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State Bar Court of California
Hearing Department
Los Angeles
DISBARMENT

PUBLIC MATTER

<p>Counsel For The State Bar</p> <p>Timothy G. Byer Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1325</p> <p>Bar # 172472</p>	<p>Case Number(s): 12-C-17849-RAP, 13-N-13869 (unfiled)</p>	<p>For Court use only</p> <p>FILED</p> <p>NOV 26 2013</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Padrik S. Ryan Law Ofc Padrik Ryan 41345 Lilley Mountain Dr. Coarsegold, CA 93614 (310) 905-2245</p> <p>Bar # 256997</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT</p> <p>DISBARMENT</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: PADRIK SYMBIO RYAN</p> <p>Bar # 256997</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 June 20, 2008.
- (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 resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (10) pages, not including the order.

(Effective January 1, 2011)

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- (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."
- (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):
- Costs to be awarded to the State Bar.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

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**
- (a) State Bar Court case # of prior case 12-O-13582. See Attachment, page 7, "Aggravating Circumstances."
 - (b) Date prior discipline effective This discipline to which Respondent stipulated has not yet been ordered by the Supreme Court.
 - (c) Rules of Professional Conduct/ State Bar Act violations: rules 3-700(A)(2)(improper withdrawal), 6068(m)(failure to communicate), 3-700(D)(2)(failure to refund unearned advanced fees), and 4-100(B)(3)(failure to provide an accounting).
 - (d) Degree of prior discipline One year of stayed suspension, one year of probation with conditions including 90 days of actual suspension and until payment of restitution.
 - (e) If respondent has two or more incidents of prior discipline, use space provided below:
- (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.
- (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.
- (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.

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- (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.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pretrial stipulation. See Attachment, page 8, "Mitigating Circumstances."

D. Discipline: Disbarment.

E. Additional Requirements:

- (1) **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.
- (2) **Restitution:** Respondent must make restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____. If the Client Security Fund has reimbursed _____ for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than _____ days from the effective date of the Supreme Court order in this case.
- (3) **Other:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: PADRIK SYMBIO RYAN

CASE NUMBER: 12-C-17849

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that the facts and circumstances surrounding the offense for which he was convicted involved moral turpitude.

Case No. 12-C-17849 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

2. On March 28, 2012, Respondent was arrested and charged with violations of 21 U.S.C. sections 952 and 960 (importation of a controlled substance, i.e. marijuana) in *United States of America v. Padrik Symbio Ryan*, United States District Court for the Southern District of California, case no. 12CR2601-H.

3. On September 26 - 27, 2012, a bench trial was conducted in Respondent's matter. On September 27, 2012, the Honorable Marilyn Huff, Judge of the United States District Court found Respondent guilty of importation of marijuana as charged in the indictment.

4. On February 4, 2013, the court sentenced Respondent to ten months' imprisonment in the custody of the United States Bureau of Prisons. Respondent served his term at the Metropolitan Correctional Center in San Diego, California.

5. On July 22, 2013, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

6. On September 24, 2012, Respondent drove his 1998 Ford F-150 pickup truck from Mexico into the United States through the San Ysidro Port of Entry.

7. Upon alert by a narcotics detecting dog and inspection by Customs and Border Protection personnel, it was discovered that the Ford's gas tank had been modified to contain illicit cargo and that it contained 29 packages containing a total of 38.62 kilograms (84.96 pounds) of marijuana, with a "wholesale" value in the United States of at least \$25,000. Respondent was aware of the illicit cargo and knowingly entered the United States with it for commercial purposes.

8. Testimony in Respondent's criminal trial established that: 1) the alterations to Respondent's truck were extensive and it would have taken approximately 3 ½ hours to remove the tank, load the packages of marijuana, and reinstall the tank; 2) the time it would have taken to unload the packages of marijuana from the gas tank and reinstall the tank would have taken another approximately 3 hours; and 3) the capacity of the gas tank to hold fuel would have been decreased by approximately 58%.

9. At the time of Respondent's arrest, he had a bench warrant outstanding following his arrest in California on charges of felony hit and run and resisting arrest.

CONCLUSIONS OF LAW:

10. The facts and circumstances surrounding the violations of 21 U.S.C. sections 952 and 960 of which Respondent was convicted involved moral turpitude.

Case No. 13-N-13869

11. On February 11, 2013, the Review Department of the State Bar Court issued an order, in Case No. 12-C-17849, suspending Respondent from the practice of law pending final disposition of matter, and ordering Respondent to comply with California Rule of Court 9.20 and to perform the acts specified in subdivisions (a) (notification of all clients, co-counsel, and opposing counsel, and courts in pending matters of the suspension from practice, delivery of clients' files and/or property to clients in pending matters, and refund to clients of any unearned fees) and (c) (filing a declaration of compliance with subdivision (a) of that rule) with the State Bar Court within 30 and 40 days, respectively, after the effective date of the order. Notice of the order was served on Respondent, who received it.

