

**FILED**

JUN 01 2015

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

**REVIEW DEPARTMENT**

**IN BANK**

In the Matter of )  
DENNIS LYNN WRIGHT, )  
A Member of the State Bar, No. 60210. )  
\_\_\_\_\_ )  
Case No. 14-Q-05512  
RECOMMENDATION ON  
RESIGNATION

On October 15, 2014, Dennis Lynn Wright, filed his resignation with disciplinary charges pending. In light of the grounds set forth in California Rules of Court, rule 9.21(d),<sup>1</sup> we recommend Wright's resignation be accepted because: (1) he cooperated in this proceeding by complying with rule 9.20, stipulating as to facts, and executing an authorization for public disclosure of pending complaints, investigations and proceedings; (2) he does not owe any restitution; (3) he is 69 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 Wright'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-11892, et al.; 13-O-14632)**

Wright was admitted to practice law in California on June 18, 1974. He has two prior records of discipline.

First, on February 13, 2014, the Supreme Court ordered Wright suspended for one year, execution stayed, and placed on probation for three years subject to the conditions, including

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

actual suspension for the first 120 days of probation. (*In re Dennis Lynn Wright on Discipline* (S215092) State Bar Court case Nos. 09-C-11892, et al.) Wright stipulated that he failed to perform legal services competently, respond promptly to client status inquiries, cooperate with a disciplinary investigation, return client papers, avoid foreseeable prejudice to a client, acted with moral turpitude when he issued checks with insufficient funds, and commingled funds in violation of Business and Professions Code sections 6068, subdivisions (i) and (m), and 6106, and Rules of Professional Conduct, rules 3-110(A), 3-700(A)(2) and (D)(1), and 4-100(A). His misconduct was aggravated by multiple acts, harm to client and trust violations, but mitigated by lack of prior discipline and emotional and family problems.

Second, on September 30, 2014, the Supreme Court ordered Wright suspended for two years, execution stayed, and placed on probation for two years subject to conditions, including actual suspension for the first six months of probation. (*In re Dennis Lynn Wright* (S220165) State Bar Court case No. 13-O-14632.) Wright stipulated that he failed to promptly refund unearned fees, return client files, provide an accounting, and cooperate with the State Bar investigation in violation of Business and Professions Code section 6068, subdivision (i), and Rules of Professional Conduct, rules 3-700(D)(1) and (2), and 4-100(B)(3). His misconduct was aggravated by a prior record of discipline and multiple acts, and mitigated by his pretrial stipulation.

**B. Pending Discipline (14-N-03010)**

On July 2, 2014, a Notice of Disciplinary Charges was filed against Wright charging him with one count of failure to obey rule 9.20. In October 2014, the parties entered into a Stipulation as to Facts and Admission of Documents, *but not as to conclusions of law*. Wright stipulated to the following facts: (1) on February 13, 2014, the Supreme Court filed its order in case number S215092; (2) the effective date of the order in case number S215092 was March 15,

2014; (3) the order required Wright to comply with rule 9.20 and perform the acts specified by subdivisions (a) and (c) within 30 and 40 calendar days, respectively, after the effective date of the order; (4) the act specified by rule 9.20(c) was required no later than April 24, 2014; (5) respondent failed to perform the act required by rule 9.20(c) by April 24, 2014; (6) on June 11, 2014, respondent signed a rule 9.20 compliance declaration; (7) the compliance declaration listed the case number 13-O-14632, which is an incorrect case number; (8) on June 11, 2014, respondent submitted the compliance declaration with the incorrect case number to the State Bar Court; (9) on June 16, 2014, the State Bar Court received the compliance declaration with the incorrect case number; (10) on June 18, 2014, member services received the compliance declaration submitted by respondent which provided a new address to be used with communications; and (11) to date, respondent has failed to file a compliance declaration with the State Bar Court with the correct case number.

**C. Office of the Chief Trial Counsel's Recommendation**

On December 17, 2014, and February 5, 2015, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed a report and a supplemental report recommending that the resignation be accepted because Wright is 69 years old, has not been on active status since July 2, 2013, has not practiced law since placed inactive, does not owe restitution, and is unlikely to seek reinstatement. Wright has also informed OCTC that he suffers from significant depression.

