PUBLIC MATTER – NOT DESIGNATED FOR PUBLICATION

Filed February 7, 2013

STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

In the Matter of GREGORY FULTON STANNARD, A Member of the State Bar, No. 108674.	)	Case Nos. 09-O-10787; 10-O-01324 (10-O-06586) (Cons.) OPINION AND ORDER

We review the level of discipline in two consolidated cases where Gregory Fulton Stannard misappropriated more than $68,000 from three clients from 2008 to 2011. In the first case, on August 1, 2011, the Office of the Chief Trial Counsel of the State Bar (State Bar) sought review of a hearing judge's recommendation that Stannard be suspended for three years and until he establishes rehabilitation, fitness to practice, and learning and ability in the law. (Case no. 09-O-10787, *Stannard I.*) Stannard stipulated to misappropriating a substantial amount in a single client matter in *Stannard I*. The hearing judge found the State Bar's disbarment recommendation excessive due to Stannard's compelling mitigation, including his emotional difficulties, cooperation, good character, restitution, and over 20 years of discipline-free practice.

On August 15, 2011, the State Bar filed additional charges against Stannard in the second case, alleging misappropriation from two more clients during the same general time period as the misconduct in *Stannard I*. (Case nos. 10-O-01324 and 10-O-06586, *Stannard II.*) Stannard again stipulated to the misconduct, but disputed the State Bar's disbarment recommendation. A different hearing judge tried *Stannard II* and recommended disbarment. In May 2012, Stannard sought review.

In June 2012, we consolidated *Stannard I* and *Stannard II,* and directed the parties to argue the appropriate discipline in light of the totality of the misconduct and the aggravating and mitigating factors in the two proceedings.

Since Stannard stipulated to misappropriating significant funds from all three clients, the principal issue before us is whether the "most compelling mitigating circumstances clearly predominate" to warrant a recommendation less than disbarment. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 2.2(a).)[1] Stannard contends disbarment is an extreme penalty because his psychological disorder caused aberrational misconduct. The State Bar argues the mitigating circumstances do not justify a recommendation short of disbarment. Based on our independent review of the record (Cal. Rules of Court, rule 9.12), we conclude that disbarment is necessary to protect the public, the courts, and the legal profession.

I. FACTUAL FINDINGS AND LEGAL CONCLUSIONS

A. UNCONTESTED FACTUAL FINDINGS IN *STANNARD I*

Based on the parties' stipulation, Stannard admitted material facts as well as culpability on all counts. We adopt the uncontested findings and summarize them below.

The Malow Matter (Case No. 09-O-10787)

In January 2008, Stannard settled a personal injury lawsuit for $140,000 on behalf of his client Louise Malow. He deposited the $140,000 check into his client trust account (CTA) on February 20, 2008. Pursuant to the terms of their contingency fee agreement, Stannard was entitled to 40% of the gross recovery ($56,000) and any costs he had incurred. He distributed an initial $20,000 to Malow. As of February 28, 2008, after deducting the initial distribution to Malow and his fees and costs, Stannard should have held at least $61,962 in his CTA.

[1] All further references to standards are to this source.

Malow desperately needed money and repeatedly asked Stannard to pay her the rest of her settlement. He delayed making a second payment of $45,000 to Malow until June 3, 2008. Stannard was to use the remaining funds to resolve Malow's outstanding medical liens. From February to June 2008, the CTA balance repeatedly fell below the $61,962 that Stannard was required to hold in trust. Based on the lowest CTA balance ($41,853), Stannard misappropriated at least $20,109 of Malow's funds during this time period.

Following the second payment to Malow in June 2008, Stannard should have maintained at least $16,962 in trust while he negotiated payment of Malow's pending medical liens. However, Stannard did nothing to resolve the medical liens for almost three years. From June 2008 to March 2011, his CTA balance repeatedly fell below the required $16,962, including a negative balance in April 2009.[2]

When Malow received notices that her medical bills were unpaid, she left messages for Stannard requesting an update. He did not respond. Stannard failed to pay Malow's medical providers until March 2011, one month before trial in this matter. By then, medical providers had reported her delinquencies to various credit agencies, and a collection agency had garnished $2,700 from Malow's wages after one medical provider obtained a judgment against her.

After Malow filed a complaint, the State Bar sent Stannard three letters between March and June 2009, requesting that he respond in writing to the allegations. He did not answer any of the letters.

