STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of JACQUES BERNARD LeBOEUF, A Member of the State Bar, No. 163579.	Case Nos. 17-N-00173; 17-O-01113-PEM DECISION

Introduction[1]

In this contested disciplinary proceeding, the Office of Chief Trial Counsel of the State Bar of California (State Bar) charged respondent Jacques Bernard LeBoeuf with failing to timely comply with California Rules of Court, rule 9.20,[2] and failing to comply with conditions attached to his disciplinary probation in State Bar case No. 15-O-10522.

For the reasons stated below, this court finds by clear and convincing evidence that respondent is culpable of the alleged misconduct. Based on the nature and extent of respondent's culpability, as well as the mitigating factors that outweigh the aggravating circumstances, the court recommends, among other things, that respondent be suspended from the practice of law for three years, that execution of suspension be stayed, that he be placed on probation for three years, subject to conditions including that he be actually suspended for 18 months and until he proves his rehabilitation, fitness to practice, and present learning and ability in the general law.

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[1] Unless otherwise indicated, all statutory references are to the Business and Professions Code.

[2] References to rules are to the California Rules of Court, unless otherwise noted.

Significant Procedural History

The State Bar initiated this proceeding by filing a Notice of Disciplinary Charges (NDC) in case No. 17-N-00173 on February 14, 2017. Respondent filed a response to the NDC on March 13, 2017. On March 16, 2017, the State Bar filed a NDC in case No. 17-O-01113. Respondent filed a response to the second NDC on April 14, 2017.

A trial was held on August 22 and 23, and September 5, 2017. The State Bar was represented by Senior Trial Attorney Sherrie McLetchie and Deputy Trial Counsel Britta Pomrantz. Respondent represented himself. On September 14, 2017, following closing argument and closing briefs, the court took this matter under submission.

Findings of Fact and Conclusions of Law

Respondent was admitted to the practice of law in California on January 8, 1993, and has been a member of the State Bar of California at all times since that date.

Case No. 17-N-00173 – The 9.20(c) Matter

Facts

On September 15, 2016, the Supreme Court issued an order suspending respondent for one year, stayed, with two years' probation, and a 90-day actual suspension. (Supreme Court case No. S235197, State Bar Court case No. 15-O-10522.) The order became effective October 15, 2016, and was served on respondent. In addition to the suspension, respondent was ordered to comply with rule 9.20(c) no later than November 24, 2016.

In September 2016, respondent received an email from his attorney Vicki Young (Young) informing him that the Supreme Court had entered its discipline order. Young explained that respondent was required to remove his office website from the Internet. When respondent received the court order he did not read it carefully because he assumed his lawyer would help him navigate the requirements of his discipline. Respondent was left with the

impression that the only action he had to take during his 90-day suspension was the removal of his website. Respondent also testified that he suffered from severe depression after he received the Supreme Court order.

On September 29, 2016, Probation Deputy Terese Laubscher uploaded a courtesy reminder letter to respondent's "My State Bar Profile" (Online Profile) on the State Bar of California website. The letter notified respondent that he was required to comply with the conditions of rule 9.20 by November 24, 2016. That same day, Laubscher contacted respondent by electronic mail at his membership records email address notifying him that a reminder letter and its attachments had been uploaded to his Online Profile.

On December 5, 2016, Laubscher sent respondent a letter to respondent's membership records address notifying him that he had not filed a rule 9.20 compliance declaration by the November 24, 2016 deadline. The letter further informed respondent that a failure to file the required declaration could result in the imposition of additional discipline.

On January 30, 2017, Deputy Trial Counsel Britta Pomrantz contacted respondent by telephone to confirm his current mailing address and to advise him that the State Bar was prepared to file disciplinary charges against him because he failed to timely comply with the requirements of rule 9.20.

