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**State Bar Court of California**  
**Hearing Department**  
**Los Angeles**

<p>Counsel For The State Bar</p> <p>Mia Ellis  Deputy Trial Counsel  1149 South Hill Street  Los Angeles, CA 90015  213-765-1380</p> <p>Bar # 228235</p>	<p>Case Number (s)  09-O-11271</p>	<p>(for Court's use)</p> <p align="center"><b>FILED</b>  JUN - 4 2010 <i>Yrc</i>  STATE BAR COURT  CLERK'S OFFICE  LOS ANGELES</p> <p align="center"><b>PUBLIC MATTER</b></p>
<p>Counsel For Respondent</p> <p>James DiFrank  12227 Philadelphia Street  Whittier, CA 90601-3931  562-789-7734</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND  DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>Bar # 105591</p> <p>In the Matter Of:  Richard A. Lenard</p> <p>Bar # 153916</p> <p>A Member of the State Bar of California  (Respondent)</p>		

**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 August 28, 1991.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (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. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 13 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004; 12/13/2006.)



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- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) 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.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
  - costs to be paid in equal amounts prior to February 1 for the following membership years: (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
  - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
  - costs entirely waived

**B. Aggravating Circumstances [for definition, see 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 02-O-13800; 03-O-01634
  - (b)  Date prior discipline effective February 12, 2005
  - (c)  Rules of Professional Conduct/ State Bar Act violations: Business and Professions Code section 6068(a) and Rules of Professional Conduct, rule 4-100(B)(4)
  - (d)  Degree of prior discipline 30 days actual suspension, one year stayed suspension, two years probation.
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.  
  
State Bar Case # 97-O-16623, et al; effective April 18, 2003; violations: Rules of Professional Conduct, rules 4-100(A), 3-110(A); Business and Professions Code, section 6106; two (2) years suspension, stayed, three (3) years probation, one (1) year actual suspension.
- (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.

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- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see 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 with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. Please see stipulation attachment page 12.
- (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 or 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 was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug 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.

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004; 12/13/2006.)

Actual Suspension

(13)  No mitigating circumstances are involved.

**Additional mitigating circumstances**

**D. Discipline:**

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of two years.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following:

(b)  The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent must be placed on probation for a period of two years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3)  **Actual Suspension:**

(a)  Respondent must be actually suspended from the practice of law in the State of California for a period of one year.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

(1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

(2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

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- (3)  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.
- (4)  Within thirty (30) days from 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.
- (5)  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. 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 during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her 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 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 and no later than the last day of probation.

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8)  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 Ethics School, and passage of the test given at the end of that session.
  - No Ethics School recommended. Reason: .
- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  The following conditions are attached hereto and incorporated:
  - Substance Abuse Conditions
  - Medical Conditions
  - Law Office Management Conditions
  - Financial Conditions

**F. Other Conditions Negotiated by the Parties:**

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without**

**further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

No MPRE recommended. Reason:

- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5)  **Other Conditions:**

In the Matter of <b>Richard A. Lenard</b>	Case number(s): <b>09-O-11271</b>
A Member of the State Bar	

**Financial Conditions**

**a. Restitution**

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Client Security Fund	\$11,231.34 Respondent shall receive credit for previous amounts paid.	March 2, 2004

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **60 days from the effective date of the Supreme Court order.**

**b. Installment Restitution Payments**

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

**c. Client Funds Certificate**

- 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:

- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of

(Financial Conditions form approved by SBC Executive Committee 10/16/2000. Revised 12/16/2004; 12/13/2006.)

