

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES

In the Matter of ) Case No.: 07-O-15005; 07-O-15006 (Cons.)  
 )  
SCOTT LAFORCE GRADY, ) DECISION  
 )  
Member No. 153760, )  
 )  
 )  
A Member of the State Bar. )

**INTRODUCTION**

In this default matter, respondent **Scott LaForce Grady** (respondent) is charged in two consolidated matters with failing to comply with certain conditions of probation imposed by the California Supreme Court in two separate disciplinary matters. The court finds, by clear and convincing evidence, that respondent willfully violated certain conditions of his disciplinary probation and, 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 disbarred from the practice of law.

**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 March 28, 2008, in both Case No. 07-O-15005 and Case No. 07-O-15006.<sup>1</sup> The State Bar was represented during most of this proceeding by Deputy Trial Counsel Ashod Mooradian (DTC Mooradian).

A copy of each NDC was properly served upon respondent on March 28, 2008, by certified mail, return receipt requested, addressed to respondent at his official membership record address (official address). Both of the NDC were returned by the U.S. Postal Service bearing a stamp stating ““Unable to Forward, No Forward Order on File, Return to Postmaster of Addressee for Review””. (Declaration of DTC Mooradian attached to the State Bar’s motion for the entry of respondent’s default.)

On April 2, 2008, a Notice of Assignment and Notice of Initial Status Conference was filed in Case No. 07-O-15005, setting an in person status conference for May 1, 2008. A copy of the notice was properly served upon respondent by first-class mail, postage fully prepaid, on April 2, 2008, addressed to respondent at his official address. The copy of the notice was not returned to the State Bar Court by the U.S. Postal Service as undeliverable or for any other reason.

On April 3, 2008, a Notice of Assignment and Notice of Initial Status Conference was filed in Case No. 07-O-15006, setting an in person status conference for May 1, 2008. A copy of the notice was properly served upon respondent by first-class mail, postage fully prepaid, on April 3, 2008, addressed to respondent at his official address. The copy of the notice was returned to the State Bar Court by the U.S. Postal Service as not deliverable as addressed and unable to be forwarded.

---

<sup>1</sup> On January 3, 2008, a 20-day letter for both cases was mailed to respondent by regular, first-class mail to his official membership records address. The 20-day letter was returned by the U.S. Postal Service bearing a stamp stating ““Return to Sender, Unable to Forward, Return to Sender””. (Declaration of Ashod Mooradian attached to the State Bar’s motion for the entry of respondent’s default.)

On May 1, 2008, a courtesy copy of the NDC was sent to respondent by regular, first-class mail to his official membership records address. As of May 9, 2008, the NDC had not been returned by the U.S. Postal Service.<sup>2</sup>

On May 1, 2008, the court held a status conference in this matter. Respondent did not appear at the status conference either in person or through counsel.

DTC Mooradian made several attempts to contact or locate respondent. These efforts included telephoning respondent's membership records telephone number, telephoning directory assistance for the area which includes respondent's official membership records address, three internet searches, and sending a letter and copies of both NDC by facsimile transmission to a number maintained by respondent for several years on his official membership records and where contact had been made with respondent in respondent's prior matters.<sup>3</sup> However, these efforts to contact or locate respondent were to no avail, as DTC Mooradian had not received a letter, return call, voicemail message or e-mail from respondent regarding this matter as of May 9, 2008.

As respondent did not file a response to either of the NDC as required by rule 103 of the Rules of Procedure of the State Bar of California (Rules of Procedure), on May 9, 2008, the State Bar filed a motion for the entry of respondent's default. The motion also contained a request that the court take judicial notice, pursuant to Evidence Code section 452, subdivision (h), of all of respondent's official membership addresses, the declaration of DTC Mooradian and Exhibit 1.<sup>4</sup> A copy of the motion was properly served on respondent on May 9, 2008, by certified mail, return receipt requested, addressed to respondent at his official address.

---

<sup>2</sup> The declaration of DTC Mooradian does not make clear which NDC (or if both of the NDC) was sent to respondent.

<sup>3</sup> The transmission report which was generated after the letter and attachments were sent reported that the transmission was received.

<sup>4</sup> The court grants the State Bar's request and takes judicial notice of all of respondent's official membership addresses.

