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**State Bar Court of California  
Hearing Department**

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

**PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES**

Counsel For The State Bar <b>CHARLES A. MURRAY</b> Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015-2299 Bar # 146069      Tel: (213) 765-1236	<b>Case Number (s)</b>  06-O-12282; 06-O-13762; 06-O-13832; and 06-O-13995	(for Court's use)  <b>LODGED</b>  JUN - 5 2008 <i>Y/c</i>  STATE BAR COURT CLERK'S OFFICE <del>LOS ANGELES</del>  <b>PUBLIC MATTER</b>
<b>RICHARD L. BARRETT</b>  9152 Owari Lane Riverside, California 92508 Bar #140747      Tel: (951) 565-8190	Submitted to: Program Judge	
In the Matter Of: <b>RICHARD LYNN BARRETT</b>  Bar #140747  A Member of the State Bar of California (Respondent)	<b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

**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 June 6, 1989.
- (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, if Respondent is not accepted into the Lawyer Assistance 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 (15) pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts." -See Attachment.
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law". -See Attachment.
- (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.

(Stipulation form approved by SBC Executive Committee 9/18/2002. Rev. 12/16/2004; 12/13/2006.)

Program



**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)] *see page 14*
- (a)  State Bar Court case # of prior case
- (b)  Date prior discipline effective
- (c)  Rules of Professional Conduct/ State Bar Act violations:
- (d)  Degree of prior discipline
- (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. *see page 14*
- (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 page 14*
- (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.

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- (3)  **Candor/Cooperation:** Respondent displayed ~~spontaneous candor and~~ cooperation with the ~~victim 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:**

**ATTACHMENT TO**  
**ADP STIPULATION RE FACTS AND CONCLUSIONS OF LAW**

IN THE MATTER OF: **RICHARD L. BARRETT**

MEMBER # **140747**

CASE NUMBER(s): **06-O-12282, 06-O-13762, 06-O-13832, and 06-O-13995**

**PENDING PROCEEDINGS**

The disclosure date referred to on page one, paragraph A.(6), is November 20, 2007.

**PARTIES ARE BOUND BY THE STIPULATED FACTS:**

The parties intend to be and are hereby bound by the stipulated facts contained in this stipulation. This stipulation as to facts and the facts so stipulated shall independently survive even if the conclusions of law set forth herein are rejected or changed in any manner whatsoever by the Hearing Department or the Review Department of the State Bar Court, or by the California Supreme Court.

**STIPULATION AS TO 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, or that he has otherwise committed acts of misconduct warranting discipline, as follows:

**Facts for Case No. 06-O-12282**

1. On December 2, 1995, John A. Stumpf and Cora S. Stumpf created and funded the Stumpf Family Trust (the "Trust"). On May 6, 1996, John A. Stumpf died. On December 20, 2003, Cora S. Stumpf died, and one of her sons, Geoffrey Stumpf ("Stumpf"), became the Successor Trustee.
2. In January 2004, Stumpf hired Respondent to assist him to administer and resolve the Trust.
3. On March 26, 2004, one of Stumpf's sisters, Cynthia Herman, filed a Petition to Determine Interpretation of the Trust in the matter titled *In re the Stumpf Family Trust*, Case No. RIP 085894 ("*Stumpf Trust*"), in the Superior Court of California, County of Riverside ("*Superior Court*").
4. In August 2004, the parties entered into a settlement agreement in the *Stumpf Trust*.
5. In November 2005, Stumpf called Respondent approximately seven times and left messages on Respondent's voice message system requesting that Respondent contact him to provide a status report, including but not limited to an accounting of the assets in the Trust. Respondent received the messages.

6. In December 2005, Stumpf drove to Respondent's then official membership address, which was also his home address, located at 3303 Mulberry Street, Riverside, California, 92501 ("Mulberry home/office"). Stumpf visited Respondent without an appointment because Respondent had not responded to the messages that Stumpf left for Respondent to contact him and provide a status report in November 2005. Stumpf was able to meet with Respondent and Respondent prepared the first accounting for the Trust.

7. In January 2006, Respondent filed, *inter alia*, an Amended Petition for Instructions re Failure of the Beneficiaries to Sign and Return Receipts for Property Distribution and re Disposal of Property Unclaimed by Beneficiary ("Petition for Instructions") in the *Stumpf Trust*.

8. On February 28, 2006, Respondent appeared for the hearing on the Petition for Instructions. The Superior Court "mooted" the requests made in the Petition for Instructions, which permitted Stumpf and Respondent to resolve the Trust.

9. On Friday, March 17, 2006, Stumpf met with Respondent to prepare approximately five checks to distribute the funds remaining in the Trust to the beneficiaries, obtain an accounting, and resolve the Trust. Respondent told Stumpf that Respondent would mail the checks by March 22, 2006.

10. Thereafter, Respondent did not mail any of the checks, provide the accounting, resolve the Trust, otherwise communicate with, or provide any other legal services to Stumpf.

11. Between March 29, 2006 and April 20, 2006, Stumpf called Respondent every two or three days, and left messages on Respondent's voice message system requesting a status report on the mailing of the checks, the accounting, and resolving the Trust. Respondent received the messages.

12. Thereafter, Respondent did not mail the checks, provide the accounting, resolve the Trust, otherwise communicate with, or provide any other legal services to Stumpf.

