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ORIGINAL

**State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION**

<p>Counsel For The State Bar</p> <p>Kimberly G. Anderson Senior Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-1083</p> <p>Bar # 150359</p>	<p>Case Number(s): 15-O-15941 and 15-O-16019</p>	<p>For Court use only</p> <p>FILED</p> <p>JUL - 5 2016 <i>YK</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p>PUBLIC MATTER</p>
<p>In Pro Per Respondent</p> <p>Richard Eugene Harrold 509 Bobwhite Ct. Bakersfield, CA 93309</p> <p>Bar # 255163</p>	<p>Submitted to: Settlement Judge</p>	
<p>In the Matter of: RICHARD EUGENE HARROLD</p> <p>Bar # 255163</p> <p>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 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 **January 31, 2008**.
- (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".

(Effective July 1, 2015)



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- (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):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **Costs to be paid in equal amounts prior to February, for the first three billing cycles following the effective date of the Supreme Court order.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
- (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) **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.
- (4) **Concealment:** Respondent's misconduct was surrounded by, or followed by, concealment.
- (5) **Overreaching:** Respondent's misconduct was surrounded by, or followed by, overreaching.
- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7) **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.

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- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See Stipulation Attachment at page 10.
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) **Restitution:** Respondent failed to make restitution.
- (14) **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(i) & 1.6]. 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 likely to recur.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigations and proceedings. **See Stipulation Attachment at page 10.**
- (4) **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct. **See Stipulation Attachment at page 10.**
- (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 with a good faith belief that was honestly held and objectively reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental 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 the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

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- (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 extraordinarily 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:

Pre-Filing Stipulation - See Stipulation Attachment at page 11.

Pro Bono Activities and Community Service - See Stipulation Attachment at page 11.

D. Discipline:

- (1) **Stayed Suspension:**
- (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 fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) 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 **three (3) years**, 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 fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), 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 present learning and ability in the general law, pursuant to standard 1.2(c)(1), 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 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 5.162(A) & (E), 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.
- (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:** Respondent will be deemed to have satisfied his Ethics School probation condition as set forth in paragraph E, subsection (8), page 5, by providing to the Office of Probation satisfactory proof of having attended a session of Ethics School and having passed the test at the end of that session, subsequent to the filing of this Stipulation, but prior to the effective date of the Supreme Court order imposing discipline herein. Respondent also will be deemed to have satisfied the condition that he pass the Multistate Professional Responsibility Examination (MPRE), as required in paragraph F, subsection (1), page 6, by showing proof of passage of the MPRE administered subsequent to the filing of this Stipulation, but prior to the effective date of the Supreme Court order imposing discipline herein.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: RICHARD EUGENE HARROLD

CASE NUMBERS: 15-O-15941 and 15-O-16019

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. 15-O-15941 and 15-O-16019 (State Bar Investigations)

FACTS:

1. On July 7, 2015, the State Bar of California Office of Member Records and Compliance (“Membership Records Office”) sent Respondent a letter at his State Bar Membership Records address at the Office of the Kern County Office District Attorney stating that Respondent had been selected for an audit of his Mandatory Continuing Legal Education (“MCLE”) Compliance for the compliance period from February 1, 2012 through January 1, 2015. The letter directed Respondent to provide proof that he had complied with the 25 hour MCLE requirements for that period by no later than August 21, 2015. The letter also stated that failure to submit adequate proof of compliance by August 21, 2015 would result in a \$75 penalty for late compliance, and the issuance of a 60 day Notice of Non-Compliance. The letter also advised that failure to submit adequate proof of compliance and pay the late fee by the final deadline of October 30, 2015 would result in immediate placement on Not Eligible to Practice status until the State Bar received a) submission of proof of compliance, b) payment of the \$75 non-compliance fee and c) payment of an additional \$200 reinstatement fee. The letter came in an envelope with red lettering on the outside stating “MCLE AUDIT CORRESPONDENCE.” Respondent received the letter, but did not open it, did not read it and did not respond to it.

2. On August 31, 2015, the Membership Records Office sent Respondent a second letter at his State Bar Membership Records address at the Office of the Kern County District Attorney stating that it had not received his complete MCLE Audit submission, which was originally due by August 21, 2015. In the letter, the Membership Records Office warned Respondent that failure to submit adequate proof of compliance and pay the late fee by the final deadline of October 30, 2015 would result in immediate placement on Not Eligible to Practice status until the State Bar received a) submission of proof of compliance, b) payment of the \$75 non-compliance fee and c) payment of an additional \$200 reinstatement fee. The letter came in an envelope with red lettering on the outside stating “MCLE AUDIT CORRESPONDENCE.” Respondent received the letter, but did not open it, did not read it and did not respond to it.