On May 14, 2008, the court filed an order pursuant to the May 1, 2008 status conference consolidating Case Nos. 07-O-15005 and 07-O-15006. The order also noted, among other things, that respondent had not filed his responses to the two NDC which were due April 22, 2008. A copy of said order was properly served on respondent by first-class mail, postage fully prepaid, on May 14, 2008, addressed to respondent at his official address. The copy of the order was returned to the State Bar Court by the U.S. Postal Service as not deliverable as addressed and unable to be forwarded.

When respondent failed to file a written response within 10 days after service of the motion for the entry of his default, on May 28, 2008, the court filed an Order of Entry of Default (Rule 200 – Failure to File Timely Response), Order Enrolling Inactive and Further Orders.<sup>5</sup> A copy of said order was properly served on respondent on May 28, 2008, by certified mail, return receipt requested, addressed to respondent at his official address. The copy of the order was returned to the State Bar Court by the U.S. Postal Service as not deliverable as addressed and unable to be forwarded.

On June 17, 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.

This matter was submitted for decision on June 17, 2008.<sup>6</sup>

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

### **Jurisdiction**

Respondent was admitted to the practice of law in the State of California on July 19, 1991, and was a member of the State Bar of California at all times pertinent to these charges.

---

<sup>5</sup> 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.

<sup>6</sup> The declaration of DTC Mooradian and exhibit 1 attached to the State Bar's motion for the entry of respondent default, as well as exhibits 1-4 attached to the State Bar's brief on the issues of culpability and discipline, are admitted into evidence.

**Case No. 07-O-15005**

On July 27, 2005, respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition (Stipulation) with the State Bar of California, Office of the Chief Trial Counsel (State Bar) in case no. 04-N-15845.

On August 10, 2005, the Hearing Department of the State Bar Court filed the Stipulation and Order Approving the Stipulation, which were later modified by its order of August 31, 2005, making a disciplinary recommendation to the California Supreme Court which included a period of actual suspension, a period of stayed suspension, and probation on certain conditions.

On January 4, 2006, the California Supreme Court filed an Order in case no. S137840 (State Bar Court case no. 04-N-15845), suspending respondent from the practice of law for three years and 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) of the Standards for Attorney Sanctions for Professional Misconduct;<sup>7</sup> the execution of said suspension was stayed; and respondent was placed on probation for three years on condition that he be actually suspended for 14 months and until he complies with standard 1.4(c)(ii). Respondent was also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on August 10, 2005, as modified by its order filed on August 31, 2005.

On January 4, 2006, the Clerk of the California Supreme Court properly served respondent with a copy of the January 4, 2006 Order. Respondent received the Order.

The January 4, 2006 Order became effective on February 3, 2006, thirty (30) days after it was filed.

---

<sup>7</sup> All further references to standard(s) are to this source.

Pursuant to the January 4, 2006 California Supreme Court Order, respondent was ordered to comply with certain conditions of probation. Among other conditions of probation, respondent was required to 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. In each report, respondent was required to state, under penalty of perjury, whether he has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent was also required to 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. Respondent was also required to file a final report no earlier than twenty (20) days before the last day of the probation period and no later than the last day of probation.

Respondent had actual knowledge of the Order and conditions of probation at all relevant times herein from the effective date of his probation and at all times during the pendency of his probation in case no. S137840.

Respondent did not meet certain probation conditions in a timely manner. Respondent did not timely file his quarterly reports due April 10 and July 10, 2006. Respondent filed the quarterly report due April 10, 2006, on May 9, 2006. Respondent filed the quarterly report due July 10, 2006, on September 20, 2006.

Respondent did not file the quarterly reports due January 10, April 10, July 10 and October 10, 2007.

**Count One – Business and Professions Code Section 6068, Subdivision (k)**<sup>8</sup>

The State Bar proved by clear and convincing evidence that respondent willfully violated section 6068, subdivision (k). Section 6068, subdivision (k) provides that it is the duty of an

---

<sup>8</sup> Unless otherwise indicated, all further references to section(s) refer to provisions of the Business and Professions Code.

attorney to comply with all conditions attached to a disciplinary probation. Respondent willfully violated section 6068, subdivision (k) by failing to either submit or timely submit several written quarterly reports required by the terms of his disciplinary probation imposed pursuant to an Order of the Supreme Court.