[2] After Stannard misappropriated the initial $20,109 from February to June 2008, he restored his CTA balance with sufficient funds to pay Malow the $45,000. Since the $16,962 is a lesser included amount in the initial $20,109 misappropriated, we do not find that Stannard misappropriated the same funds twice. Rather, we view the repeated dipping of his CTA as evidence of multiple acts and ongoing misconduct.

B. LEGAL CONCLUSIONS IN *STANNARD I*

Stannard stipulated to the following violations, which we adopt:

- Count One: Stannard failed to promptly pay client funds by not timely paying Malow or her medical providers (Rules Prof. Conduct, rule 4-100(B)(4))[3];
- Count Two: Stannard failed to maintain Malow's funds in trust (rule 4-100(A));
- Count Three: Stannard committed an act involving moral turpitude[4] by repeatedly misappropriating the settlement funds that were to be held in trust to pay Malow's medical providers (Bus. & Prof. Code, § 6106)[5];
- Count Four: Stannard failed to perform competently by doing nothing to resolve Malow's medical bills for several years (rule 3-110(A));
- Count Five: Stannard failed to respond to his client's inquiries (§ 6068, subd. (m)); and
- Count Six: Stannard failed to cooperate with the State Bar's investigation (§ 6068, subd. (i)).

C. UNCONTESTED FACTUAL FINDINGS IN *STANNARD II*

Again, the parties entered a comprehensive stipulation and Stannard admitted material facts as well as culpability on all counts in two additional client matters in *Stannard II*. We adopt the uncontested findings and summarize them below.

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[3] All further references to rules are to this source unless otherwise noted.

[4] The hearing judge adopted the parties' stipulated findings that Stannard "dishonestly *or* with gross negligence misappropriated settlement funds . . . in the amounts of $20,109 and $16,962, in willful violation of section 6106." (Italics added.) However, Stannard admitted he used his client's money to pay personal expenses, including his children's tuition. In addition, he repeatedly allowed his CTA to dip below the required amount over several years, initially misappropriating over $21,000, and thereafter failing to maintain at least $16,962. Thus, the record clearly and convincingly establishes that Stannard intentionally, rather than with gross negligence, misappropriated Malow's funds.

[5] All further references to sections are to this source unless otherwise noted.

The Walczak Matter (Case No. 10-O-01324)

In May 2008, Stannard settled a personal injury claim on behalf of his client, Thomas Walczak, for $100,000. He deposited the settlement proceeds in his CTA in June 2008 and paid himself a $33,333 contingency fee plus costs of $181. Despite Walczak's repeated requests, Stannard did not distribute any portion of the settlement until November 10, 2008, when he paid Walczak $25,000 as a partial disbursement.

Stannard made no other distributions and was required to maintain $41,700[6] in his CTA on Walczak's behalf. However, by April 29, 2009, Stannard had a negative CTA balance. He misappropriated Walczak's funds for his personal use. From May to October 2009, Stannard did not respond to Walczak's requests for case status information. Even after Walczak retained new counsel, Stannard never accounted for his settlement proceeds despite repeated requests. Stannard eventually paid Walczak $41,700 on August 12, 2011 (11 days after the State Bar requested review in *Stannard I).*

After Walczak filed a complaint, the State Bar sent Stannard two letters in April 2010, requesting a response in writing to the misconduct allegations. He received the letters but did not respond.

The Otubuah Matter (Case No. 10-O-06586)

In May 2005, Ellen Otubuah hired Stannard to represent her in a personal injury matter arising out of an automobile accident. In December 2005, Stannard settled with the other driver's insurance company for the $15,000 policy limit. He deposited the settlement proceeds in his CTA in March 2006 and paid himself a $5,000 contingency fee plus advanced costs of $1,378.31. He also paid $2,100 to Otubuah's medical providers. Stannard made no other

[6] The parties stipulated to this amount. However, based on our calculations ($100,000 - $33,333 - $181 - $25,000) the amount was $41,436. As this discrepancy is not material, we will adopt the stipulated amount.

distributions and he should have maintained $6,521.69 in his CTA on Otubuah's behalf. However, by April 29, 2009, he had a negative CTA balance. Stannard misappropriated Otubuah's funds for his personal use and never accounted for her settlement proceeds.

Over the next several years, Stannard attempted unsuccessfully to resolve Otubuah's claim against her own insurance company under the Under-Insured Motorist (UIM) coverage of her policy. In February 2010, attorney Darian Bojeaux assumed primary responsibility for Otubuah's UIM claim. She originally referred the case to Stannard and was listed as co-counsel in Otubuah's retainer agreement. Bojeaux was able to quickly resolve the UIM claim for the $85,000 policy limit, and paid Otubuah her share of the $85,000, plus an additional $6,521.69 as reimbursement for the missing funds from the earlier $15,000 settlement.[7]

After Otubuah filed a complaint, the State Bar sent Stannard two letters in November and December 2010, requesting a written response to the allegations of misconduct. Stannard received the letters but did not respond.

