

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES

In the Matter of	)	Case No. <b>10-R-03088-RAH</b>
	)	
<b>LYNN BECK LARSEN,</b>	)	
	)	<b>DECISION</b>
Petitioner for Reinstatement.	)	
	)	
_____	)	

**I. INTRODUCTION**

Petitioner **Lynn Beck Larsen** seeks to be reinstated as a member of the State Bar of California, following his 2009 resignation *without* charges pending. He filed his petition for reinstatement to the practice of law on March 23, 2010; a supplement to petition on May 17, 2010; and additional declarations in support of his petition in July 2010.

In a response filed July 6, 2010, the Office of the Chief Trial Counsel of the State Bar of California (State Bar), represented by Deputy Trial Counsel Brandon K. Tady, stated that it opposed petitioner's reinstatement to the extent that it intended to require petitioner to satisfy his burden of proof. On July 2, 2010, the parties entered into a joint pretrial stipulation as to facts, admission of documents and waiver of hearing.<sup>1</sup> The parties waived hearing; this matter was submitted for decision on July 14, 2010.

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<sup>1</sup> Certain stipulated dates were incorrect. The petition was filed March 23 and not March 19; the State Bar's response was filed July 6 and not July 1.

Petitioner has demonstrated, by clear and convincing evidence, that he has satisfied the requirements for reinstatement to the practice of law. Therefore, the court recommends that petitioner be reinstated to the practice of law in California.

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

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

Petitioner was admitted to the practice of law in the State of California on July 13, 1978, and was a member of the State Bar until he resigned *without charges pending*. The Supreme Court accepted his resignation, effective June 5, 2009, in case No. S172688.

Petitioner submitted a declaration in support of his reinstatement and declared as follows:

Petitioner is and was a member of several state bars. He is an active member of the Utah State Bar since 1983; he was admitted to the Colorado State Bar in December 2009; and he was a member of the Virginia State and the District of Columbia Bars from 1975 and 1976, respectively, and resigned in 2009 for economic reasons without any charges or questions pending. He also resigned from the California State Bar in 2009 for economic reasons without any charges pending.

Petitioner has never been denied admission to any bar to which he sought membership. His fitness to practice law was never questioned, and he was never disciplined for any misconduct.

Petitioner has an excellent credit rating. He has always fully satisfied his financial obligations and has never sought the protection of the bankruptcy provisions of the law.

Petitioner is active in community affairs. He serves in leadership positions in his religion. He also served on the board of directors of his condominium association.

Petitioner had never been charged with any fraud or criminal acts.

Petitioner has been active in the practice of law since 1975. He has worked with private law firms and with construction consulting organizations – examining and counseling attorneys on construction law matters, testifying as an expert witness on construction and business law issues and serving as an arbitrator and private judge on legal disputes.

His work has been in the examination of contract claims arising from construction projects. To that end, he has monitored court decisions, particularly those related to construction work. He conferred with and counseled construction claims consultants, made determinations of recoverable damages in compliance with legal standards and precedents, and prepared reports for submission to courts and government entities.

He is also actively involved in discovery in pending legal cases.

Petitioner evaluates claims asserted in suits initiated by others and evaluates claims being asserted by his clients to ensure the legal sufficiency and the availability of evidence to satisfy court precedent.

He serves as an arbitrator for the American Arbitration Association.

He serves as a “jobsite judge” on construction projects in the State of Idaho, being jointly selected by the state and by the performing contractor, to rule on disputes that might arise during the performance of a construction project.

Petitioner has attended more than 20 hours of continuing legal education (CLE) seminars sponsored by the American Bar Association (ABA), the Utah Bar, the Colorado Bar, the American Arbitration Association, and Lorman.

He monitors court decisions from the States of California, Utah and Colorado.

Petitioner has presented seminars to government and attorney groups. In the fall of 2009, he presented seminars to the construction law section of the Utah Bar and to an office of the

United States Corps of Engineers. He was asked to present a seminar in August 2010 to the construction attorneys of the Colorado Bar.

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

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. (Cal. Rules of Court, rule 9.10(f); Rules Proc. of State Bar, rule 665(c).)

**C. Professional Responsibility Examination**

Petitioner has complied with California Rules of Court, rule 9.10(f), by taking and passing the November 2009 Multistate Professional Responsibility Examination.

**D. Character Witnesses**

Seven individuals testified in writing as to petitioner's moral character in support of his reinstatement. One of whom was an attorney.

The witnesses included: Taylor M. Menlove; William C. Schwartzkopf; Donald B. Harrington; Frankie McGuire-Travis; LeAnne M. Barbin; Philip Staib; and R. Brent McSwain. The character witnesses have known petitioner for several years and attested to petitioner's good moral character. They declared as to his honesty, integrity and trustworthiness. One character witness found petitioner to have the upmost character, to be sincere, truthful, faithful and reliable and to be a truly special person.

**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.)

“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.)

Here, petitioner presented seven credible character witnesses who attested to his good moral character. He has demonstrated that he is fit to practice law in California in view of his lengthy period of blemish-free career. Thus, petitioner has proven by clear and convincing evidence the requisite good moral character for reinstatement to the practice of law.

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

The court finds by clear and convincing evidence that petitioner possesses present learning and ability in the general law required for reinstatement. Petitioner has been in the practice of law since 1975. His duties and responsibilities as an attorney, as an arbitrator and as an instructor demonstrate that petitioner possesses the required present learning and ability in the general law.

**III. RECOMMENDATION**

For the foregoing reasons, the court concludes that petitioner has sustained his burden by clear and convincing evidence by 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. Accordingly, the court recommends that the petition for reinstatement be **GRANTED** and that petitioner **Lynn Beck Larsen** be reinstated as a member of the State Bar of California.

Dated: May \_\_\_\_, 2011

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RICHARD A. HONN  
Judge of the State Bar Court