3. On October 5, 2015, the Membership Records Office sent Respondent a third letter at his State Bar Membership Records address at the Office of the Kern County District Attorney stating that it had still not received his complete MCLE Audit submission, which was originally due by August 21, 2015. In the letter, the Membership Records Office warned Respondent that failure to submit adequate proof of compliance and pay the late fee by the final deadline of October 30, 2015 would result in immediate

placement on Not Eligible to Practice status until the State Bar received a) submission of proof of compliance, b) payment of the \$75 non-compliance fee and c) payment of an additional \$200 reinstatement fee. The letter came in an envelope with red lettering on the outside stating "MCLE AUDIT CORRESPONDENCE." Respondent received the letter, but did not open it, did not read it and did not respond to it.

4. The Membership Records Office also sent Respondent four emails on July 9, 2015, August 21, 2015, October 19, 2015 and October 29, 2015, advising him that he had been selected for an MCLE Audit, and that he would be placed on Not Entitled Status if he did not comply with the MCLE Audit. Respondent received each of the emails on his work email account, but he did not open any of them. Had Respondent opened the three letters and the four emails from the Membership Records Office, he would have known he was going to be placed on Not Entitled status on October 30, 2015. Respondent's failure to open the three letters and four emails from the Membership Records Office was grossly negligent.

5. On October 31, 2015, when Respondent had still not submitted his MCLE Audit materials and he had not paid the \$75 late fee, Respondent was placed on Not Entitled Status. Respondent remained on Not Entitled Status between October 31, 2015 and November 18, 2015, due to his failure to respond to the random State Bar audit regarding his MCLE compliance.

6. Between November 2, 2015 and November 16, 2015, Respondent held himself out as entitled to practice law and actually practiced law when Respondent was not an active member of the State Bar by appearing as on behalf of his client, the People of the State of California, in the following cases:

- On November 2, 2015, Respondent appeared at an arraignment in the case entitled *People of the State of California v. Frederick Cruz*, Kern County Superior Court Case No. DF012167A;
- On November 2, 2015, Respondent appeared at an arraignment in the case entitled *People of the State of California v. James Johnson*, Kern County Superior Court Case No. DF012167B;
- On November 2, 2015, Respondent appeared at a sentencing hearing in the case entitled *People of the State of California v. Eugene Clapps*, Kern County Superior Court Case No. SF017980A;
- On November 5, 2015, Respondent attended and conducted a preliminary hearing in the case entitled *People of the State of California v. Victor Madrigal*, Kern County Superior Court Case No. DF012146A;
- On November 5, 2015, Respondent appeared at a sentencing hearing which was continued in the case entitled *People of the State of California v. Max Bangalisian Brown*, Kern County Superior Court Case No. DF012071A;
- On November 5, 2015, Respondent appeared at a preliminary hearing which was continued in the case entitled *People of the State of California v. Kevin Jones*, Kern County Superior Court Case No. DF012145A;
- On November 5, 2015, Respondent appeared at a preliminary hearing which was continued in the case entitled *People of the State of California v. Michael Meadows*, Kern County Superior Court Case No. DF012011B;

