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JUL 30 2009

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STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of)	Case Nos. 08-O-11182-PEM; 08-O-13367
)	(Cons.)
STEWART W. LENZ,)	
)	ORDER RE STATE BAR'S MOTION FOR
Member No. 129758,)	RECONSIDERATION
)	
A Member of the State Bar.)	
_____)	

TO ALL PARTIES AND COUNSEL IN THE ABOVE ENTITLED MATTER:

On July 10, 2009, Deputy Trial Counsel Treva R. Stewart of the Office of the Chief Trial Counsel of the State Bar of California (State Bar) asked the court to reconsider its June 25, 2009 decision (Rules Proc. of State Bar, rule 224) and to add an “and until” condition and a requirement to comply with California Rules of Court, rule 9.20, irrespective of whether the period of actual suspension exceeds 90 days.

Respondent did not file a response.

After carefully considering all issues set forth in the motion, the court has determined to grant, in part, and deny, in part, the motion for reconsideration.

No good cause or error of fact and/or law having been shown, the State Bar’s motion for reconsideration seeking to require respondent’s compliance with rule 9.20 is hereby **DENIED**.

The recommended conditional 9.20 is appropriate.

However, good cause having been shown, the State Bar's request to add "and until respondent returns the client files to Joan Genger or her attorneys" is **GRANTED**. In addition, respondent should also return the client files to Joseph and Mary Leitgeb, if he had not already done so.

ACCORDINGLY, the **COURT ORDERS** that:

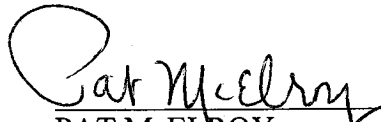
1. The second paragraph on page 15 of the June 25, 2009 decision is hereby deleted and replaced with the following modified paragraph:

"Accordingly, the court hereby recommends that respondent **Stewart W. Lenz** be suspended from the practice of law in California for one year, that said suspension be stayed, and that respondent be suspended from the practice of law for a minimum of 75 days. He is to remain suspended until he files and the State Bar Court grants a motion to terminate his suspension and until he returns the client files (1) to Joan Genger or her attorneys and (2) to Joseph and Mary Leitgeb, if he had not already done so. (Rules Proc. of State Bar, rule 205.)"

2. On page 1, paragraph 2, of the decision, the last line is modified to include the following:
"and until respondent returns certain client files."

IT IS SO ORDERED.

Dated: July 30, 2009


PAT McELROY
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 San Francisco, on July 30, 2009, I deposited a true copy of the following document(s):

ORDER RE STATE BAR'S MOTION FOR RECONSIDERATION

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 San Francisco, California, addressed as follows:

STEWART W. LENZ
251 LAFAYETTE CIR STE 330
LAFAYETTE, CA 94549

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:

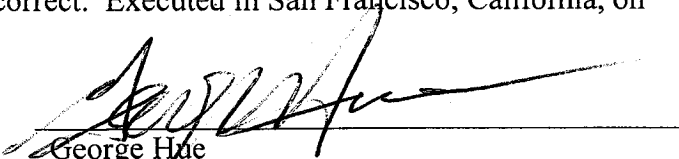
by fax transmission, at fax number . No error was reported by the fax machine that I used.

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:

Treva R. Stewart, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on July 30, 2009.


George Hue
Case Administrator
State Bar Court