

# PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES

FILED  
MAY 09 2016  
STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

In the Matter of )  
LEON EDWARD CAMPBELL, )  
Member No. 26686, )  
A Member of the State Bar. )

Case No.: 15-H-10841-WKM  
**DECISION**

## Introduction<sup>1</sup>

The Office of the Chief Trial Counsel of the State Bar of California (OCTC) has charged respondent **Leon Edward Campbell** with one count of misconduct involving his failure to take and pass the Multistate Professional Responsibility Examination (MPRE) as a condition of his public reproof, in willful violation of rule 1-110. The court finds respondent culpable on the charged misconduct and recommends that respondent be suspended for one year, the execution of that suspension be stayed, and, instead, respondent be placed on probation for two years, subject to certain conditions, including that respondent be suspended for the first thirty days of his probation.

## Significant Procedural History

OCTC filed the notice of disciplinary charges (NDC) in this matter on May 18, 2015. Thereafter, respondent filed his response to the NDC on June 26, 2015, the day of the initial status conference.

---

<sup>1</sup> Unless otherwise indicated, all references to rules refer to the State Bar Rules of Professional Conduct.

On September 8, 2015, respondent sought to continue the trial. OCTC did not oppose respondent's motion at the September 9, 2015, pre-trial conference. The court granted respondent's request, and the scheduled trial date was ordered vacated, with the matter set for a status conference on November 20, 2015.

At the November 20, 2015, status conference, the case was set for a pre-trial conference on January 29, 2016, and a trial on February 11, 2016. The pretrial conference was held as scheduled on January 29, 2016, by which time the parties had filed their respective pre-trial statements and also a signed stipulation regarding facts and the admission of documents.

Trial took place as scheduled on February 11, 2016, and this matter was taken under submission that same day. OCTC was represented by Deputy Trial Counsel Alex Hackert. Respondent represented himself.

### **Findings of Fact and Conclusions of Law**

The following findings of fact are based on respondent's response to the NDC, the parties' partial stipulation of facts, and the documentary and testimonial evidence admitted at trial. All findings of fact have been established by clear and convincing evidence. (Rules Proc. of State Bar, rule 5.103.)

Respondent was admitted to the practice of law in California on January 10, 1956. He has continuously been a member of the State Bar of California since that time.

#### **Facts**

On December 11, 2013, respondent signed a Stipulation Re Facts, Conclusions of Law, and Disposition and Order Approving (the stipulation) in State Bar Court case numbers 13-O-11974 and 13-O-12959. The stipulation included a statement of agreed misconduct, the parties' agreement that respondent would be publicly reproved for the stipulated misconduct, and

respondent's agreement that he would comply with certain specified conditions of reproof for one year after the reproof became effective.

Specifically, the stipulation included a history of the underlying misconduct, which occurred in two separate cases. In the first one (case number 13-O-11974), respondent was hired to represent a client in a civil action against a business. One principal of the business, who was also a potential defendant to the civil action, was emailed repeatedly by respondent, through his staff member, in order to discuss the pending civil action, despite respondent knowing at the time that the principal was represented by another attorney and that the attorney had not consented to such emails. These emails occurred on ten separate occasions from February 5, 2012, to February 8, 2013. The contacts stopped only after the attorney for the principal repeatedly requested that respondent and his staff stop all direct communication with her client and also threatened to file a complaint with the State Bar. In the stipulation, the parties agreed that, by respondent's staff repeatedly contacting the principal on ten separate occasions when respondent knew that the principal was represented by an attorney, respondent willfully violated rule 2-100(A).

In the second case (case number 13-O-12959), a San Diego superior court judge issued an order on April 26, 2013, imposing monetary sanctions of \$143,435.13 against respondent and his client, jointly and severally, for maintaining a frivolous action. Respondent did not notify the State Bar of the judicial sanctions. When contacted by the State Bar on June 13, 2013, respondent informed the State Bar investigator that he was appealing the judicial sanctions and, therefore, did not believe he had a duty to report the sanctions pending a decision on the appeal. In the stipulation, the parties agreed that respondent's failure to timely report the judicial sanctions to the State Bar constituted a willful violation of Business and Professions Code section 6068, subdivision (o)(3).

The stipulation was approved by this court on December 18, 2013, and the public reproof was imposed, becoming effective on January 8, 2014. The stipulation's agreed conditions of reproof included, in relevant part, the following condition: "Respondent must provide proof of passage of the [MPRE], administered by the National Conference of Bar Examiners, to the Office of Probation within one year of the effective date of the reproof."

On or about December 20, 2013, the Office of Probation sent a letter to respondent, which he received, outlining the terms and conditions of his public reproof. Included in this letter was the following paragraph:

Further, please be advised that the Office of Probation **does not** have the authority to extend compliance due dates or modify the terms and conditions of the reproof. **Request [sic] for extension of time or modification of the terms and conditions** of the reproof must be filed with the State Bar Court Hearing Department. See, Rules of Procedure of the State Bar of California, rules 5.128 and 5.300, et seq. A copy of the motion must be served upon the Office of Probation. (Emphasis added.)

