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**FILED**

**DEC 02 2015**

**STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES**

8 STATE BAR COURT OF CALIFORNIA

9 In the Matter of ) Case No.: 15-C-13914, 15-C-  
10 BRIAN DINSMORE GARD ) 13689-WKM  
11 ) REPLY TO NOTICE OF HEARING  
12 ) ON CONVICTION.  
13 )  
14 )

15 State Bar No.: 118457

16 I acknowledge the misdemeanor charges which have prompted  
17 the instant action by the State Bar of California.

18 I do not, however, believe that the convictions involve  
19 ethical violations, moral turpitude or other conduct warranting  
20 State Bar discipline

21 The charges for which I was convicted did not involve any  
22 clients, did not involve the practice of law, did not abrogate  
23 any ethical obligations owed by me to the public at large nor to  
24 the administration of justice.

25 That for which I was convicted, and which the State Bar  
26 deems questionable enough to institute the instant proceedings  
27 are neither heinous, immoral, unethical, nor anything other  
28



1 than a lapse in judgment during perhaps the most difficult time  
2 of my life.

3 I was married to my high school sweetheart in 1974, after  
4 my discharge from having been drafted into the Army. At that  
5 point, we had been together for 6 years. We separated in 2012  
6 after 44 years together, 38 years of which we were married and  
7 raised three kids, the eldest of whom is now an attorney.

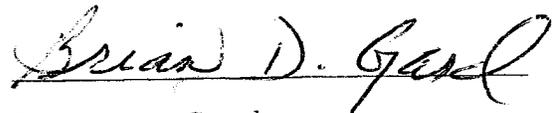
8 I was not too well emotionally equipped to take such an  
9 upheaval from that turn of events alone, but even less so when  
10 my family asked me to relocate to Rancho Mirage, CA (Palm  
11 Springs area), to provide home health care for my 89 year-old  
12 mother and 95 year-old father.

13 As it is, I'm already enrolled and attending the SB38  
14 program consisting of 18 months of DUI classes and AA meetings,  
15 plus, of course, hefty fines and fees.

16 It would seem to me that the judicial system is already  
17 exacting the requisite "pound of flesh" such that further  
18 ramifications, from convictions having nothing to do with my  
19 practice of law, appear exorbitant.

20 I declare, under penalty of perjury that the foregoing is  
21 true and correct and that this Declaration was executed on  
22 October 27, 2015 in Rancho Mirage, California.

23  
24 Dated: October 27, 2015



25 Brian D. Gard  
26  
27  
28

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>118457</b> <b>Brian D. Gard</b> 110 West C Street, Suite 1709 San Diego, CA 92101 TELEPHONE NO.: <b>619-415-9088</b> FAX NO. (Optional): <b>760-469-2450</b> E-MAIL ADDRESS (Optional): <b>bdgard@cox.net</b> ATTORNEY FOR (Name): <b>In Pro Per</b>	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: <b>845 S. Figueroa St., Floor 3</b> MAILING ADDRESS: <b>same</b> CITY AND ZIP CODE: <b>Los Angeles, CA 90017</b> BRANCH NAME: <b>State Bar Court of California</b>	
PLAINTIFF/PETITIONER: <b>In re matter of Brian Dinsmore Gard</b> DEFENDANT/RESPONDENT:	CASE NUMBER: <b>15-C-13689; 15-C-13914</b>
<p style="text-align: center;"><b>PROOF OF SERVICE—CIVIL</b></p> <b>Check method of service (only one):</b> <input type="checkbox"/> By Personal Service <input checked="" type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax <input type="checkbox"/> By Electronic Service	JUDGE: <b>WKM</b> DEPT.: <b>Fl. 3</b>

*(Do not use this proof of service to show service of a Summons and complaint.)*

1. At the time of service I was over 18 years of age and **not a party to this action.**
2. My residence or business address is:  
**110 West C. Street, Suite 1709, San Diego, CA 92101**
3.  The fax number or electronic service address from which I served the documents is *(complete if service was by fax or electronic service)*:
4. On *(date)*: **11-30-2015** I served the following **documents** *(specify)*:  
**Response to Notice of Hearing on Conviction.**
  
- The documents are listed in the *Attachment to Proof of Service—Civil (Documents Served)* (form POS-040(D)).
5. I served the documents on the **person or persons** below, as follows:
  - a. Name of person served: **State Bar Court and Jamie Kim**
  - b.  *(Complete if service was by personal service, mail, overnight delivery, or messenger service.)*  
 Business or residential address where person was served:  
**845 S. Figueroa St., FL 3, Los Angeles, CA 90017 and 845 S. Figueroa St., Los Angeles, CA**
  - c.  *(Complete if service was by fax or electronic service.)*
    - (1) Fax number or electronic service address where person was served:
    - (2) Time of service:
- The names, addresses, and other applicable information about persons served is on the *Attachment to Proof of Service—Civil (Persons Served)* (form POS-040(P)).
6. The documents were served by the following means *(specify)*:
  - a.  **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

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6. b.  **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (*specify one*):

- (1)  deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- (2)  placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (*city and state*):

- c.  **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d.  **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (*A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.*)
- e.  **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.
- f.  **By electronic service.** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed in item 5.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: November 30, 2015

Lori Lademan

(TYPE OR PRINT NAME OF DECLARANT)

  
 (SIGNATURE OF DECLARANT)

(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

**DECLARATION OF MESSENGER**

**By personal service.** I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package, which was clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (*date*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
 (NAME OF DECLARANT)

▶ \_\_\_\_\_  
 (SIGNATURE OF DECLARANT)