

1 The State Bar of California alleges:

2 JURISDICTION

3 1. Leonard Jay Klaif (“respondent”) was admitted to the practice of law in the State of
4 California on June 6, 1989, was a member at all times pertinent to these charges, and is currently
5 a member of the State Bar of California.

6 COUNT ONE

7 Case No. 14-O-02890
8 Rules of Professional Conduct, rule 3-310(F)
9 [Accepting Fees From a Non-Client]

10 2. On or about July 13, 2013, respondent accepted \$1,000 from Miriam Santana as
11 compensation for representing a client, Misael V. Maya, without obtaining his client’s informed
12 written consent to receive such compensation from his sister, in willful violation of the Rules of
13 Professional Conduct, rule 3-310(F).

14 COUNT TWO

15 Case No. 14-O-02890
16 Rules of Professional Conduct, rule 3-110(A)
17 [Failure to Perform with Competence]

18 3. On or about July 13, 2013, Miriam Santa employed respondent to perform legal
19 services, namely file a petition for writ of habeas corpus to set aside his client’s, Misael V.
20 Maya’s, guilty plea to felony possession of a controlled substance, which respondent
21 intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of
22 Rules of Professional Conduct, rule 3-110(A), by failing to file the petition between on or about
23 July 13, 2013 and on or about May 15, 2014.

24 COUNT THREE

25 Case No. 14-O-02890
26 Business and Professions Code section 6106
27 [Moral Turpitude - Misrepresentation]

28 4. On or about November 27, 2013, respondent mailed a letter to his client, Misael V.
Maya, that stated he had filed a petition for writ of habeas corpus, and enclosed a copy of the
petition with a proof of service that stated under “penalty of perjury” that respondent had served

1 the petition by mail on the Office of the Attorney General in Ventura, California, the Litigation
2 Coordinator for the Immigration Detention Center in El Centro, California, and the client, and by
3 hand on the Office of the District Attorney in Ventura, California, when respondent knew those
4 statements were false, because he neither had filed nor served the petition, and thereby
5 committed an act involving moral turpitude, dishonesty or corruption in willful violation of
6 Business and Professions Code section 6106.

7 COUNT FOUR

8 Case No. 14-O-02890
9 Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

10 5. Respondent failed, upon termination of employment, to take reasonable steps to avoid
11 reasonably foreseeable prejudice to respondent's client, Misael V. Maya, by constructively
12 terminating respondent's employment on November 27, 2013, by failing to take any action on
13 the client's behalf after mailing a letter to the client dated November 27, 2013, stating that he had
14 filed a petition for writ of habeas corpus concerning the client and enclosing a copy of the writ
15 with a proof of service executed under "penalty of perjury" by respondent dated November 27,
16 2013, and thereafter failing to inform the client that respondent was withdrawing from
17 employment, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

18 NOTICE - INACTIVE ENROLLMENT!

19 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
20 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
21 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
22 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
23 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
24 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
25 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
26 RECOMMENDED BY THE COURT.**

24 NOTICE - COST ASSESSMENT!

25 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
26 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS**

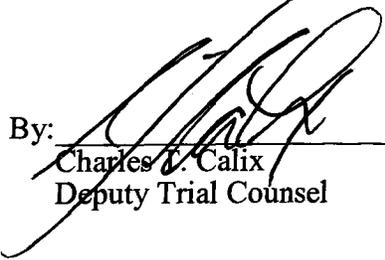
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**INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
PROFESSIONS CODE SECTION 6086.10.**

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: March 24, 2015

By: 
Charles T. Calix
Deputy Trial Counsel

DECLARATION OF SERVICE

by
U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): **14-O-02890**

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES



By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))

- In accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.



By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))



By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").



By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.



By Electronic Service: (CCP § 1010.6)

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414 7266 9904 2010 0880 28 at Los Angeles, addressed to: (see below)

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking No.: _____ addressed to: (see below)

Person Served via U.S. Certified Mail & via U.S. First-Class Mail	Business-Residential Address	Fax Number	Courtesy Copy to:
LEONARD JAY KLAIF	P.O. Box 1657 Ojai CA 93024		P.O. Box 1657 Ojai CA 93024
		Electronic Address ljkcsq@roadrunner.com	

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: March 24, 2015

SIGNED:

Genelle De Luca-Suarez
Genelle De Luca-Suarez
Declarant