13. On April 21, 2006, Stumpf drove to Respondent's then official membership address, *i.e.*, the Mulberry home/office, without an appointment to meet with Respondent. On that date, an eviction notice was taped to the front door of the home/office and the home/office had been vacated by Respondent.

14. Respondent did not inform Stumpf that he was vacating the Mulberry home/office or provide Stumpf with his new office or home address; and thereby, Respondent constructively terminated his representation of Stumpf.

15. Between April 22, 2006 and June 27, 2006, Stumpf called Respondent every two or three days and left messages on Respondent's voice message system requesting a status report on mailing the checks, the accounting, and resolving the Trust. Respondent received the messages.

16. Respondent did not respond to the messages, mail out the checks, provide the accounting, resolve the Trust, or otherwise communicate with Stumpf.

17. On November 10, 2006, Stumpf called Respondent's telephone number and received a recorded message informing him that the telephone number he had dialed had been disconnected.

18. Respondent did not inform Stumpf that his telephone number had been disconnected or provide Stumpf with his new office or home telephone number.

19. On May 12, 2006, the State Bar opened an investigation, Case No. 06-O-12282, pursuant to a complaint filed by Stumpf (the "Stumpf matter.")

20. On June 9, 2006, a State Bar Investigator ("Investigator") mailed a letter by Certified Mail, Domestic Return Receipt, to Respondent at his then official membership address, *i.e.*, the Mulberry home/office, regarding the Stumpf matter. The letter requested that Respondent respond in writing to specified allegations of misconducted being investigated by the State Bar in the Stumpf matter.

21. On June 14, 2006, "Leigh" signed the Domestic Return Receipt and received the letter dated June 9, 2006. Respondent received the letter.

22. Respondent did not respond to the Investigator's letter or otherwise communicate with the Investigator.

23. On August 4, 2006, the Investigator mailed letters by Certified Mail, Domestic Return Receipt, to Respondent at his then official membership address, *i.e.*, the Mulberry home/office, and an alternative address, 9152 Owari Lane, Riverside, California 92058 ("Owari home/office"), regarding the Stumpf matter. The letters requested that Respondent respond in writing to specified allegations of misconducted being investigated by the State Bar in the Stumpf matter.

24. On August 7 and 9, 2006, Respondent signed the Domestic Return Receipt and received the letters dated August 4, 2006 addressed to the Owari and Mulberry home/offices, respectively.

25. Respondent did not respond to the Investigator's letter or otherwise communicate with the Investigator.

#### **Conclusions of Law for Case No. 06-O-12282**

26. By failing to mail out the checks, provide the accounting, resolve the Trust, and/or provide any other legal services of value after March 17, 2006, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

27. By failing to respond to the messages left on his voice message system in November 2005 and between March 29, 2006 and April 20, 2006, Respondent willfully failed to respond promptly to reasonable status inquiries of a client, in wilful violation of Business and Professions Code, section 6068(m).

28. By vacating the Mulberry home/office without informing Stumpf, failing to provide Stumpf with his new office or home address after vacating the Mulberry home/office, failing to inform Stumpf that his telephone number had been disconnected, failing to provide Stumpf with his new office or home telephone number, and failing to communicate with Stumpf after vacating the Mulberry home/office in response to his requests for a status report, Respondent improperly withdrew from his representation of Russell without taking reasonable steps to avoid reasonably foreseeable prejudice to the rights of Russell, in wilful violation of Rules of Professional Conduct, rule 3-700(A)(2).

29. By not providing a written response to the allegations in the Stumpf matter or otherwise cooperating in the investigation of the Stumpf matter, Respondent willfully failed to cooperate and participate in a disciplinary investigation, in wilful violation of Business and Professions Code, section 6068(i).

### Facts for Case No. 06-O-13762

30. On April 12, 2005, the personal injury attorney for Randi Sue Russell ("Russell"), Robert A. Bartlett, Esq. ("Bartlett"), contacted Respondent to discuss the approximately \$60,000 in health care expenses that Russell had incurred in an automobile accident in which the recovery had been \$15,000. Respondent told Bartlett that Respondent recommended Russell file a petition for voluntary bankruptcy to discharge the debt owed to her health care providers, and the petition had to be filed by the end of 2005 to take advantage of the current bankruptcy laws that were going to change in 2006.<sup>1</sup>

31. On April 12, 2005, Russell hired Respondent to represent her and file a petition for bankruptcy on her behalf. Respondent was paid \$1,210 in advanced fees by Bartlett to represent Russell in the bankruptcy.

32. Between April 12, 2005 and the end of November 2005, Russell called Respondent three to four times per month. Russell was unable to speak with Respondent and left messages each time on Respondent's voice message system: informing Respondent that she was being harassed by her creditors; informing Respondent that her creditors had told her that they would stop calling if she provided them with the case number of her bankruptcy petition; and, requesting a status report on the filing of the bankruptcy petition and the case number for the bankruptcy petition. Respondent received the messages.

33. Respondent did not respond to the messages, provide the requested information, or otherwise communicate with Russell.

34. On June 28, 2005, Bartlett mailed a letter to Respondent at the Mulberry home/office requesting that he refund Russell's unearned advance fees. The U.S. Postal Service did not return the letter as undeliverable or for any other reason. Respondent received the letter.

