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State Bar Court of California Hearing Department			PUBLIC MATTER
<p>Counsel For The State Bar Eli D. Morgenstern Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015-2299 Bar # 190560 Tel. (213) 765-1334</p>	<p>Case Number (s) 08-O-11747</p>	<p>(for Court's use)</p> <div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">FILED</div> <div style="font-size: 1.5em; font-weight: bold; margin-top: 10px;">JUN 02 2010</div> <div style="font-size: 0.8em; font-weight: bold; margin-top: 5px;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>	
<p>Phillip Feldman, Esq. Law Office of Phillip Feldman 14401 Sylvan Street, Suite 208 Van Nuys, California 91401 Bar # 40792 Tel. (818) 986-9890</p>	<p>Submitted to: Assigned Judge</p>		
<p>In the Matter Of: RALPH JOSEPH LEECH Bar # 77146 A Member of the State Bar of California (Respondent)</p>	<p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input checked="" 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 December 21, 1977.
- (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 entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (14) 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."
- (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.

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004; 12/13/2006.)

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(8) **Payment of Disciplinary Costs**—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
- costs to be paid in equal amounts prior to February 1 for the following membership years:
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- costs entirely waived

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
 - (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 11 for explanation re: Harm.
- (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:

(Do not write above this line.)

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. See page 11 for explanation re: No Prior Discipline.
- (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. See page 12 for explanation re: Candor/Cooperation.
- (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. See page 12 for explanation re: Emotional Difficulties.
- (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. See page 12 for explanation re: Family Problems.
- (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:

- (1) **Stayed Suspension:**

(Stipulation form approved by SBC Executive Committee 10/18/00. Revised 12/18/2004; 12/13/2008.)

Actual Suspension

(Do not write above this line.)

- (a) Respondent must be suspended from the practice of law for a period of one (1) year.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:
- (b) The above-referenced suspension is stayed.
- (2) Probation:
Respondent must be placed on probation for a period of one (1) year, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3) Actual Suspension:
- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of thirty (30) days.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/18/2004; 12/13/2006.)

Actual Suspension

(Do not write above this line.)

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

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason:
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **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.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she 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 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004; 12/13/2006.)

Actual Suspension

(Do not write above this line.)

- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

In the Matter of
RALPH JOSEPH LEECH
Member #77146

Case number(s):
08-O-11747

A Member of the State Bar

NOLO CONTENDERE PLEA TO STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

Bus. & Prof. Code § 6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a Notice of Disciplinary Charges or other pleading which initiates a disciplinary proceeding against a member:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) **Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere shall be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court shall find the member culpable. The legal effect of such a plea shall be the same as that of an admission of culpability for all purposes, except that the plea and any admission required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based. (Added by Stats. 1996, ch. 1104.) (emphasis supplied)**

Rule 133, Rules of Procedure of the State Bar of California **STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

(a) A proposed stipulation as to facts, conclusions of law, and disposition must set forth each of the following:

...

- (5) a statement that Respondent either
 - (i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or
 - (ii) **pleads nolo contendere to those facts and violations. If the Respondent pleads nolo contendere, the stipulation shall include each of the following:**
 - (a) **an acknowledgement that the Respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation; and**
 - (b) **if requested by the Court, a statement by the Deputy Trial Counsel that the factual stipulations are supported by evidence obtained in the State Bar Investigation of the matter (emphasis supplied)**

I, the Respondent in this matter, have read the applicable provisions of Bus. & Prof. Code § 6085.5 and rule 133(a)(5) of the Rules of Procedure of the State Bar of California. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea must be considered the same as an admission of culpability except as state in Business and Professions Code section 6085.5(c).

Date 5/21/10

Signature 

RALPH J. LEECH
Print Name

(Nolo Contendere Plea form approved by SBC Executive Committee 10/22/1997. Revised 12/16/2004; 12/13/2006.)

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:	RALPH JOSEPH LEECH
CASE NUMBER(s):	08-O-11747-RAH

FACTS AND CONCLUSIONS OF LAW.

Respondent pleads nolo contendere to the following facts and violations. Respondent understands that the plea for nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the Rules of Professional Conduct specified herein.