On February 3, 2017, the State Bar sent respondent a Notice of Intent to File Disciplinary Charges in case No. 17-N-00173-PEM, charging respondent with a violation of rule 9.20 in connection with State Bar case No. 15-O-10522. The notice was sent to respondent at his membership records address. On February 6, 2017, respondent received the Notice of Intent to File Disciplinary Charges.

On February 7, 2017, respondent completed a rule 9.20 declaration. However, instead of mailing it to the State Bar's Los Angeles location, he mailed it to the San Francisco location. As a consequence, his February 7 declaration form never reached the court.

Also, on February 7, 2017, respondent filed in the State Bar Court a Motion for Relief from Default asking for an extension of time to comply with rule 9.20. In the motion, he submitted his February 7 rule 9.20 declaration. Although respondent attached a rule 9.20 declaration to his motion, the Office of Probation had not received a filed, conformed copy of his rule 9.20 declaration from the State Bar Court. The court denied the motion because the court lacked authority to extend the time for respondent to comply with rule 9.20 as ordered by the Supreme Court.

On April 13, 2017, Pomrantz contacted respondent by electronic mail to inform him that, according to the records of the State Bar Court, respondent had not, as of that date, filed a rule 9.20 declaration with the State Bar Court. Respondent received the April 13 email message. On May 1, 2017, respondent filed a rule 9.20 compliance declaration with the State Bar Court in Los Angeles.

Respondent admits that he failed to file a rule 9.20 declaration of compliance with the clerk of the State Bar Court by November 24, 2016, as required by the Supreme Court. Moreover, respondent admits that he received: (1) the September 15, 2016 Supreme Court order; (2) Laubscher's September 29, 2016 email alerting him that a reminder letter had been uploaded to his Online Profile; and (3) Laubscher's December 5, 2016 letter reminding him of his duty to file his rule 9.20 declaration.

Conclusions

Count One - (Rule 9.20 [Duties of Disbarred, Resigned, or Suspended Attorneys])

The State Bar charged respondent with willfully violating rule 9.20 by failing to file a rule 9.20 compliance declaration by November 24, 2016, as required by Supreme Court order No. S235197.

Rule 9.20(a) provides, in relevant part, that an attorney must:

> (1) Notify all clients being represented *in pending matters* and any co-counsel of his or her . . . suspension . . . and his or her consequent disqualification to act as an attorney after the effective date of the . . . suspension . . . and in the absence of co-counsel, also notify the clients to seek legal advice elsewhere. (Italics added.) [¶] . . . [¶]
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> (4) Notify opposing counsel *in pending litigation* or, in the absence of counsel, the adverse parties of the . . . suspension . . . and consequent disqualification to act as an attorney after the effective date of the . . . suspension . . . and file a copy of the notice with the court, agency, or tribunal before which the litigation is pending for inclusion in the respective file or files. (Italics added.)

Rule 9.20(c) provides that "[w]ithin such time as the order may prescribe after the effective date of the member's . . . suspension . . . the member must file with the Clerk of the State Bar Court an affidavit showing that he or she has fully complied with those provisions of the order entered under this rule." Respondent was ordered to comply with rule 9.20(c) within 40 days after the effective date of discipline (to wit, by November 24, 2016). Respondent is culpable of willfully violating rule 9.20(c) because he did not file his rule 9.20 compliance declaration until May 1, 2017, which was over five months late.

While respondent admits that he failed to file a rule 9.20 compliance declaration by November 24, 2016, he argues that his failure was not willful because: (1) he was unaware of his duty to comply with rule 9.20 and consequently he could not willfully omit to perform a duty of which he was unaware; and (2) his psychiatric conditions were sufficiently severe at the time to preclude him from acting willfully. The court rejects respondent's arguments.