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<sup>1</sup> On April 14, 2005, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("New Bankruptcy Law") was passed by the United States Congress and signed into law by President George W. Bush on April 20, 2005. Most of the provisions of the New Bankruptcy Law commenced on or after October 17, 2005, and make it more difficult for consumers to erase debt by forcing more matters into Chapter 13 (under which no debts are discharged) rather than Chapter 7 (under which most debts are discharged).

35. Respondent did not provide the requested refund or otherwise communicate with Bartlett and/or Russell.

36. In November and December 2005, Bartlett called Respondent two or three times to obtain a status report on the bankruptcy. Bartlett was unable to speak with Respondent and left messages on Respondent's voice message system requesting that Respondent contact Bartlett and/or Russell. Respondent received the messages.

37. In December 2005, Respondent called Russell and told her that he would file the bankruptcy before the end of 2005 because the bankruptcy laws were going to change in 2006 and filing bankruptcy after the change would not be as advantageous for Russell. The December 2005 telephone conversation was the last communication that Russell had with Respondent.

38. Respondent did not file a bankruptcy petition on behalf of Russell or provide any services of value to Russell. By failing to file the bankruptcy petition prior to October 17, 2005, Respondent caused Russell to lose the ability to obtain the advantage of filing the bankruptcy under the prior laws.

39. Between January 2006 and August 2006, Russell called Respondent three to four times per month. Russell was unable to speak with Respondent and left messages each time on Respondent's voice message system: informing Respondent that she was still being harassed by her creditors; informing Respondent that her creditors had told her that they would stop calling if she provided them with the case number of her bankruptcy petition; and requesting a status report on the filing of the bankruptcy petition and the case number for the bankruptcy petition. Respondent received the messages.

40. Respondent did not respond to the messages, provide the requested information, or otherwise communicate with Russell.

41. In the Spring of 2006, Russell drove to Respondent's then official membership address, *i.e.*, the Mulberry home/office, without an appointment to meet with Respondent. On that date, the home/office had been vacated by Respondent.

42. Respondent did not inform Russell that he was vacating the Mulberry home/office or provide Russell with his new office or home address; and thereby, Respondent constructively terminated his representation of Russell.

43. On May 5, 2006, Bartlett filed a Complaint in Interpleader on behalf of Russell that listed, *inter alia*, Respondent as receiving funds that should be available to the Superior Court to distribute. The Complaint was served on Respondent by Certified Mail, Domestic Return Receipt, at the Mulberry home/office, but was returned to Bartlett by the U.S. Post Office as "Not Deliverable as Addressed - Unable to Forward."

44. Respondent provided no services of value to Russell. Respondent did not earn any of the \$1,210 in advanced fees paid by Bartlett on behalf of Russell. At no time did Respondent refund any of the \$1,210 in advanced fees paid on behalf of Russell to Bartlett or Russell after Respondent constructively terminated his representation of Russell by vacating the Mulberry home/office, not providing Russell with his new office or home address, and failing to communicate with Russell and/or Bartlett.

45. On August 15, 2006, the State Bar opened an investigation, Case No. 06-O-13762, pursuant to a complaint filed by Russell (the "Russell matter.")

46. On September 6, 2006, the Investigator mailed letters to Respondent at his then official membership address, *i.e.*, the Mulberry home/office, and at the alternative address, *i.e.*, the Owari home/office, regarding the Russell matter. The letters requested that Respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in the Russell matter. The letters were properly mailed by first class mail, postage prepaid, by depositing for collection by the U.S. Postal Service in the ordinary course of business. The U.S. Postal Service did not return the letters. Respondent received the letters.

47. Respondent did not respond to the Investigator's letters or otherwise communicate with the Investigator.

48. On November 30, 2006, Respondent changed his then official membership address from the Mulberry home/office to the Owari home/office.

49. On December 19, 2006, the Investigator mailed a letter, by Certified Mail, Domestic Return Receipt, to Respondent at the Owari home/office regarding the Russell matter. The letter requested that Respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in the Russell matter.

50. On December 21, 2006, Respondent signed the Domestic Return Receipt and received the letter dated December 19, 2006.

51. Respondent did not respond to the Investigator's letter or otherwise communicate with the Investigator.

#### **Conclusions of Law for Case No. 06-O-13762**

52. By failing to file a bankruptcy on behalf of Russell or provide any services of value to Russell, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

53. By failing to respond to the messages left on his voice message system between April 12, 2005 and the end of November 2005, Respondent willfully failed to respond promptly to reasonable status inquiries of a client, in wilful violation of Business and Professions Code, section 6068(m).

54. By vacating the Mulberry home/office without informing Russell, failing to communicate with Russell and/or Bartlett after vacating the Mulberry home/office, failing to provide Russell with his new office or home address after vacating the Mulberry home/office, and failing to refund unearned advanced fees after constructively terminating his representation of Russell, Respondent improperly withdrew from his representation of Russell without taking reasonable steps to avoid reasonably foreseeable prejudice to the rights of Russell, in wilful violation of Rules of Professional Conduct, rule 3-700(A)(2).

