



PUBLIC MATTER
STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES

FILED
JAN 25 2016
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

In the Matter of)	Case No.: 11-C-16691-DFM
)	
LEONARD JULIUS SAWYER,)	DECISION AND ORDER SEALING
)	CERTAIN DOCUMENTS
Member No. 259068,)	
)	
<u>A Member of the State Bar.</u>)	

INTRODUCTION

In this conviction referral proceeding, Respondent **Leonard Julius Sawyer** (Respondent) was accepted for participation in the State Bar Court's Alternative Discipline Program (ADP). As the court has now found that Respondent has successfully completed the ADP, the court will recommend to the Supreme Court that Respondent be suspended from the practice of law in California for one year, that execution of that period of suspension be stayed, and that he be placed on probation for two years subject to certain conditions, including a 90-day period of suspension (with credit given for the period of inactive enrollment commencing on May 19, 2014, and terminating on August 17, 2014).

PERTINENT PROCEDURAL HISTORY

On June 21, 2012, Respondent pled guilty to and was convicted of two counts of engaging in lewd, indecent or obscene acts on an aircraft (Title 49 United States Code section 46506(2) pursuant to District of Columbia Code section 22-1312).

On August 9, 2012, the Office of the Chief Trial Counsel of the State Bar of California (State Bar) transmitted a copy of Respondent's record of conviction for violating Title 49 United States Code section 46506(2) to the State Bar Court.

On November 21, 2012, the Review Department of the State Bar Court (review department) issued an order in case No. 11-C-16691, determining, among other things, that until the review department received evidence of finality or Respondent waived finality, the matter would not be referred to the Hearing Department of the State Bar Court (hearing department) and the matter would remain pending in the review department with no further action taken.

On December 11, 2012, the State Bar transmitted a certified copy of Respondent's record of conviction for violating Title 49 United States Code section 46506(2) pursuant to District of Columbia Code section 22-1312 to the State Bar Court. The Supplemental Transmittal of Conviction included notice of finality of Respondent's conviction.

After the transmittal to the State Bar Court of the records of Respondent's June 21, 2012 conviction for violating two counts of Title 49 United States Code section 46506(2), misdemeanors, the review department issued an order on January 23, 2013, in case No. 11-C-16691, referring the matter to the hearing department for a hearing and decision recommending the discipline to be imposed if the hearing department found that the facts and circumstances surrounding Respondent's criminal conviction involved moral turpitude or other misconduct warranting discipline.

A Notice of Hearing on Conviction (NOH) was filed against Respondent on January 29, 2013.¹ On that same date, the matter was also assigned to the Honorable Richard A. Platel.

On March 4, 2013, Respondent filed a written request to be admitted into the ADP.

¹ Respondent filed his response to the NOH on March 4, 2013.

On March 6, 2013, Judge Platel filed an order granting Respondent's request. And, this matter was referred to the undersigned judge for ADP evaluation.

On May 8, 2013, the court received Respondent's nexus statement regarding the nexus between his mental health issue and his misconduct in this matter. Respondent's nexus statement, as well as other documents from two mental health professionals, which documents are part of the court record, provided sufficient evidence to establish a nexus between Respondent's mental health issue and his misconduct.

On May 10, 2013, the *Stipulation Re Facts and Conclusions of Law* was received by this court.

Pursuant to an order filed on May 14, 2013, this matter was reassigned to the undersigned judge for all further proceedings.

On May 31, 2013, the State Bar submitted to the court its brief regarding the recommended level of discipline in this matter. Respondent submitted his brief regarding the recommended level of discipline on June 13, 2013.

The parties entered into a *Stipulation Re Facts and Conclusions of Law* (Stipulation) in this matter in August 2013.

Respondent executed a Participation Plan with the State Bar Lawyer Assistance Program (LAP) on November 2, 2013.²

Respondent and his counsel executed the Contract and Waiver for Participation in the State Bar Court's ADP (Contract) on February 24, 2014, and February 25, 2014, respectively.

