

ORIGIN

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State Bar Court of California Hearing Department Los Angeles DISBARMENT		
Counsel For The State Bar Sean Beckley Deputy Trial Counsel 1149 S. Hill St. Los Angeles, CA 90015 (213) 765-1226 Bar # 260003	Case Number(s): 12-O-14245	For Court use only <div style="text-align: center;"> FILED OCT 12 2012 <i>[Signature]</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
In Pro Per Respondent Ronald Grady Finch 5150 E. Poinsettia Dr. Scottsdale, AZ 85254 (480) 246-2987 Bar # 70822	PUBLIC MATTER	
In the Matter of: Ronald Grady Finch Bar # 70822 A Member of the State Bar of California (Respondent)	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT DISBARMENT <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 December 22, 1976.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (9) pages, not including the order.
- (4) A statement of acts or omissions acknowledged by respondent as cause or causes for discipline is included under "Facts."

(Effective January 1, 2011)

Disbarment

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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) 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.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Costs to be awarded to the State Bar.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

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**
- (a) State Bar Court case # of prior case 10-PM-09752
 - (b) Date prior discipline effective April 29, 2011
 - (c) Rules of Professional Conduct/ State Bar Act violations: Respondent violated the conditions of probation by failing to file quarterly reports and failing to provide proof of successful completion of one of the designated ethics programs as required.
 - (d) Degree of prior discipline Two (2) years probation, one (1) year actual suspension.
 - (e) If respondent has two or more incidents of prior discipline, use space provided below:

08-J-13191, Effective date: September 17, 2009, Violations: Respondent was disciplined by the Supreme Court of Arizona for failure to perform legal services competently in one client matter by failing to notify the client of a hearing date, a deadline to file an Application for Cancellation of Removal and by filing the Application six weeks late resulting in the Immigration Court deeming the request abandoned (Rule of Professional Conduct 3-110(a)). Also, Respondent failed to report a previous imposition of discipline by the State Bar of Arizona in case no. 04-1473 (Business and Professions Code, section 6068(o)(6)), Degree of Prior Discipline: two (2) years probation, one (1) year stayed suspension.

04-1473 (State Bar of Arizona), Effective date: May 5, 2005, Violation: Respondent was disciplined by the State Bar of Arizona for conduct prejudicial to the administration of justice by signing or directing his office to sign immigration clients' names to Immigration Court notice-of-appearance forms (Rule 42, Ariz.R.S.Ct.), Degree of Prior Discipline: Informal Reprimand.

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- (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. See page 7.
- (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 7.
- (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

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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:

D. Discipline: Disbarment.

E. Additional Requirements:

- (1) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

- (2) **Restitution:** Respondent must make restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____. If the Client Security Fund has reimbursed _____ for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than _____ days from the effective date of the Supreme Court order in this case.

- (3) **Other:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:	RONALD GRADY FINCH
CASE NUMBER(S):	12-O-14245

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. 12-O-14245 (State Bar Investigation)

FACTS:

1. On March 30, 2011 the California Supreme Court filed its Order in case no. S173482 (State Bar case no. 10-PM-09752) revoking Respondent's probation and ordering that Respondent be suspended from the practice of law for one (1) year and that Respondent be placed on probation for two (2) years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its December 20, 2011 Decision ("Disciplinary Order"). The California Supreme Court's Order became effective on April 29, 2011. Respondent was properly served with the Disciplinary Order and received it.

2. Pursuant to the Disciplinary Order, Respondent was required to submit to the Office of Probation written quarterly reports on each January 10, April 10, July 10, and October 10 of each year or part thereof during which the probation is in effect.

3. Respondent was also required to provide the Office of Probation ("Probation") satisfactory proof of attendance at a session of the Ethics School, and the passage of the test given at the end of that session, within one (1) year of the effective date of the Disciplinary Order. Since Respondent lives outside of California, Respondent could elect instead to attend the Arizona State Bar Ethics Enhancement Program and provide the Office of Probation satisfactory proof of attendance and passage of any test given in conjunction with the program, within one (1) year of the effective date of the Disciplinary Order.