Respondent acknowledged that he received the Supreme Court's September 15, 2016 discipline order, but he failed to read it closely. Respondent's neglect and lack of diligence in complying with rule 9.20 does "not obviate a wilful failure to comply with the affidavit requirement." (*In the Matter of Friedman* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 527, 532.) A willful violation of rule 9.20 only requires "a general purpose or willingness to commit the act, or make the omission referred to. [Citations.]" (*Ibid.*)

Respondent received the Supreme Court discipline order but was inattentive to his duty to file a rule 9.20 compliance declaration by November 24, 2016. (See *In the Matter of Babero* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 322, 329 [attorney who filed untimely former rule 955 affidavit was culpable of willfully violating former rule when he did not examine court rules to determine effective date of Supreme Court order or duties under former rule 955 and did not contact his disciplinary counsel, the Supreme Court or the State Bar to clarify his compliance responsibilities].) It was respondent's responsibility to ensure that he understood the Supreme Court's order. If respondent was unclear about the requirements of his discipline, he should have sought assistance from Young or the State Bar, but he did not. This court finds clearly and convincingly that respondent willfully violated rule 9.20 by failing to file a declaration of compliance with rule 9.20 in conformity with the requirements of rule 9.20(c) by November 24, 2016, as required by Supreme Court order No. S235197.

Case No. 17-O-01113 – The Probation Matter

Facts

Pursuant to Supreme Court order No. S235197, on September 15, 2016, the Supreme Court ordered respondent suspended for one year, stayed, with two years' probation, and a 90-day actual suspension. The Court also ordered respondent to comply with the conditions of probation recommended by the April 12, 2016 Hearing Department Order Approving Stipulation

in case No. 15-O-10522. Those probation conditions required respondent to: (1) contact the Office of Probation (Probation) within 30 days from the effective date of his discipline and schedule a meeting with his assigned probation deputy; and (2) submit written quarterly reports to Probation on each January 10, April 10, July 10, and October 10 during the period of probation. Respondent was required to make initial contact with Probation no later than November 14, 2016, and submit his first quarterly report no later than January 10, 2017.

In September 2016, Young emailed respondent at his membership address. She advised respondent that he was required to remove his website from the Internet and attached the September 15, 2016 Supreme Court discipline order. Respondent received the email and read the Supreme Court order, but he did not read the order closely.

On September 29, 2016, Laubscher uploaded a courtesy reminder letter to respondent's Online Profile on the State Bar website. The letter notified respondent that he was required to: (1) contact his probation deputy and schedule a meeting by November 14, 2016; and (2) submit his first quarterly report to Probation by January 10, 2017. On the same date, Laubscher sent respondent an email at his membership records email address advising him that a reminder letter and its attachments had been uploaded to respondent's Online Profile.

On January 30, 3017, Pomrantz contacted respondent by telephone to confirm his current mailing address and to advise respondent that he had failed to comply with conditions of his probation because he had not contacted Probation or submitted his first quarterly report.

On February 9, 2017, respondent submitted his first quarterly report to Probation, and on February 17, 2017, respondent contacted Probation telephonically and scheduled his first appointment. On February 21, 2017, respondent met telephonically with Laubscher. Respondent has submitted his April 10, 2017 and July 1, 2017 quarterly reports in a timely

manner. He has also registered for and taken the August 2017 Multistate Professional Responsibility Exam (MPRE).

Respondent admits that he failed to contact the Probation to schedule a meeting within 30 days from the effective date of discipline, and that he failed to submit his first quarterly report by the January 10, 2017 deadline.

Conclusions

Count Two - (§ 6068, subd. (k) [Failure to Comply with Probation Conditions])

The State Bar charged respondent with failing to contact Probation to schedule a meeting within 30 days from the effective date of discipline and failing to submit his first quarterly report by January 10, 2017, in willful violation of section 6068, subdivision (k) (failure to comply with conditions of probation). Section 6068, subdivision (k), provides that an attorney has a duty to comply with all conditions attached to any disciplinary probation. Respondent is culpable of willfully violating section 6068, subdivision (k) because he contacted Probation on February 17, 2017, to schedule a meeting, which was over three months after the November 14, 2016 deadline; and he filed his first quarterly report one month late on February 9, 2017.