D. LEGAL CONCLUSIONS IN *STANNARD II*

Stannard stipulated to the following violations, which we adopt:

- Counts One and Six: Stannard failed to maintain client funds in trust on behalf of Walczak and Otubuah (rule 4-100(A));
- Counts Two and Seven: Stannard committed acts involving moral turpitude by misappropriating $41,700 from Walczak, and $6,521.69 from Otubuah (§ 6106);
- Counts Three and Eight: Stannard failed to render appropriate accounts to Walczak and Otubuah (rule 4-100(B)(3));

[7] In August 2011, Stannard sent Bojeaux a check for $6,521.69, which she ultimately returned to him. She felt Stannard was entitled to the money since he waived all attorney fees from the $85,000 settlement.

- Count Four: Stannard failed to respond to reasonable client inquiries (§ 6068, subd. (m));
- Counts Five and Nine: Stannard failed to cooperate with the State Bar's investigations in both matters (§ 6068, subd. (i)).

II. AGGRAVATION AND MITIGATION

The State Bar must establish aggravating circumstances by clear and convincing evidence (std. 1.2(b)), while Stannard has the same burden to prove mitigating circumstances (std. 1.2(e)). The factors discussed below are based on our independent review of the combined record and the totality of aggravating and mitigating factors in *Stannard I* and *Stannard II*.

A. AGGRAVATION

We find that the State Bar clearly and convincingly proved four factors in aggravation: (1) multiple acts of misconduct; (2) uncharged misconduct for commingling funds in a CTA; (3) client harm; and (4) lack of cooperation. However, we reject the State Bar's argument that Stannard's unresolved psychological problems constitute an aggravating factor. The State Bar cites no standard or case law to support its argument, and we find none. We also decline to find that Stannard displayed indifference to Walczak and Otubuah.

1. Multiple Acts (Std. 1.2(b)(ii))

Stannard repeatedly allowed his CTA balance to drop below the amount he was required to maintain on behalf of three clients. He committed 15 ethical violations, and as discussed below, his misconduct started as early as 2005 with commingling funds in his CTA. In total, his misconduct spanned at least six years. We find the nature and duration of Stannard's misconduct to be significant aggravation.

2. Uncharged Misconduct (Std. 1.2(b)(iii))

Stannard testified that beginning in February 2005, and continuing to at least February 2007, he repeatedly drew checks against his CTA to pay his therapist, his daughter's private school tuition, and his son's college tuition. He also admitted that he paid for those checks with earned attorney fees that he did not withdraw from his CTA. These facts clearly and convincingly prove that from February 2005 to February 2007, Stannard commingled personal funds in his CTA in violation of rule 4-100(A). Accordingly, this uncharged misconduct is properly considered in aggravation. (*In the Matter of Lais* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 907, 918 ["an uncharged ethical violation is an aggravating factor under standard 1.2(b)(iii)"]; see also *Edwards v. State Bar* (1990) 52 Cal.3d 28, 35-36 [evidence of uncharged misconduct may be considered in aggravation].)

3. Significant Client Harm (Std. 1.2(b)(iv))

Stannard's misconduct damaged Malow's credit after medical providers reported her unpaid bills. Additionally, one unpaid medical lienholder obtained a judgment against her and garnished approximately 25% of her earnings. The unexpected salary reduction forced Malow to borrow money from the elderly owner of the home she managed and occupied. When the homeowner's children learned she had borrowed money from their father, they asked Malow to find different living arrangements.

Walczak sued Stannard in order to recover the unpaid portion of his settlement, and incurred attorney fees in doing so. (*In the Matter of Casey* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 117, 126 [significant harm found where client must hire new counsel and incur attorney fees].) These circumstances establish significant client harm in aggravation.

4. Lack of Cooperation (Std. 1.2(b)(vi))

Stannard did not respond to propounded discovery, failed to participate in two pretrial conferences and untimely filed his pretrial statement in *Stannard I.* As the hearing judge stated in his decision, such conduct shows that Stannard "may not have fully comprehended the seriousness of the charges or his duty to participate," which is an ongoing concern regarding public protection. (*In the Matter of Meyer* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 697, 702 [failure to file pretrial statement and to appear at properly noticed State Bar Court hearing is aggravating circumstance].) While we agree that Stannard's pretrial misconduct in *Stannard I* is an aggravating factor, as discussed below, we significantly reduce the weight given to this factor due to his subsequent willingness to stipulate to culpability in both cases.

