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STATE BAR COURT
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LOS ANGELES**CENTURY LAW GROUP LLP**

Edward O. Lear (SBN 132699)

Paul J. Virgo, Of Counsel (SBN 67900)

5200 W. Century Boulevard, Suite 345

Los Angeles, CA 90045

Telephone: (310) 642-6900

Facsimile: (310) 642-6910

Attorneys for Petitioner
Lisa Russell**BEFORE THE STATE BAR COURT****HEARING DEPARTMENT - LOS ANGELES**

In The Matter of

LISA MARIE RUSSELL

Member No. 182496.

A Member of the State Bar.

15-V-13868
) [Case Nos. 06-O-13789; 06-O-14272;
) 06-O-14321; 06-O-14808; 07-O-11644;
) 07-O-11970; 07-O-13538
) [S169592]

PETITIONER LISA MARIE
RUSSELL'S VERIFIED PETITION
FOR RELIEF FROM ACTUAL
SUSPENSION; MEMORANDUM OF
POINTS AND AUTHORITIES AND
DECLARATIONS IN SUPPORT
THEREOF

(Rules 5.400 et seq., Rules of Procedure of
the State Bar Court)

**TO THE OFFICE OF THE CHIEF TRIAL COUNSEL OF THE STATE BAR OF
CALIFORNIA, AND TO THE STATE BAR COURT, HEARING DEPARTMENT:**

PLEASE TAKE NOTICE that Petitioner Lisa Marie Russell ("Petitioner" or "Ms. Russell")
hereby petitions for termination of the actual suspension that she has been serving since April 3, 2009.
She does so based upon the showing of rehabilitation, present fitness to practice, and present learning
and ability in the general law set forth in these papers, pursuant to Standard 1.2(c)(ii) of the Standards

1 for Attorney Sanctions for Professional Misconduct. This Petition is filed in accordance with the
2 provisions of Rules 5.400 et seq., Rules of Procedure of the State Bar of California.

3 **I. INTRODUCTION**

4 Petitioner was actually suspended from the practice of law for a period of 18 months
5 effective April 3, 2009, and placed on probation for three years, and until restitution is paid as set
6 forth in the Financial Conditions, and subject to certain other terms and conditions of probation.
7 Petitioner has now served more than six years of actual suspension and herein petitions for relief
8 from her actual suspension. As detailed herein and evidenced by the accompanying declarations.
9 Petitioner has demonstrated significant rehabilitation from the misconduct which formed the basis
10 for the underlying proceeding. Petitioner also maintained her learning and ability in the general
11 law. It is therefore appropriate that her suspension be terminated at the earliest possible time.

12 **II. PROCEDURAL BACKGROUND**

13 Petitioner was first admitted to the practice of law in the State of California on June 7, 1996.
14 She entered into a full stipulation with the Office of Chief Trial Counsel ("OCTC") prior to a filing
15 of a Notice of Disciplinary Charges ("NDC"). Pursuant to the stipulation, a copy of which is
16 attached and identified as "Exhibit 1." Petitioner was to be suspended for a period of two (2) years.
17 actually suspended from the practice of law for a period of eighteen (18) months and until she pays
18 restitution as set forth in the Financial Conditions form attached to the Stipulation (Exhibit 1, page
19 7), stayed on conditions of probation for three (3) years. Other conditions of probation included
20 submission of quarterly reports to the State Bar's Probation Unit, restitution (including the principal
21 amount, plus interest of 10% per annum) to clients/payees as listed by the Hearing Department
22 Order signed by the Court on October 30, 2008 (the principal sum ordered to be repaid was in the
23 approximate amount of \$5,500.00, plus interest), pay the costs of the disciplinary proceedings,
24 attend the State Bar's Ethics and Client Trust Accounting Schools, take and pass the Multistate
25 Professional Responsibility Examination ("MPRE) during her period of actual suspension, within
26 two years of the effective date of the discipline submit to the Office of Probation evidence of
27 completion of no less than eight hours of MCLE approved courses in law office management,
28 attorney client relations and/or general legal ethics, and comply with Rule 9.20, California Rules of

1 Court. Although not initially included in the Stipulation, the Court added the conditions of
2 conditions of 1.4 (C) (ii) [Ex. 1. page 22].

3 On July 10, 2012, the California Supreme Court filed its order imposing the discipline called
4 for in the stipulation. This Order became effective on August 9, 2012.

5 **III. SUMMARY OF THE MISCONDUCT**

6 On December 27, 2011, Petitioner filed a Verified Petition for Relief from Actual
7 Suspension (11-V-19732-DFM). On March 14, 2012, the court took the Petition under submission.
8 Attached and identified as "Exhibit 2." is a copy of the Court's Decision Denying Petition for Relief
9 from Actual Suspension filed March 21, 2012. The Finding of Facts and Conclusions of law are
10 contained in Exhibit 2, pages 3 through 6 and summarize the underlying misconduct. Exhibit 2 is
11 incorporated herein by reference.

12 **IV. PETITIONER'S POST-DISCIPLINE CONDUCT**

13 **A. Petitioner Has Acknowledged Her Mistakes, Reformed, and Become a Positive**
14 **Member of the Community**

15 Petitioner has taken the time to contemplate and learn from her regrettable misconduct.
16 She has not attempted to offer any excuses for her behavior. She understands the impact of her
17 misconduct on the integrity of the legal profession and on the public. It is without a doubt that
18 Petitioner appreciates the gravity of her wrongdoing and sincerely feels and appreciates the
19 consequences of her past actions.

20 As part of her rehabilitation, Petitioner has continued to educate herself, provide for herself,
21 and become a productive participant in the legal community as a legal assistant, as is described
22 more fully herein.