Respondent maintains that he is not culpable of violating section 6068, subdivision (k), because, due to his mental condition, he relied on the assistance of Young in complying with the terms of his probation. He claims that Young left him with the impression that he did not have to do anything other than remove his website during the 90-day period of his actual suspension. In addition, he did not receive the correspondence from Laubscher because he did not regularly check his mail because he was depressed. The court rejects respondent's contention that he is not culpable of violating section 6068, subdivision (k).

Respondent admitted that he read the September 15, 2016 Supreme Court discipline order. The order directed respondent to comply with the conditions of probation recommended

by the April 12, 2016 Hearing Department Order Approving Stipulation. Respondent was inattentive to his probation conditions, and he took no proactive measures to ensure he understood his probation requirements or how to comply with them. It was his duty to closely read the Supreme Court order to determine his probation obligations, and it was careless for him to solely rely on his counsel to advise him about each probation condition deadline. Instead of dealing with his discipline requirements, respondent hid his head in the sand. Through his gross negligence, respondent failed to timely contact Probation and timely file his first quarterly report.

Thus, this court finds that respondent is culpable of willfully violating section 6068, subdivision (k), by failing to contact Probation to schedule a meeting within 30 days from the effective date of discipline and failing to submit his first quarterly report by January 10, 2017. (See *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138, 148 [attorney who was grossly negligent in failing to comply with probation condition to pay restitution, willfully violated section 6068, subdivision (k)].)

Aggravation[3]

OCTC must establish aggravating circumstances by clear and convincing evidence. (Std. 1.5.) The court finds two aggravating circumstances.

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

Respondent has one prior record of discipline. As previously stated, on September 15, 2016, the Supreme Court issued an order suspending respondent for one year, stayed, with two years' probation, and a 90-day actual suspension. Respondent's misconduct occurred from July 2014 through January 2015. Respondent stipulated to the following ethical violations: (1) rule 4-100(A) of the State Bar Rules of Professional Conduct by issuing checks and electronic

[3] All references to standards (Std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

payments to pay personal and business expenses from his client trust account (CTA); (2) rule 4-100(A) of the Rules of Professional Conduct by depositing personal funds into his CTA; and (3) section 6068, subdivision (i), by failing to cooperate in a disciplinary investigation when he failed to provide a substantive response to the State Bar's investigation letters. Respondent's misconduct was aggravated by multiple acts of misconduct and "trust violations" but tempered by over 21 years of discipline-free practice, lack of harm, and entering into a pretrial stipulation. Respondent's prior record of discipline is an aggravating circumstance.

Multiple Acts (Std. 1.5(b).)

Respondent committed multiple acts of misconduct by failing to timely file his rule 9.20 compliance affidavit and first quarterly report, and by failing to timely call Probation to set up a meeting. The aggravating weight of this factor is modest because all of respondent's violations arose from failing to comply with one Supreme Court order. (*In the Matter of Carver* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 348, 355.)

Mitigation

It is respondent's burden to prove mitigating circumstances by clear and convincing evidence. (Std. 1.6.) The court finds respondent has established two mitigating factors that outweigh the aggravating circumstances.

Extreme Emotional/Physical/Mental Disabilities (Std. 1.6(d).)

Extreme emotional difficulties are a mitigating circumstance if: (1) the attorney suffered from them at the time of the misconduct; (2) they are established by expert testimony as being directly responsible for the misconduct; and (3) they no longer pose a risk of future misconduct. (Std. 1.6(d).) The court affords respondent significant mitigation for his extreme psychological and emotional problems.

Respondent's Testimony

In this matter, respondent candidly testified that beginning in 2010 he suffered from depression. To deal with his depression he sought treatment with Dr. Donald Stanford (Dr. Stanford). Dr. Stanford diagnosed him as suffering from anxiety, depression, and ADHD. He prescribed cymbalta to treat respondent's depression and anxiety and focalin and several other drugs to treat the ADHD.

