


<p>Counsel for the State Bar THE STATE BAR OF CALIFORNIA Office of the Chief Trial Counsel Enforcement Monique T. Miller, No. 212469 Deputy Trial Counsel 1149 South Hill Street Los Angeles, CA 90015-2299</p>	<p>Case number(s) 02-0-10705 02-0-13935</p>	<p>(for Court's use) PUBLIC MATTER FILED JUN 03 2003 STATE BAR COURT CLERKS OFFICE LOS ANGELES</p>
<p>Counsel for Respondent William John Salica 15915 Ventura Blvd., #201 Encino, CA 91436 Tel.: (818) 783-7727</p>	<p>kwiktag® 022 606 954 </p>	<p><i>[Handwritten Signature]</i></p>
<p>In the Matter of Thomas C. Loffarelli Bar # 159724 A Member of the State Bar of California (Respondent)</p>	<p>Submitted to <input checked="" type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted August 21, 1992
 (date)
- (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 and order consist of 14 pages.
- (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) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - costs added to membership fee for calendar year following effective date of discipline
 - costs to be paid in equal amounts prior to February 1 for the following membership years:
2004, 2005 and 2006
 (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth under "Partial Waiver of Costs"
 - costs entirely waived

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

In the Matter of Thomas C. Loffarelli
A Member of the State Bar # 159724

Case Number(s):
02-0-10705
02-0-13935

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 admissions 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 STIPULATIONS AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

(a) A proposed stipulation as to facts, conclusions of law, and disposition shall 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 acknowledgment 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 shall be considered the same as an admission of culpability except as stated in Business and Professions Code section 6085.5(c).

6-03-03
Date

[Signature]
Signature

THOMAS C. LOFFARELLI
print name

(Nolo Contendere Plea form approved by SBC Executive Committee 10/22/97)

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Prior record of discipline [see standard 1.2(f)]

(a) State Bar Court case # of prior case 00-0-10084

(b) date prior discipline effective January 11, 2001 (S092013)

(c) Rules of Professional Conduct/ State Bar Act violations: Business & Professions

Code sections 6103 and 6068(k)

(d) degree of prior discipline One year stayed suspension & one year probation

(e) If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline".

Supreme Court Order S064697 (State Bar Court Case No.96-C-01397):
One year stayed suspension & two years probation for violation
of Penal Code section 166(a) (4) [Violation of a restraining order]-
Discipline effective February 21, 1998.

(2) Dishonesty: Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

(3) Trust Violation: Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

(4) Harm: Respondent's misconduct harmed significantly a client, the public or the administration of justice.

(5) Indifference: Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

(6) Lack of Cooperation: Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

(7) Multiple/~~Pattern of~~ Misconduct: Respondent's current misconduct evidences multiple acts of wrongdoing ~~or demonstrates a pattern of misconduct.~~

(8) No aggravating circumstances are involved.

Additional aggravating circumstances:

- (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. E
- (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 to the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) Remorse: Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) Restitution: Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) Delay: These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) Good Faith: Respondent acted in good faith.
- (8) Emotional/Physical Difficulties: At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) Severe Financial Stress: At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) Family Problems: At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) Good Character: Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) No mitigating circumstances are involved.

Additional mitigating circumstances: See page 13

1. Stayed Suspension.

A. Respondent shall be suspended from the practice of law for a period of three (3) years

- 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 ~~to the State Bar Security Fund, if appropriate, in the amount of~~ as set forth on attached page 13
~~plus 10% per annum according to~~
~~and provides proof thereof to the Probation Unit, Office of the Chief Bar Counsel~~
- iii. and until Respondent does the following: _____

B. The above-referenced suspension shall be stayed.

2. Probation.

Respondent shall be placed on probation for a period of four (4) years which shall commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.)

3. Actual Suspension.

A. Respondent shall be actually suspended from the practice of law in the State of California for a period of eighteen (18) months

- 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 ~~to the State Bar Security Fund, if appropriate, in the amount of~~ as set forth on attached page 13
~~plus 10% per annum according to~~
~~and provides proof thereof to the Probation Unit, Office of the Chief Bar Counsel~~
- iii. and until Respondent does the following: _____

Additional Conditions of Probation:

- If Respondent is actually suspended for two years or more, he/she shall 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.
- During the probation period, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- Within ten (10) days of any change, Respondent shall report to the Membership Records Office of the State Bar and to the Probation Unit, 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.
- Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent shall state whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all

than 30 days, that report shall 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.

