

FILED

JUL 17 2015

STATE BAR COURT
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LOS ANGELES

STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 15-Q-11494
)	
MICHAEL KING GROVES,)	RECOMMENDATION ON
)	RESIGNATION
A Member of the State Bar, No. 110645.)	
_____)	

Respondent Michael King Groves filed his resignation with disciplinary charges pending on March 16, 2015. On May 13, 2015 and June 2, 2015, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed its report and supplemental report on the resignation, recommending that it be accepted. In light of the grounds set forth in California Rules of Court, rule 9.21(d),¹ we recommend the resignation be accepted because Groves: (1) filed a rule 9.20 compliance declaration; (2) tendered an authorization for public disclosure of pending complaints, investigations and proceedings; (3) has no pending Client Security Fund (CSF) claims; and (4) is 63 years old and willing to forfeit his license.² The only discipline proceeding currently pending against Groves is a probation with conditions,³ and the disciplines ordered in his prior disciplinary proceedings were minor.

¹ All further references to rules are to this source unless otherwise noted.

² The Court takes judicial notice of Groves's date of birth as requested by OCTC in footnote 5 of its Report and Recommendation.

³ We consider a pending probation as a "proceeding," as contemplated by rule 5.427(B) of the Rules of Procedure of the State Bar of California.



I. BACKGROUND

Groves was admitted to practice law in California on December 14, 1983. He has three prior records of discipline. First, effective June 15, 1997, Groves was publicly reprovved with conditions. (State Bar Court case no. 96-O-00634.) Groves stipulated to violations of rule 3-310(B) of the Rules of Professional Conduct (failure to obtain informed consent in writing to representation of clients whose interests conflict) and rule 3-300 (entering into an agreement to represent adverse interests without adequate disclosure) arising from drafting a general partnership agreement. There were no aggravating factors, and Groves's lack of prior discipline was a mitigating factor.

Second, on October 29, 2013 (effective November 28, 2013), the Supreme Court ordered Groves suspended for one year, execution stayed, and placed on probation for one year subject to conditions. (*In re Michael King Groves on Discipline* (S212912) State Bar Court case no. 12-O-17916.) Groves stipulated that he violated Civil Code section 2944.7, subdivision (a)(1), and Business and Professions Code section 6106.3, subdivision (a), when he agreed to negotiate a mortgage loan modification for clients and collected fees from them before he had completed the loan modification services. Groves's prior record of discipline was an aggravating factor and his pre-filing stipulation and volunteer work were found to be mitigating.

Third, effective January 8, 2015, the Supreme Court ordered Groves suspended for two years, execution stayed, and placed on probation for two years subject to conditions, including actual suspension for the first 30 days of probation. (*In re Michael King Groves on Discipline* (S222076) State Bar Court case no. 13-O-17617.) Groves stipulated that he violated Civil Code section 2944.7, subdivision (a)(1) and Business and Professions Code section 6106.3, subdivision (a) when he agreed to negotiate a mortgage loan modification for a client and

collected fees from him before he had completed the loan modification services. He also stipulated that he violated Business and Professions Code section 6090.5, subdivision (a)(2), when he offered to return fees paid to him in exchange for the client withdrawing his State Bar complaint. Groves's misconduct occurred while he was serving his disciplinary probation, which along with his prior record of discipline, was considered in aggravation. In mitigation, Groves entered into a stipulation and demonstrated good character through his charitable volunteer work. Groves remains under probation in connection with this matter.

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

We have considered Groves'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 there is no need for perpetuation of the evidence.

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

OCTC reports that it is not aware that Groves has practiced law or held himself out as entitled to practice law since he was suspended in case number 13-O-17617, effective January 8, 2015.

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

Groves filed a rule 9.20 compliance declaration on March 16, 2015, stating that he had no clients, no client papers or other property to return, no unearned fees, and no pending client matters. OCTC notes that it appears that there were no acts that Groves was required to perform pursuant to rule 9.20.

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

Groves's rule 9.20 compliance declaration in this case was submitted on March 16, 2015.

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 Groves's disbarment.

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

Groves has not previously resigned or been disbarred in California.

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

OCTC reports that there are no unresolved discipline matters, complaints or investigations pending against Groves.

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

We recommend accepting the resignation for the reasons stated by OCTC. Groves filed a 9.20 compliance declaration and cooperated with OCTC by tendering an authorization for public disclosure of pending complaints, investigations and proceedings. There are no unresolved discipline matters or investigations; the only pending discipline is Groves's probation in case number 13-O-17617. His three prior cases resulted in minor discipline: a public reproof, a stayed suspension, and a 30-day actual suspension. There are no pending CSF claims. Further, Groves is 63 years old and willing to forfeit his license. If Groves returns to the practice of law, he will be at least 68 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].) Under these circumstances, we do not believe that public

confidence in the discipline system will be undermined by accepting the resignation and 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 Michael King Groves, State Bar number 110645. 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

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 July 17, 2015, I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED JULY 17, 2015

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

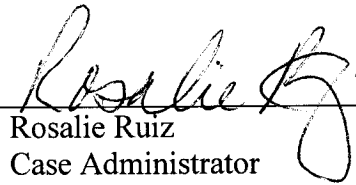
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

MICHAEL K. GROVES
19 INTERNATIONAL BLVD
RANCHO MIRAGE, CA 92270

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

DIANE J. MEYERS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 17, 2015.



Rosalie Ruiz
Case Administrator
State Bar Court