**Count Two – Section 6103**

The State Bar proved by clear and convincing evidence that respondent willfully violated section 6103. Section 6103 provides, in pertinent part, “A willful disobedience or violation of an order of the court requiring him to do or forbear an act connected with or in the course of his profession, which he ought in good faith to do or forbear . . . constitute causes for disbarment or suspension.” By failing to either submit or timely submit several written quarterly reports as ordered by the Supreme Court in its disciplinary order imposing probation, respondent willfully violated an order of the court requiring him to do an act connected with his profession which he ought in good faith to do in willful violation of section 6103. However, the same facts which establish respondent’s culpability under section 6103 are the same facts which established his culpability under section 6068, subdivision (k). Thus, in determining discipline, the court will not give additional weight to the finding of the 6103 violation. (See *Bates v. State Bar* (1990) 51 Cal.3d 1056, 1060 [little, if any, purpose is served by duplicative allegations of misconduct].)

**Case No. 07-O-15006**

On February 13, 2003, respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition (Stipulation) with the State Bar in case no. 01-O-02658, etc.

On February 26, 2003, the Hearing Department of the State Bar Court filed the Stipulation and Order Approving the Stipulation, making a disciplinary recommendation to the California Supreme Court which included a period of actual suspension, a period of stayed suspension, and probation on certain conditions.

On July 2, 2003, the Supreme Court issued an Order in S114799 (State Bar Court case no. 01-O-02658; 01-O-02964; 02-O-11272) suspending respondent from the practice of law for two years and 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); the execution of said suspension was stayed; and respondent was placed on probation for three years subject to conditions of probation which included seven months' actual suspension and until he makes specified restitution to two clients and furnishes satisfactory proof thereof to the State Bar's Probation Unit as recommended by the State Bar Court Hearing Department in its Order Approving Stipulation filed on February 26, 2003.

On July 2, 2003, the Clerk of the California Supreme Court properly served respondent with a copy of the July 2, 2003 Order. Respondent received the Order.

The July 2, 2003 Order became effective on August 1, 2003, thirty (30) days after it was filed.

On August 26, 2004, the Supreme Court issued an Order in S114799 (State Bar Court case no. 03-PM-04773) revoking the probation in S114799 (State Bar Court case no. 01-O-02658, etc.) and reinstating it on the same terms and conditions as previously imposed, except that respondent was actually suspended for one year and 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). It was also ordered that restitution be paid as recommended by the Hearing Department of the State Bar Court in its order approving the Stipulation in State Bar Court case no. 03-PM-04773 filed on June 18, 2004. The court ordered the period of actual suspension to commence upon termination of the actual suspension previously imposed in the July 2, 2003 Order in S114799 (State Bar Court case no. 01-O-02658, etc.).

On August 26, 2004, the Clerk of the California Supreme Court properly served respondent with a copy of the August 26, 2004 Order. Respondent received the Order.

The August 26, 2004 Order became effective on September 25, 2004, thirty (30) days after it was filed.

Pursuant to the July 2, 2003 and August 26, 2004 California Supreme Court Orders, respondent was ordered to comply with certain conditions of probation. Among other conditions of probation, respondent was required to submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the period of probation. In each report, respondent was required to state, under penalty of perjury, whether he has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent was also required to file a final report no earlier than twenty (20) days before the last day of the probation period and no later than the last day of probation.

Pursuant to the Supreme Court order filed on July 2, 2003, respondent was required to pay restitution to Marika Zoll (and/or the Client Security Fund, if appropriate) in the amount of \$2,500 plus 10% interest per annum accruing from November 29, 2000. Respondent was required to pay Marika Zoll \$500 on the first of each month for the five months after respondent signed the Stipulation. The sixth and final payment was to include the interest accrued from November 29, 2000 to the beginning of the third month of payments by respondent.

Pursuant to the Supreme Court order filed on August 26, 2004, respondent was required to pay restitution to Marika Zoll (or the Client Security Fund, if applicable) in the principal amount of \$2,500, plus 10% interest per annum accruing from November 29, 2000, and provide proof thereof to the Office of Probation with each quarterly report. Respondent was required to

make minimum monthly restitution payments of \$250 on or before the 28<sup>th</sup> of each month until restitution is paid in full. Respondent was required to make minimum monthly payments beginning in June 2004.