- On November 5, 2015, Respondent appeared at a preliminary hearing in the cases entitled *People of the State of California v. Jose Mendoza and Jaime Vidales*, Kern County Superior Court Case Nos. DF012153A and DF012153B and he dismissed the case against Defendant Mendoza and accepted a plea from Defendant Vidales;
- On November 5, 2015, Respondent appeared at a competency hearing which was continued in the case entitled *People of the State of California v. Carlton Sims*, Kern County Superior Court Case No. DF012160A;
- On November 5, 2015, Respondent appeared at a readiness conference which was continued on the defendant's motion in the case entitled *People of the State of California v. Gilbert Cruz*, Kern County Superior Court Case No. DF011958A;
- On November 5, 2015, Respondent appeared at a motion to strike prior convictions and sentencing hearing which was continued in the case entitled *People of the State of California v. Jason Velasquez*, Kern County Superior Court Case No. DF012110A;
- On November 5, 2015, Respondent appeared at an arraignment in the case entitled *People of the State of California v. Maureen Moore*, Kern County Superior Court Case No. DF012011A;
- On November 6, 2015, Respondent appeared at a readiness conference which was continued in the case entitled *People of the State of California v. Ira Kurney*, Kern County Superior Court Case No. DF012088A;
- On November 6, 2015, Respondent appeared at a readiness conference which was continued in the case entitled *People of the State of California v. Ira Kurney*, Kern County Superior Court Case No. DF012088A;
- On November 6, 2015, Respondent appeared at a readiness conference which was continued in the case entitled *People of the State of California v. Brian Espritt*, Kern County Superior Court Case No. SF018186A;
- On November 6, 2015, Respondent appeared at a readiness conference which was continued in the case entitled *People of the State of California v. Rande Williams*, Kern County Superior Court Case No. SF018186B;
- On November 6, 2015, Respondent appeared at a readiness conference which was continued in the case entitled *People of the State of California v. Felix Poke*, Kern County Superior Court Case No. SF018186C;
- On November 9, 2015, Respondent appeared at an arraignment in the case entitled *People of the State of California v. Darrell Taylor*, Kern County Superior Court Case No. DF012134A;
- On November 9, 2015, Respondent appeared at an arraignment in the case entitled *People of the State of California v. Harutyun Abramyan*, Kern County Superior Court Case No. DF012138A;
- On November 9, 2015, Respondent appeared at an arraignment in the case entitled *People of the State of California v. Kyle Johnson*, Kern County Superior Court Case No. DF012048A;

- On November 9, 2015, Respondent appeared at a competency hearing in the case entitled *People of the State of California v. Greg Robinson*, Kern County Superior Court Case No. DF011748A; and
- On November 16, 2015, Respondent appeared at a hearing on the jury trial calendar where the case was trailed due to unavailability of a courtroom in the case entitled *People of the State of California v. Michael John*, Kern County Superior Court Case No. SM113550A.

7. Respondent was grossly negligent in not opening his mail and his email from the State Bar. Had he opened the correspondence from the State Bar, he would have known of his Not Entitled status.

CONCLUSIONS OF LAW:

8. By appearing on November 2, 2016, November 5, 2016, November 6, 2016, November 9, 2016 and November 16, 2016 at a total of the 21 hearings on behalf of the People of the State of California, in violation of Business and Professions Code, sections 6125 and 6126 while he was on Not Entitled Status, Respondent thereby willfully violated Business and Professions Code, section 6068(a).

9. By appearing on November 2, 2016, November 5, 2016, November 6, 2016, November 9, 2016 and November 16, 2016 at a total of the 21 hearings on behalf of the People of the State of California, when Respondent knew, or was grossly negligent in not knowing, Respondent was not an active member of the State Bar, Respondent thereby committed acts involving moral turpitude in willful violation of Business and Professions Code, section 6106.

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent appeared as an attorney in 21 separate matters while he was not entitled to practice law.

MITIGATING CIRCUMSTANCES.

Spontaneous Candor and Cooperation (Std. 1.6(e)): Respondent displayed spontaneous candor and cooperation to the victims of the misconduct. Immediately upon learning of his Not Entitled status, Respondent contacted the State Bar and complied with the MCLE Audit requirements so that his license could be reinstated. Immediately upon learning of his Not Entitled status from his supervisor, Respondent worked with his supervisor to identify all cases he had appeared on while not entitled to practice law, and all parties and judges were notified in those cases. During the State Bar Investigation, Respondent also voluntarily disclosed to the State Bar his appearances in at least three cases where the docket sheets did not reflect Respondent having made the appearances, which the State Bar would not have otherwise known about. Respondent also waived confidentiality so that the State Bar could verify with his employer the information regarding his receipt of the letters and emails sent to him regarding his Not Entitled status.

Remorse (Std. 1.6(g)): Respondent took prompt steps upon learning of his misconduct from his supervisor demonstrating his remorse and recognition of wrongdoing. Respondent immediately assisted his supervisors in providing information to the courts and opposing counsel so that they could raise any objections to Respondent's appearances in the cases while he was not entitled to practice law.

Pre-Filing Stipulation: By entering into this stipulation, Respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

Pro Bono Activities and Community Service: Between 2009 and the present, Respondent has volunteered his time in coaching youth soccer, T-Ball, tackle football and wrestling, and serving on the Quailwood Site Council. Respondent has also served as a volunteer at the YMCA. Pro bono work and community service mitigate an attorney's misconduct. (*Calvert v. State Bar* (1991) 54 Cal.3d 765)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

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.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In this matter, respondent admits to committing two acts of professional misconduct. Standard 1.7(a) requires that where a respondent "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed."

