

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT - LOS ANGELES

In the Matter of ) Case No.: **09-R-12356-RAP**  
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)  
**JAMES L. LOFTON,** ) **AMENDED DECISION GRANTING**  
) **PETITION FOR**  
) **REINSTATEMENT**  
)  
A Petitioner for Reinstatement. )  
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**I. INTRODUCTION**

In this proceeding for reinstatement to the practice of law, petitioner **JAMES L. LOFTON** represented himself and Deputy Trial Counsel Melanie Lawrence represented the Office of the Chief Trial Counsel of the State Bar of California (hereafter "State Bar").

After carefully considering all the evidence, the court **GRANTS** petitioner's application for reinstatement.

**II. SIGNIFICANT PROCEDURAL HISTORY**

Petitioner initiated this proceeding on May 4, 2009, by filing a petition for reinstatement. (Cal. Rules of Court, rule 9.10(f); Rules Proc. of Cal. State Bar, rule 660 et seq.) Petitioner filed a supplemental to his petition on May 29, 2009. The State Bar filed its response to the petition on July 2, 2009.

On July 31, 2009, the parties filed a joint pretrial stipulation as to facts, admission of documents, and waiver of hearing.

### **III. COURT'S FINDINGS OF FACT**

#### **A. Petitioner's Background**

Petitioner was admitted to the practice of law in the State of California on November 7, 1984, and was a member of the State Bar until he resigned without charges pending, effective January 20, 2006. There is no record of petitioner being a subject of any disciplinary proceeding. There is no record of petitioner ever been charged with or convicted of any criminal offenses or of any substance abuse problems.

Petitioner resigned from the practice of law on January 20, 2006, under the belief that he would never again be able to work to any appreciable degree and felt ethically bound to resign due to health reasons. However, in June 2007 he discovered his illness was misdiagnosed. Petitioner was placed on new medication, which over time proved successful in treating his illness. Petitioner now believes he is now ready to return to the noble profession of practicing law.

Attached to his petition for reinstatement is a note from petitioner's medical provider stating petitioner is medically able to return to employment.

#### **B. California Rules of Court, Rule 9.10(f); Rules of Procedure of State Bar, Rule 665(c)**

To be reinstated to the practice of law, a petitioner who resigned without charges pending must establish by clear and convincing evidence that he has passed a professional responsibility examination, has present moral qualifications for reinstatement, and has present ability and learning in the general law. Because petitioner resigned without charges pending, he need not establish rehabilitation from any wrongdoing. (Rules of Proc. State Bar, rule 665(c); see also *In the Matter of Sheppard* (Review Dept. 1994) 4 Cal. State Bar Ct. Rptr. 91, 96.)

#### **C. Professional Responsibility Examination**

Petitioner has complied with California Rules of Court, rule 9.10(f), by taking and passing the Multistate Professional Responsibility Examination in November 2008.

#### **D. Petitioner's Character Witnesses**

Petitioner's petition for reinstatement was supported by the sworn declarations of five individuals of whom three are attorneys licensed in the State of California, a minister, and a friend who operates of business.<sup>1</sup> Although each of these individuals had a different perspective to offer regarding petitioner's character, background, and activities, they were unanimous in their praise of his character, intellect, judgment, legal ability, and all were supportive of his request to be reinstated.

#### **E. Moral Qualifications**

As to moral qualifications, the question before the court is "whether petitioner is a fit and proper person to practice law at this time. (*Pacheco v. State Bar* (1987) 43 Cal.3d 1041, 1051.) Petitioner has proved by clear and convincing evidence the requisite good moral character for reinstatement to the practice of law. "Letters of recommendation and the favorable testimony, especially that of employers and attorneys, are entitled to considerable weight. [Citations.]" (*Feinstein v. State Bar* (1952) 39 Cal.2d 541.547.) While the State Bar did not stipulate to petitioner's moral character qualifications, it did stipulate to the admission into evidence of the declarations of the witnesses, and it offered no evidence or argument in opposition to or rebuttal of that evidence.

#### **F. Present Learning and Ability in the General Law**

The court finds by clear and convincing evidence that petitioner possess the present learning and ability in the general law required for reinstatement. Petitioner resigned without charges pending from the practice of law in January 2006. Since that time, petitioner has been

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<sup>1</sup> These declarations are in addition to the letters of recommendation attached to petitioner's petition for reinstatement.

periodically employed by three attorneys for research assignments and assistance in civil litigation matters.

In addition, petitioner has taken approximately 45 hours in continuing legal education courses since he resigned without charges pending.

#### **IV. RECOMMENDATION**

For all the foregoing reasons, the court concludes the petitioner has sustained his burden, by clear and convincing evidence, of establishing: (1) that he passed the Multistate Professional Responsibility Examination; (2) that he possesses present moral qualifications; and (3) that he has present learning and ability in the general law, for reinstatement to the practice of law in California. Accordingly, the court recommends that his petition for reinstatement be **GRANTED** and that petitioner **JAMES L. LOFTON** be reinstated as a member of the State Bar of California.

Dated: August 3, 2009.

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**RICHARD A. PLATEL**  
Judge of the State Bar Court