55. By not providing a written response to the allegations in the Russell matter or otherwise cooperating in the investigation of the Russell matter, Respondent willfully failed to cooperate and participate in a disciplinary investigation, in wilful violation of Business and Professions Code, section 6068(i).

**Facts for Case No. 06-O-13832**

56. On November 11, 2004, Steven D. Morgan and Sherri Morgan (the "Morgans") met with Respondent at the Morgans' home to discuss revisions to their Living Trust. The Morgans hired Respondent and paid him advanced fees of \$750 to prepare the revisions.

57. In April and May of 2005, the Morgans called Respondent approximately once each month to obtain a status report on the revisions to their Living Trust. Between June 2005 and August 12, 2005, the Morgans called Respondent approximately once every two weeks to obtain a status report on the revisions to their Living Trust. The Morgans were unable to speak with Respondent and left messages on Respondent's voice message system requesting that Respondent contact them to provide a status report each time that they called. Respondent received the messages.

58. Respondent did not provide the requested status reports or otherwise communicate with the Morgans.

59. On August 12, 2005, the Morgans mailed a letter by Certified Mail, Domestic Return Receipt, to Respondent at the Mulberry office/home informing him that they had left numerous messages for him to contact them that had not been returned. The Morgans demanded that Respondent return their documents and refund their unearned advanced fees, and thereby, constructively terminated Respondent's employment.

60. On August 15, 2005, "A. Barrett" signed the Domestic Return Receipt and received the letter dated August 12, 2005. Respondent received the letter.

61. On August 25, 2005, Respondent mailed a letter to the Morgans claiming that the delay in amending their trust was not due to his scheduling or personal issues. The letter stated that Respondent would send the Morgans an appropriate refund.

62. On September 27, 2005, the Morgans mailed a letter to Respondent at the Mulberry home/office requesting a refund of their unearned advanced fees of \$750. The letter was properly mailed by first class mail, postage prepaid, by depositing for collection by the U.S. Postal Service in the ordinary course of business. The U.S. Postal Service did not return the letter. Respondent received the letter.

63. On November 4, 2005, the Morgans mailed a letter by Certified Mail, Domestic Return Receipt, to Respondent at the Mulberry home/office informing him that they had not received a response to their September 27, 2005 letter and would report Respondent to the State Bar if he did not refund their unearned advanced fees of \$750 within ten days.

64. Respondent signed the Domestic Return Receipt and received the letter dated November 4, 2005.

65. On March 7, 2006, the Morgans mailed a letter by Certified Mail, Domestic Return Receipt, to Respondent at the Mulberry home/office informing him that they had filed a request for fee arbitration with the Riverside County Bar Association and enclosing the information concerning the fee arbitration. The letter requested that Respondent provide copies of their file to prepare for the fee arbitration and proposed that Respondent refund their unearned advanced fees of \$750 and the fee arbitration filing fee of \$56.25 to avoid the fee arbitration.

66. On March 8, 2006, Respondent signed the Domestic Return Receipt and received the letter dated March 7, 2006.

67. Respondent did not refund the Morgans' unearned advanced fees, release a copy of their file to them, respond to the letter, or otherwise communicate with the Morgans.

68. Respondent did not prepare the revisions to the Living Trust or provide any services of value to the Morgans.

69. Respondent provided no services of value to the Morgans. Respondent did not earn any of the \$750 in advanced fees paid by the Morgans. At no time did Respondent refund any of the \$750 in advanced fees paid by the Morgans even after being constructively terminated by the Morgan's letter dated August 12, 2005.

70. On August 22, 2006, the State Bar opened an investigation, Case No. 06-O-13832, pursuant to a complaint filed by the Morgans (the "Morgan matter.")

71. On September 5, 2006, the Investigator wrote a letter to Respondent regarding the Morgan matter. The letter was placed in a sealed envelope correctly addressed to Respondent at his then State Bar membership records address, *i.e.*, the Mulberry home/office. The envelope was properly mailed by first class mail, postage prepaid, by depositing for collection by the U.S. Postal Service in the ordinary course of business. The U.S. Postal Service did not return the letter as undeliverable or for any other reason. Respondent received the letter.

72. The Investigator's letter requested that Respondent respond in writing to specified allegations of misconducted being investigated by the State Bar in the Morgan matter. Respondent did not respond to the Investigator's letter or otherwise communicate with the Investigator.

73. On November 30, 2006, Respondent changed his then official membership address to the Owari home/office.

74. On January 8, 2007, the Investigator mailed a letter by Certified Mail, Domestic Return Receipt, to Respondent at the Owari home/office requesting that Respondent respond in writing to specified allegations of misconducted being investigated by the State Bar in the Morgan matter.

75. On January 11, 2007, Respondent signed the Domestic Return Receipt and received the letter dated January 8, 2007.

76. Respondent did not respond to the Investigator's letter or otherwise communicate with the Investigator.

### Conclusions of Law for Case No. 06-O0-13832

77. By failing to prepare the revisions to the Living Trust or provide any services of value to the Morgans, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

78. By failing to respond to the messages left on his voice message system between in or about April 2005 and on or about August 12, 2005, and the Morgans' letters dated September 27, 2005, November 4, 2005, and March 7, 2006, Respondent willfully failed to respond promptly reasonable status inquiries of a client, in wilful violation of Business and Professions Code section 6068(m).

