

FILED

SEP 17 2012

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 12-Q-14004
)	
MILO PETRANOVICH,)	RECOMMENDATION ON
)	RESIGNATION
A Member of the State Bar, No. 73571.)	
_____)	

On May 30, 2012, Milo Petranovich filed his resignation with disciplinary charges pending. In addition to his resignation, Petranovich also tendered an authorization for public disclosure of pending investigations and a California Rules of Court, rule 9.20 compliance declaration.¹ On July 27, 2012, the Office of the Chief Trial Counsel of the State Bar (State Bar) filed a report recommending that his resignation be accepted.

In light of the grounds set forth in rule 9.21(d), we agree and recommend Petranovich's resignation be accepted because: (1) he cooperated in this matter by stipulating to his misconduct and complying with rule 9.20; (2) he has no prior discipline or other unresolved disciplinary matters; (3) he has no outstanding restitution; (4) he has not practiced law in California since 1985; and (5) his misconduct would not result in severe discipline under the standards and case law. Under these circumstances, we conclude that the acceptance of his resignation would be consistent with the need to protect the public, the courts, and the legal profession.

¹ All further references to rules are to this source unless otherwise noted.

I. BACKGROUND AND PENDING DISCIPLINARY CASE

Petranovich was admitted to practice law in California on January 3, 1977, and has no prior disciplinary record. As a result of not paying his bar membership fees, he has not been entitled to practice law in California since August 1985. Petranovich was admitted to the practice of law in Oregon on September 14, 1981, and has one record of discipline in that state. Based on Petranovich's stipulation with the Oregon State Bar in his disciplinary matter, the Oregon Supreme Court imposed a 60-day suspension. Petranovich's misconduct in Oregon, discussed below, gave rise to the pending disciplinary charges in California. (Bus. & Prof. Code, § 6049.1(a) [misconduct in other jurisdiction shall be conclusive evidence member culpable of misconduct in this state].)

In July 2012, the parties stipulated that Petranovich's misconduct in Oregon would warrant the imposition of reciprocal discipline in California based on the following violations:

In 2008, Petranovich was a volunteer on a pro bono panel. In September of that year, the U.S. District Court appointed him to represent a pro se plaintiff in a civil lawsuit. Petranovich admits he violated Rules of Professional Conduct, rule 3-110(A), by failing to competently perform when he failed to file any pleadings in response to pending summary judgment motions in the matter. He also admits he violated Rules of Professional Conduct, rule 3-700(A)(2), by improperly withdrawing from employment when he failed to inform the client of his intent to withdraw from representation or take measures to avoid reasonably foreseeable prejudice to the client. Petranovich also stipulated to failing to keep the client reasonably informed of significant developments in the case in violation of Business and Professions Code section 6068, subdivision (m), including not informing the client the matter was dismissed, judgment entered, and that the defendant unsuccessfully moved for sanctions against the client. Finally, he failed to

cooperate with the Oregon State Bar's investigation of the matter in violation of Business and Professions Code section 6068, subdivision (i).

II. CONSIDERATION OF THE GROUNDS SET FORTH IN RULE 9.21(d)

We have considered Petranovich's resignation under the grounds set forth in rule 9.21(d), and summarize the relevant information for each ground:

1. Whether the preservation of testimony is complete.

The State Bar reports that preservation of testimony is not required since it has certified copies of the underlying Oregon disciplinary stipulation and Oregon Supreme Court order approving discipline. Furthermore, the details of Petranovich's misconduct are incorporated in the stipulation filed in this proceeding.

2. Whether Petranovich committed the unauthorized practice of law after he tendered resignation.

The State Bar reports it has no information that Petranovich continued to practice law after he filed his resignation. The State Bar states it reasonably believes Petranovich has not practiced law in California since August 1985.

3. Whether Petranovich performed the acts specified in rule 9.20(a)-(b).

Petranovich asserts he has no clients or pending matters and is not in possession of client files or fees. The State Bar provided no information to contradict Petranovich's assertions.

4. Whether Petranovich provided proof of compliance with rule 9.20(c).

Petranovich timely filed his rule 9.20 compliance declaration on June 7, 2012.

5. Whether the Supreme Court has filed a disbarment order.

The Supreme Court has not filed a disbarment order.

6. Whether the State Bar Court has filed a decision recommending disbarment.

The State Bar Court has not filed a decision recommending Petranovich's disbarment.

7. Whether Petranovich previously resigned or has been disbarred and reinstated to the practice of law.

Petranovich has not previously resigned or been disbarred in California.

8. Whether Petranovich entered a stipulation with the State Bar as to facts and conclusions of law regarding pending disciplinary matters.

In July 2012, the parties stipulated to the facts and conclusions of law in Petranovich's pending disciplinary matter.

9. Whether accepting Petranovich's resignation will reasonably be inconsistent with the need to protect the public, the courts, or the legal profession.


Petranovich has no other pending disciplinary matters beyond the matter to which he stipulated. This stipulation and his Oregon discipline record provide a complete account of his misconduct, and are available to the public and any licensing agency or other jurisdiction. The State Bar also reports that there are no Client Security Fund or other restitution claims pending against Petranovich.

If Petranovich's matter were to proceed through the discipline system, it is unlikely that his stipulated misconduct would result in a lengthy actual suspension in light of his cooperation and the absence of prior discipline. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 2.4(b) [reproval or suspension for failing to perform or communicate], 2.6 [disbarment or suspension for failing to cooperate in investigation] and std. 2.10 [reproval or suspension for improper withdrawal].) Petranovich, however, is prepared to forfeit his license. In light of the existing public record of his misconduct and his discipline in Oregon, it seems unnecessary for purposes of public protection to use limited resources to continue to pursue Petranovich's reciprocal discipline in California.

Finally, Petranovich has fully cooperated in this resignation matter by authorizing public disclosure of any pending investigations, entering into a stipulation with the State Bar, complying with rule 9.20 and filing his affidavit of compliance with the rule. We do not believe that accepting a member's resignation under these circumstances will undermine public confidence in the discipline system. We find that permitting Petranovich to resign would be consistent with the need to protect the public, the courts and the legal profession.

III. RECOMMENDATION

We recommend that the Supreme Court accept the resignation of Milo Petranovich, State Bar number 73571. We further recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6068.10, and that such costs be enforceable both as provided in section 6140.7 and as a money judgment.


Presiding Judge

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. 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 September 17, 2012, I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED SEPTEMBER 17, 2012

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

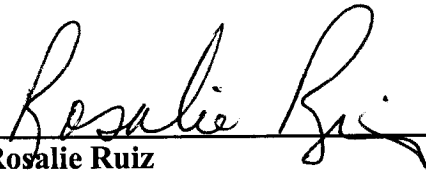
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

MILO PETRANOVICH
LANE POWELL PC
601 SW 2ND AVE STE 2100
PORTLAND, OR 97204

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

ANAND KUMAR, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 17, 2012.



Rosalie Ruiz
Case Administrator
State Bar Court