On March 7, 2014, the court executed the Confidential Statement of Alternative Dispositions and Orders (Confidential Statement), which set forth the discipline the court would

² Respondent initially contacted the State Bar's Lawyer Assistance Program (LAP) on February 8, 2013, to assist him with his mental health issue and was accepted into LAP in November 2013.

recommend if Respondent successfully completed the ADP and the discipline which the court would recommend if Respondent was terminated from, or failed to successfully complete, the ADP.³ Also, on that same date: (1) the Contract and Waiver for Participation in the State Bar Court's ADP (Contract) was lodged with the court; (2) the parties' Stipulation and its accompanying court order were filed; and (3) the court filed an order accepting Respondent for participation in the ADP, with the start date also being March 7, 2014.

On May 15, 2014, the court filed an "Order Enrolling Respondent Inactive Pursuant to Business and Professions Code Section 6233; Further Orders." The order enrolling Respondent inactive was effective May 19, 2014. Respondent's period of inactive enrollment terminated on August 17, 2014.

After being admitted to the ADP, Respondent successfully complied with the requirements of the program and with the provisions of his LAP Participation Plan.

Additionally, on August 3, 2015, the court received a recommendation from a mental health professional regarding Respondent that was satisfactory to the undersigned judge, as required by rule 5.385 of the Rules of Procedure of the State Bar (Rules of Procedure) for successful completion of the ADP.

On October 27, 2015, more than 19 months after Respondent had been enrolled in the ADP and following a status conference, the court filed an order finding that Respondent had successfully completed the ADP. The matter was submitted for decision.

³ The court issued and lodged an order on October 21, 2015, which amended the Confidential Statement and, thereby, authorizes Respondent under rule 5.135(B) of the Rules of Procedure of the State Bar of California, to take six hours of Minimum Continuing Legal Education (MCLE) in ethics from a certified MCLE provider in Texas, where Respondent currently resides. The order requires that in lieu of Respondent being required to satisfy the standard California State Bar Ethics School probation condition as set forth in rule 5.135(A) of the Rules of Procedure, Respondent must provide proof to the Office of Probation of having satisfied the alternative MCLE requirement as set forth in rule 5.135(B) of the Rules of Procedure.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Culpability Findings

The parties' Stipulation, including the court's order approving the stipulation, is attached hereto and hereby incorporated by reference, as if fully set forth herein. The Stipulation sets forth the factual findings, legal conclusions, and mitigating and aggravating circumstances in this matter.

Case No. 11-C-16691 – Engaging in Lewd, Indecent or Obscene Acts on an Aircraft

On February 14, 2011, Respondent was a passenger on a commercial flight from Los Angeles to Houston. During the course of the flight, respondent, who was seated in the middle seat, exposed his erect penis to a female passenger seated in the window seat. When she tried to leave her seat, he stood with his penis exposed and asked, "Do you want to climb over me?"

During the course of the flight, Respondent went to the lavatory at the rear of the plane. Upon exiting the lavatory, he asked a female flight attendant for some peanuts. He then opened his jacket, exposing his erect penis to the flight attendant.

Respondent was arrested upon arrival at Houston airport.

Respondent was charged with violating Title 49 United States Code section 46506(2) pursuant to District of Columbia Code section 22-1312 (lewd, indecent or obscene acts on an aircraft). On June 21, 2012, Respondent pled guilty in federal court to two misdemeanor counts of engaging in lewd, indecent, or obscene acts on an aircraft.

Respondent was sentenced to a period of probation for three years for each of the two counts of which he was convicted, with the probation periods to run concurrently. Other special conditions were imposed, which included participation in a mental health program as deemed necessary and approved by a probation officer. Additionally, Respondent was committed to the custody of the Bureau of Prisons or a "jail type facility" for a period of 90 days' confinement to

be completed during the first year of probation. Respondent was also sentenced to monetary penalties, including special assessments totaling of \$20, and payment of fines, totaling \$2,000. And, Respondent was sentenced to make restitution to a specified payee in the amount of \$202.36.

Respondent and the State Bar stipulated that the facts and circumstances surrounding Respondent's conviction did not involve moral turpitude, but did involve other misconduct warranting discipline.

The court agreed with the parties, and reached the legal conclusion that the facts and circumstances surrounding Respondent's conviction did not involve moral turpitude, but did involve other misconduct that warrants discipline.

Mitigating Circumstances

Remorse/Recognition of Wrongdoing (Former Std. 1.2(e)(vii).)⁴

The parties stipulated that Respondent took immediate and objective steps toward his rehabilitation. Such steps provide evidence of Respondent's recognition of wrongdoing and timely atonement for his misconduct. Moreover, Respondent took the aforementioned steps before any State Bar action relating to this proceeding was underway, thereby warranting credit in mitigation.