79. By failing to return the Morgans' documents after he was constructively terminated on August 12, 2005, and as requested by the Morgan's letters dated August 12, 2005 and March 7, 2006, Respondent willfully failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(1).

80. By failing to refund the \$750 in advanced fees paid by the Morgans as requested by their letters dated August 12, 2005 and March 7, 2006, Respondent willfully failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

81. By not providing a written response to the allegations in the Morgan matter or otherwise cooperating in the investigation of the Morgan matter, Respondent willfully failed to cooperate and participate in a disciplinary investigation, in wilful violation of Business and Professions Code, section 6068(i).

#### **Facts for Case No. 06-O-13995**

82. On April 18, 2006, Randall Hyde and Amanda Hyde (the "Hydes") met with Respondent at the Hydes' home to discuss hiring Respondent to incorporate their business. The Hydes hired Respondent and paid him advanced fees of \$1,250 to incorporate their business, which Respondent told them would take three to six weeks to complete.

83. Between June 2006 and August 3, 2006, the Hydes called Respondent two to three times per week to obtain a status report on the incorporation of their business. The Hydes were unable to speak to Respondent and left messages on Respondent's voice message system or with his children requesting that Respondent contact them to provide a status report each time that they called. Respondent received the messages.

84. Respondent did not provide the requested status report or otherwise communicate with the Hydes.

85. Respondent did not incorporate the Hydes' business or provide any legal services of value.

86. At the end of July 2006, Amanda Hyde drove to Respondent's then official membership address, *i.e.*, the Mulberry home/office, without an appointment to meet with Respondent. On that date, the home/office had been vacated by Respondent.

87. Respondent did not inform the Hydes that he was vacating the Mulberry home/office or provide the Hydes with his new office or home address.

88. On August 3, 2006, the Hydes mailed a letter by Certified Mail, Domestic Return Receipt, to Respondent at the Mulberry office/home informing him that they had left numerous messages for him to contact them that had not been returned. The Hydes informed Respondent that they would file a complaint with the State Bar if he did not refund their unearned advance fees of \$1,250 by August 17, 2006, and thereby, the Hydes constructively terminated Respondent.

89. On August 7, 2006, Respondent signed the Domestic Return Receipt and received the letter dated August 3, 2006.

90. Respondent did not refund the unearned advance fees or otherwise communicate with the Hydes.

91. Respondent provided no services of value to the Hydes. Respondent did not earn any of the \$1,250 in advanced fees paid by the Hydes. At no time did Respondent refund any of the \$1,250 in advanced fees paid by the Hydes after they constructively terminated Respondent by letter dated August 3, 2005.

92. On August 18, 2006, the State Bar opened an investigation, Case No. 06-O-13995, pursuant to a complaint filed by the Hydes (the "Hyde matter.")

93. On September 12, 2006, the Investigator mailed a letter, by Certified Mail, Domestic Return Receipt, to Respondent at his then official membership address, *i.e.*, the Mulberry home/office, and an alternative address, *i.e.*, the Owari home/office, regarding the Hyde matter. The letter requested that Respondent respond in writing to specified allegations of misconducted being investigated by the State Bar in the Hyde matter.

94. On September 14, 2006, Respondent signed the Domestic Return Receipt and received the letter dated September 12, 2006 mailed to the Owari home/office. On September 19, 2006, "Stephanie Barrett" signed the Domestic Return Receipt and received the letter dated September 12, 2006 mailed to the Mulberry home/office. Respondent received the letters.

95. Respondent did not respond to the Investigator's letter or otherwise communicate with the Investigator.

96. On January 8, 2007, the Investigator mailed a letter by Certified Mail, Domestic Return Receipt, to Respondent at the Owari home/office regarding the Hyde matter. The letter requested that Respondent respond in writing to specified allegations of misconducted being investigated by the State Bar in the Hyde matter.

97. On January 11, 2007, Respondent signed the Domestic Return Receipt and received the letter dated January 8, 2007.

98. Respondent did not respond to the Investigator's letter or otherwise communicate with the Investigator.

### Conclusions of Law for Case No. 06-O-13995

99. By failing to incorporate the Hyde's business or provide any legal services of value to the Hydes, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

100. By vacating the Mulberry home/office and without informing the Hydes, failing to communicate with the Hydes after vacating the Mulberry home/office, failing to provide the Hydes with his new office or home address after vacating the Mulberry home/office, and failing to refund unearned advanced fees after the Hydes constructively terminated him, Respondent improperly withdrew from his representation of the Hydes without taking reasonable steps to avoid reasonably foreseeable prejudice to the rights of the Hydes, in wilful violation of Rules of Professional Conduct, rule 3-700(A)(2).

101. By not providing a written response to the allegations in the Hyde matter or otherwise cooperating in the investigation of the Hyde matter, Respondent willfully failed to cooperate and participate in a disciplinary investigation, in wilful violation of Business and Professions Code, section 6068(i).

**AGGRAVATING CIRCUMSTANCES.**

**PRIOR DISCIPLINE:**

Case No. 04-O-14906: Effective January 24, 2006.

Violation: RPC rule 3-110(A) - failure to perform legal services with competence.

Discipline: Public reproof with/duties; one (1) year probation, Ethics School, MPRE within one (1) year, and costs.