12. Respondent failed to perform the act specified in subdivision (c) (filing a declaration of compliance with (a) with the State Bar Court) of California Rule of Court 9.20 within 40 days after the effective date of the order.

CONCLUSIONS OF LAW:

13. By not filing a declaration of compliance with Rule 9.20 in conformity with the requirements of Rule 9.20(c) as he was ordered to do by the Review Department of the State Bar Court, Respondent disobeyed an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear, in willful violation of Business and Professions Code, section 6103.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.2(b)(i)): On August 14, 2013, the State Bar Court signed an order approving a stipulation to discipline entered into by Respondent and the State Bar in Case No. 12-O-13582, approving a recommendation of one year stayed suspension and one year of probation, with probation conditions including 90 days of actual suspension and until payment of restitution, for Respondent's improper withdrawal, failure to communicate, failure to refund unearned advanced fees, and failure to provide an accounting. The misconduct was committed in a single client matter in 2011. The Supreme Court has not yet issued an order approving this discipline.

MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to trial, thereby saving State Bar Court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a “process of fixing discipline” pursuant to a set of written principles to “better discharge the purposes of attorney discipline as announced by the Supreme Court.” (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed are “the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession.” (*In re Morse* (1995) 11 Cal.4th 184, 205; std. 1.3.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

The most severe sanction applicable to Respondent’s misconduct is found in standard 3.2, which applies to Respondent’s crime of moral turpitude. Standard 3.2 provides that “[f]inal conviction of a member of the State Bar of a crime which involves moral turpitude, either inherently or in the facts and circumstances surrounding the crime’s commission, shall result in disbarment. Only if the most compelling mitigating circumstances clearly predominate, shall disbarment not be imposed.”

Respondent altered his vehicle’s gasoline tank, or permitted it to be altered, in order to hide almost 85 pounds of a controlled substance, marijuana, inside that gasoline tank, and then attempted to smuggle that controlled substance across the border from Mexico into the United States for a commercial purpose. The facts and circumstances surrounding Respondent’s crime (the extensive and time-consuming dismantling and alteration of his gas tank, with a significant decrease in the truck’s fuel capacity) involve deceit. “A member of the State Bar should not under any circumstances attempt to deceive another . . . An attorney’s practice of deceit involves moral turpitude.” (*Cutler v. State Bar* (1969) 71 Cal.2d 241, 252-253.) Respondent has only the mitigation to which he is entitled for entering into a pre-trial stipulation, which is not “compelling” and therefore does not justify a deviation from Standard 3.2. Standard 3.2 requires that disbarment be imposed.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of November 15, 2013, the prosecution costs in this matter are \$2,392. 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.

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In the Matter of: PADRIK SYMBIO RYAN	Case number(s): 12-C-17849-RAP, 13-N-13869
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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 Facts, Conclusions of Law, and Disposition.

11-18-13 *Padrik S. Ryan* Padrik S. Ryan
Date Respondent's Signature Print Name

11-18-13 *Timothy G. Byer for Tim Byer* Timothy G. Byer
Date Deputy Trial Counsel's Signature Print Name

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In the Matter of:
PADRIK SYMBIO RYAN

Case Number(s):
12-C-17849-RAP, 13-N-13869

DISBARMENT 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.

*PAGE 7 - CONCLUSIONS OF LAW - PARAGRAPH 13 -
INSERT AFTER LAST SENTENCE - "RESPONDENT'S MISCONDUCT
WAS A WILLFUL VIOLATION OF CALIFORNIA RULES OF COURT, RULE 9.20."*

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 5.58(E) & (F), 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.)**

PADRIK S. RYAN
Respondent is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

11-25-2013
Date


RICHARD A. PLATEL
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); 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 November 26, 2013, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

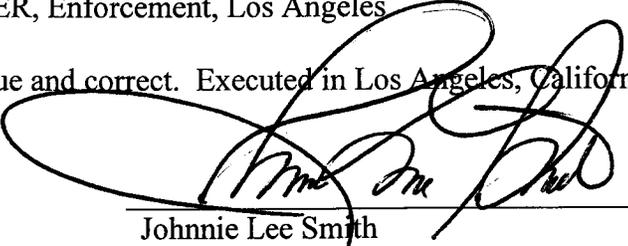
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

PADRIK S. RYAN
LAW OFC PADRIK RYAN
41345 LILLEY MOUNTAIN DR
COARSEGOLD, CA 93614

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

TIMOTHY BYER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 26, 2013.



Johnnie Lee Smith
Case Administrator
State Bar Court