Facts

1. During the period from in or about September 2003 until in or about August 2007, Respondent employed Mark Weber ("Weber") to work as a legal secretary/legal assistant in Respondent's law office.
2. At all times relevant herein, the Hon. Richard Van Dusen (Ret.) ("Judge Van Dusen") was Respondent's close friend and former law partner. Judge Van Dusen frequently visited Respondent's office. As a result of the visits, Judge Van Dusen met Weber. Over the course of several years, Judge Van Dusen and Weber developed a social relationship. Judge Van Dusen and his family met with Weber socially on several occasions.
3. Unbeknownst to Respondent and his employees, and Judge Van Dusen and his family, Weber was a disbarred attorney. Throughout the tenure of his employment with Respondent, Weber concealed the fact of his disbarment as he developed the respect and confidence of Respondent and his employees, and Judge Van Dusen and his family.
4. In or about February 2006, Judge Van Dusen became the trustee of the William R. Van Dusen Trust A ("Trust A") and the William R. Van Dusen Trust B ("Trust B"). Judge Van Dusen and his two adult siblings were the beneficiaries of the trusts.
5. In or about February 2007, Judge Van Dusen retired from the bench. At the time of his retirement, Judge Van Dusen was an experienced and competent jurist and lawyer. Judge Van Dusen assumed his duties as trustee of Trust A and Trust B prior to employing counsel.
6. On February 14, 2006, prior to employing, and without the advice of, counsel, Judge Van Dusen opened a checking account for Trust A at Washington Mutual Bank, account no. xxxx544-4

("Trust A checking account").¹ Judge Van Dusen placed Weber's name on the Trust A checking account and Weber's name appeared on the account's checks. Judge Van Dusen listed Respondent's office address as the address for the Trust A checking account. The monthly statements pertaining to the Trust A checking account, but not the cancelled checks, were mailed to Respondent's office. However, Weber collected and maintained the monthly statements on behalf of Judge Van Dusen since Judge Van Dusen had not employed Respondent. Judge Van Dusen and Weber administered the Trust A checking account since Judge Van Dusen had not employed Respondent.

7. On or about February 14, 2006, prior to employing, and without the advice of counsel, Judge Van Dusen also opened a checking account for Trust B at Washington Mutual Bank, account no. xxxx543-6 ("Trust B checking account").² Judge Van Dusen listed Respondent's office address as the address for the Trust B checking account. The monthly statements pertaining to the Trust B checking account, but not the cancelled checks, were mailed to Respondent's office. However, Weber collected and maintained the monthly statements on behalf of Judge Van Dusen since Judge Van Dusen had not employed Respondent. Judge Van Dusen and Weber administered the Trust B checking account since Judge Van Dusen had not employed Respondent.

8. On or about April 16, 2006, Judge Van Dusen hired Respondent's law office to provide legal services in connection with the administration of Trusts A and B. Thereafter, Respondent assumed his duties as the attorney for the trustee, including preparation and filing of all pertinent court documents and making all requisite court appearances. Respondent continued his representation until Judge Van Dusen's death.

9. Respondent assigned Weber to perform work on Trust A and Trust B matters. However, Respondent did not bill Judge Van Dusen for Weber's time.

10. In or about September 2006, Judge Van Dusen was diagnosed with cancer.

11. In or about January or February 2007, Respondent and Weber visited Judge Van Dusen at his home. Weber brought with them the checkbooks for the Trust A and Trust B checking accounts. At that time, Judge Van Dusen pre-signed several blank checks from Trust A and Trust B checking accounts to enable payment of trust expenses.

12. After the visit and pursuant to Respondent's instructions, the checkbooks from the Trust A and Trust B checking accounts were placed in a locked file cabinet at Respondent's office accessible to all of the law firm's full-time employees.

13. By taking control over the checkbooks for the Trust A and Trust B checking accounts, including the pre-signed checks, Respondent assumed a duty to administer properly those accounts on behalf of Judge Van Dusen.

¹ The complete account number has been omitted due to privacy concerns.

² The complete account number has been omitted due to privacy concerns.

(Do not write above this line.)

14. Judge Van Dusen and Respondent permitted Weber to pay the expenses of Trust A and Trust B from the checking accounts, knowing that Weber had access to the pre-signed checks. During the period from in or about February and July 2007, Respondent did not review the checkbooks or the bank statements for Trust A and Trust B to ensure that the accounts were being properly administered by Weber.

15. Judge Van Dusen died on or about March 9, 2007. At the time of his death, Weber had embezzled \$101,655.

16. Between in or about February 2007 and July 2007, Weber embezzled a grand total of \$252,155 from Trusts A and B by negotiating the following pre-signed checks that were made payable to Weber as payee:

Date	Account	Check No.	Amount
02/08/07	Trust A	1123	\$18,775
02/09/07	Trust A	1124	\$12,100
02/13/07	Trust A	1125	\$14,500
02/17/07	Trust A	1128	\$23,115
02/28/07	Trust A	1135	\$33,165
05/04/07	Trust B	131	\$14,500
05/11/07	Trust A	1130	\$28,965
05/19/07	Trust A	1131	\$28,985
05/30/07	Trust A	1132	\$24,850
06/20/07	Trust A	1133	\$31,200
07/27/07	Trust A	1134	\$17,000
07/27/07	Trust B	132	\$5,000

17. Respondent did not receive any of the funds embezzled by Weber.

Conclusions of Law

By delegating to Weber the payment of expenses from the bank accounts for Trust A and Trust B without adequately supervising the administration of the bank accounts so as to allow Weber to embezzle funds from those over a period of months, Respondent failed to perform legal services with competence in violation of rule 3-110(A) of the Rules of Professional Conduct.