On January 15, 2014, respondent met with his probation deputy, Terese Laubscher, by telephone. She explained to him the conditions of his reproof, including the requirement that he show proof of passage of the MPRE within one year of the date of the reproof.

Respondent took the MPRE twice, on March 29, 2014 and November 1, 2014. He failed to achieve a passing score on either examination. He was surprised that he did not pass the examination, especially the second time, as he studied and used a preparation guide, and he was the first one to finish the test.<sup>2</sup> He could not understand how, with over 60 years of practice, he could not pass the examination.<sup>3</sup>

---

<sup>2</sup> This court is unsure why respondent would equate finishing an examination quickly with an increased likelihood of success. Being the first to finish a test, especially in a large group setting like the MPRE, seems more likely to indicate that the test taker rushed through the examination and did not carefully review his or her work.

<sup>3</sup> Respondent testified that he believes the National Conference of Bar Examiners (NCBE) and the State Bar conspired to make sure he did not pass the MPRE in order to force him into retirement. Respondent's conspiracy theory is based on his belief that he asked for a

Respondent did not file a motion with the Hearing Department seeking an extension of time to take and pass the MPRE.<sup>4</sup> On February 6, 2015, the Office of Probation sent respondent a letter indicating that he had not provided proof of passage of the MPRE.<sup>5</sup> In this letter, the Office of Probation informed respondent that he was not in compliance with the terms and conditions of his reprobation. Respondent did not respond to the February 6, 2015, letter.

Respondent satisfactorily complied with the other conditions attached to his public reprobation. He has not, however, signed up for or attempted to take the MPRE since the November 2014 examination.

### **Conclusions**

#### **Count One – Rule 1-110 [Failure to Comply with Conditions of Reprobation]**

Rule 1-110 requires an attorney to comply with the conditions attached to a reprobation. When a reprobation becomes final, the conditions attached to it are presumed valid. (*In the Matter of Pyle* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 929, 933.) Respondent willfully violated his duty, under rule 1-110, to comply with the condition of his reprobation that he provide proof of passage of the MPRE to the Office of Probation within one year of the effective date of the

---

verification report for the second MPRE examination and never received one, thus proving that the NCBE is hiding something. However, upon review of respondent's exhibits, it seems that he is confused on this issue, as the evidence indicates that, rather than requesting a verification report, respondent mistakenly ordered a second time that his November 2014 examination score be sent to California.

<sup>4</sup> In his meeting with the probation deputy, respondent did not recall her telling him that he may get an extension on his reprobation conditions. Regardless, the Office of Probation provided that information to respondent by letter, on or about December 20, 2013. Also, once respondent realized he would not be able to pass the MPRE during the condition period attached to the reprobation, he did not seek any advice or assistance from his probation deputy.

<sup>5</sup> In this letter, the Office of Probation also advised respondent that he was not in compliance with a second condition of probation. The stipulation mistakenly required that respondent comply with the terms of his underlying criminal probation. As respondent did not have an underlying criminal probation, this condition was invalid and void.

reproval, on or before January 8, 2015. Moreover, to date, respondent has not provided proof of passage of the MPRE to the Office of Probation.<sup>6</sup>

### **Aggravation<sup>7</sup>**

#### **Prior Record of Discipline (Std. 1.5(a).)**

As laid out above, respondent has been disciplined on one previous occasion. The court assigns some weight to respondent's prior public reproval.<sup>8</sup>

### **Mitigation**

#### **Candor/Cooperation to Victims/State Bar (Std. 1.6(e).)**

Respondent entered into a partial stipulation of facts and admission of documents. Respondent's cooperation with OCTC warrants some consideration in mitigation.

### **Discussion**

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, to preserve public confidence in the profession, and to maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d. 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d. 1016, 1025; Std. 1.1.) As illustrated above, respondent failed to maintain those professional standards. Respondent willfully violated his duty, under rule 1-110, to comply with the conditions attached to his public reproval by failing to provide proof of passage of the MPRE to the Office of Probation within one year of the effective date of the reproval, on or before January 8, 2015.

---

<sup>6</sup> Respondent's argument that his failure to pass the MPRE was not willful was undermined by his failure to request an extension of time to take and pass the examination. Instead, respondent assumed there was a conspiracy against him, and took no further reasonable action to satisfy that condition of his reproval.

<sup>7</sup> All references to standards (Std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

<sup>8</sup> This court acknowledges that respondent has been licensed to practice law in this state for over 60 years. Respondent's first discipline was in 2014, at the age of 84.

For guidance in determining the appropriate level of discipline, the court first looks to the sanction standards. (*In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.) The applicable sanction standards in the instant matter are (1) standard 2.14, which provides that actual suspension is the presumed sanction for failing to comply with a condition of discipline, and (2) standard 1.8(a), which provides that, when an attorney has a prior record of discipline, “the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust.”