B. MITIGATION

Stannard proved six mitigating factors: (1) no prior disciplinary record; (2) extreme emotional difficulties; (3) cooperation; (4) good character; (5) remorse; and (6) community and pro bono service. We reject his claim that he is entitled to mitigation for the considerable passage of time since he failed to make restitution in one matter until August 2011. Considering the nature and extent of his overall misconduct, we find less than two years to be insufficient for purposes of mitigation. (Std. 1.2(e)(viii); *In the Matter of Duxbury* (Review Dept. 1999) 4 Cal. State Bar Ct. Rptr. 61, 67 [passage of five years without additional misconduct insufficient for mitigation].)

1. No Prior Discipline (Std. 1.2(e)(i))

Stannard was admitted to the Bar in June 1983 and practiced law for approximately 22 years before he began to commingle CTA funds. Although Stannard usually would be entitled to significant weight in mitigation for this lengthy period of discipline-free practice, we greatly

diminish that weight due to the seriousness of his misconduct.[8] (Std. 1.2(e)(i) [absence of prior record over many years "coupled with present misconduct which is not deemed serious"].) His misconduct spanned more than six years and included misappropriating significant sums from three clients. Nonetheless, much of Stannard's misconduct was the result of his emotional problems from which he has been rehabilitated. He also has repaid his clients and shown remorse. Thus, while we consider Stannard's discipline-free practice to be a relevant factor, ultimately it does not persuade us that a level of discipline other than disbarment will fulfill the goals of attorney discipline. (See *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1029 [despite serious misconduct, prior exemplary conduct and distinguished career may be relevant as factors indicative of the probability that misconduct will not likely recur].)

2. Extreme Emotional Difficulties (Std. 1.2(e)(iv))

For emotional problems to qualify as a mitigating factor, standard 1.2(e)(iv) requires that: (1) an attorney suffer extreme emotional difficulties "at the time of the act of professional misconduct;" (2) expert testimony establish that the difficulties were "directly responsible for the misconduct;" and (3) "the member has established through clear and convincing evidence that he or she no longer suffers from such difficulties . . . ." The hearing judge found that Stannard proved this factor in mitigation. The State Bar disputes this finding, arguing that Stannard's extreme emotional difficulties arose after he committed uncharged misconduct between 2005 and 2007, and that he failed to prove his rehabilitation. Based on the record, we agree with the hearing judge and give Stannard mitigation credit for his emotional problems.

[8] We decline to find that the hearing judge's recommendation in *Stannard I* constitutes a prior record of discipline. Before the recommendation was final, without objection, the cases were consolidated for purposes of discipline. Accordingly, we look to the totality of the misconduct in the three client matters, which took place during the same time period, to reach our recommendation.

First, Stannard established that he suffered from extreme emotional difficulties when he committed most of his misconduct. His treating psychologist, Dr. Jillian Buchwald, testified in both *Stannard I* and *Stannard II*. She diagnosed him with chronic adjustment disorder with mixed anxiety and depressed mood. Stannard began therapy in February 2006 to address marital problems, but stopped in March 2008 after he decided to end his marriage. In March 2011, Stannard resumed treatment with Dr. Buchwald because of various stressors in his life. These included: his financial problems starting in 2006 after he lost a major case; his father's death in 2006 followed by his uncle's death in 2007; his role as the sole caretaker for his mother after she was diagnosed with cancer in 2008 until her death that same year; and the foreclosure of his home in 2009.

Next, Stannard established that those difficulties were "directly responsible for the misconduct." (Std. 1.2(e)(iv).) When he resumed therapy in 2011, Dr. Buchwald found Stannard to be extremely anxious, depressed, and feeling hopeless. His adjustment disorder was more severe and his mental state was so fragile that he seemed paralyzed and could not make many decisions. Those decisions he did make were unsound. She stated he "was engaged in a lot of avoidance behavior." Dr. Buchwald testified that a person diagnosed with adjustment disorder feels overwhelmed and suffers impaired social and occupational functioning. By definition, this person does not make sound decisions. In *Stannard I*, Dr. Buchwald testified that Stannard's "misappropriation of client funds [was] a foreseeable consequence of [his] adjustment disorder." After learning of his additional misconduct, she testified in *Stannard II* that his "disorder and all the stressful factors . . . caused the misconduct. . . ."