DISMISSALS.

The parties respectfully request that the Court dismiss the following alleged violation in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
08-O-11747	One	Rule 4-100(B)(2) of the Rules of Professional Conduct

WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY.

The parties waive any variance between the Notice of Disciplinary Charges ("NDC") herein filed on December 19, 2008, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive any variance between the proposed, First Amended Notice of Disciplinary Charges ("First Amended NDC"), which was lodged concurrently with the State Bar's Motion to Amend NDC, and the facts and/or conclusions of law contained in this stipulation. The State Bar's Motion to Amend NDC was filed on March 19, 2010. On April 10, 2010, the Court issued its order granting the State Bar's Motion to Amend NDC. The parties waive the issuance of an amended Notice of Disciplinary Charges.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was May 19, 2010.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that as of May 19, 2010, the prosecution costs in this matter are \$3,654. 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.

AGGRAVATING CIRCUMSTANCES.

1. Harm

Respondent's failure to properly supervise Weber over a period of several months enabled Weber to embezzle over \$250,000 from Trusts A and B. Respondent's misconduct caused significant harm to the beneficiaries of Trusts A and B. (Std. 1.2(b)(iv).)

MITIGATING CIRCUMSTANCES.

1. No Prior Record of Discipline

Even though the instant misconduct cannot be deemed "not serious", Respondent has been a member of the State Bar since December 21, 1977, and has no prior record of discipline. This is a significant mitigating circumstance. (Std. 1.2(e)(i). *See also, In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49.)

2. Emotional Difficulties/Family Problems

Respondent's failure to adequately supervise the administration of the Trust A and Trust B bank accounts was caused in significant part by his pre-occupation with serious health issues affecting various family members, best friend, and himself. In 2006, Respondent's sister passed away. Respondent spent a considerable amount of time after his sister's death attending to her family.

In February 2007, the husband of Respondent's daughter was diagnosed with brain cancer. During the month of February 2007, Respondent visited his son-in-law on a daily basis at the hospital. In March 2007, Judge Richard Van Dusen, Respondent's former law partner and close friend, died of cancer. (See, paragraph 10 above:) Respondent's younger sister died of liver and colon cancer in April 2007. Prior to her death, Respondent spent a significant amount of his time attending to her. After her death, Respondent also attended to the needs of her children, who are his nieces and nephews.

In addition, Respondent has lived with his own prostate cancer which has required multiple medical procedures, some of which required multiple trips to Germany.

Respondent's own health problems, and those of his family and close friend, caused Respondent to experience severe depression. After the misconduct described herein, Respondent joined the Legal Assistance Program ("LAP"). Respondent did not take any measures to treat his depression prior to joining LAP. Respondent joined LAP because he realized that his depression contributed to his failure to competently supervise Weber. Respondent also felt remorse for the harm that occurred to the beneficiaries of Trust A and Trust B as a result of his inattention.

Respondent has been a participant in LAP for 15 months; he has consulted with the psychologist recommended by LAP on four occasions as well as regularly attended his group sessions.

Respondent has benefitted from the therapy that he has received in LAP. In addition, Respondent's own cancer is in remission which has also contributed to Respondent's efforts to combat the depression that he suffered during the time that the misconduct herein occurred. These emotional difficulties and Respondent's successful efforts to address them are mitigating circumstances. (Std. 1.2(e)(iv).)

3. Candor and Cooperation.

Respondent's agreement to enter into this stipulation is a mitigating circumstance. (Std. 1.2(e)(v).)

OTHER FACTORS IN CONSIDERATION.

1. The Circumstances Surrounding Weber's Hiring

Weber was interviewed on more than one occasion by Respondent prior to Weber's employment. Weber made the best showing of the several candidates interviewed for the position. Notably, in

response to a question regarding a gap in his employment, Weber represented that he had donated an organ to his father. This is apparently a true story.

During the four years that Weber worked at Respondent's law office, and prior to the embezzlement, Weber had earned the respect of Respondent and his colleagues.

2. Respondent Reported Weber to the Police

On Friday, July 27, 2007, Weber claimed that he was ill and left Respondent's office at about 3:30 p.m. Thereafter, Weber never returned to the office.