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- 5) Respondent shall be assigned a probation monitor. Respondent shall 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 shall furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the probation monitor.
- 5) Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel 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.
- 7) Within one (1) year of the effective date of the discipline herein, respondent shall provide to the Probation Unit 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.
- 1) Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Probation Unit.
- 7) The following conditions are attached hereto and incorporated:
 - Substance Abuse Conditions Law Office Management Conditions
 - Medical Conditions Financial Conditions
- 0) Other conditions negotiated by the parties:

Multistate Professional Responsibility Examination: Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit of the Office of the Chief Trial Counsel 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 951(b), California Rules of Court, and rule 321(a)(1) & (b), Rules of Procedure.

No MPRE recommended.

Rule 955, California Rules of Court: Respondent shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.

Conditional Rule 955, California Rules of Court: If Respondent remains actually suspended for 90 days or more, he/she shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 120 and 130 days, respectively, from the effective date of the Supreme Court order herein.

Credit for Interim Suspension [conviction referral cases only]: Respondent shall be credited for the period of his/her interim suspension toward the stipulated period of actual suspension.

Law Office Management Conditions

- a. Within ~~___ days/~~ ~~___ months/~~ 1 years of the effective date of the discipline herein, Respondent shall develop a law office management/ organization plan, which must be approved by respondent's probation monitor, or, if no monitor is assigned, by the Probation Unit. This plan must include procedures to send periodic reports to clients; the documentation of telephone messages received and sent; file maintenance; the meeting of deadlines; the establishment of procedures to withdraw as attorney, whether of record or not, when clients cannot be contacted or located; and, for the training and supervision of support personnel.
- b. Within ~~___ days/~~ ~~___ months/~~ 1 years of the effective date of the discipline herein, respondent shall submit to the Probation Unit satisfactory evidence of completion of no less than ten (10) hours of MCLE approved courses in law office management, attorney client relations and/ or general legal ethics. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent shall not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. Within 30 days of the effective date of the discipline, respondent shall join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for ___ year(s). Respondent shall furnish satisfactory evidence of membership in the section to the Probation Unit of the Office of Chief Trial Counsel in the first report required.

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ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: THOMAS C. LOFFARELLI

CASE NUMBERS: 02-O-107075; 02-O- 13935

FACTS AND CONCLUSIONS OF LAW.

Respondent Thomas C. Loffarelli ("Respondent") and the State Bar hereby waive any variance in the facts and conclusions of law as set forth in the Notice of Disciplinary Charges ("NDC") in Case No. 02-O-10705 and the NDC in Case No. 02-O-13935 and the facts and conclusions of law as set forth in this stipulation. The facts and conclusions of law set forth in this stipulation supersede the facts and conclusions of law set forth in the two NDCs.

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.

NOTICE OF DISCIPLINARY CHARGES FILED ON OCTOBER 8, 2002

CASE NO. 02-O-10705 - COMPLAINANT: RICHARD AVENI

Facts

1. In or about February 2000, Richard Aveni ("Aveni") employed Respondent to represent him in a personal injury matter (the "Aveni matter") on a contingency basis. Respondent and Aveni verbally agreed that Respondent's legal fees would be a third of the settlement amount.
2. On or about July 5, 2001, Respondent executed a medical lien for Dr. Edwin Gromis ("Dr. Gromis") on behalf of Aveni who had signed said medical lien on April 19, 2001.
3. On or about September 26, 2001, Respondent and Aveni both executed the medical lien of Fortanasce & Associates Physical Therapy ("Fortanasce").

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4. In or about October 2001, Respondent settled the Aveni matter. On or about October 16, 2001, the opposing counsel in the Aveni matter sent Respondent a Royal & SunAlliance Insurance settlement check payable to Aveni and Respondent in the amount of \$24,000.00. Aveni's share of the settlement proceeds amounted to \$10,000.00; Respondent's legal fees amounted to \$8,000.00; and approximately \$6,000.00 were allocated to pay Aveni's medical providers

alleged to be E/W M/M

5. On or about October 30, 2001, Respondent deposited the \$24,000.00 settlement draft into the checking account of Leo DiPilla ("DiPilla"), Washington Mutual Bank Account no. 32227-1627.

6. On or about October 31, 2001, Respondent gave Aveni check #1023 drawn on DiPilla's Washington Mutual Bank Account no. 32227-1627 in the amount of \$9,555.00. Aveni could not negotiate the \$9,555.00 check because Washington Mutual Bank required Aveni to have an account with them in order to cash out an amount greater than \$3,000.00. Aveni returned the Washington Mutual Bank to Respondent.

7. In or about early November 2001, Respondent gave his father, Clarence Loffarelli, an attorney ("Respondent's father"), several checks drawn against DiPilla's account, totaling \$10,000.00. Thereafter, Respondent's father gave Aveni several checks drawn on Respondent's father's client trust account, totaling \$10,000.00.