Respondent had actual knowledge of the Orders and conditions of probation at all relevant times herein from the effective date of his probation and at all times during the pendency of his probation in case no. S114799.

Respondent did not meet certain probation conditions in a timely manner. Respondent did not timely file his quarterly reports due January 10, July 10, and October 10, 2004; and January 10, April 10, July 10 and October 10, 2005; and April 10, 2006.<sup>9</sup>

Respondent did not file quarterly reports due April 10, July 10, and October 10, 2006; and January 10, April 10, July 10 and September 25, 2007.<sup>10</sup>

In addition, respondent has not complied with the court's Order to make restitution to Marika Zoll (or the Client Security Fund) on the dates ordered by the Supreme Court in its July 2, 2003 Order and as modified and ordered by the Supreme Court in its August 26, 2004 Order. Respondent failed to pay restitution on the following due dates: March 1, April 1, May 1, June 1, July 1 and August 1, 2003; September 28, October 28, and November 28, 2004; January 28, February 28, March 28, April 28, May 28, June 28, July 28, and August 28, 2005.<sup>11</sup>

---

<sup>9</sup> The quarterly report due January 10, 2004, was filed January 22, 2004. The quarterly report due July 10, 2004, was filed on August 3, 2004. The quarterly report due October 10, 2004, was filed on October 27, 2004. The quarterly report due on January 10, 2005, was filed on January 25, 2005. The quarterly report due April 10, 2005, was filed on July 27, 2005, and November 16, 2005 (either a misdated or duplicate filing for the same quarter). The quarterly report due July 10, 2005, was filed on July 27, 2005. The quarterly report due October 10, 2005, was filed on January 5, 2006. The quarterly report due April 10, 2006, was filed on May 9, 2006.

<sup>10</sup> Quarterly reports due April 10, July 10, and October 10, 2004, and January 10, 2005, were erroneously filed, as an original signature was not received. The court will not base any culpability finding on these four reports, as they were apparently filed, and there is no evidence that respondent was ever advised of the deficiency of these reports.

The NDC in this matter does not make clear which reports were required by which specific Supreme Court order.

**Count One – Section 6068, Subdivision (k)**

The State Bar proved by clear and convincing evidence that respondent willfully violated section 6068, subdivision (k). Respondent willfully violated section 6068, subdivision (k) by: (1) failing to either submit or timely submit several written quarterly reports; and (2) failing to pay restitution as required by the terms of his disciplinary probation imposed pursuant to an Order of the Supreme Court.

**Count Two – Section 6103**

The State Bar proved by clear and convincing evidence that respondent willfully violated section 6103. By failing to either submit or timely submit several written quarterly reports and by failing to pay restitution as required by the terms of his disciplinary probation ordered by the Supreme Court in its disciplinary order imposing probation, respondent willfully violated an order of the court requiring him to do an act connected with his profession which he ought in good faith to do in willful violation of section 6103. However, the same facts which establish respondent's culpability under section 6103 are the same facts which established his culpability under section 6068, subdivision (k). Thus, in determining discipline, the court will not give additional weight to the finding of the 6103 violation. (See *Bates v. State Bar*, *supra*, 51 Cal.3d at p. 1060 [little, if any, purpose is served by duplicative allegations of misconduct].)

---

<sup>11</sup> Although the NDC alleged that respondent also failed to pay restitution on the following due dates: October 15, November 15, and December 15, 2005; January 15, February 15, March 15, April 15, May 15, July 15, August 15, September 15, October 15, November 15, and December 15, 2006; and January 15, February 15, April 15, May 15, June 15, July 15, August 15 and September 15, 2007, the court will not base any culpability finding on respondent's failure to pay restitution by these dates. There is no evidence that respondent was required to pay restitution by the 15<sup>th</sup> day of the month. The evidence before the court is that respondent was required to pay restitution on or before the 28<sup>th</sup> day of each month beginning in June 2004 until restitution was paid in full.

## MITIGATING/AGGRAVATING CIRCUMSTANCES

As respondent default was entered in this matter, respondent failed to introduce any mitigating evidence on his behalf and none can be gleaned from the record. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(e).)

In aggravation, respondent has three<sup>12</sup> prior records of discipline. (Std. 1.2(b)(i).)

