and filed the proposed Fidelity order, pursuant to the court's October 25, 2005 ruling.

Thereafter, from on or about January 27 through March 9, 2006, Goldstein left repeated messages for respondent via telephone, mail, e-mail and facsimile. In each of his messages,

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[6] Although the NDC alleged this date as October 25, 2004, this appears to be a typographical error, as respondent was not employed by Goldstein until August 22, 2005. See court's order in footnote 8, below.

[7] Although the NDC alleged this date as January 18, 2005, this appears to be a typographical error, as respondent was not employed by Goldstein until August 22, 2005. See court's order in footnote 8, below.

Goldstein inquired about the status of the *Goldstein* matter and progress on the proposed Fidelity order, the off-set of liability, and hearing for child support and custody. At no time did respondent respond to these messages.

In or about January 2006, Goldstein's associate, Mark Bitkower (Bitkower), at the direction of Goldstein, left repeated telephone messages for respondent on behalf of Goldstein. In each message, Bitkower identified himself and asked respondent to contact him or Goldstein. At no time did respondent respond to Bitkower's messages.

From on or about January 27 through March 9, 2006, Goldstein's business attorney, Adam Burke (Burke), at Goldstein's instruction, left repeated telephone messages for respondent on behalf of Goldstein. In his messages, Burke identified himself and inquired about the status of the *Goldstein* matter on behalf of Goldstein. At no time did respondent respond to Burke's inquiries on behalf of Goldstein.

On or about February 22, 2006, Burke sent a letter to respondent, via first-class mail, identifying himself and asking respondent to provide a status report regarding the Fidelity order. Respondent received Burke's letter.

On or about March 9, 2006, Goldstein received a letter from respondent stating that respondent had received the conformed Fidelity order on or about March 6, 2006. Goldstein also received a copy of the conformed order. The confirmed order pertained to the release of Fidelity funds but did not address the adjustment of credits.

On or about March 13, 2006, Goldstein sent a letter to respondent, via U.S. first-class mail, requesting that respondent contact Goldstein directly to discuss the status of the *Goldstein* matter. Respondent received Goldstein's letter.

On or about March 15, 2006, Goldstein received a letter from respondent stating, among other things, that respondent would not be able to appear at the next scheduled OSC hearing on

or about March 27, 2006, and that respondent intended to "permanently close" his office prior to the end of April 2006. Respondent's letter also requested that Goldstein sign a substitution of attorneys, which Goldstein did not sign. Enclosed with respondent's letter was a copy of a Notice of Unavailability by respondent, stating that respondent would be "away from" his office from March 25 through April 6, 2006 and requesting that no ex parte applications be filed during that time period.

At no time thereafter did respondent communicate with Goldstein or follow up on the substitution of attorney. At no time did respondent file the aforementioned Notice of Unavailability in the *Goldstein* action. At no time did respondent file a motion to withdraw as counsel or otherwise notify the court or opposing counsel of his unavailability in the *Goldstein* matter.[8]

On or about March 27, 2006, respondent failed to appear for the OSC hearing in the *Goldstein* matter. At that time, Goldstein advised the court of his situation and the court relieved respondent as Goldstein's attorney of record. The court further continued the matter for Goldstein to retain new counsel. Goldstein retained new counsel in or about April 2006.

At no time did respondent apply for an off-set of liability based on overpayment of community funds to Goldstein's wife; seek relief from a temporary restraining order ("TRO"); seek attorney fees and costs related to specific OSC applications; or file an opposition to the OSC scheduled for March 27, 2006.

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[8] The NDC actually stated, "At no time did Edwards file a motion to withdraw as counsel or otherwise notify the court or opposing counsel of his unavailability in the Edwards matter." (Emphasis added). However, this appears to be a "typographical" error, as Edwards was the client in prior counts one through three. Furthermore, a client would not file a motion to withdraw as counsel. However, if the court is incorrect in its assumption regarding these allegations, and the NDC does not contain such "typographical" errors, the State Bar is ordered to notify the court of such during the period that the court retains jurisdiction in this matter after the filing of this decision. This directive also applies with respect to the date corrections contained in footnotes 6 and 7, above.

Count Four – Rule 3-110(A)

The State Bar proved by clear and convincing evidence that respondent wilfuly violated rule 3-110(A). Respondent intentionally, recklessly, and repeatedly failed to perform legal services with competence in wilful violation of rule 3-110(A) by: (1) not applying for an off-set of liability based on overpayment of community funds to Goldstein's wife; (2) not seeking relief from the TRO; (3) not securing the release of Goldstein's Fidelity funds until March 6, 2006; and (4) not seeking attorney fees and costs related to specific rulings on OSC applications.

Count Five – Rule 3-700(A)(2)

The State Bar proved by clear and convincing evidence that respondent also wilfully violated rule 3-700(A)(2) in the *Goldstein* matter. By not filing a motion to withdraw or a substitution of attorneys in the *Goldstein* matter, by not filing an opposition to the OSC scheduled for March 27, 2006, by not seeking to have it continued based on his unavailability and intent to abandon the matter, and by not appearing for the OSC hearing on March 27, 2006, respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client in wilful violation of rule 3-700(A)(2).