8. In or about December 2001, Aveni started receiving collection notices for unpaid medical bills.

9. Between in or about December 2001 and January 2002, Aveni requested that Respondent turn over the settlement monies allocated to pay the medical bills. Respondent failed to respond to Aveni's request.

10. On or about January 9, 2002, Aveni and Respondent's father sent Respondent a letter, requesting that Respondent refund at least \$5,700.00 to enable Aveni to pay his medical providers. Respondent failed to respond to the January 9, 2002 written request.

11. On or about July 19, 2002, Dr. Gromis' Collections Manager, Ron Snider ("Snider") sent Respondent a letter requesting that Respondent honor the medical lien that he executed on July 5, 2001. Respondent failed to respond to Snider's letter.

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12. In or about December 2001, Aveni requested that Respondent render an accounting of the settlement funds allocated for Aveni's medical bills. Respondent failed to respond to Aveni's request to render an accounting of Aveni's funds.

13. In or about December 2001, Aveni requested that Respondent render an accounting of the settlement funds allocated for Aveni's medical bills. Respondent failed to respond to Aveni's request to render an accounting of Aveni's funds.

14. Respondent dishonestly misappropriated Aveni's funds which were allocated to pay Aveni's medical bills.

Conclusions of Law

15. By not maintaining funds received on behalf of Aveni in Respondent's CTA, Respondent failed to maintain client funds in a client trust account, in wilful violation of Rules of Professional Conduct, rule 4-100(A).

16. By failing to promptly pay Aveni's medical providers any of the settlement funds allocated for Aveni's medical bills, Respondent failed to pay client funds as requested by his client, in wilful violation of Rules of Professional Conduct, rule 4-100(B)(4).

17. By failing to respond to Aveni's request for an accounting, Respondent failed to render appropriate accounts to a client regarding all funds of the client in Respondent's possession, in wilful violation of Rules of Professional Conduct, rule 4-100(B)(3).

18. By misappropriating at least \$5,700.00 of Aveni's funds, Respondent committed an act involving moral turpitude, dishonesty or corruption, in wilful violation of Business and Professions Code, section 6106.

NOTICE OF DISCIPLINARY CHARGES FILED ON MAY 20, 2003

CASE NO. 02-O-13935 - THE BANKRUPTCY MATTER

Facts

1. On or about July 5, 2002, Respondent filed a Voluntary Petition under Chapter 13 of the Bankruptcy Code on behalf of Georges A. Perez ("Perez"). Respondent signed the petition as attorney of record on page 2 of the petition. The petition, local rule 1015-2 statement, schedules, and

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statement of financial affairs were purportedly signed by Perez. The bankruptcy petition was filed on the eve of foreclosure of a property owned by Perez in Ontario, California (the "Ontario property").

2. At the time of the filing of the bankruptcy petition, Perez was not a client of Respondent. Respondent filed the bankruptcy petition without Perez's consent or knowledge. Respondent knew Perez because Respondent served as property manager of the Ontario property and had a partnership interest in said property.

3. As a result of the bankruptcy filing, the foreclosure sale was continued from July 5, 2002 to September 19, 2002.

4. On or about August 6, 2002, Perez sent a Declaration to the Fraud Unit of the U.S. Trustee's Office in Los Angeles, incorporating documents which showed that the signatures on the bankruptcy petition and other documents were not Perez's. In addition, the information submitted by Respondent on the bankruptcy documents purportedly on behalf of Perez was inaccurate. Schedule I of the bankruptcy documents filed by Respondent indicates that Perez is sixty-years old, resided at the Ontario property and has no income when in fact, Perez is thirty-three years old, resided in Downey and works as a telecommunications technician.

5. The First Meeting of Creditors was set for August 14, 2002. Respondent appeared at the First Meeting of Creditors and requested of the Chapter 13 trustee, Rod Danielson ("Danielson") that the case be dismissed without prejudice. No one appeared purporting to be the debtor. Respondent did not appear at the confirmation hearing in the afternoon. Danielson requested the case to be dismissed without prejudice and also requested the court to retain jurisdiction for further review and investigation of the debtor's counsel. The court dismissed the case and retained such jurisdiction.

6. On or about August 23, 2002, Danielson filed a motion for order to show cause against Respondent for knowingly submitting forged documents to the Court and for failure to comply with the Bankruptcy Rules for the Central District of California.

7. On or about August 29, 2002, William J. Salica, Esq., on behalf of Respondent, filed an objection to issuance of order to show cause ("objection"). In a declaration attached to the objection, Respondent admitted to the forgery and inaccurate schedules.