From 2010 to 2012, respondent's treatment appeared to be successful with the help of prescribed medication. It was so successful that respondent discontinued his ADHD medication and stopped visiting Dr. Stanford. By 2014, respondent also stopped taking his antidepressant medication. Coincidently, between July 7, 2014 and January 2015, respondent withdrew funds from his client trust account (CTA) for the payment of personal and business expenses.[4] By depositing funds belonging to him into his CTA, respondent stipulated to a willful violation of rule 4-100(A) of the Rules of Professional conduct.

By December 2015 respondent's depression had returned and he again sought treatment with Dr. Stanford through March 2016. In October 2016, respondent resumed monthly treatment with Dr. Stanford because he became increasingly depressed after the Supreme Court suspended him from the practice of law. He told Dr. Stanford that he was ignoring his mail, emails, voicemails and neglecting his hygiene. Dr. Stanford increased his dosage of lamotrigine and prescribed Adderall. Respondent testified that he began to positively respond to the new medication, and as result, he began to take phone calls, respond to emails and draft a motion to set aside the default in this matter. He also reported that a wealthy friend began to manage his financial affairs, which has relieved much of the stress and depression caused, in part by his suspension.

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[4] It should be noted that there was no evidence of any harm to a client, a court or the administration of justice.

Dr. Stanford's Testimony

Dr. Stanford is a highly qualified expert in anxiety, major depressive, bipolar and attention deficit hyperactivity (ADHD) disorders, in addition to psychosis due to mental illness. He is certified by the American Board of Psychiatry and Neurology and licensed by the medical Board of California. Dr. Stanford graduated from the Yale University of Medicine and has been practicing in California for the last 45 years. He completed a rotating internship, residency and served as an Assistant Clinical Professor at the University of California, San Francisco. For the past 35 years Dr. Stanford has served as a qualified medical evaluator for the California Division of Workers' Compensation, evaluating injured workers' claims of psychiatric disability. He has also been writing reports used to determine and individual's eligibility for workers' compensation.

In this hearing, Dr. Stanford provided his expert diagnosis of respondent's mental difficulties. In December 2010, when respondent first consulted him, he diagnosed respondent as suffering from anxiety, depression and ADHD after a fairly lengthy initial interview where he elicited information about his history and observed his demeanor, behavior and thought processes. As a result of his consultation and subsequent meetings with respondent, Dr. Stanford prescribed Cymbalta and focalin and several other related drugs to treat the ADHD. He reports that after continuing to treat respondent for two years, his observation of respondent confirmed his initial diagnoses.

In December 2012, respondent stopped treatment with Dr. Stanford, and by 2014, respondent stopped taking his antidepressant medication. In late 2015, respondent's depression returned with great severity, which caused him to contact Dr. Stanford in January 2016.

Respondent reported to Stanford that he ceased contact with his friends and family and that he considered suicide every day.

Dr. Stanford diagnosed respondent as suffering from a major depressive disorder, with impairment of functionality. As a result, he prescribed a different psychotherapeutic medication known as wellbutrin. Initially respondent reacted positively to wellbutrin, but after a while he developed a case of tinnitus. Dr. Stanford then increased respondent's prescribed dosage of lamotrigine and also prescribed an ADHD medication. By March 2016, respondent appeared to be making some improvement and ceased his monthly meetings with him

In October 2016, respondent contacted Dr. Stanford. Respondent explained that he was ignoring mail, emails, voicemails, and neglecting his hygiene. At some point during his treatment, respondent informed Dr. Stanford that he was required to fulfill various requirements imposed on him as a result of his discipline by the Supreme Court. The obligations included contacting his probation officer, submitting a quarterly report and filing an 9.20 affidavit. Respondent further stated he had not learned of his obligations until January 2017 after finally answering a phone call from someone at the State Bar. As a result, Dr. Stanford increased respondent's dosage of lamotrigine and prescribed Adderall. He testified that respondent has reacted positively to the treatment protocol.