Other

As the court has received a recommendation regarding Respondent from a mental health professional that was satisfactory to the undersigned judge, Respondent is entitled to mitigating credit for having successfully completed the ADP, as his mental health issue no longer poses a risk that he will commit misconduct.

Respondent also voluntarily entered the Lawyer Assistance Program.

⁴ These former standards were the standards in effect at the time that Respondent and the State Bar entered into the stipulation in this matter.

Aggravating Circumstances

Prior Record of Discipline (Former Std. 1.2(b)(i).)

Respondent has one prior record of discipline. Effective November 3, 2011, Respondent was suspended from the practice of law for six months, stayed, and placed on probation for one year with conditions, following a misdemeanor conviction in February 2010 for violation of California Penal Code section 242 (battery), which involved two instances of putting his hands on the buttocks of a courtroom clerk and a deputy clerk, respectively, without their consent. (Supreme Court case No. S195169; State Bar Court case No. 09-C-19063.)

Multiple Acts of Misconduct (Former Std. 1.2(b)(ii).)

Respondent's engaged in lewd, indecent or obscene acts in two separate incidents. The acts involved two separate victims and occurred at two distinct times. Thus, his misconduct evidences multiple acts of misconduct, which constitute an aggravating factor.

DISCUSSION

The purpose of State Bar disciplinary proceedings is not to punish the attorney but, rather, to protect the public, to preserve public confidence in the legal profession, and to maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

In determining the appropriate discipline to impose in this matter if Respondent successfully completed the ADP or was terminated from, or failed to successfully complete, the ADP, the court considered the discipline recommended by the parties, as well as certain former standards⁵ and case law. In particular, the court considered former standards 1.2, 1.3, 1.4, 1.5, 1.6, 1.7(a), and 3.4 and *In re Kelley* (1990) 52 Cal.3d 487; *In the Matter of Buckley* (Review

⁵ The standards were revised effective January 1, 2014, and July 1, 2015.

Dept. 1990) 1 Cal. State Bar Ct. Rptr. 201; *In re Safran* (1976) 18 Cal.3d 134; and *In re Lesansky* (2001) 25 Cal.4th 11.

Because Respondent has now successfully completed the ADP, this court, in turn, now imposes the lower level of discipline, set forth more fully below.

RECOMMENDATIONS

Discipline

It is hereby recommended that Respondent **Leonard Julius Sawyer**, State Bar Number 259068, be suspended from the practice of law in California for one year, that execution of that period of suspension be stayed, and that he be placed on probation⁶ for a period of two years subject to the following conditions:

1. Respondent is suspended from the practice of law in the State of California for the first 90 days of his probation (with credit given for the period of his inactive enrollment, which was effective May 19, 2014, through August 16, 2014);
2. During the probation period, Respondent must comply with the provisions of the State Bar Act and the Rules of Professional Conduct of the State Bar of California;
3. Within 10 days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California (Office of Probation), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code;
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

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.)

conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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 period of probation and no later than the last day of the probation period;

6. Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions;
7. Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must attend and complete six hours of Minimum Continuing Legal Education (MCLE) in ethics that is offered by a certified MCLE provider in Texas and provide satisfactory proof thereof to the Office of Probation of the State Bar of California;
8. Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation; and
9. Respondent must comply with all provisions and conditions of his Participation Agreement/Plan with the Lawyer Assistance Program (LAP) and must provide the Office of Probation with certification of completion of the LAP. Respondent must immediately report any non-compliance with any provision(s) or condition(s) of his Participation Agreement/Plan to the Office of Probation. Respondent must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of Respondent's participation in the LAP and his compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. Respondent will be relieved of this condition upon providing to the Office of Probation satisfactory certification of completion of the LAP.

Multistate Professional Responsibility Examination

As Respondent has already provided proof to the court of taking and passing the Multistate Professional Responsibility Examination (MPRE) during his period of participation in the Alternative Discipline Program, it is recommended that Respondent not be required to again take the MPRE.

