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DEC 15 2015

STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 15-Q-12813
)	
JAMES ADAM BURTON,)	RECOMMENDATION ON
)	RESIGNATION
A Member of the State Bar, No. 149253.)	
_____)	

On June 4, 2015, respondent James Adam Burton filed his resignation with disciplinary charges pending. On September 16 and November 10, 2015, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed its report and supplemental report on the resignation. OCTC recommends that Burton's resignation be accepted. Based on OCTC's recommendation and in light of the grounds set forth in California Rules of Court, rule 9.21(d),¹ as detailed below, we recommend that the Supreme Court accept the resignation.

I. BACKGROUND

A. Prior Record of Discipline

Burton was admitted to practice law in California on December 4, 1990. He has one prior record of discipline. On October 4, 2011 (effective November 3, 2011), the Supreme Court ordered Burton suspended for one year, execution stayed, and placed him on probation for three years subject to conditions. (*In re James Adam Burton* (S195157), State Bar Court case nos. 11-C-11163, 11-C-11164, 11-C-11166.) Burton stipulated that by driving under the influence on three occasions, driving on a suspended license, committing a hit and run with property damage,

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

and violating terms of his criminal probation, he committed misconduct warranting discipline, but not involving moral turpitude. There were no aggravating circumstances; considered in mitigation were his candor and cooperation, demonstration of remorse, emotional and physical difficulties, and rehabilitation.

B. Pending Matters

OCTC and Burton have entered into a stipulation as to facts and conclusions of law for the pending charges against him. Burton stipulated that he was subject to disciplinary probation and was out of compliance with its conditions in violation of Business and Professions Code section 6068(k) because he failed to timely file one quarterly report with the Office of Probation, failed to submit two quarterly reports and one final report, and failed to timely report all changes of information to the Office of Probation.

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

We have considered Burton'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, Burton has practiced law or has advertised or held himself out as entitled to practice law.

OCTC reports that it has no evidence that Burton has practiced law or held himself out as entitled to practice law since he tendered his resignation.

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

Burton filed a rule 9.20 compliance declaration on July 23, 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 Burton was required to perform pursuant to rule 9.20.

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

Burton's rule 9.20 compliance declaration in this case was submitted on July 23, 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 Burton's disbarment.

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

Burton has not previously resigned or been disbarred in California.

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

OCTC reports that it reached agreement on a written stipulation as to facts and conclusions of law in the disciplinary proceeding pending against Burton. The stipulation was filed with OCTC's report on September 16, 2015.

9. Whether accepting Burton'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 in the report. Burton: (1) filed a rule 9.20 compliance declaration; (2) entered into a stipulation as to facts and conclusions of law regarding all pending disciplinary matters against him, which OCTC reports represents a complete account of his misconduct in the pending matters and are publicly available; and (3) has no pending Client Security Fund claims or other unresolved discipline matters or investigations. Under these circumstances, we do not believe that public confidence

in the discipline system will be undermined by accepting the resignation and that acceptance 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 James Adam Burton, State Bar number 149253. 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 December 15, 2015, I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED DECEMBER 15, 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:

JAMES A. BURTON
6219 170TH PL SW
LYNNWOOD, WA 98037

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

Ann J. Kim, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 15, 2015.



Rosalie Ruiz
Case Administrator
State Bar Court