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DEC 19 2014
STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)
)
STEPHANIE ARNOLD LEYENDECKER,)
)
A Member of the State Bar, No. 166373.)
)
_____)

Case No. 14-Q-04809
RECOMMENDATION ON
RESIGNATION

On September 2, 2014, Stephanie Arnold Leyendecker, filed her resignation with disciplinary charges pending. In light of the grounds set forth in rule 9.21(d), we recommend Leyendecker's resignation be accepted because (1) she had no prior record of discipline in 21 years of practice; (2) she 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) she owes no restitution; and (4) she has moved to another state and has no intention of returning and practicing law in California. We see no harm to the public under the circumstances presented here. We conclude that the acceptance of Leyendecker's resignation would be consistent with the need to protect the public, the courts, and the legal profession.

I. BACKGROUND

A. Pending Investigation

Leyendecker was admitted to practice law in California on December 3, 1993, and has no prior record of discipline. On January 31, 2013, she reported under penalty of perjury to the State Bar, that she was in compliance with minimum continuing legal education (MCLE)



requirements and that she completed her MCLE during the compliance period. In fact, she was not in compliance. In a Stipulation As to Facts and Conclusions of Law, Leyendecker stipulated to the following facts: (1) as a member of the State Bar, she was required to complete 25 hours of MCLE during the compliance period of February 1, 2010, through January 31, 2013; (2) she reported under penalty of perjury that she was in compliance with MCLE requirements on January 31, 2013, although she had not completed any of the required MCLE hours; and (3) that she violated Business and Professions Code section 6106 by reporting to the State Bar that she was in compliance with minimum continuing legal education (MCLE) requirements when she knew that she was not in compliance.

B. OCTC's Recommendation

On October 27, 2014, OCTC filed a report recommending that the resignation be accepted because Leyendecker has signed a stipulation that describes her misconduct and therefore provides the public with adequate notice of her misconduct, is not presently practicing law and currently has no intention to return to the practice of law in the State of California, and her underlying misconduct did not involve harm to the public. OCTC also reports that Leyendecker has retired from practice, relocated to Idaho, and does not intend to return to California or to the practice of law in California. She suffers from undisclosed personal issues that prevent her from practicing law. OCTC states at the time the report was filed, no Client Security Fund claims were pending against Leyendecker.

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

We have considered Leyendecker'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 Leyendecker has entered into a stipulation as to facts and conclusions of law that resolves all disciplinary matters.

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

OCTC reports it has no information to suggest that Leyendecker has advertised or held herself out as entitled to practiced law after being placed inactive on September 2, 2014.

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

Leyendecker filed a rule 9.20 declaration stating that she had no clients, no client papers or other property to return, no unearned fees, and no pending client matters. OCTC states that it has not received information from clients, courts or opposing counsel that would give rise to an investigation on this issue.

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

Leyendecker's rule 9.20 compliance declaration was submitted on September 22, 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 Leyendecker's disbarment.

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

Leyendecker has not previously resigned or been disbarred in California.

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

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

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

We recommend accepting Leyendecker's resignation. Leyendecker 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 her misconduct and is available to the public and any licensing agency or other jurisdiction.

We recognize that Leyendecker's stipulated offense is serious. She committed an act of moral turpitude by misrepresenting her 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, Leyendecker had 21 years of discipline-free practice and her 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, Leyendecker has retired from the practice of law, moved to Idaho, and does not currently intend to return to California or the practice of law in California. There are no other unresolved discipline matters or investigations pending against her 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

Leyendecker's resignation. Permitting her 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 Stephanie Arnold Leyendecker, State Bar number 166373. 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 December 19, 2014, I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED DECEMBER 19, 2014

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

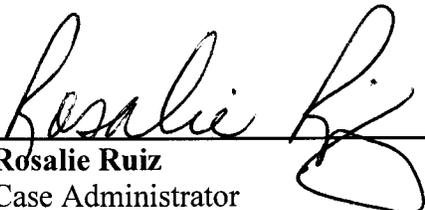
[X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JOHN S. DULCICH
1225 JEFFERSON ST
DELANO, CA 93215

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

RONALD K. BUCHER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 19, 2014.



Rosalie Ruiz
Case Administrator
State Bar Court