Count Six – Business and Professions Code Section 6068, Subdivision (m)[9]

Section 6068, subdivision (m) provides, in pertinent part, that it is an attorney's duty "[t]o respond promptly to reasonably status inquires of clients . . . ." The State Bar proved by clear and convincing evidence that respondent wilfully violated section 6068, subdivision (m). By failing to respond to Goldstein's telephone and e-mail messages from on or about October 25, 2005, until on or about January 27, 2006, and again from on or about January 27 through March 9, 2006, respondent intentionally, continually, and repeatedly failed to respond promptly to

[9] Unless otherwise indicated, all further references to section(s) refer to provisions of the Business and Professions Code.

reasonable status inquiries of a client in a matter in which respondent had agreed to provide legal services, in wilful violation of section 6068, subdivision (m).

MITIGATING/AGGRAVATING CIRCUMSTANCES

Mitigating Circumstances

As respondent's default was entered in this matter, respondent failed to introduce any mitigating evidence on his behalf, and none can be gleaned in the record.

Aggravating Circumstances

Respondent engaged in multiple acts of misconduct in this matter. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, standard 1.2(b)(ii).)[10]

Respondent's misconduct significantly harmed Edwards, as by the time she obtained new counsel, the discovery period had expired and further discovery regarding her husband's assets could not be conducted. As such, Edwards was unable to obtain a division of those assets. (Standard 1.2(b)(iv).)[11]

Respondent's failure to participate in this disciplinary proceeding prior to the entry of his default is a further aggravating circumstance. (Standard 1.2 (b)(vi).)

DISCUSSION

In determining the appropriate discipline to recommend in this matter, the court looks at the purposes of disciplinary proceedings and sanctions. Standard 1.3 sets forth the purposes of disciplinary proceedings and sanctions as the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys; and the preservation of public confidence in the legal profession.

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[10] All further references to standard(s) are to this source.

[11] Although the State Bar contends that respondent's misconduct significantly harmed Goldstein, there is neither no clear and convincing evidence that respondent's misconduct caused significant harm to Goldstein.

In addition, standard 1.6(b) provides that the specific discipline for the particular violation found must be balanced with any mitigating or aggravating circumstances, with due regard for the purposes of imposing disciplinary sanctions.

In this case, the standards provide for the imposition of sanctions ranging from reproval to three months' actual suspension. (Standards 2.2(b), 2.4(b) and 2.10.) In addition, standard 1.6(a) states, in pertinent part: "If two or more acts of professional misconduct are found or acknowledged in a single disciplinary proceeding, and different sanctions are prescribed by these standards for said acts, the sanction imposed shall be the more or most severe of the different applicable sanctions." In this case, that standard is standard 2.2(b), which provides for at least a three month actual suspension irrespective of mitigating circumstances for a violation of rule 4-100(B)(3).

The standards, however, are only guidelines and do not mandate the discipline to be imposed. (*In the Matter of Moriarty* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 245, 250-251.) "[E]ach case must be resolved on its own particular facts and not by application of rigid standards." (*Id*. at p. 251.) However, the Supreme Court will not reject a disciplinary recommendation based on application of the standards unless it has serious doubts about the propriety of the discipline recommended. (*In re Lamb* (1989) 49 Cal.3d 239, 245.)

Of particular concern to the court in this matter is respondent's failure to participate in this disciplinary proceeding. Respondent's failure to participate in this proceeding leaves the court without any understanding as to the underlying cause or causes of respondent's misconduct or from learning of any mitigating circumstances which would justify this court's departure from the discipline recommended by the standards. In addition, the court is also concerned by the fact that respondent engaged in such misconduct less than two years after his admission to practice law in this state.

The State Bar recommends, in part, that respondent be actually suspended from the practice of law for ninety (90) days and until he complies with rule 205 of the Rules of Procedure of the State Bar of California. In support of its disciplinary recommendation, the State Bar cites to *Bledsoe v. State Bar* (1991) 52 Cal.3d 1074, *Matthew v. State Bar* 49 Cal.3d 784, and *Bach v. State Bar* (1991) 52 Cal.3d 1201. After reviewing the applicable authorities and the standards set forth above, the court concurs with the State Bar's discipline recommendation.

RECOMMENDED DISCIPLINE

The court hereby recommends that respondent **BRIAN G. MAGRUDER** be suspended from the practice of law for two (2) years; that execution of said suspension be stayed; and that respondent be actually suspended from the practice of law for ninety (90) days and until the State Bar Court grants a motion to terminate respondent's actual suspension at its conclusion or upon such later date ordered by the court. (Rules Proc. of State Bar, rule 205(a)-(c).)

If the period of actual suspension reaches or exceeds two years, it is further recommended that respondent remain actually suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii). (See also, Rules Proc. of State Bar, rule 205(b).)

It is also recommended that respondent be ordered to comply with any probation conditions reasonably related to this matter that may hereinafter be imposed by the State Bar Court as a condition for terminating respondent's actual suspension. (Rules Proc. of State Bar, rule 205(g).)

It is also recommended that respondent be ordered to take and pass the Multistate Professional Responsibility Examination given by the National Conference of Bar Examiners within one year after the effective date of the discipline imposed by the Supreme Court herein or

during the period of his actual suspension, whichever is later, and furnish satisfactory proof of such to the State Bar's Office of Probation within said period.

It is further recommended that respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule, within thirty (30) and forty(40) days, respectively, after the effective date of the Supreme Court's order herein.[12]

COSTS

The court recommends 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 section 6140.7 and as a money judgment.

Dated: November _____, 2008

DONALD F. MILES
Judge of the State Bar Court

[12] Respondent is required to file a rule 9.20(c) affidavit even if he has no clients to notify on the date the Supreme Court files its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or a contempt, an attorney's failure to comply with rule 9.20 is also, *inter alia*, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)