The most severe sanction applicable to respondent's misconduct is found in Standard 2.11, which applies to respondent's violation of Business and Professions Code section 6106. Standard 2.11 provides that:

Disbarment or actual suspension is the presumed sanction for an act of moral turpitude, dishonesty, fraud, corruption, intentional or grossly

negligent misrepresentation, or concealment of a material fact. The degree of sanction depends on the magnitude of the misconduct; the extent to which the misconduct harmed or misled the victim, which may include the adjudicator; the impact on the administration of justice, if any; and the extent to which the misconduct related to the member's law practice.

Standard 2.10(b) also provides guidance as to the appropriate discipline where an attorney engages in the unauthorized practice of law during an administrative, as opposed to, disciplinary suspension. It states:

Suspension or reproof is the presumed sanction when a member engages in the practice of law or holds himself or herself out as entitled to practice law when he or she is on inactive status or actual suspension for non-disciplinary reasons, such as non-payment of fees or MCLE non-compliance. The degree of sanction depends on whether the member knowingly engaged in the unauthorized practice of law.

In the instant case, Respondent's misconduct is troubling in that he appeared in 21 cases as a prosecutor over a two-week period when he should have known he was suspended, but for his failure to open multiple letters and email correspondence from the State Bar. Therefore, some period of actual suspension is warranted given the gravity of the misconduct. When weighing the misconduct and the single aggravating factor against the four mitigating factors which are entitled to significant weight, discipline on the lower range provided by Standard 2.11 is appropriate.

In *In the Matter of Stephine Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, 913-914, the Review Department confirmed that decisional law involving the unauthorized practice of law supports a range of discipline from 30 days' to six months' actual suspension. In *In the Matter of Wells, supra*, the attorney received a six-month actual suspension, but her misconduct was more serious than the Respondent's misconduct in this matter, in that the attorney in *Wells* not only engaged in the unauthorized practice of law, but she also committed additional acts of moral turpitude and dishonesty, she charged illegal fees, and she had a prior record of discipline, which was found to be a significant aggravating factor.

In the instant case, Respondent's misconduct was not nearly as serious as the attorney's misconduct in *Wells* because the unauthorized practice of law and the moral turpitude both arose from Respondent's grossly negligent practice of law while he was not entitled to do so. Respondent's misconduct did not involve additional acts of moral turpitude or dishonesty and Respondent does not have a prior record of discipline. Respondent has also presented impressive mitigation which suggests that he is not likely to repeat this misconduct in the future. While Respondent's misconduct warrants significantly less discipline than the attorney received in *Wells*, a 30-day period of actual suspension is necessary to maintain high professional standards and to protect the public, the courts and the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of June 9, 2016, the prosecution costs in this matter are approximately \$4,551. 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.

EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION (“MCLE”) CREDIT

Respondent may not receive MCLE credit for completion of State Bar Ethics School to be ordered as a condition of suspension. (Rules Proc. of State Bar, rule 3201.)

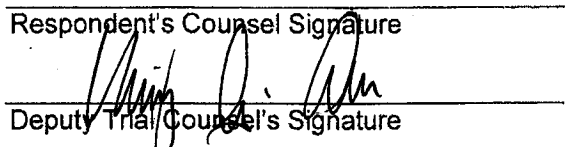
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In the Matter of: RICHARD EUGENE HARROLD	Case number(s): 15-O-15941 and 15-O-16019
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SIGNATURE OF THE PARTIES

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, Conclusions of Law, and Disposition.

6-16-16  Richard E. Harrold
Date Respondent's Signature Print Name

6/21/16  KIMBERLY G. ANDERSON
Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter of: RICHARD EUGENE HARROLD	Case Number(s): 15-O-15941 and 15-O-16019
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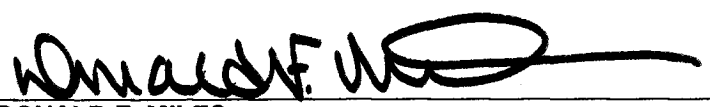
ACTUAL SUSPENSION ORDER

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.)**

7/1/16
Date


DONALD F. MILES
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on July 5, 2016, I deposited a true copy of the following document(s):

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

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 E. HARROLD
509 BOBWHITE CT
BAKERSFIELD, CA 93309**

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

KIMBERLY ANDERSON, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 5, 2016.



Tammy Cleaver
Case Administrator
State Bar Court