

**FILED**

APR 08 2014

STATE BAR COURT  
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**STATE BAR COURT OF CALIFORNIA**

**REVIEW DEPARTMENT**

**IN BANK**

In the Matter of	)	Case No. 13-Q-16579
	)	
LORING M. MYERS, JR.,	)	RECOMMENDATION ON
	)	RESIGNATION
A Member of the State Bar, No. 33570.	)	
_____	)	

On October 15, 2013, Loring M. Myers, Jr., filed his resignation with disciplinary charges pending. In light of the grounds set forth in California Rules of Court,<sup>1</sup> rule 9.21(d), we recommend Myers's resignation be accepted because (1) he has no prior record of discipline in 50 years of practice and his misconduct was limited to a single matter that did not involve clients or the practice of law; (2) he owes no restitution; and (3) he is 81 years old, resides in Arizona, and is willing to forfeit his license. We see no harm to the public under the circumstances presented here. We conclude that that the acceptance of Myers's resignation would be consistent with the need to protect the public, the courts, and the legal profession.

**I. BACKGROUND**

Myers was admitted to practice law in California on January 10, 1963, and has no prior record of discipline. On February 14, 2014, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed a Notice of Disciplinary Charges (NDC) against Myers charging a single count

<sup>1</sup> All further rule references are to this source unless otherwise noted.



of misconduct. There are no other filed matters or pending investigations or inquiries against Myers.

**A. Pending Discipline Case**

The NDC alleges that Myers committed an act of moral turpitude by reporting to the State Bar that he complied with the minimum continuing legal education (MCLE) requirements when he knew, or was grossly negligent in not knowing, that he was not in compliance. Myers is charged with violating Business and Professions Code section 6106 which provides that any act involving moral turpitude, dishonesty or corruption constitutes a cause for suspension to disbarment.

**B. OCTC's Recommendation**

On January 6, 2014, OCTC filed a report recommending that Myers's resignation be rejected. On March 4, 2014, we found the report to be incomplete and ordered OCTC to provide a supplemental report providing all relevant information, including the status of any pending matter and the inclusion of any referenced documents supported by declaration. We also noted that OCTC failed to explain why Myers's failure to cooperate alone was inconsistent with the need to protect the public, the courts and the legal profession.

On March 7, 2014, OCTC filed a supplemental report attaching a copy of the NDC filed on February 14, 2014, in State Bar Court case number 13-O-10739. OCTC failed to provide a further explanation as to why Myers's failure to cooperate alone is a basis for rejecting the resignation.

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

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

**1. Whether the preservation of testimony is complete.**

OCTC reports that preservation of testimony is not required since it has documents submitted by Myers admitting that he was not in full compliance with the MCLE requirements at the time he attested to compliance.

**2. Whether after transfer to inactive status, Myers has practiced law or has advertised or held himself out as entitled to practice law.**

OCTC reports that the only information it has on whether Myers has not practiced law, advertised or held himself out as entitled to practice law is Myers's rule 9.20 compliance declaration filed on November 15, 2013.

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

Myers filed a rule 9.20 declaration stating that he had no clients, no client papers or other property to return, no unearned fees, and no pending client matters. OCTC provided no information to contradict Myers's assertions.

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

Myers filed his rule 9.20 compliance declaration on November 15, 2013.

**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 Myers's disbarment.

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

Myers has not previously resigned or been disbarred in California.

**8. Whether Myers entered a stipulation with OCTC as to facts and conclusions of law regarding pending disciplinary matters.**

The parties did not enter into a stipulation as to facts and conclusions of law regarding the pending disciplinary matter.

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

We recommend accepting Myers's resignation. Myers has no prior record of discipline in his 50 years of practice. He owes no restitution and has no other unresolved disciplinary, investigation, or client matters. If found culpable, we recognize that Myers's charged offense is serious. However, Myers has practiced for 50 years without discipline and there is no evidence that his alleged misconduct involved clients or the practice of law.

OCTC fails to articulate a reason why Myers's resignation is inconsistent with the need to protect the public, the court, and the legal profession.<sup>2</sup> Myers is 81 years old and is prepared to relinquish his license. He would be at least 86 years old before he is eligible to seek reinstatement. (Rules Proc. State Bar, rule 5.442(B) [earliest reinstatement petition after resignation with charges pending is five years after filing date of resignation].) We note that OCTC has documents showing that Myers admitted the misconduct. These documents would be available in any future reinstatement proceeding.

Myers currently resides in Arizona and there is no evidence that he intends to return to California. He has no other unresolved disciplinary matters or investigations and has no outstanding issues concerning clients, restitution or unearned fees. Under these circumstances, we do not believe that public confidence in the discipline system will be undermined by

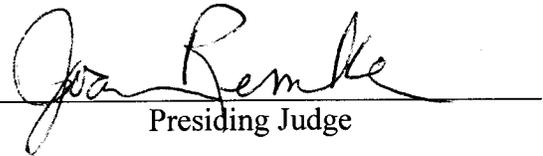
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<sup>2</sup> See *In re Jeffrey John Parish on Resignation* (Oct. 16, 2013, S210251) [attorney charged with act of moral turpitude by reporting compliance with the MCLE requirements after knowing that he had not completed the requisite hours, and even though attorney did not enter into stipulation with OCTC as to pending discipline case, Supreme Court accepted resignation].

accepting Myers's resignation. Permitting him 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 Loring M. Myers, Jr., State Bar number 33570. 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 April 8, 2014, I deposited a true copy of the following document(s):

**RECOMMENDATION ON RESIGNATION FILED APRIL 8, 2014**

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

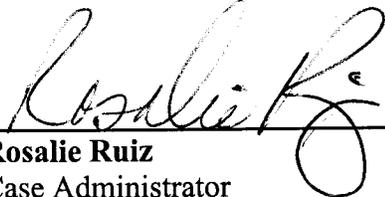
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

LORING M. MYERS, JR.  
37453 BAY VIEW DR  
PARKER, AZ 85344

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

LARA BAIRAMIAN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 8, 2014.

  
\_\_\_\_\_  
**Rosalie Ruiz**  
Case Administrator  
State Bar Court