Dr. Stanford stated that respondent's major depressive and anxiety disorders and ADHD were directly responsible for his failures to fulfill his probation and other disciplinary requirements. He also stated that respondent has responded positively to an increased dosage of Adderall. Finally, Dr. Stanford opined that as result of adequate treatment, respondent's emotional difficulties no longer pose a risk of him ignoring the conditions of probation and other obligations imposed on him by virtue of being an attorney.

Respondent is afforded significant mitigation because he clearly and convincingly proved that he suffered from extreme mental and emotional difficulties at the time of his misconduct; Dr. Stanford established a nexus between respondent's misconduct and his difficulties; and treatment has afforded him the ability to deal with his psychological disorder and emotional problems so that his misconduct will not recur.

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

The court assigns some weight to respondent's stipulation as to facts and admission of documents (std. 1.6(e)), which contained easily proven facts. (*In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179, 190 [more extensive weight in mitigation accorded those who admit culpability as well as facts].)

Discussion

The State Bar argues that the appropriate level of discipline for respondent's misconduct is disbarment. Respondent maintains that his misconduct warrants a three-month period of actual suspension. The court finds that respondent's misconduct warrants an 18-month actual suspension and until he proves his rehabilitation, fitness to practice, and present learning and ability in the general law pursuant to standard 1.2(c)(1).

The purpose of attorney discipline is not to punish the attorney, but to protect the public, the courts, and the legal profession; to preserve public confidence in the profession; and to maintain high professional standards for attorneys. (Std. 1.1.) The discipline analysis begins with the standards, which promote the consistent and uniform application of disciplinary measures and are entitled to great weight. (*In re Silverton* (2005) 36 Cal.4th 81, 91 [Supreme Court will not reject recommendation arising from standards unless grave doubts as to propriety of recommended discipline].) The two most relevant standards applicable to respondent's misconduct are standards 2.14 and 1.8(a).

Standard 2.14 provides that "[a]ctual suspension is the presumed sanction for failing to comply with a condition of discipline. The degree of sanction depends on the nature of the condition violated and the member's unwillingness or inability to comply with disciplinary orders." Respondent contacted Probation three months late and filed his first quarterly report one month late. However, he has shown an ability to comply with the Supreme Court disciplinary order by timely filing his April 10 and July 10, 2017 quarterly reports and by registering and taking the MPRE in August 2017.

Standard 1.8(a) provides "[i]f a member has a single 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." Respondent's prior misconduct does not fall within the exception of standard 1.8(a). The misconduct underlying his prior discipline occurred less than three years ago and the wrongdoing involved was serious. Although the standards are not always rigidly applied, (*In the Matter of Friedman* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 527, 534 ["The standards are not to be followed in a talismanic fashion [citation], particularly where there is not a common thread or course of conduct through the past and present misconduct to justify increased discipline"]), respondent has failed to provide any reason to deviate from them. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.) Based on standards 2.14 and 1.8(a), respondent's misconduct calls for more than a 90-day actual suspension.

The court must also take into account respondent's failure to comply with rule 9.20. A rule 9.20 violation is deemed a serious ethical breach for which disbarment is generally considered the appropriate discipline. (*Bercovich v. State Bar* (1990) 50 Cal.3d 116, 131.)[5]

[5] Rule 9.20(d) provides: A suspended member's willful failure to comply with the provisions of this rule is a cause for disbarment or suspension and for revocation of any pending probation."

However, each case must be decided on its own facts after a balanced consideration of all relevant factors. (*Connor v. State Bar* (1990) 50 Cal.3d 1047, 1059.) Here, disbarment is not required and would be punitive. Respondent filed his rule 9.20 compliance declaration over five months late; however, respondent was suffering from severe mental and emotional difficulties at the time of his misconduct. Moreover, respondent did attempt to file his compliance declaration in February 2017 (which would have made it a little over two months late), but he sent it to the incorrect State Bar of California location. Respondent acted with gross carelessness when he failed to timely complete his rule 9.20 declaration, but no client harm resulted.

