

**STATE BAR COURT OF CALIFORNIA
REVIEW DEPARTMENT**

IN BANK*

In the Matter of)	Case No. 14-Q-04550
)	
PATRICK BARNES CONDON,)	RECOMMENDATION ON
)	RESIGNATION
A Member of the State Bar, No. 144012.)	
_____)	

On August 20, 2014, Patrick Barnes Condon, filed his resignation with disciplinary charges pending. In light of the grounds set forth in California Rules of Court, rule 9.21(d),¹ we recommend Condon's resignation be accepted because (1) he cooperated in this proceeding by complying with rule 9.20, stipulating as to facts and conclusions of law, and executing an authorization for public disclosure of pending complaints, investigations and proceedings; (2) he is in ill health and unable to practice law; (3) he is 66 years old and willing to forfeit his license; and (4) he is unlikely to return to the practice of law. We see no harm to the public under the circumstances presented here. We conclude that the acceptance of Condon's resignation would be consistent with the need to protect the public, the courts, and the legal profession.

I. BACKGROUND

A. Prior Records of Discipline (09-C-14708; 13-O-10986)

Condon was admitted to practice law in California on December 11, 1989. He has two prior records of discipline.

* Judge Richard A. Honn did not participate.

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

First, on April 14, 2011, the Supreme Court ordered Condon suspended for one year, execution stayed, and placed on probation for two years subject to the conditions recommended by the hearing department. (*In re Patrick Barnes Condon on Discipline* (S190323) State Bar Court case no. 09-C-14708.) Condon stipulated that in 2007, he was convicted of a misdemeanor violation of Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol level of .08% or more), and in 2009 was convicted of a felony violation of Vehicle Code section 23153, subdivision (a) (causing injury while driving under the influence). Second, on January 30, 2014, the Supreme Court ordered Condon suspended for two years, execution stayed, and placed on probation for three years subject to conditions, including actual suspension for the first 90 days of probation. (*In re Patrick Barnes Condon* (S214603) State Bar Court case no. 13-O-10986.) Barnes stipulated that he willfully violated Business and Professions Code section 6068, subdivision (k) by failing to comply with the conditions of his probation (S190323), including submitting late written quarterly reports and failing to attend or pass Ethics School.

B. Pending Discipline (State Bar Investigation)

In November 2014, the parties entered into a Stipulation as to Facts and Conclusions of Law agreeing that it includes all investigations/proceedings pending against Condon and stipulating to the following facts: (1) on January 30, 2014, the Supreme Court filed an order which included a requirement for Condon to comply with rule 9.20 by performing the acts specified by subdivisions (a) and (c) within 30 and 40 days after the effective date of the order. (*In re Patrick Barnes Condon* (S214603) State Bar Court case no. 13-O-10986); (2) on January 30, 2014, the Clerk of the Supreme Court properly served Condon a copy of the order and he received it; (3) the order became effective on March 1, 2014, and required Condon to comply with rule 9.20, subdivisions (a) and (c) by March 31 and April 10, 2014, respectively; (4) on

May 7, 2014, the Office of Probation of the State Bar sent a letter to Condon informing him that he had failed to comply with rule 9.20 and Condon received the letter; and (5) Condon filed his compliance declaration on November 18, 2014. Condon stipulated that he violated rule 9.20 by failing to file a declaration in compliance with the rule.

C. Office of the Chief Trial Counsel's Recommendation

On November 20, 2014, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed a report recommending that the resignation be accepted because Condon is 66 years old, has been unable to practice law since April 23, 2010, is in ill health, and unlikely to seek reinstatement. OCTC reports that Condon underwent a bilateral lung transplant in September 2011, was prescribed immune-suppressive drugs after surgery, and suffered major complications in connection with the rejection of the transplanted lungs, including pneumonia and infections. Also, in March 2012, while taking the MPRE, he suffered a stroke that caused loss of vision and hearing. Condon has informed OCTC that he believes that his ill-health, continuing vision and hearing problems, and extremely poor health prevent him from returning to the practice of law. Finally, OCTC reports that there are no Client Security Fund claims pending at the time Condon's resignation was filed.

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

We have considered Condon'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 perpetuation of testimony is not necessary because the pending misconduct involves Condon's failure to timely file his rule 9.20 declaration and the only witness necessary to prove the misconduct would be the custodian of records who would be

available at the time of reinstatement, and that the investigation file is sufficient to prove the misconduct.

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

OCTC reports that “[t]he State Bar has no evidence that Condon has continued to practice law or hold himself out as entitled to practice law following being placed on not eligible to practice law status on April 23, 2010.”

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

Condon filed a rule 9.20 compliance declaration, stating that he had no clients, no client papers or other property to return, no unearned fees, and no pending client matters.²

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

Condon’s rule 9.20 compliance declaration was submitted on November 12, 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 Condon’s disbarment.

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

Condon has not previously resigned, been reinstated, or been disbarred in California.

² OCTC requests that the Court take judicial notice of the rule 9.20 declaration filed with the State Bar Court. Pursuant to Evidence Code section 452, subdivision (d), we take judicial notice of the only rule 9.20 compliance declaration filed with this court dated November 12, 2014 (Case number 14-N-03030) and direct the clerk to include a copy in this resignation file.

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

In November 2014, the parties entered into a Stipulation As to Facts and Conclusions of Law regarding the pending disciplinary matter.

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

We recommend accepting Condon's resignation. Condon cooperated with OCTC by entering into a stipulation regarding the facts and conclusions of law as to the pending disciplinary matter, submitting a rule 9.20 compliance declaration, and executing 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.

Further, Condon is 66 years old, is in ill health, and unable to practice law. He underwent a bilateral lung transplant with major complications and suffered a stroke that caused a loss of vision and hearing. Condon continues to be in ill health, is unlikely to improve, and believes that his ill-health will prevent him from returning to the practice of law. If Condon returns to the practice of law, he will be at least 71 years old before he is eligible to seek reinstatement. (Rules Proc. of 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 pending Client Security Fund claims. Under these circumstances, we do not believe that public confidence in the discipline system will be undermined by accepting Condon'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 Patrick Barnes Condon, State Bar number 144012. 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 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 March 13, 2015, I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED MARCH 13, 2015

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:

PATRICK B. CONDON
7323 CALLE LUNA
CARLSBAD, CA 92009

- 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 March 13, 2015.



Rosalie Ruiz
Case Administrator
State Bar Court