California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
  1. the name of such client;
  2. the date, amount and source of all funds received on behalf of such client;
  3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
  4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
  1. the name of such account;
  2. the date, amount and client affected by each debit and credit; and,
  3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

**d. Client Trust Accounting School**

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

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

IN THE MATTER OF:                      Richard A. Lenard

CASE NUMBER(S): ET AL.              09-O-11271

**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.

1. In July 2004, Respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition with the Office of the Chief Trial Counsel of the State Bar of California ("State Bar") in State Bar Court case numbers 02-O-13800 and 03-O-01634 (the "stipulation"). In the stipulation, Respondent agreed to comply with certain conditions of probation in order to resolve the case.
2. On September 14, 2004, the Hearing Department of the State Bar Court filed an order approving the stipulation.
3. On January 13, 2005, the California Supreme Court filed its Order number S128824 in which it ordered that Respondent be suspended from the practice of law for one year, that execution of the suspension be stayed, and that Respondent be placed on probation for two years with conditions, including the condition that he be actually suspended for 30 days (the "Order").
4. On or about January 25, 2005, State Bar of California's Office of Probation ("Probation") mailed a letter to Respondent with information regarding all of the probation conditions ordered by the California Supreme Court.
5. As conditions of probation, the California Supreme Court ordered Respondent to do the following:
  - a. During the period of probation, comply with the State Bar Act and the Rules of Professional Conduct;
  - b. Submit written quarterly reports to the State Bar of California's Office of Probation ("Probation") on each January 10, April 10, July 10 and October 10 during the period of probation, stating under penalty of perjury whether Respondent had complied with all the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar;
  - c. Report to the State Bar of California's Membership Records Office ("Membership Records") and to Probation all changes of information, including her current office address and telephone number or, if no office was maintained by her, an address to be used for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code, within 10 days of any change; and,
  - d. Subject to a proper or good faith assertion of any applicable privilege, fully, promptly, and truthfully answer any inquiries of Probation directed to her, whether personally or in writing, relating to whether she is complying or has complied with the conditions of her probation.
6. With Probation's January 25, 2005 letter, Probation sent a blank quarterly report form that he could use to report his compliance to Probation. In the letter, Probation informed Respondent that his first quarterly report was due on April 10, 2005.
7. Respondent did not file his first quarterly report with Probation, covering the period of January 13 to March 31, 2005, by the due date of April 10, 2005 (the "first quarterly report").
8. On April 21, 2005, Probation sent Respondent a letter advising him that the Office of Probation has not received his first quarterly report due on April 10, 2005.

9. Respondent filed the first quarterly report with Probation on May 9, 2005.
10. Respondent did not file his third quarterly report with Probation, covering the period of July 1 to September 30, 2005, by the due date of October 10, 2005 (the "third report").
11. Respondent filed the third report with Probation on October 12, 2005.
12. Respondent did not file his fifth quarterly report with Probation, covering the period of January 1 to March 31, 2006, by the due date of April 10, 2006 (the "fifth report").
13. Respondent filed the fifth report with Probation on April 13, 2006.
14. Respondent did not file his seventh quarterly report with Probation, covering the period of July 1 to September 30, 2006, by the due date of October 10, 2006 (the "seventh report").
15. Respondent filed the seventh report with Probation on October 19, 2006.
16. Respondent did not file his eighth quarterly report with Probation, covering the period of October 1 to December 31, 2007, by the due date of January 10, 2007 (the "eighth report").
17. Respondent filed the eighth report with Probation on February 1, 2007.
18. As a condition of probation, the California Supreme Court ordered Respondent to file with Probation, in addition to all quarterly reports, a final report containing the same information as the quarterly report, no earlier than 20 days before the last day of the period of probation and no later than the last day of probation or by February 12, 2007 (the "final report").
19. On February 5, 2007, Probation sent a letter to Respondent reminding him to file his final report by February 12, 2007.
20. On February 6, 2007, Probation sent another letter to Respondent reminding him to file his final report by February 12, 2007.
21. Respondent did not file his final report with Probation, covering the period of January 1 to February 12, 2007, by the due date of February 12, 2007.
22. Respondent filed the final report with Probation on January 30, 2008.
23. On or about May 23, 2000, Ri Nguyen ("Nguyen") filed an application with the Client Security Fund (CSF).
24. In or about March 2004, CSF granted Nguyen's application and paid Nguyen \$11,231.34.
25. As a condition of probation, the California Supreme Court ordered Respondent to make restitution to the CSF within twenty-three (23) months of the effective date of the discipline, in the principal amount of \$11,231.34, plus interest at the rate of 10 percent per annum from March 2, 2004.
26. As a further condition of probation, the California Supreme Court ordered Respondent to include with each required quarterly report, satisfactory proof of all restitution payments made by him during the reporting period.
27. With each quarterly report, Respondent failed to report whether he made restitution payments. However, Probation confirmed through its own investigation that CSF received \$1500 from Respondent on January 29, 2008. Respondent failed to make further restitution payments.
28. Respondent did not file with Probation proof that he had completed restitution.