1. On July 2, 2003, the Supreme Court issued an Order in S114799 (State Bar Court case no. 01-O-02658; 01-O-02964; 02-O-11272) suspending respondent from the practice of law for two years and 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); the execution of said suspension was stayed; and respondent was placed on probation for three years subject to conditions of probation which included seven months' actual suspension and until he makes specified restitution to two clients and furnishes satisfactory proof thereof to the State Bar's Probation Unit. Respondent was also ordered to comply with rule 955 (now rule 9.20) of the California Rules of Court. Discipline was imposed for respondent's violation of rule 3-110(A) of the Rules of Professional Conduct of the State Bar of California<sup>13</sup> (two matters), section 6068, subdivision (b) (one matter), section 6103 (one matter), section 6068, subdivision (m) (two matters), rule 3-700(A)(2) (two matters), rule 3-700(D)(1) (one matter), section 6068, subdivision (i) (two matters), and rule 4-100(A) (one matter). In aggravation, respondent's misconduct was surrounded or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct; respondent's misconduct harmed significantly a client, the public or the administration

---

<sup>12</sup> Although the cases could not be consolidated, respondent, the Office of Chief Trial Counsel and the Office of Probation collectively settled case no. 03-PM-04773 and 03-N-03727. As such, both these matters will be considered by the court as one prior record of discipline.

<sup>13</sup> Unless otherwise indicated, all further references to rule(s) refer to the Rules of Professional Conduct of the State Bar of California.

of justice; respondent demonstrated indifference toward rectification of or atonement for the consequences of his misconduct; respondent displayed a lack of candor and cooperation to victims of his misconduct or to the State Bar during disciplinary investigation or proceedings; and respondent's misconduct evidenced multiple acts of wrongdoing or demonstrated a pattern of misconduct. There were no mitigating circumstances.

2. On August 26, 2004, the Supreme Court issued an Order in S114799 (State Bar Court case no. 03-PM-04773) revoking the probation in S114799 and reinstating it on the same terms and conditions as previously imposed, except that respondent was actually suspended for one year and 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). It was also ordered that restitution be paid as recommended by the Hearing Department of the State Bar Court in its Order approving the stipulation in State Bar Court case no. 03-PM-04773 filed on June 18, 2004. The court ordered the period of actual suspension to commence upon termination of the actual suspension previously imposed in S114799. Discipline was imposed for respondent's violation of certain terms of his probation imposed by order of the Supreme Court dated July 2, 2002 in S114799 (State Bar Court case nos. 01-O-02658, etc.) In aggravation, respondent had a prior record of discipline (see above), and respondent's misconduct evidenced multiple acts of wrongdoing or demonstrated a pattern of misconduct. There were no mitigating circumstances.

3. On October 12, 2004, the Supreme Court issued an Order in S126670 (State Bar Court case no. 03-N-03727) suspending respondent from the practice of law for two years and 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); the execution of said suspension was stayed; and respondent was placed on probation for three years on

condition that he be actually suspended for one year and until he demonstrates the showing required by standard 1.4(c)(ii). Respondent was also ordered to comply with the other conditions of probation and to comply with rule 955 (now rule 9.20) of the California Rules of Court. Discipline was imposed for respondent's violation of section 6103 and rule 955(c) of the California Rules of Court.<sup>14</sup> In aggravation, respondent had a prior record of discipline (see first prior record of discipline set forth above), and respondent's misconduct evidenced multiple acts of wrongdoing or demonstrated a pattern of misconduct. There were no mitigating circumstances.

4. On January 4, 2006, the Supreme Court issued an Order in S137840 (State Bar Court case no. 04-N-15845) suspending respondent from the practice of law for three years and 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); the execution of said suspension was stayed; and respondent was placed on probation for three years on condition that he be actually suspended for 14 months and until he complies with standard 1.4(c)(ii). Respondent was also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on August 10, 2005, as modified by its order filed on August 31, 2005. Discipline was imposed for respondent's violation of section 6103 and rule 955(c) of the California Rules of Court.<sup>15</sup> In aggravation, respondent had a prior record of discipline (see above), and respondent's misconduct evidenced multiple acts of wrongdoing or demonstrated a pattern of misconduct. There were no mitigating circumstances.

---

<sup>14</sup> The Supreme Court had ordered respondent to comply with rule 955 of the California Rules of Court in its order filed July 2, 2003, in matter S114799 (State Bar Court Case Nos. 01-O-02658 etc.).