In addition to the standards and rule 9.20, the court considers the case of *Shapiro v. State Bar* (1990) 51 Cal.3d 251, to determine the appropriate level of discipline. In *Shapiro*, the Supreme Court recommended a discipline including a one year actual suspension for the attorney's failure to timely comply with the requirements of former rule 955(c) and for abandoning a single client. That discipline recommendation was based on several factors, including that the attorney's late filing was partially due to inadequate guidance from his probation monitor, and that the attorney had timely notified his clients and others of his suspension. Additionally, when the attorney learned his affidavit was deemed insufficient by the court, he contacted his probation monitor and retained a law firm to assist him with compliance. The Supreme Court considered the attorney's lack of prior discipline over a 16 year period to be a mitigating factor. The attorney was also awarded mitigation for presenting favorable character testimony and for physical and psychological difficulties.

Respondent's misconduct was more serious than the wrongdoing in *Shapiro*. The attorney in *Shapiro* had a greater amount of mitigation than respondent and Shapiro made a diligent but unsuccessful attempt to comply with rule 9.20. Respondent was grossly careless in

dealing with his discipline requirements and made no efforts to understand his obligations until after the State Bar's involvement.

Ultimately, in determining the level of discipline, it is important to consider "the overriding principle that the purpose of these proceedings is not to punish an attorney but to inquire into the moral fitness of an officer of the court to continue in that capacity and to afford protection to the public, the courts, and the legal profession." (*Shapiro v. State Bar*, *supra*, 51 Cal.3d at p. 260.) Here, respondent has demonstrated that he has the ability to comply with the conditions of his discipline. Once he received treatment and the appropriate medication for his psychological disorder and emotional problems, his difficulties improved. Dr. Stanford provided evidence about respondent's recovery, which is supported by respondent's belated satisfaction of his obligation to file a rule 9.20 compliance declaration and the submission of his first quarterly report. In addition, he has timely submitted his subsequent quarterly reports and registered for and took the MPRE. As such, after considering all relevant factors and the range of discipline suggested by rule 9.20, the standards, and decisional law, the court recommends that respondent be suspended for three years, execution stayed, and that he be placed on probation for three years with an actual suspension of 18 months and until he establishes his rehabilitation, fitness to practice and present learning and ability in the general law. (Std. 1.2(c)(1).)

Recommendations

It is recommended that respondent Jacques Bernard LeBoeuf, State Bar Number 163579, be suspended from the practice of law in California for three years, that execution of that period of suspension be stayed, and that respondent be placed on probation[6] for a period of three years subject to the following conditions:

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[6] 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 18 months of probation and until he provides proof to the State Bar Court of his rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

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. 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.

5. 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.

6. 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.[7]

   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

[7] It is not recommended that respondent be ordered to attend the State Bar's Ethics School and Client Trust Accounting School, as he has recently been ordered to do so, on September 15, 2016, by the Supreme Court in case No. S235197.

It is not recommended that respondent be ordered to Multistate Professional Responsibility Examination, as he has recently been ordered to do so, on September 15, 2016, by the Supreme Court in case No. S235197.

California Rules of Court, Rule 9.20

It is further recommended that Respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20 and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding. Failure to do so may result in disbarment or suspension.

Costs

It is recommended 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: October 25, 2017

Pat E. McElroy

PAT E. McELROY
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 San Francisco, on October 25, 2017, 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 San Francisco, California, addressed as follows:

JACQUES B. LEBOEUF
505 VISTA HEIGHTS RD
EL CERRITO, CA 94530 - 6503

☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

☐ by overnight mail at , California, addressed as follows:

☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.

☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Britta G. Pomrantz, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on October 25, 2017.

George Hue
Case Administrator
State Bar Court