California Rules of Court, Rule 9.20

Because Respondent was required to comply with rule 9.20 of the California Rules of Court as specified by the court in its order enrolling him inactive pursuant to Business and Professions Code section 6233, the court does not recommend that Respondent again be required to comply with rule 9.20. Respondent filed his rule 9.20 compliance declaration on August 20, 2014.

Costs

It is further recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and that such costs be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. It is further recommended that costs be paid with his membership fees for the year 2017. If Respondent fails to pay the costs as described above, or as may be modified by the State Bar Court, costs are due and payable immediately.

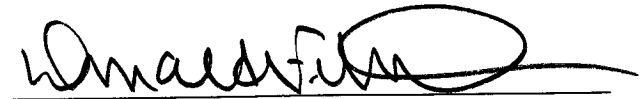
DIRECTION RE DECISION AND ORDER SEALING CERTAIN DOCUMENTS

The court directs a court case administrator to file this Decision and Order Sealing Certain Documents. Thereafter, pursuant to rule 5.388(c) of the Rules of Procedure of the State Bar of California (Rules of Procedure), all other documents not previously filed in this matter are ordered sealed pursuant to rule 5.12 of the Rules of Procedure. It is further ordered that protected and sealed material will only be disclosed to (1) parties to the proceeding and counsel;


(2) personnel of the Supreme Court, the State Bar Court and independent audiotape transcribers; and (3) personnel of the Office of Probation when necessary for their official duties. Protected material will be marked and maintained by all authorized individuals in a manner calculated to prevent improper disclosure. All persons to whom protected material is disclosed will be given a copy of this order sealing the documents by the person making the disclosure.

IT IS SO ORDERED.

Dated: January 25, 2016


DONALD F. MILES
Judge of the State Bar Court


(Do not write above this line.)

State Bar Court of California Hearing Department Los Angeles ALTERNATIVE DISCIPLINE PROGRAM		
Counsel For The State Bar R. Kevin Bucher Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213)765-1630 Bar # 132003	Case Number (s) 11-C-16691- RAP	(for Court's use) <div style="text-align: center;"> PUBLIC MATTER FILED MAR 07 2014  STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
Counsel For Respondent Paul J. Virgo 5200 West Century Blvd., Suite 345 Los Angeles, CA 90045 (310)642-6900 Bar # 67900	Submitted to: Program Judge STIPULATION RE FACTS AND CONCLUSIONS OF LAW <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: LEONARD JULIUS SAWYER Bar # 259068 A Member of the State Bar of California (Respondent)		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 2, 2008.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 804.5(c) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 6 pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."


5/10/13

(Do not write above this line.)

- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☒ **Prior record of discipline** [see standard 1.2(f)]
 - (a) ☒ State Bar Court case # of prior case 09-C-19063
 - (b) ☒ Date prior discipline effective November 13, 2011
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: Respondent was disciplined pursuant to Business and Professions Code sections 6101 and 6102 following two misdemeanor convictions of Penal Code section 242 (battery), pled down from Penal Code section 243 (sexual battery). (See attachment, page 5, for further details.)
 - (d) ☒ Degree of prior discipline Six months suspension, stayed, one year probation
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below:
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See stipulation attachment, Page 5.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

See stipulation attachment, Page 5.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: LEONARD JULIUS SAWYER

CASE NUMBER(S): 11-C-16691 - RAP

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 11-C-16691 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.
2. On June 21, 2012, Respondent was convicted of violating Title 49 United States Code section 46506(2) pursuant to District of Columbia Code section 22-1312 (lewd, indecent or obscene acts on an aircraft).
3. On June 21, 2012, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

4. On February 14, 2011, Respondent was a passenger on a commercial flight from Los Angeles to Houston.
5. During the course of the flight, Respondent, who was seated in a middle seat, exposed his erect penis to a female passenger seated in the window seat. When she tried to leave her seat, he stood with his penis exposed and asked "do you want to climb over me?"
6. During the course of the same flight, Respondent went to the lavatory at the rear of the plane. Upon exiting the lavatory, he asked a female flight attendant for some peanuts. He then opened his jacket, exposing his erect penis to the flight attendant.
7. Respondent was arrested upon arrival at the Houston airport.
8. Respondent pled guilty in Federal Court to the misdemeanor charges of lewd, indecent, or obscene acts on an aircraft.