On April 21, 2015, this court ordered OCTC to file a second supplemental report explaining why Wright's resignation is appropriate even though he has not completely complied with rules 9.21(d)(4) [failure to provide proof of compliance with accurate case number as specified in rule 9.20(c)] and rule 9.21(d)(8) [member and OCTC failed to reach agreement on conclusions of law regarding disciplinary matters and proceedings pending at the time the resignation was tendered]. On April 22, 2015, OCTC filed a second supplemental report

addressing these concerns. OCTC explained that although Wright filed his compliance declaration 48 days late and with the incorrect number, which is a disciplinable offense, it would not necessarily lead to disbarment. OCTC also reasoned that Wright's "failure to fully comply with the requirement of 9.21(d)(4) does not necessarily suggest that respondent is a threat to the administration of justice, the courts or the legal profession." Additionally, there is no evidence that any client has been harmed.

OCTC further stated in its supplemental response that Wright's failure to stipulate to conclusions of law should not affect the resignation decision because "the facts stipulated to would easily support the conclusion should the underlying matter move forward." OCTC asserted that rejecting the resignation of a depressed 69 year-old man, who has not practiced law since July 2, 2013, does not appear to serve the purposes pointed to in Rule 9.21(d)(9), namely to protect the public, the courts, or the legal profession. In conclusion, OCTC urged this court to recommend that the Supreme Court accept Wright's resignation with charges pending because it "will remove respondent from the practice of law, in all likelihood permanently."

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

We have considered Wright'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 all testimony and evidence needed has been obtained since the parties have entered into a full stipulation of facts.

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

OCTC reports that “[r]espondent has not, since transfer to inactive status, practiced law or held himself out as entitled to practice law. There have been no reports of respondent practicing law or holding himself out as entitled to practice law.”

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

Wright filed a rule 9.20 compliance declaration on October 15, 2014, stating that he had no clients, no client papers or other property to return, no unearned fees, and no pending client matters as of March 15, 2014, the effective date of his first discipline case. OCTC notes in its report that Wright failed to refund fees and return the files in State Bar Court case number 13-O-14632 until May 20, 2014.

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

Wright’s rule 9.20 compliance declaration in this case was submitted on October 15, 2014. OCTC notes that Wright’s compliance declaration for case number 09-O-11892, et al. was filed 48 days late on June 11, 2014 and had the incorrect case number.

**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 Wright’s disbarment.

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

Wright has not previously resigned or been disbarred in California.

**8. Whether Wright 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 Admission of Documents regarding the pending disciplinary matter. However, Wright did not sign a stipulation as to conclusions of law.

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

We recommend accepting Wright's resignation for reasons OCTC presented in its filings in this case. Wright cooperated with OCTC by entering into a stipulation regarding the facts and admission of documents 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 factual account of his misconduct and is available to the public and any licensing agency or other jurisdiction. Although he did not stipulate to conclusions of law, his stipulation to facts diminishes the concern regarding the lack of stipulation to liability. In addition, though he did not timely file his rule 9.20 compliance declaration for State Bar Court case number 09-O-11892, and delayed his compliance with rule 9.20(a)-(c) in State Bar Court case number 13-O-14632, he has remedied these defects by his belated compliance.

Further, Wright is 69 years old and willing to forfeit his license. If Wright returns to the practice of law, he will be at least 74 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].) He has stated that he suffers from significant depression and OCTC believes that he is unlikely to seek reinstatement. No other unresolved discipline matters or investigations are pending against him, and there are no pending

restitution claims. Under these circumstances, we do not believe that public confidence in the discipline system will be undermined by accepting Wright'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 Dennis Lynn Wright, State Bar number 60210. 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**

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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 June 1, 2015, I deposited a true copy of the following document(s):

**RECOMMENDATION ON RESIGNATION  
FILED JUNE 1, 2015**

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

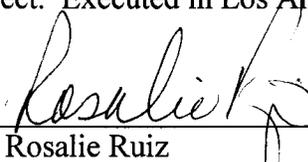
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DENNIS L. WRIGHT  
228 BELLE AVE  
SAN RAFAEL, CA 94901

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

ROBERT A. HENDERSON, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 1, 2015.

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