23 **Petitioner Has Complied With All Conditions of Her State Bar Probation**

24 Petitioner has satisfied the conditions of the disciplinary orders at the time of the filing of
25 this Petition. Further, Petitioner has addressed the concerns of the Court's denial of her previous
26 Petition (11-V-19732, Exhibit 2), as described more fully in Petitioner's Declaration, filed herein.

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1 **V. PETITIONER HAS MET HER BURDEN FOR REINSTATEMENT**

2 To be reinstated to active status, Petitioner must show, by a preponderance of the evidence.
3 that she has satisfied the elements set forth in Standard 1.2(c)(1) (former standard 1.4(c)(ii)).
4 including rehabilitation, present fitness to practice, and present learning and ability in the general
5 law. (See generally, *In the Matter of Murphy* (Review Dept. 1997), 3 Cal. State Bar Ct. Rptr. 571;
6 rule 5.404, Rules of Procedure of the State Bar.)

7 Rehabilitation from the acts which resulted in misconduct is entitled to great weight in
8 returning a lawyer to active status. "Rehabilitation is a state of mind and the law looks with favor
9 upon rewarding with the opportunity to serve, one who has achieved reformation and regeneration."
10 (*Pacheco v. State Bar of California* (1987), 43 Cal.3d 1041, 1057 (citations omitted).)

11 In addition, as the Supreme Court stated in *Resner v. State Bar* (1967) 67 Cal.2d 799, 811,
12 "[t]he law looks with favor upon the regeneration of erring attorneys..." (See also, *In the Matter of*
13 *Rudman* (Review Dept. 1993), 2 Cal. State Bar Ct. Rptr. 546, 553.)

14 The showing of rehabilitation needed is commensurate with the nature and seriousness of
15 the underlying misconduct. (*In re Menna* (1995) 11 Cal.4th 975, 986; *Kwasnik v. State Bar* (1990)
16 50 Cal.3d 1061, 1068-1069.) In *In the Matter of Murphy*, supra, 3 Cal. State Bar Ct. Rptr. at 581.
17 the Review Department held that "...rehabilitation in relief from suspension proceedings must be
18 measured by the disciplined attorney's conduct from the time of imposition of the latest discipline
19 that led to the suspension."

20 Thus, in determining whether a respondent is rehabilitated, the primary issue is: "what was
21 the misconduct from which the respondent has been rehabilitated?" Here, Petitioner committed
22 multiple acts of serious misconduct involving at least four clients. The misconduct included acts of
23 moral turpitude, violations of the mishandling of her client trust account, incompetence,
24 abandonment, etc. Please refer to Exhibit 2, pages 3 – 8. Petitioner's Record of Discipline, which is
25 incorporated herein by reference. Petitioner fully understands and appreciates the negative impact
26 she had on her clients. Since and during hher suspension, Petitioner has completed everything
27 ordered and required of hrt by the California Supreme Court.

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1 **Petitioner Has Been Fully Rehabilitated From the Acts Which Gave Rise to Her**
2 **Misconduct**

3 Petitioner has demonstrated the requisite elements of rehabilitation for her wrongful
4 conduct, including acknowledgment of wrongdoing, remorse, and a sincere and ongoing
5 commitment to the legal community. The evidence shows by a preponderance of the evidence that
6 Petitioner has been rehabilitated from the wrongful conduct which formed the basis of her earlier
7 disciplinary proceedings.

8 **A. Petitioner Is Presently Fit to Practice Law**

9 Petitioner has obtained a declaration supporting her reinstatement from a long time practicing
10 attorney who is also her father. See Declaration of James C. Russell, attached and identified as
11 "Exhibit 3."

12 **Petitioner Has Present Learning and Ability to Practice Law**

13 Despite having committed serious misconduct which interrupted her legal career, Petitioner
14 has taken care to stay current in the law. Petitioner has demonstrated her commitment to others and
15 worked to broaden her legal knowledge throughout the period of his suspension (See Declarations
16 of Petitioner and James C. Russell). The fact that she has done so supports her assertion that she is
17 morally fit to recommence the practice of law. Since the underlying misconduct, Petitioner has
18 completed many MCLE hours, as further discussed in Petitioner's attached Declaration, identified
19 as "Exhibit 4." She also continues to read books, legal articles and monthly legal magazines, and
20 other legal periodicals. She submits that he is ready to once again manage the demands of the
21 practice of law.

22 We are presently unable to locate the document from the National Conference of Bar
23 Examiners indicating Respondent took and passed the MPRE in August 2010. Attached as "Exhibit
24 6" is a copy of Petitioner's Registration Confirmation, and if read in conjunction with Exhibit 5, it is
25 sufficiently clear that Petitioner took and passed the MPRE within the proscribed time period.


26 **VI. CONCLUSION**

27 Petitioner has accepted responsibility for her misconduct. She has taken affirmative steps
28 toward rehabilitating herself. She has complied with the conditions of her disciplinary probation
Please refer to "Exhibit 5.", and has continued her commitment to the continuing education of

1 herself and, Petitioner has maintained her present learning in the law. She has accomplished each
2 of the requisite elements establishing the showing necessary to resume active practice.

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4 DATED: August 10, 2015

CENTURY LAW GROUP, LLP

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7 Paul J. Virgo, Of Counsel
8 Attorneys for Petitioner
9 Lisa Marie Russell
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VERIFICATION

I, Lisa Marie Russell, am the Petitioner in the above-entitled action. I have read the foregoing and know the contents thereof. The matters stated in the foregoing document are true and of my own knowledge except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

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

Executed this 6 day of August, 2015 at San Diego California.



Lisa Marie Russell

EXHIBIT

“1”