Over the course of the next two weeks, Respondent attempted to contact Weber by telephone, and went to Weber's home. But, at no time was Respondent able to speak with, or locate, Weber. After about two weeks, Respondent filed a missing persons report with the El Monte Police Department.

On Monday, August 13, 2007, Respondent discovered that the checks from the Trust A and Trust B checking accounts, which are identified in paragraph 15 above, were missing. On the same day, Respondent reported the theft to the El Monte Police Department. Respondent was never a suspect in the embezzlement of the funds from the Trust A and Trust B checking accounts.

Subsequently, a criminal complaint was filed against Weber. However, Weber is a fugitive believed to be in Thailand.

3. The Civil Matter

On November 12, 2008, two of the three beneficiaries (Judge Van Dusen's siblings, but not Judge Van Dusen's wife) filed an action against Respondent's law firm. The principal counts against Respondent's law firm involve Negligent Hiring, Negligent Retention, and Respondent Superior. On May 27, 2010, a hearing on the plaintiffs' motion to amend the complaint to include counts of Negligent Supervision and Breach of Fiduciary Duty is set to be heard. A final status conference is set for July 25, 2010, and the trial is set to commence in August 2010.

Respondent maintains errors and omissions coverage with a recognized insurance carrier.

4. There is A Low Probability of Future Harm to the Public

For many years, approximately 40% of Respondent's practice has been in the field of wills, trusts, and probate. Over the years, Respondent has served as trustee of several trusts. But, the vast majority of the time Respondent serves as counsel for trustees and executors.

The only time that Respondent, in his capacity as the attorney for the trustee, prepared checks, or permitted anyone in his firm to prepare checks, for a trustee, was when he did so while representing Judge Van Dusen. On all prior occasions, Respondent has required the trustees for whom he has served as counsel, to perform the ministerial functions of the trust on their own. Ironically, and sadly, Respondent made the exception in this instance, because Judge Van Dusen was a close friend and

former law partner. Respondent had never previously accepted pre-signed checks (or documents) from any client and will never do so again in the future.

Respondent employs a full-time book-keeper, as well as an outside CPA. With their assistance, Respondent has re-enforced long-standing and validated trust account procedures to protect his clients' funds. Through strict compliance with the trust account rules and practices, Respondent is committed to preventing any further misconduct with respect to his clients' funds.

AUTHORITIES SUPPORTING DISCIPLINE

1. Standards

Standards 2.4(b) of the Standards for Attorney Sanctions for Professional Misconduct ("Standards") apply to this proceeding.

Standard 2.4(b) provides, in pertinent part, that: "Culpability of a member of willfully failing to perform services in an individual matter . . . shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.

Here, Respondent failed to properly supervise Weber for a period of several months. As a result of Respondent's inadequate supervision, Weber was able to embezzle over \$250,000 from Trusts A and B. The long period of time during which Respondent did not properly supervise Weber and the harm that resulted from it, warrants a period of actual suspension notwithstanding Respondent's many years of discipline free practice and the other mitigating circumstances discussed above.

STATE BAR ETHICS SCHOOL.


Because Respondent has agreed to attend State Bar Ethics School as part of this stipulation, he may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

(Do not write above this line.)

In the Matter of RALPH JOSEPH LEECH Member #77146	Case number(s): 08-O-11747
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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 Fact, Conclusions of Law and Disposition.

<u>5-21-10</u> Date	 Respondent's Signature	<u>RALPH J. LEECH</u> Print Name
<u>5-25-10</u> Date	<u>Phillip Feldman</u> Respondent's Counsel Signature	<u>PHILLIP FELDMAN</u> Print Name
<u>5-27-10</u> Date	<u>El D. Morgenstern</u> Deputy Trial Counsel's Signature	<u>ELI D. MORGENSTERN</u> Print Name

(Do not write above this line.)

In the Matter Of RALPH JOSEPH LEECH Member #77146	Case Number(s): 08-O-11747
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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 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 135(b), 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.)

5-28-10
Date


Judge of the State Bar Court

RICHARD A. HONN

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 June 2, 2010, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING

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:

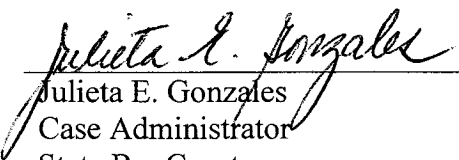
RALPH JOSEPH LEECH ESQ
LEECH & ASSOCIATES
11001 VALLEY MALL
EL MONTE, CA 91731

PHILLIP FELDMAN ESQ
LAW OFFICE OF PHILLIP FELDMAN
14401 SYLVAN ST STE 208
VAN NUYS, CA 91401

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

Eli D. Morgenstern, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 2, 2010.



Julieta E. Gonzales
Case Administrator
State Bar Court