CONCLUSIONS OF LAW:

9. The facts and circumstances surrounding the above-described violation did not involve moral turpitude but did involve other misconduct warranting discipline.

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

Prior record of discipline (Standard 1.2(b)(i)): In November 2011, Respondent received a six month stayed suspension, with one year of probation with standard conditions (no medical or mental health conditions), following a misdemeanor conviction in February 2010, for violation of Penal Code section 242 (battery), involving two instances of putting his hands on the buttocks of a courtroom clerk and a deputy district attorney, respectively and without their consent, at the Torrance courthouse. (Respondent was originally charged with both Penal Code section 242 and 243 (sexual battery) but entered in to a plea agreement wherein the sexual battery charges were dismissed.)

Multiple acts (Standard 1.2(b)(ii)): Respondent's actions involved two instances of exposing himself to two different victims, albeit during a single airline flight.

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

Pre-trial stipulation: Respondent is entitled to mitigation for agreeing to participate in the Alternative Discipline Program, and entering into a stipulation with the Office of Chief Trial Counsel prior to trial, thereby saving State Bar Court time and resources. (*In the Matter of Downey* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 151).

Efforts Toward Rehabilitation: Prior to the commission of the offenses giving rise to the present matter, Respondent took objective steps, including seeking counseling and receiving medication for treatment of erotomania and bipolar disorder, which a qualified mental health practitioner has opined were the cause of or contributed to his misconduct. Respondent also has voluntarily entered the Lawyer Assistance Program.

In the Matter of: LEONARD JULIUS SAWYER	Case number(s): 11-C-16691-RAP
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SIGNATURE OF THE PARTIES

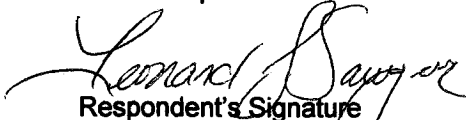
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

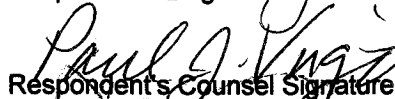
If the Respondent is accepted into the Program, this Stipulation will be filed and will become public. Upon Respondent's successful completion of or termination from the Program, the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Confidential Statement of Alternative Dispositions and Orders shall be imposed or recommended to the Supreme Court.

8/20/13
Date


Respondent's Signature

Leonard Julius Sawyer
Print Name

Date 8/22/2013


Respondent's Counsel Signature

Paul Virgo
Print Name

Date 8-28-13


Deputy Trial Counsel's Signature

R. Kevin Bucher
Print Name

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In the Matter of LEONARD JULIUS SAWYER Member # 259068	Case number(s): 11-C-16691 - RAP
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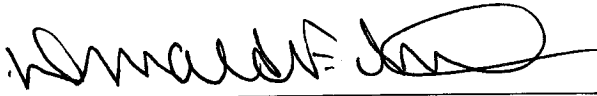
ALTERNATIVE DISCIPLINE PROGRAM ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☒ The stipulation as to facts and conclusions of law is APPROVED.
- ☐ The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below,
- ☐ All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 5.58(E) & (F) and 5.382(D), Rules of Procedure.)

3/7/14
Date


Judge of the State Bar Court
DONALD F. MILES

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 March 7, 2014, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW

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

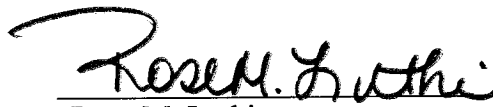
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

PAUL JEAN VIRGO
9909 TOPANGA BLVD # 282
CHATSWORTH, CA 91311

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

RONALD BUCHER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 7, 2014.



Rose M. Luthi
Case Administrator
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 Los Angeles, on January 25, 2016, I deposited a true copy of the following document(s):

DECISION AND ORDER SEALING CERTAIN DOCUMENTS

STIPULATION RE FACTS AND CONCLUSIONS OF LAW FILED MARCH 7, 2014

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

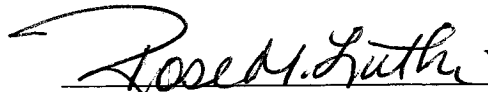
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

PAUL JEAN VIRGO
9909 TOPANGA BLVD # 282
CHATSWORTH, CA 91311

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

RONALD BUCHER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 25, 2016.



Rose M. Luthi
Case Administrator
State Bar Court