Finally, Stannard sufficiently established his rehabilitation. Dr. Buchwald testified that Stannard is "no longer suffering from this adjustment disorder" since undergoing continuous weekly therapy sessions starting in March 2011. She believes that Stannard now possesses tools

obtained through therapy to deal with life's stressors. She observed that Stannard is functioning at a very high level, is proactive, and makes sound decisions. He also has a strong support system in place. Because of Stannard's successful recovery from adjustment disorder, Dr. Buchwald currently focuses Stannard's treatment on relapse prevention.

This evidence supports a finding that Stannard suffered from extreme emotional difficulties at the time of his misconduct, the difficulties contributed to his misconduct, and he has currently controlled the disorder. Accordingly, we consider his emotional difficulties to be a significant factor in mitigation.

3. Cooperation (Std. 1.2(e)(v))

Stannard stipulated to culpability in *Stannard I* and *Stannard II*, which normally deserves extensive weight in mitigation. (*In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179, 190 [more extensive weight in mitigation accorded those who admit culpability as well as facts].) As discussed above, we reduce this factor's weight due to Stannard's prior failure to cooperate during the State Bar's investigations and the pretrial proceedings in *Stannard I*. However, when balancing the two factors, his willingness to stipulate to culpability on all counts outweighs his prior failures to cooperate.

4. Good Character (Std. 1.2(e)(vi))

Standard 1.2(e)(vi) provides mitigation for "an extraordinary demonstration of good character of the member attested to by a wide range of references in the legal and general communities . . . ." Stannard presented four character witnesses in *Stannard I*, three attorneys and the founder of a nonprofit domestic violence recovery program. Each lauded his legal acumen and character for honesty despite their knowledge of his misconduct in the Malow matter. Two witnesses described how Stannard's pro bono work with domestic violence programs helped several needy clients. Three witnesses re-testified in *Stannard II*. They

retained their high opinion of Stannard despite learning he committed additional misconduct in the Walczak and Otubuah matters. Two additional attorneys and a longtime friend (an engineer) testified to his good character in *Stannard II*. While we do not find the testimonials to be extraordinary or compelling, the seven character witnesses (five attorneys, nonprofit founder, and friend) do satisfy the minimum threshold for consideration in mitigation. (*In the Matter of Myrdall* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 363, 387 [three clients and three attorneys entitled to limited mitigating weight because not broad range of references in legal and general communities].)

5. Remorse (Std. 1.2(e)(vii))

In *Stannard I*, the hearing judge afforded Stannard some mitigation for remorse. Stannard reimbursed Malow more than she was owed to compensate for the delay in payment and he "had paid in full all [outstanding medical] charges for which he was aware of before the disciplinary proceeding commenced." The State Bar correctly disputes the latter finding as Stannard did not pay five of Malow's medical providers until March 2011, several months after his disciplinary proceeding commenced.

In *Stannard II*, the hearing judge declined to find that Stannard displayed remorse because he had the financial means to pay Walczak and Otubuah, but delayed at least four months until August 2011 to do so. However, while his delay in payment significantly reduces the weight given, we find his payments support a finding of remorse because he did make restitution. (*In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 519 [restitution paid after complaint not "significantly mitigating"].) In addition, Stannard repeatedly testified he was at fault for what happened to his clients and that they deserved better. We find that Stannard is remorseful and accepts responsibility for his misconduct, for which he is entitled to modest weight in mitigation.

6. Community Service/Pro Bono

Stannard's community service is a strong mitigating factor. (*Schneider v. State Bar* (1987) 43 Cal.3d 784, 799.) He served as a volunteer arbitrator for approximately eight years and a volunteer mediator for approximately four years. During his service, Stannard handled one case per month. He also volunteered for approximately four years on a Citizen Advisory Panel. The panel made recommendations to the city council regarding proposed land use and development. Finally, Stannard volunteered for approximately three years at a domestic violence clinic and provided pro bono representation for eight domestic violence victims.

III. LEVEL OF DISCIPLINE

The purpose of attorney discipline is not to punish the attorney, but to protect the public, the courts and the legal profession, to preserve public confidence in the profession and to maintain high professional standards for attorneys. (Std. 1.3.) Since this matter consists of two separate trials involving contemporaneous misconduct, we "consider the totality of the findings in the two cases to determine what the discipline would have been had all the charged misconduct in this period been brought as one case." (*In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 619.) Stannard's combined misconduct spanned more than six years and included misappropriating over $68,000 from three clients.