4. Respondent knew he was required to comply with the conditions of probation.

5. Respondent did not submit his first quarterly report with Probation by the due date of July 10, 2011. Respondent submitted the first quarterly report with Probation late on July 21, 2011.

6. Respondent did not submit his second quarterly report with Probation by the due date of October 10, 2011. Respondent submitted the second quarterly report with Probation late on October 13, 2011.

7. Respondent did not submit his third quarterly report, due by January 10, 2012, at any time.

8. Respondent did not submit his fourth quarterly report, due by April 10, 2012, at any time.

9. Respondent did not submit his fifth quarterly report, due by July 10, 2012, at any time.

10. Respondent did not submit to Probation satisfactory proof of attendance and completion of Ethics School or the Arizona State Bar Ethics Program, due by April 29, 2012, at any time.

CONCLUSIONS OF LAW:

11. By not timely submitting to Probation the first and second quarterly reports, by not submitting to Probation the third, fourth, and fifth quarterly reports, and by not submitting proof of attendance and completion of Ethics School or the Arizona State Bar Ethics Program, Respondent willfully failed to comply with all conditions attached to his disciplinary probation in violation of Business and Professions Code, section 6068(k).

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing:

Respondent submitted two written quarterly reports late, failed to submit three written quarterly reports, and failed to submit proof of attendance and completion of Ethics School or the Arizona State Bar Ethics Program. Std. 1.2(b)(ii).

Indifference:

Respondent has violated multiple conditions of probation after being previously disciplined for violating conditions of probation arising from the same underlying misconduct in State Bar case no. 10-PM-09752, demonstrating indifference towards rectification of or atonement for the consequences of his misconduct. Additionally in demonstrating indifference, Respondent has failed to make any attempt to comply with certain conditions of probation even after being notified that he had failed to comply with the conditions. Std. 1.2(b)(v).

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary

purposes of disciplinary proceedings and of the sanctions imposed are “the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession.” (*In re Morse* (1995) 11 Cal.4th 184, 205; std 1.3.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

The standards support disbarment in this case. Standard 1.7(b) provides that if a member has a record of two prior impositions of discipline, the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate.

In this case, disbarment is the appropriate level of discipline. Respondent has three prior impositions of discipline and standard 1.7(b) provides for disbarment unless the most compelling mitigating circumstances clearly predominate. There is no evidence of mitigating circumstances in this case. In addition, multiple aggravating circumstances exist. Beyond the aggravating circumstance of Respondent’s prior record of discipline, Respondent has also committed multiple acts of wrongdoing by submitting two written quarterly reports late, failing to submit three written quarterly reports, and failing to submit satisfactory proof of attendance and completion of the Ethics School or the Arizona State Bar Ethics Program. Also in aggravation, Respondent has shown indifference towards rectification of or atonement for the consequences of his misconduct by failing to comply with conditions of probation multiple times and failing to make any attempt to comply with conditions of probation even after being told that he was not in compliance. Respondent is either unwilling or unable to conform his conduct to even the most basic ethical norms expected and required of an attorney. In applying the standards in this case the appropriate level of discipline is disbarment to serve the purposes of discipline under standard 1.3; the protection of the public, the courts and the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of September 14, 2012, the prosecution costs in this matter are estimated to be \$2865.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

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In the Matter of: RONALD GRADY FINCH Member # 70822	Case number(s): 12-O-14245
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DISBARMENT 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 stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates 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. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Respondent **Ronald Grady Finch** is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

10-12-2012
Date


Judge of the State Bar Court

RICHARD A. PLATEL

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 October 12, 2012, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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

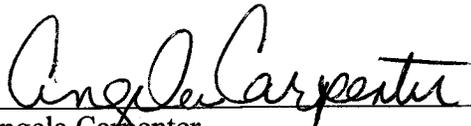
by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

RONALD GRADY FINCH
5150 E. POINSETTIA DRIVE
SCOTTSDALE, AZ 85254

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

SEAN BECKLEY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 12, 2012.



Angela Carpenter
Case Administrator
State Bar Court