

FILED

JUN 16 2016

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

CALIFORNIA STATE BAR COURT

HEARING DEPARTMENT – LOS ANGELES

In the Matter of)	Case No. 15-O-14379
)	
Gregory E. Stearns)	RESPONSE to Notice of
No. 80704)	Disciplinary Charges
)	
A Member of the State Bar)	
_____)	

The Notice of Disciplinary Charges has alleged that the Respondent falsely reported compliance with the MCLE requirements for the February 1, 2011 to January 31, 2014 MCLE Compliance Period. These allegations are in fact incorrect. Respondent did not knowingly misrepresent compliance and any miscalculation of required compliance hours does not constitute gross negligence in this matter. At the time of the MCLE compliance reporting on January 21, 2014, the Respondent had a good faith honestly held belief that he had in fact completed the required MCLE compliance hours.

In regard to the self study hours, Respondent submitted proof of fifteen hours of self study during the Compliance Period to the State Bar and on January 21, 2014 of which the Respondent had an honestly held belief were eligible for self study credit hours. It was only later, in October 2015, that the State Bar informed the Respondent these fifteen hours of self study were not eligible for MCLE credit. But at the time of signing on January 21, 2014, Respondent had a good faith honestly held belief that these fifteen hours were in fact eligible for credit and thus did not make a knowing misrepresentation or false reporting.

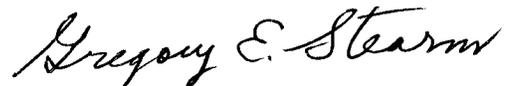
In regard to the participatory study hours, Respondent attended the 2012 Annual State Bar Meeting in Monterey, California and attended MCLE classes at that time. At the time of certifying compliance on January 21, 2014, Respondent believed that he had completed all the necessary hours. However, in October 2015, after reviewing all available records, Respondent could only locate six hours of participatory study Certificates, which he submitted to the State Bar. Respondent acknowledges that his computation the participatory study credit hours was off by approximately six hours, for which he is truly sorry and extremely remorseful. But at the time of MCLE compliance reporting on January 21, 2014, Respondent had an honestly held belief that he had completed the required hours. The error in computing the participatory study hours was not intentional and upon discovering the MCLE credit hour deficiencies, Respondent undertook to make up the missing hours as soon as reasonably possible.

Respondent has enclosed one letter from the State Bar of California, dated December 1, 2015 which verifies compliance with MCLE requirements for the February 1, 2011 to January 31, 2014 Compliance Period. Respondent has also enclosed four letters sent to the State Bar of California dated January 15, 2016, February 5, 2016. February 22, 2016 and March 10, 2016, which demonstrate mitigation and full cooperation with the State Bar of California.

Respondent submits that he has not committed an intentional misrepresentation or act of moral turpitude, rather an honest miscalculation in computing the hours of MCLE participatory studies, for which he has expressed remorse and has acknowledged responsibility. Respondent very respectfully requests that the ruling in this matter be for compliance.

Dated: June 14, 2014

Respectfully submitted,



Gregory E. Stearns
Member Number 80704

P.O. Box 5813
Key West, FL 33045



THE STATE BAR OF CALIFORNIA

MEMBER RECORDS & COMPLIANCE

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

December 1, 2015

SB # 80704

Gregory E. Stearns

PO Box 5813

Key West FL 33045

Dear Mr. Stearns:

This letter confirms that our office has received your final MCLE compliance materials. Your **MCLE-related administrative inactive status has ended**, effective **November 30, 2015**, the date we received them.

Going forward, you will have a smaller MCLE requirement to meet by Jan. 31, 2018, because you were suspended for part of your current compliance period of Feb. 1, 2014 – Jan. 31, 2017. That will be 17 total credit hours earned, including 3 covering legal ethics and 1 credit in each of the two subjects, eliminating bias and competence issues (e.g., substance abuse, mental illness, cognitive decline with age, etc.). These must be different credits than the ones you earned to lift your suspension.

Finally, please note that you'll get a dues statement in the next few days, charging \$155 for Inactive member dues for 2016, as a result of the suspension. But of course, now it is already out-of-date. Your 2016 dues will be an Active member's \$430 instead, which you may pay by check or online.

Please contact me again with further questions: (415) 538-2519 or Darryl.McKenzie@calbar.ca.gov.

Sincerely,

Darryl McKenzie
MCLE Compliance Administrator

March 10, 2016

The State Bar of California
845 South Figueroa Street
Los Angeles, California 90017-2515

RE: Case Number 15-0-14379
ATTN: Heather Meyers

Dear Madam,

I am in receipt of your letter, dated March 3, 2016, which I received at the Key West, Florida, Post Office on March 8, 2016.

In your letter, you state that I may have access to copies of "all non-privileged materials and any exculpatory evidence within the State Bar's investigation file(s)". I would like copies of these documents, if any, as soon as reasonably possible, as they may be relevant to Case Number 15-0-14379.

In response to your investigation, I have enclosed twenty three pages of materials and documentation, all correspondances submitted to and received from your Office, from January 4, 2016 to March 11, 2016. As I have stated in my previous correspondances, I have an honestly held belief that I completed all February 11, 2011 to January 31, 2014 Compliance Period requirements. I took steps to make up any missing hours as soon as reasonably possible. I believe that the evidence in this Case indicates compliance with the Compliance Period requirements.

I very respectfully request that your ruling in Case Number 15-0-14379 be for Compliance, based upon all of the evidence and documentation submitted. Thank you very much.