Our analysis begins with the standards, and the most relevant here is 2.2(a).[9] This standard calls for disbarment when a member misappropriates entrusted funds unless "the amount of funds or property misappropriated is insignificantly small or if the most compelling

[9] Multiple standards apply and call for a broad range of discipline: 1.6(a) instructs the most severe sanction applies when multiple acts of misconduct call for different sanctions; 2.2(b) imposes a three-month actual suspension for failing to maintain client funds in trust; 2.3 imposes actual suspension or disbarment for misconduct involving moral turpitude, fraud, or intentional dishonesty; 2.4(b) imposes reproval or suspension for failing to communicate with a client; 2.6(a) imposes suspension or disbarment for failure to cooperate with State Bar investigations; and 2.10 calls for reproval or suspension for failure to provide a client accounting.

mitigating circumstances clearly predominate . . . ." Stannard misappropriated a significant sum. Consequently, to avoid disbarment under the standard, he must prove that the most compelling mitigating circumstances clearly predominated in this case. We conclude he has not met his heavy burden.

Stannard argues disbarment is punitive because his misconduct is aberrational and the direct result of his severe emotional difficulties. To the contrary, Stannard's misconduct began as early as March 2005 when he commingled funds in his CTA. It continued when he failed to promptly pay Malow in 2006, and escalated when he misappropriated funds from all three clients from 2009 to 2011. Thus, Stannard's misconduct is neither isolated nor aberrational.

Although we do not discount Stannard's emotional difficulties or his other factors in mitigation, these factors are not sufficiently compelling and do not predominate when weighed against his serious misconduct and the aggravating factors. During the course of legal practice, many attorneys may experience financial and emotional difficulties comparable to Stannard's. "While these stresses are never easy, we must expect attorneys to cope with them without engaging in dishonest activities . . . . 'It is precisely when the attorney's need or desire for funds is greatest that the need for public protection . . . is greatest.' [Citation.]" (*In the Matter of Spaith, supra,* 3 Cal. State Bar Ct. Rptr. at p. 522.)

Stannard's "wilful misappropriation of client funds is theft. [Citation.]" (*Howard v. State Bar* (1990) 51 Cal.3d 215, 221.) "[T]aking a client's money . . . is one of the most serious breaches of professional trust that a lawyer can commit." (*Ibid*.) Thus, in view of the facts unique to this case and consistent with relevant case law,[10] we find disbarment necessary to protect the public, the courts and the legal profession.

[10] Several cases compel Stannard's disbarment. (*Grim v. State Bar* (1991) 53 Cal.3d 21 [disbarred for misappropriating $5,546, despite good character and cooperation]; *Kaplan v. State Bar* (1991) 52 Cal.3d 1067 [disbarred for misappropriating $29,000 from his law firm and lying

IV. RECOMMENDATION AND ORDER

We recommend that Gregory Fulton Stannard, member no. 108674, be disbarred from the practice of law in the State of California and that his name be stricken from the roll of attorneys admitted to practice in this state.

We recommend that Stannard be ordered to comply with California Rules of Court, rule 9.20 and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively after the effective date of the Supreme Court order in this matter.

We recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and that such costs be enforceable as provided in Business and Professions Code section 6140.7 and as a money judgment.

The hearing department ordered Stannard involuntarily enrolled as an inactive member of the State Bar as required by section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D). The involuntary inactive enrollment became effective on April 15, 2012, and Stannard has remained on involuntary inactive enrollment since that time and will remain on involuntary inactive enrollment pending the final disposition of this proceeding.

REMKE, P. J.

WE CONCUR:

EPSTEIN, J.
PURCELL, J.

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about it, despite over 10 years of discipline-free practice]; *Weber v. State Bar* (1988) 47 Cal.3d 492 [disbarred for misappropriating over $24,000, attempting to conceal theft, displaying contempt for State Bar proceeding and lack of remorse, despite over 13 years of discipline-free practice]; *Gordon v. State Bar* (1982) 31 Cal.3d 748 [disbarred for misappropriating over $27,000, despite 13 years of discipline-free practice, financial difficulties, emotional difficulties due to divorce, remorse, and lack of harm]; *In the Matter of Spaith, supra,* 3 Cal. State Bar Ct. Rptr. 511 [disbarred for misappropriating $40,000, aggravated by client harm and uncharged misconduct, despite 15 years of discipline-free practice, emotional problems, restitution, remorse, good character, cooperation by stipulating to culpability and community service].)