

**FILED**

**JAN 18 2019**

**STATE BAR COURT  
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LOS ANGELES**

**STATE BAR COURT OF CALIFORNIA**

**REVIEW DEPARTMENT**

**IN BANK**

In the Matter of	)	Case No. 18-Q-14789
	)	
SCOTT LEE ADKINS,	)	RECOMMENDATION ON
	)	RESIGNATION
A Member of the State Bar, No. 194809.	)	
_____	)	

On July 20, 2018, Scott Lee Adkins filed a resignation with charges pending. On September 18, 2018, the Office of Chief Trial Counsel of the State Bar (OCTC) filed a report and recommendation regarding Adkins's resignation. On December 10, 2018, OCTC filed a status report. OCTC recommends that Adkins's resignation be rejected. Adkins has not entered into a stipulation, has not paid restitution, and cannot be reached because his membership records telephone number has been disconnected. Based on OCTC's reports and recommendation, and in light of the grounds set forth in California Rules of Court, rule 9.21(d),<sup>1</sup> as detailed below, we recommend that the Supreme Court reject the resignation.

**I. BACKGROUND**

Adkins was admitted to practice law in California on May 1, 1998. He has not been eligible to practice since September 1, 2017, due to his failure to pay membership dues. He was also placed on voluntary inactive status on July 20, 2018, when he filed his resignation with charges pending.



<sup>1</sup> All further references to rule(s) are to this source unless otherwise noted.

Adkins has one prior record of discipline, State Bar Case No. 10-C-00886. On June 17, 2011, Adkins pled guilty to, and was convicted of, violating Florida Statutes Title XXIII, sections 316.061 and 316.062 (crashes involving damage to vehicle or property/duty to give information and render aid), and was convicted of violating Florida Statutes Title XXIII, section 316.192 (reckless driving), misdemeanors which may or may not include moral turpitude. On July 25, 2017, OCTC transmitted records of Adkins's convictions to this court. On April 3, 2018 Adkins and OCTC filed a stipulation re facts, conclusion of law, and disposition in this matter, stating that both convictions did not involve moral turpitude, but did involve other misconduct warranting discipline. No aggravating circumstances were present, and, in mitigation, Adkins had no prior record of discipline and entered into a pretrial stipulation with OCTC. On May 1, 2018, Adkins was publicly reprovved with conditions.

Charges are currently pending against Adkins in his second disciplinary proceeding, State Bar Court Case No. 16-O-16768. On August 2, 2018, OCTC filed a notice of disciplinary charges, charging Adkins with seven counts of misconduct: failure to perform with competence (Rules Prof. Conduct, rule 3-110(A)); failure to inform client of significant development (Bus. & Prof. Code, § 6068, subd. (m)); failure to release file (Rules Prof. Conduct, rule 3-700(D)(1)); and two counts each of failure to comply with laws – unauthorized practice of law (Bus. & Prof. Code, § 6068, subd. (a)) and moral turpitude – unauthorized practice of law (Bus. & Prof. Code, § 6106).

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

We have considered Adkins's resignation under the grounds set forth in rule 9.21(d), and summarize the relevant information for each ground:

### **1. Whether the preservation of testimony is complete.**

OCTC reports that perpetuation of the evidence is not necessary in the pending matter.

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

OCTC reports that it has no evidence that Adkins has practiced law in California or held himself out as entitled to practice law in California since he tendered his resignation on July 20, 2018.

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

Adkins filed a rule 9.20 compliance declaration on July 20, 2018 (signed on July 15, 2018), in which he averred under penalty of perjury that he had no clients, had no papers or property to which clients were entitled, had earned all fees paid to him, and did not represent any clients in pending matters. Accordingly, it appears that Adkins performed the acts specified in 9.20(a)-(b).

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

Adkins filed a rule 9.20 compliance declaration on July 20, 2018, with the State Bar Court.

**5. Whether the Supreme Court has filed a disbarment order.**

The Supreme Court has not filed a disbarment order regarding Adkins.

**6. Whether the State Bar Court has filed a decision recommending disbarment.**

The State Bar Court has not filed a decision or opinion recommending Adkins's disbarment.

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

Adkins has not previously resigned or been disbarred and reinstated in California.

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

On August 17, 2018, Adkins and OCTC lodged a stipulation re facts, conclusion of law, and disposition in Adkins's pending disciplinary matter, State Bar Court Case No. 16-O-16768. However, on September 13, 2018, the Hearing Department rejected the stipulation, and ordered the parties to determine an appropriate amount of restitution owed to the complaining witness, and to revise the conclusions of law. As of January 18, 2018, no further stipulation has been filed.

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

We recommend rejecting Adkins's resignation for the reasons OCTC has presented in its filings in this matter. Adkins (1) informed OCTC counsel that he was not in compliance with the reapproval conditions in his prior disciplinary matter, State Bar Court Case No. 10-C-00886, (2) indicated that he would withdraw the instant resignation with charges pending, and potentially submit another resignation in the future, (3) did not enter into a final stipulation that provides a complete account of his conduct in the pending disciplinary matter that is available to the public, any licensing agency, or other jurisdiction, (4) did not enter into a final stipulation regarding restitution to the complaining witness in the pending disciplinary matter, (5) has not paid any restitution, (6) has been unavailable despite multiple attempts by OCTC to contact him to resolve these outstanding issues, and (7) failed to appear at a scheduled status conference in his pending disciplinary matter that took place on December 3, 2018.

### **III. RECOMMENDATION**

We recommend that the Supreme Court reject the resignation of Scott Lee Adkins, State Bar number 194809. Based on the foregoing, we believe that public confidence in the discipline system or in the legal profession would be undermined by the acceptance of Adkins's resignation at this time, and that his resignation would be inconsistent with the need to protect the public, the courts, and the legal profession.

**PURCELL**

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Presiding Judge

## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist 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 January 18, 2019, I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED JANUARY 18, 2019

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

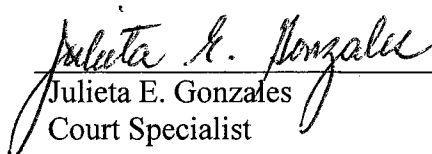
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

SCOTT L. ADKINS  
SCOTT L. ADKINS  
1263A DAMRON BR  
GRAYSON, KY 41143 - 7159

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

Collin L. Grant, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 18, 2019.

  
\_\_\_\_\_  
Julieta E. Gonzales  
Court Specialist  
State Bar Court