#### Conclusions of Law

By not timely filing the quarterly reports on April 10, 2005, October 10, 2005, April 10, 2006, October 10, 2006, January 10, 2007, and the final report by February 12, 2007 with Probation, Respondent failed to comply with all conditions attached to disciplinary matter, in wilful violation of Business and Professions Code, section 6068(k).

By not making full restitution payments to CSF by February 12, 2007 and by not providing proof of restitution payments made during the reporting period, Respondent failed to comply with all conditions attached to his disciplinary probation, in wilful violation of Business and Professions Code, section 6068(k).

## **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was May 11, 2010.

## **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of May 11, 2010, the prosecution costs in this matter are \$2,296. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

## **AUTHORITIES SUPPORTING DISCIPLINE.**

Standard 1.7(b) if a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of two prior impositions of discipline as defined by Standard 1.2(f), the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate.

Standard 2.6-culpability of a member of a violation of any of the following provisions of the Business and Profession Code shall result in disbarment or suspension depending on the gravity of the offense or the harm if any, to the victim, with due regard to the purposes of imposing discipline.

The Court in *Silverton* also indicated that the State Bar Court may deviate from the Standards where there exists grave doubts as to the propriety of applying them in a particular case. (*Silverton* 36 Cal.4<sup>th</sup> at 92). For example, deviation from the Standard may be appropriate where extraordinary circumstances exist or where the imposition of discipline called for by the Standard would be manifestly unjust. The court opined in *In the Matter of Miller* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 131, 136 that "merely declaring that an attorney has three impositions of discipline, without more analysis, may not adequately justify disbarment in every case."

*In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Court Rptr. 602, provides that prior discipline is always a factor in aggravation. However, the court found that the aggravating force of prior discipline is diminished if the misconduct occurred during the same period as the misconduct in the prior matter. In the instant case, Respondent's misconduct charged in the second record of discipline occurred during the same timeframe and stemmed from the same circumstances as the first record of discipline. Moreover, the additional violations from the second prior record of discipline would not have increased the level of discipline given in the first record of discipline.

## **STATE BAR ETHICS SCHOOL.**

Respondent has agreed to attend State Bar Ethics School as part of this stipulation. Respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

## **MITIGATING CIRCUMSTANCES.**

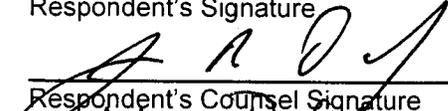
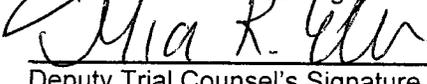
Respondent cooperated to the extent that he stipulated to facts, conclusions of law and level of discipline.

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In the Matter of Richard A. Lenard	Case number(s): 09-O-11271
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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 Fact, Conclusions of Law and Disposition.

<u>5-13-10</u> Date	 Respondent's Signature	<u>RICHARD A. LENARD</u> Print Name
<u>5/13/10</u> Date	 Respondent's Counsel Signature	<u>James R. DiFrank</u> Print Name
<u>5/17/10</u> Date	 Deputy Trial Counsel's Signature	<u>Mia R. Ellis</u> Print Name

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In the Matter Of  
**Richard A. Lenard**

Case Number(s):  
**09-O-11271**

### 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 stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates 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. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

6-2-10  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Judge Pro Tem of the State Bar Court  
George Scott

**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 June 4, 2010, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION**

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:

**JAMES RICHARD DIFRANK  
12227 PHILADELPHIA ST  
WHITTIER, CA 90601 - 3931**

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

**MIA ELLIS, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 4, 2010.

  
\_\_\_\_\_  
Tammy Cleaver  
Case Administrator  
State Bar Court