<sup>15</sup> The Supreme Court had ordered respondent to comply with rule 955 of the California Rules of Court in its order filed October 12, 2004, in matter S126670 (State Bar Court Case No. 03-N-03727).

Respondent also engaged in multiple acts of misconduct in this current matter. (Standard 1.2(b)(ii).)

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 set 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."

In determining the appropriate level of discipline, the court looks first to the standards for guidance. (*In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.) As the Review Department of the State Bar Court noted more than seventeen years ago in *In the Matter of Bouyer* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 404, 419, even though the standards are not to be applied in a talismanic fashion, they are to be followed unless there is a compelling reason that justifies not to do so. (Accord, *In re Silvertown* (2005) 36 Cal.4th 81, 91; *Aronin v. State Bar* (1990) 52 Cal.3d 276, 291.)

In this case, the standards provide for the imposition of sanctions ranging from suspension to disbarment. (Standard 2.6.) 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. Furthermore, standard 1.7(b) provides that if an attorney is found culpable of misconduct in any proceeding and the member has a record of two prior impositions of discipline, the degree of discipline to be imposed in the current proceeding must be disbarment, unless the most

compelling mitigating circumstances clearly predominate. In this matter, respondent has a record of three prior impositions of discipline, and no mitigating circumstances were found.

Protection of the public and rehabilitation of the attorney are the primary goals of disciplinary probation. (*In the Matter of Howard* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 445, 452; *In the Matter of Marsh* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 291, 298.) In this matter, respondent has failed to either submit or timely submit several written quarterly reports and has failed to pay restitution as required by the terms of his disciplinary probation imposed pursuant to an Order of the Supreme Court. The payment of restitution is a very important condition of probation, as it seeks to make a victim whole for the wrongful conduct of an attorney. Furthermore, “[A] probation ‘reporting requirement permits the State Bar to monitor [an attorney probationer’s] compliance with professional standards.’” (*In the Matter of Weiner* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 759, 763, citing *Ritter v. State Bar* (1985) 40 Cal. 3d 595, 605.) In addition, “an attorney probationer’s filing of quarterly probation reports is an important step towards the attorney’s rehabilitation.” (*In the Matter of Weiner, supra*, 3 Cal. State Bar Ct. Rptr. at p. 763.)

Although respondent has been given opportunities to do so, he has repeatedly demonstrated an unwillingness to comply with the professional obligations imposed on California attorneys and has repeated failed to comply with orders of the Supreme Court. In each of respondent’s prior disciplinary matters, he entered into a stipulated disposition with the State Bar. As such, he was well aware of the professional obligations and duties imposed on him as a result of his disciplinary matters. Nevertheless, he has twice failed to timely file his compliance affidavit as required by rule 955, subdivision (c) and has now twice failed to comply with conditions attached to a disciplinary probation.

In addition, a great concern to this court 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 for respondent's misconduct or from learning of any other mitigating circumstances which would justify this court's departure from the discipline recommended by the standards.

The State Bar recommends that respondent be disbarred as a result of his misconduct in this matter. The court concurs with the State Bar's disciplinary recommendation. Respondent's prior disciplinary orders "provided [respondent] an opportunity to reform his conduct to the ethical strictures of the profession. His culpability in [this matter] presently under consideration sadly indicates either his unwillingness or inability to do so." (*Arden v. State Bar* (1987) 43 Cal.3d 713, 728.)

Respondent's failure to comply with the probationary conditions in this matter suggests to this court that respondent's disbarment is necessary to protect the public, the courts and the legal community, to maintain high professional standards and to preserve public confidence in the legal profession. Accordingly, after considering respondent's current misconduct, the serious aggravating circumstances in this matter, the lack of any mitigating circumstances, and the standards, the court recommends that respondent be disbarred from the practice of law.

#### **RECOMMENDED DISCIPLINE**

The court hereby recommends that respondent **SCOTT LAFORCE GRADY** be disbarred from the practice of law in the State of California and that his name be stricken from the roll of attorneys in this state.

It is further recommended that respondent be ordered to comply with rule 9.20, 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 order herein.

**COSTS**

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

Dated: October \_\_\_\_\_, 2008

---

RICHARD A. HONN  
Judge of the State Bar Court