



**FILED**

FEB 25 2010

STATE BAR COURT  
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LOS ANGELES

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES

In the Matter of	)	Case No.: <b>08-O-10265-RAH</b>
	)	(S176295)
<b>PATRICK JAMES MANSHARDT,</b>	)	
	)	<b>ORDER RE RESPONDENT'S MOTION</b>
<b>Member No. 178085,</b>	)	<b>TO TERMINATE HIS ACTUAL</b>
	)	<b>SUSPENSION PURSUANT TO RULES</b>
<u>A Member of the State Bar.</u>	)	<b>PROC. OF STATE BAR, RULE 205(c)</b>

This matter is before the court on respondent Patrick James Manshardt's January 26, 2010 motion to terminate the actual suspension imposed on him in the Supreme Court's November 10, 2009 order in *In re Patrick J. Manshardt on Discipline*, Case No. S176295 (State Bar Court Case No. 08-O-10265) ("Motion to Terminate"). (Rules Proc. of State Bar, rule 205(c).) In his Motion to Terminate, however, respondent mistakenly believes that his 120-day period of actual suspension has already run. Accordingly, respondent is seeking an order from the court immediately terminating his period of actual suspension.

On February 4, 2010, the Office of Chief Trial Counsel filed an opposition to respondent's Motion to Terminate. The State Bar's opposition is generally focused on respondent's assertion that his 120-day period of actual suspension has already run.

The State Bar Court makes disciplinary recommendations to the Supreme Court. It is up to the Supreme Court's discretion whether or not to follow a State Bar Court recommendation. Therefore, a typical State Bar Court discipline recommendation (excluding public or private

reprovals) does not become effective until 30 days after the Supreme Court signs the disciplinary order. (See rule 9.18(a), California Rules of Court.)

The Supreme Court's order in the present matter did not become effective until December 10, 2009. Therefore, respondent's period of actual suspension in Case No. S176295 can terminate no earlier than April 9, 2010. Consequently, respondent's motion to immediately terminate his actual suspension in Case No. S176295 is **DENIED** for lack of good cause and lack of jurisdiction.

The court, however, finds that respondent has established adequate justification for terminating his actual suspension at the conclusion of his 120-day period of actual suspension pursuant to rule 205(c) of the Rules of Procedure of the State Bar Court. Respondent has explained why he failed to participate in this proceeding and permitted his default to be entered. (Rules Proc. of State Bar, rule 205(c)(3).) Respondent has also acknowledged a willingness to fully comply with any probation conditions imposed on him by this court as a condition for the termination of his actual suspension.<sup>1</sup> (Rules Proc. of State Bar, rule 205(c)(4).)

Therefore, the court concludes that placing respondent on three years' probation on the conditions set forth below will adequately fulfill the primary purposes of attorney disciplinary proceedings. (See, generally, Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std 1.3; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

### **ORDER**

Pursuant to rule 205(c) of the Rules of Procedure of the State Bar of California, respondent Patrick James Manshardt's actual suspension in Case No. S176295 will be **TERMINATED** at the conclusion of the 120-day period of actual suspension imposed by the

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<sup>1</sup> Respondent's declaration states, "I am willing to fully comply with the conditions of [sic] are reasonably related to the proceeding." This statement contains a typographical error. The court reasonably interprets this statement as conveying respondent's willingness to comply with any reasonably-related probation conditions.

Supreme Court in Case No. S176295. At the conclusion of this period of actual suspension, respondent is entitled to return to the practice of law in the State of California upon payment of all applicable State Bar fees and previously assessed costs (e.g., Bus. & Prof. Code, § 6140.7; but see also Bus. & Prof. Code, § 6086.10, subd. (c); Rules Proc. of State Bar, rules 282, 284).<sup>2</sup>

Further, as a condition for terminating his actual suspension, respondent will be placed on probation for three years on the following conditions:

1. During the period of probation, respondent must comply with the State Bar Act and the Rules of Professional Conduct of the State Bar of California;
2. Respondent must submit written quarterly reports to the State Bar's Office of Probation ("Office of Probation") on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent must state whether he has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. If the first report will cover less than thirty days, the report must be submitted on the next following quarter date, and cover the extended period.

In addition to all the quarterly reports, a final report, containing the same information is due no earlier than twenty days before the last day of the probation period and no later than the last day of the probationary period;

3. 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 him personally or in writing, relating to whether he is complying or has complied with the conditions contained herein;
4. Within ten days of any change, respondent must report to the Membership Records Office of the State Bar, 180 Howard Street, San Francisco, California 94105-1639, **and** to the Office of Probation, all changes of information, including current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code;
5. Within thirty days after the effective date of discipline, respondent must contact the Office of Probation and schedule a meeting with his 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; and
6. Respondent's probation will commence on the date this order is filed. And, at the end of the probationary term, if respondent has complied with the terms and conditions of probation, the Supreme Court order suspending him from the practice of law for two years will be satisfied, and the suspension will be terminated.

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<sup>2</sup> This order does not affect respondent's ineligibility to practice law that has resulted or that may hereafter result from any other cause or order.

It is not recommended that respondent attend Ethics School, as respondent has already been ordered to attend Ethics School in Case No. S168787, effective February 29, 2009.

This order is not effective until it is final. (See Rules Proc. of State Bar, rules 224, 206, and 300.)

Dated: February 24, 2010.

  
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RICHARD A. HONN  
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 February 25, 2010, I deposited a true copy of the following document(s):

ORDER RE RESPONDENT'S MOTION TO TERMINATE HIS ACTUAL  
SUSPENSION PURSUANT TO RULES PROC. OF STATE BAR, RULE 205(c)

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:

PATRICK J. MANSARDT  
LAW OFC OF PATRICK J MANSARDT  
5657 WILSHIRE BLVD #180-32  
LOS ANGELES, CA 90036

- by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

- by overnight mail at , California, addressed as follows:

- By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Brandon Keith Tady, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 25, 2010.



Cristina Potter  
Case Administrator  
State Bar Court