Very Respectfully,

Gregory E. Stearns

Gregory E. Stearns
Member Number 80704

P.O. Box 5813
Key West, Florida 33045

February 22, 2016

The State Bar of California
845 South Figueroa Street
Los Angeles, California 90017-2515

RE: Case Number 15-O-14379
ATTN: Rosalie Ackerman

Dear Madam,

I am in receipt of your letter, dated February 9, 2016, which I received at the Key West, Florida, Post Office on February 17, 2016. Enclosed is the additional information which you requested in your letter.

As I have stated in my previous correspondence, I had an honestly held belief that I had completed all MCLE Compliance Period requirements, as I had attended the Annual State Bar Meeting in Monterey, California, in October 2012 and attended the MCLE classes there. I have provided you with copies of the 6.0 hours of participatory studies from the 2012 classes which I could locate. And I undertook 15.0 hours of self study activities during the Compliance Period. I took steps to make up any missing hours as soon as was reasonably possible. I believe that all of the information and documentation which I have provided to you and the State Bar of California does relate to the February 1, 2011 to January 31, 2014 Compliance Period.

I very respectfully request that your ruling in this matter be for Compliance based upon all of the evidence and documentation submitted. Thank you very much.

Very Respectfully,

Gregory E. Stearns

Gregory E. Stearns
Member Number 80704

P.O. Box 5813
Key West, Florida 33045

February 5, 2016

The State Bar of California
845 Figueroa Street
Los Angeles, California 90017-2515

RE: Case Number 15-O-14375
ATTN: Rosalie Ackerman

Dear Madam,

I am in receipt of your letter dated January 27, 2016, which I received at the Key West, Florida, Post Office on February 2, 2016. In your letter you request additional proof of approved studies and self study logs. In addition to the eleven pages of documentation, including four pages of self study logs, which I included with my January 15, 2016 letter, I have enclosed four pages of self study logs and nine copies of approved MCLE studies in the form of MCLE Self-Assessment Test receipts, with this correspondence.

In your January 27, 2016 letter you state that it is the duty of an attorney to cooperate with and participate in any State Bar Investigation. With all due respect, I believe that I am fully cooperating with you. I am participating as well. I received your first letter on January 13, 2016 and returned my reply to you via certified delivery on January 15, 2016. I received your second letter on February 2, 2016 and returned my response via certified delivery on February 5, 2016. The above noted correspondances are proof of cooperation with you and the State Bar of California. I would be happy to provide you with any other information which you request.

In regard to your offer in your January 27, 2016 letter of a telephone conversation, I would prefer to have a written record of these important matters. Again with all due respect, I believe that I have a right to Notice and a right to provide my response to your Inquiry in writing.

I believe that I have provided to you and the State Bar of California everything which you have requested. If you require any additional information or have any other questions, I would be happy to continue to fully cooperate with you.

I most respectfully request that the ruling in this matter be for compliance based upon the documentation submitted. Thank you very much.

Very Respectfully,



Gregory E. Stearns
Member Number 80704

P.O. Box 5813
Key West, FL 33045

January 15, 2016

The State Bar of California
845 Figueroa Street
Los Angeles, California 90017-2515

RE: Case Number 15-0-14375
ATTN: Rosalie Ackerman

Dear Madam,

I am in receipt of your recent letter dated January 4, 2016, which I received at the Key West, Florida, Post Office on January 13, 2016. This letter, a copy of which I have enclosed with this correspondence, was delivered to me via regular First Class mail, without Certified Delivery or other Proof of Service.

In your letter, you make reference to a letter which you state you sent to me in October 2015. I do not recall receiving any such letter. Did you send it to my correct address? Did you send it via Certified Delivery? Did you employ any other type of Proof of Service? Please forward a copy of your Proof of Service. As you must know, Notice is an essential element of Due Process.

In your January 4, 2016 letter, you state, "This is my last good faith effort to contact you." And you require that a written response be received "by January 11, 2016." Requiring that a written response be received two days before I have even had an opportunity to receive and review your letter, while impossible seems neither fair nor reasonable.

I would be happy to respond to your inquiry, however I would like to stress that Notice, being essential to Due Process, must surely be an important and required element of your inquiry.

I have enclosed eleven pages of documentation with this correspondence, which indicates satisfaction of the MCLE Compliance requirements for the 2012-2014 Compliance Period. While my two medical surgeries in August 2013 and December 2013 and my subsequent move to Florida made it difficult for me to locate all of my 2012-2014 records, I had an honestly held belief that I had completed all MCLE Compliance Period requirements. Also, I undertook to make up any missing hours as soon as reasonably possible. I hope that this correspondence satisfies your inquiry here. Please contact me with any additional questions you may have in regard to this matter.

Thank you very much.

Very Respectfully,

Gregory E. Stearns

Gregory E Stearns
Member Number 80704

P.O. Box 5813
Key West, Florida 33045

DECLARATION OF SERVICE

CASE NUMBER 15-O-14379

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, declare that:

On the date shown below, I caused to be served a true copy of the within document described as follows:

RESPONSE to Notice of Disciplinary Charges

By U.S. First Class Mail in a sealed envelope placed for collection and mailing at Key West, Florida, addressed to: (see below)

Person Served:

Business Address:

Rose Luthi
Case Administrator

845 South Figueroa Street
Los Angeles, California 90017-2515

I declare under penalty of perjury that the foregoing is true and correct. Executed at Key West, Florida, on the date shown below.

Dated: June 14, 2016

Signed: Michael A Paulen

Michael Paulen
Declarant