**HARM:**

Clients money was taken and then they were denied the legal services for which they had paid Respondent to provide. Clients were left with no effective representation and with no way to contact Respondent to find out what was happening in their causes.

**PATTERN OF MISCONDUCT:**

Respondent's misconduct demonstrates a pattern of misconduct, including abandonment of the causes of his clients for which he was retained.

**MITIGATING CIRCUMSTANCES:**

Respondent cooperated with the State Bar in these proceedings.

**RESTITUTION:**

Respondent shall pay as follows:

<u>To:</u>	<u>Amount:</u>	<u>Plus interest at the rate of 10% from:</u>
Russell	\$1,210	April 12, 2005
Morgan	\$ 750 \$ 56.25	November 11, 2004 March 7, 2006
Hyde	\$1250	April 18, 2006

(Do not write above this line.)

In the Matter of RICHARD LYNN BARRETT Member #140747	Case number(s): 06-O-12282; 06-O-13762; 06-O-13832; and 06-O-13995
--	---

**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.

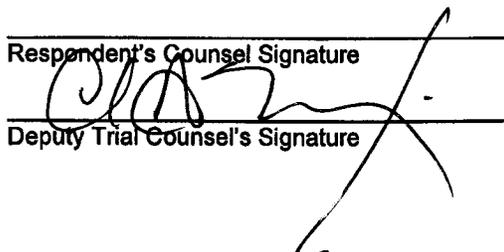
If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

11/24/07  
Date

  
Respondent's Signature

RICHARD L. BARRETT  
Print Name

11/27/07  
Date

  
Deputy Trial Counsel's Signature

CHARLES A. MURRAY  
Print Name

(Do not write above this line.)

In the Matter Of RICHARD LYNN BARRETT Member #140747	Case Number(s): 06-O-12282; 06-O-13762; 06-O-13832; and 06-O-13995
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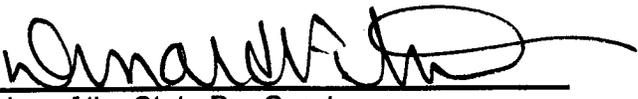
**ORDER**

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 135(b) and 802(b), Rules of Procedure.)

June 5, 2008  
Date

  
Judge of the State Bar Court

**CONFIDENTIAL ORIGINAL**

(Do not write above this line.)

**State Bar Court of California  
Hearing Department**

**PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES**

Counsel For The State Bar <b>CHARLES A. MURRAY</b> Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015 Bar # 146069      Tel: (213) 765-1236	Case Number (s)  06-O-11589 07-H-10653	(for Court's use)  <p style="text-align: center;"><b>FILED</b></p> <p style="text-align: center;">NOV - 2 2010 <i>JK</i></p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
In Pro Per, Respondent <b>RICHARD LYNN BARRETT</b> 9152 Owari Lane Riverside, CA 92508 Bar # 140747      Tel: (951)565-8190	Submitted to: Program Judge	
In the Matter Of:  <b>RICHARD LYNN BARRETT</b>  Bar # 140747  A Member of the State Bar of California (Respondent)	<p style="text-align: center;"><b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

**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 June 6, 1989.
- (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, if Respondent is not accepted into the Lawyer Assistance 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 \_\_\_\_\_ pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts." -See Attachment
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law". -See Attachment
- (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 04-O-14906
- (b)  Date prior discipline effective January 24, 2006
- (c)  Rules of Professional Conduct/ State Bar Act violations: Rules of Professional Conduct, rule 3-110(A)  
[failure to perform legal services]
- (d)  Degree of prior discipline Public reproof with duties; one (1) year probation with conditions, Ethics School, MPRE within one (1) year and costs.
- (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.
- (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.

(Do not write above this line.)

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- (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:**

**ATTACHMENT TO**  
**ADP STIPULATION RE FACTS & CONCLUSIONS OF LAW**

IN THE MATTER OF:        **RICHARD LYNN BARRETT, #140747**

CASE NUMBER(S):        06-O-11589; 07-H-10653

**PENDING MATTERS:** The disclosure date referred to, page one, item A.(6) was May 11, 2007.

**STIPULATION AS TO 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, or has otherwise committed acts of misconduct warranting discipline:

**06-O-11589**

**FACTS:**

1. On August 5, 2005, Athena Dorje Browning ("Browning") hired Respondent to represent her family in a petition for succession to real property belonging to the estate of her late father (the "Probate"). Browning told Respondent that time was of the essence as the real property was in escrow and her family needed the proceeds from the sale. Respondent told Browning that he would complete the Probate in approximately 60 days. Browning paid Respondent the advanced fees of \$2,000.

2. On December 19, 2005, Browning terminated Respondent's services after he failed to file the Probate with the Superior Court.

3. On September 6, 2005, Respondent and Browning discussed the Probate by telephone. Respondent told Browning that he had not begun preparation of the documents needed for the Probate, but would start work on the documents right away and would send them to her to sign. Respondent did not send any documents to Browning.

4. From September 8, 2005 through September 22, 2005, Browning called and left approximately 12 messages for Respondent on his voice message system requesting that he call her to discuss the documents he said that he was going to send and the status of the Probate. Respondent did not return any of the messages left for him to contact Browning.