Next, the court looks to case law for guidance. (*Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310 1311; *In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 580.) The case of *Conroy v. State Bar* (1990) 51 Cal.3d 799, is instructive on the issue of discipline here. In *Conroy*, the attorney was placed on one year’s stayed suspension and one year’s probation on conditions, including that the attorney be suspended during the first sixty days of his probation.

In *Conroy*, the attorney had previously been privately reprovved for committing three unrelated acts of misconduct. A condition attached to that reproval required the attorney to take and pass the Professional Responsibility Examination (PRE) within one year. The attorney, however, failed to do so. The single mitigating factor was that the attorney took and passed the PRE at the next available opportunity. The three aggravating circumstances in that case were: (1) the attorney’s prior private reproval; (2) the attorney’s default in the State Bar Court; and (3) the attorney’s lack of remorse and failure to acknowledge the wrongfulness of his actions. The Supreme Court was “extremely troubled by [the attorney’s] failure ‘to appreciate the seriousness of the charges in the instant proceeding or to comprehend the importance of participating in the disciplinary proceedings.’ [Citation.] Despite numerous efforts by State Bar personnel to notify

him of impending events and the consequences of nonappearance, [the attorney] remained unresponsive, totally ignoring his obligation to attend the hearing and explain his actions. [Citations.]” (*Conroy v. State Bar, supra*, 51 Cal.3d at pp. 805-806.)

Here, respondent, unlike the attorney in *Conroy*, has appeared, participated in this proceeding, and entered into a partial stipulation of facts and admission of documents. However, unlike *Conroy*, respondent has not made any efforts to belatedly take and pass the MPRE. Both the present matter and *Conroy* involve limited mitigation.

Respondent’s 60 years as a practicing attorney in this state are astounding. A select few practitioners can rival such an achievement, especially considering that respondent’s first 58 years of licensure were discipline-free. That said, however, the present matter marks a disturbing trend, as it represents respondent’s second discipline in just over two years. Further, respondent’s unsubstantiated belief that the State Bar and NCBE conspired to force his retirement raises some public protection concerns.

Considering the lack of any substantial factors in mitigation, little justification exists to deviate from standard 2.14. On balance, the court finds that the appropriate level of discipline is one year’s stayed suspension and two years’ probation with conditions, including that respondent be suspended from the practice of law during the first thirty days of his probation.

### **Recommendations**

This court recommends that respondent **Leon Edward Campbell**, State Bar Number 26686, be suspended from the practice of law in California for one year, that execution of that period of suspension be stayed, and that respondent be placed on probation<sup>9</sup> for a period of two years subject to the following conditions:

---

<sup>9</sup> The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

1. Respondent is suspended from the practice of law for the first thirty days of probation.
2. Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of respondent's probation.
3. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including respondent's current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, respondent must report such change in writing to the Membership Records Office and the State Bar's Office of Probation.
4. Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent must state whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all of the conditions of respondent's probation during the preceding calendar quarter. In addition to all quarterly reports, a final report, containing the same information, is due no earlier than 20 days before the last day of the probation period and no later than the last day of the probation period.
5. Subject to the assertion of applicable privileges, respondent must answer fully, promptly, and truthfully, any inquiries of the Office of Probation or any probation monitor that are directed to respondent personally or in writing, relating to whether respondent is complying or has complied with respondent's probation conditions.
6. Within 30 days after the effective date of discipline, respondent must contact the Office of Probation and schedule a meeting with respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, respondent must meet with the probation deputy either in person or by telephone. During the period of probation, respondent must promptly meet with the probation deputy as directed and upon request.
7. Within one year after the effective date of the discipline herein, respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent will not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)

At the expiration of the probation period, if respondent has complied with all conditions of probation, respondent will be relieved of the stayed suspension.

**Multistate Professional Responsibility Examination**

This court also recommends that respondent be ordered to take and pass the Multistate Professional Responsibility Examination (MPRE) within one year after the effective date of the Supreme Court order imposing discipline in this matter and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

**Costs**

This court further recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Dated: May 9, 2016

  
\_\_\_\_\_  
W. KEARSE MCGILL  
Judge of the State Bar Court

## 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 May 9, 2016, I deposited a true copy of the following document(s):

DECISION

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

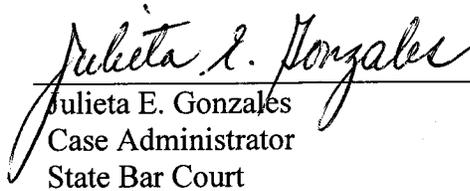
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

LEON EDWARD CAMPBELL  
7825 FAY AVE #200  
LA JOLLA, CA 92037

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

Alex J. Hackert, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 9, 2016.

  
\_\_\_\_\_  
Julieta E. Gonzales  
Case Administrator  
State Bar Court