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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

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| In the Matter of |) | Case No. 14-Q-03819 |
| |) | |
| STUART LOREN GRANT, |) | RECOMMENDATION ON |
| |) | RESIGNATION |
| A Member of the State Bar, No. 38574. |) | |
| _____ |) | |

On July 1, 2014, Stuart Loren Grant, filed his resignation with disciplinary charges pending. In light of the grounds set forth in rule 9.21(d), we recommend Grant's resignation be accepted because (1) he had no prior record of discipline in 48 years of practice; (2) he cooperated in this proceeding by complying with rule 9.20, stipulating as to facts and conclusions of law, and tendering an authorization for public disclosure of pending complaints, investigations and proceedings; (3) he has only one State Bar investigation pending at the time his resignation was filed; (4) he owes no restitution; and (5) he is 77 years old and willing to forfeit his license. We see no harm to the public under the circumstances presented here, and conclude that accepting Grant's resignation would be consistent with the need to protect the public, the courts, and the legal profession.

I. BACKGROUND

A. Pending Investigation (Case No. 14-O-01533)

Grant was admitted to practice law in California on June 21, 1966, and has no prior record of discipline. On December 4, 2012, he reported to the State Bar that he was in compliance with minimum continuing legal education (MCLE) requirements and that he

completed his MCLE during the compliance period. In fact, he was not in compliance. In a Stipulation Re Facts, Conclusions of Law and Disposition and Order Approving, Grant stipulated to the following facts: (1) in order to remain as an active member of the State Bar, he was required to complete 25 hours of MCLE during the compliance period of February 1, 2010, through January 31, 2013; (2) he reported compliance with MCLE requirements on December 4, 2012, although he had not completed all of his MCLE during the compliance period; (3) when he reported to the State Bar that he was in compliance with the MCLE requirements, he assumed that he had completed the necessary MCLE credit hours because he had always timely complied with the requirements and did not confirm compliance since he had planned on retiring from practice prior to January 31, 2014; (4) after being contacted about an audit of his MCLE compliance, he provided certificates for the prior compliance period and an application to be transferred to inactive status.

On November 22, 2013, Grant was placed on involuntary inactive status for failing to comply with the MCLE audit. Grant stipulated that he violated Business and Professions Code section 6106 by reporting to the State Bar that he was in compliance with MCLE requirements when he was grossly negligent in not knowing that he was not in compliance with the requirements.

B. Recommendation by the Office of the Chief Trial Counsel of the State Bar (OCTC)

On October 16, 2014, OCTC filed a report recommending that the resignation be accepted because Grant is 77 years old; has closed his practice, retired and resigned; is unlikely to seek reinstatement; and has no prior record in 48 years of practice, indicating that the single misrepresentation concerning his MCLE compliance is aberrational misconduct. OCTC also reports that Grant closed his office in 2002 and began working out his home on only a few cases. Beginning in January 2008, Grant averaged one client per year. Though he intended on retiring

by January 31, 2013, his retirement was delayed until his last remaining case was completed in March, 2013. OCTC states that there were no Client Security Fund claims pending at the time of Grant's resignation and there was none at the time OCTC's report was filed.

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

We have considered Grant'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 unnecessary since the misconduct involves Grant's false report of compliance with the MCLE requirements and the only witness necessary to prove the misconduct is the custodian of records, who would be available at the time of reinstatement. Further, the investigation file is sufficient to prove the misconduct and fully evaluate any reinstatement application.

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

OCTC reports it has no information to suggest that Grant has practiced law or has held himself out as entitled to practice law after the tender of his resignation.

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

On October 2, 2014, Grant 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 states that it has no evidence that Grant failed to perform the acts specified by rule 9.20(a)-(b).

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

Grant's rule 9.20 compliance declaration was submitted on October 2, 2014.

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 Grant's disbarment.

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

Grant has not previously resigned or been disbarred in California.

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

In October 2014, the parties filed a Stipulation As to Facts and Conclusions of Law regarding the pending disciplinary matter.

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

We recommend accepting Grant's resignation. Grant cooperated with OCTC by entering into a stipulation regarding the facts, conclusions of law and disposition as to the pending disciplinary matter, submitting a rule 9.20 compliance declaration, and tendering an authorization for public disclosure of pending complaints, investigations and proceedings. The stipulation provides a complete account of his misconduct and is available to the public and any licensing agency or other jurisdiction.

We recognize that Grant's offense is serious. He committed an act of moral turpitude by misrepresenting his compliance with MCLE requirements. (Rules Proc. of State Bar, tit. IV, Stds. For Atty. Sanctions for Prof. Misconduct, std. 2.7 [disbarment or suspension for acts of moral turpitude, dishonesty and fraud].) However, Grant had 48 years of discipline-free practice and his misconduct did not involve clients or the practice of law. (See *Boehme v. State Bar* (1988) 47 Cal.3d 448, 454 [disbarment found too harsh for single instance of misappropriation of client funds by an attorney with 22 years of discipline-free practice].)

Further, Grant is 77 years old and is prepared to relinquish his license. He would be at least 82 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].) No other unresolved discipline matters or investigations are pending against him and there are 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 accepting Grant'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 Stuart Loren Grant, State Bar number 38574. 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.

PURCELL

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 December 12, 2014, I deposited a true copy of the following document(s):

RECOMMENDATION OF RESIGNATION FILED DECEMBER 12, 2014

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

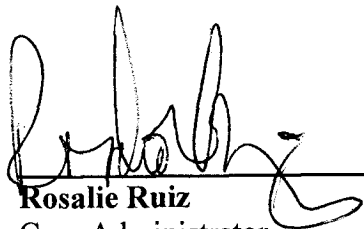
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

STUART L. GRANT
31871 E NINE DR
LAGUNA NIGUEL, CA 92677

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

Charles t. Calix, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 12, 2014.



Rosalie Ruiz
Case Administrator
State Bar Court