5. On September 22, 2005, Browning prepared and mailed a letter to Respondent informing him that she left approximately 12 messages for him to call her to discuss the documents that he said he was going to send and the status of the Probate. Respondent received the September 22, 2005 letter. Respondent did not respond to Browning letter dated September 22, 2005 or otherwise communicate with Browning.

6. From September 22, 2005 through September 30, 2005, Browning called and left three or four messages for Respondent on his voice message system requesting that he call her to discuss the status of the Probate. Respondent did not return any of the messages left for him to contact Browning.

7. On September 28, 2005, Browning's brother-in-law went to Respondent's office, which was located in Respondent's home, to discuss the Probate. Respondent told him that he had not received Browning's messages and would call her.

8. On September 30, 2005, Browning prepared and mailed a letter to Respondent informing him that: she left numerous messages for him to call her to discuss the status of the Probate; he failed to return her messages; she was terminating him; and she requested a refund of the \$2,000. Respondent received the September 30, 2005 letter.

9. On October 1, 2005, Respondent prepared and mailed documents concerning the Probate to Browning. Browning received the documents and returned the signed documents by mail to Respondent on October 6, 2005.

10. On October 5, 2005, Respondent called and spoke with Browning, apologized for failing to return her messages, and told her that it would take six to eight weeks to complete the Probate.

11. On October 27, 2005, Browning sent Respondent a check for \$500 for the cost of filing the Probate.

12. From October 30, 2005 through November 15, 2005, Browning left three or four messages for Respondent to call her to discuss the status of the Probate.

13. On November 21, 2005, Respondent called Browning and left a message for her on her voice message system stating that he: apologized for failing to return her messages; had obtained a hearing date for the Probate; would mail documents to her that day; and would contact her on Monday or Tuesday of the following week.

14. Browning did not receive any documents from Respondent after the November 21, 2005 message, or a telephone call on Monday or Tuesday of the following week.

15. On November 29 and 30, 2005, Browning called and left two messages for Respondent on his voice message system requesting that he call her to discuss the documents that he said that he was going to send and the status of the Probate. Respondent did not return the messages left for him to contact Browning.

16. On December 7 and 12, 2005, Browning called the Superior Court of the State of California, County of Riverside ("Superior Court"), and determined that the Probate had not been filed.

17. On December 7, 2005, Browning called and left a message for Respondent on his voice message system terminating him and requesting a refund of the \$2,500 that he had been paid.

18. On December 19, 2005, Browning prepared and sent a letter by UPS to Respondent informing him that: she left numerous messages for him to call her to discuss the status of the Probate; he failed to return her messages; she was terminating him; and she requested a refund of the \$2,500. Respondent received the December 19, 2005 letter on December 21, 2005.

19. On December 21, 2005, Browning hand-delivered the December 19, 2005 letter to Respondent's office/home. Respondent's wife and his daughter told her that he was in a meeting and would be unavailable for 20 more minutes. Browning left after 30 minutes without seeing Respondent.

20. Respondent did not respond to Browning's letter dated December 19, 2005, refund the unearned fees, or otherwise communicate with Browning.

21. On December 19 and 21, 2005, Browning prepared and caused to be delivered letters to Respondent requesting a refund of the \$2,500 that she paid him. Respondent received the December 19, 2005 letters by UPS and hand-delivery on December 21, 2005.

22. Respondent provided no services of value to Browning. Respondent did not earn any of the advanced fees paid by Browning. Respondent did not respond to Browning's letter dated December 19, 2005, refund the unearned fees, or otherwise communicate with Browning.

23. On November 21, 2005, Respondent called Browning and left a message for her on her voice message system stating, *inter alia*, that he had obtained a hearing date for the Probate.

24. At the time, Respondent knew that he had never filed the Probate with the Superior Court or obtained a hearing date for the Probate from the Superior Court.

25. On January 27, 2006, the State Bar opened an investigation, Case No. 06-O-11589, pursuant to a complaint filed by Browning (the "Browning matter.")

26. On April 14, 2006, a State Bar Investigator ("Investigator") wrote a letter to Respondent regarding the Browning matter. The letter was placed in a sealed envelope correctly addressed to the Respondent at his State Bar membership records address. The envelope was properly mailed by first class mail, postage prepaid, by depositing for collection by the U.S. Postal Service in the ordinary course of business. The U.S. Postal Service did not return the envelope as undeliverable or for any other reason. Respondent received the envelope containing the letter.

27. The Investigator's letter requested that Respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in the Browning matter. Respondent did not respond to the Investigator's letter or otherwise communicate with the Investigator.

28. On June 7, 2006, the Investigator wrote a second letter to Respondent regarding the Browning matter. The letter was placed in a sealed envelope correctly addressed to the Respondent at his State Bar membership records address. The envelope was properly mailed by certified mail, return receipt requested. On June 12, 2006, "S.L. Barrett" signed to receive the letter from the U.S. Postal Service.

29. The Investigator's letter requested that Respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in the Browning matter.

30. Respondent did not respond in writing to either of the Investigator's letters.

## CONCLUSIONS OF LAW:

31. By failing to file the Probate with the Superior Court, Respondent intentionally, recklessly, or repeatedly failing to perform legal services with competence, and willfully violated Rules of Professional Conduct, rule 3-110(A).

32. By failing to respond to the messages left by Browning on September 8 through 30, 2005, October 30 through November 15, 2005, November 29 and 30, 2005, and December 7, 2005, as well as Browning's letters dated September 30, 2005 and December 19, 2005, Respondent wilfully failed to respond promptly to reasonable status inquiries of a client, and willfully violated Business and Professions Code, section 6068(m).

33. By not refunding the \$2,500 to Browning, Respondent wilfully failed to refund promptly any part of a fee paid in advance that has not been earned, and willfully violated Rules of Professional Conduct, rule 3-700(D)(2).

34. By misrepresenting to Browning that he had obtained a hearing date for the Probate when he knew that he had not filed the matter or obtained a date, Respondent willfully committed an act involving moral turpitude, dishonesty or corruption, and willfully violated Business and Professions Code, section 6106.

35. By not providing a written response to the allegations in the Browning matter or otherwise cooperating in the investigation of the Browning matter, Respondent wilfully failed to cooperate and participate in a disciplinary investigation, and willfully violated Business and Professions Code, section 6068(i).

## 07-H-10653

## FACTS

36. On November 29, 2005, Respondent entered into and executed a Stipulation Re Facts, Conclusions of Law and Disposition ("Stipulation") with the State Bar of California in Case No. 04-O-14906.

37. On January 3, 2006, the Hearing Department of the State Bar Court filed an Order approving the Stipulation and imposing upon Respondent a public reproof with conditions (the "Order").

38. On January 3, 2006, the Order was properly served by mail upon Respondent.

39. Respondent had actual notice of the Order and the underlying stipulation.

40. The Order and the public reproof became effective on January 24, 2006.

41. Pursuant to the January 3, 2006 Order, Respondent was required to comply with certain terms and conditions attached to the public reproof, including the following:

- a. To comply with the State Bar Act and the Rules of Professional Conduct during the condition period attached to the reproof;

- b. To submit to the Office of Probation written quarterly reports each January 10, April 10, July 10, and October 10 of each year or part thereof during the condition period attached to the reproof, certifying under penalty of perjury that he has complied with all provisions of the State Bar Act, the Rules of Professional Conduct, and all conditions of the reproof during the preceding calendar quarter or part thereof covered by the report; and to file the final report no earlier than twenty days before the last day of the condition period attached to the reproof and no later than the last day of the condition period;
- c. To provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE") to the Office of Probation Unit within one year of the effective date of the reproof; and
- d. Within one year of the effective date of the discipline, to provide to the Office of Probation satisfactory proof of attendance of Ethics School and passage of the test given at the end of that session.

42. On January 20, 2006, The Office of Probation wrote a letter to Respondent in which it reminded Respondent of the terms and conditions of his reproof. Respondent received the letter.

43. Nevertheless, despite his actual knowledge of the conditions of his public reproof:

- a. Respondent failed to file two of his required quarterly reports, specifically the quarterly reports which were due on July 10, 2006 and January 10, 2007.
- b. Respondent failed to file his final report which was due on January 24, 2007.
- c. Respondent failed to provide proof of passage of the MPRE.
- d. Respondent failed to provide proof of attendance at Ethics School.

#### **CONCLUSIONS OF LAW:**

44. By failing to comply with the conditions of his reproof, as set forth above, Respondent willfully violated Rules of Professional Conduct, rule 1-110.

#### **AGGRAVATING CIRCUMSTANCES:**

Dishonesty: Respondent's misrepresented to Browning that he had obtained a hearing date for the Probate when he knew that he had neither filed the matter nor obtained a date.

#### **RESTITUTION:**

Respondent shall pay the principal sum of \$2,500 to Browning, plus interest at the rate of ten percent (10%) per annum from December 7, 2005.

(Do not write above this line.)

In the Matter of RICHARD LYNN BARRETT	Case number(s): 06-O-11589 07-H-10653
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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.

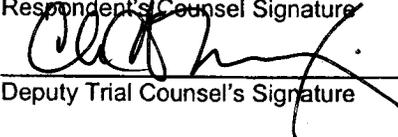
If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

06/29/07  
Date

  
Respondent's Signature

RICHARD LYNN BARRETT  
Print Name

07/02/07  
Date

  
Deputy Trial Counsel's Signature

CHARLES A. MURRAY  
Print Name

(Do not write above this line.)

In the Matter Of  RICHARD LYNN BARRETT	Case Number(s):  06-O-11589 07-H-10653
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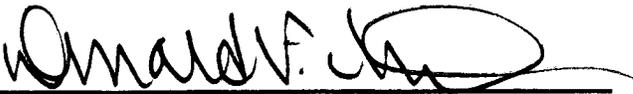
**ORDER**

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 135(b) and 802(b), Rules of Procedure.)

11/2/10  
Date

  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**

[Rule 62(b), Rules Proc.; 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 November 10, 2010, I deposited a true copy of the following document(s):

**DECISION AND ORDER SEALING CERTAIN DOCUMENTS;  
TWO (2) STIPULATIONS RE FACTS AND 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:

**RICHARD L. BARRETT  
THE BARRETT LAW OFFICE  
3780 12TH ST  
RIVERSIDE, CA 92501**

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

**MONIQUE MILLER, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 10, 2010.

  
\_\_\_\_\_  
Tammy Cleaver  
Case Administrator  
State Bar Court