8. At an October 9, 2002 hearing on the order to show cause, Respondent also admitted that he would benefit financially if the July 5, 2002 foreclosure sale was stayed and the property instead sold by the owners. The Bankruptcy Court ordered Respondent to pay sanctions of \$1,500.00 to the Bankruptcy Court by November 28, 2002.

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9. Respondent was present at the October 9, 2002 hearing and received notice of the order to pay sanctions. However, Respondent did not report the sanctions to the State Bar.

Conclusions of Law

10. By filing a bankruptcy petition on behalf of Perez without Perez's authorization, Respondent corruptly or wilfully and without authority appeared as attorney for a party to an action or proceeding, in wilful violation of Business and Professions Code section 6104.

11. By failing to report the \$1,500.00 judicial sanctions imposed by the Bankruptcy Court, Respondent failed to report to the State Bar said sanctions within 30 days of the time Respondent had knowledge of the imposition of the judicial sanctions, in wilful violation of Business and Professions Code section 6068(o)(3).

(MM) (E) (W) signing Perez's name to the bankruptcy petition and

12. By knowingly submitting ~~forged documents~~ and inaccurate schedules in a bankruptcy matter, Respondent wilfully sought to mislead the bankruptcy judge by an artifice or false statement of fact or law, in wilful violation of Business and Professions Code section 6068(d).

(MM) (E) (W) signing Perez's name to the bankruptcy petition and

13. By knowingly submitting ~~forged documents~~ and inaccurate schedules in a bankruptcy matter, Respondent wilfully committed an act involving moral turpitude, dishonesty or corruption, in wilful violation of Business and Professions Code section 6106.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was May 27, 2003.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of May 27, 2003, the estimated prosecution costs in this matter are approximately \$2,776.00. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

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FINANCIAL CONDITIONS, RESTITUTION.

Respondent shall include in each quarterly report required herein satisfactory evidence of all restitution payments made by him during that reporting period. Proof of complete payment must be submitted to the Probation Unit in the next quarterly report due after final payment is due. Respondent waives any objection to payments by the State Bar Client Security Fund upon a claim for the principal amounts of restitution set forth herein.

Richard Aveni

During the period of actual suspension, Respondent must make restitution to **Richard Aveni**, or to the Client Security Fund if it has paid, in the principal amount of ~~\$5,700.00~~ plus interest at 10% per annum from November 1, 2001, and furnish satisfactory evidence of such payment to the Probation Unit.

AUTHORITIES SUPPORTING DISCIPLINE

\$4,800.00

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In *Lawhorn v. State Bar* (1987) 43 Cal. 3d 1357, the Supreme Court held that appropriate discipline for wilfully failing to pay the client the amounts due her as requested, for commingling and converting to his personal use the money owed to the client is 2 years actual suspension and five years probation. The attorney had been practicing for four years and had no prior.

In *Snyder v. State Bar* (1976) 18 Cal. 3d 286, the Supreme Court held that unjustified filings of bankruptcy petitions in attempts to delay actions, wrongfully obtaining restraining order with intent to impede enforcement of lawful order obtained in another action, advising clients not to appear for deposition in violation of court order, and forging of confession of judgment for use in obtaining judgment against opposing party justify disbarment. The attorney had been practicing for about fourteen years and had no prior.

In *Marquette v. State Bar* (1988) 44 Cal. 3d 253, the attorney perjured himself on a lease application. Further, Marquette also misrepresented a friend of his as a prior landlord and wilfully wrote five bad checks to his landlord. In addition, there were multiple acts of misconduct. In another matter, the attorney misappropriated client funds in the amount of \$1,350 and threatened criminal prosecution against his client if she attempted to recover the money. In aggravation, the attorney had two prior reprovals for failure to perform legal services. He also exhibited no remorse for his acts. The Supreme Court disbarred the attorney.

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Mitigation - ① Respondent contends that Aveni, a long-time friend and employee, has borrowed at least \$5,000 from Respondent and that Aveni has agreed to offset the borrowed amounts from the settlement proceeds.
② Respondent also contends that he had the oral authorization of Perez to sign the bankruptcy petition on Perez's behalf.

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Respondent is not offering the above as an excuse but to explain his actions that he regrets.

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Date 6-03-03

Respondent's signature
Thomas C. Loffarelli

THOMAS C. LOFFARELLI
print name

Date 6-02-03

Respondent's Counsel's signature
William John Salica

WILLIAM JOHN SALICA
print name

Date June 3, 2003

Deputy Trial Counsel's signature
Monique T. Miller

MONIQUE T. MILLER
print name

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.

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 953(a), California Rules of Court.)

Date 6-3-03

[Signature]
Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. 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 3, 2003, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING, filed June 3, 2003**

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

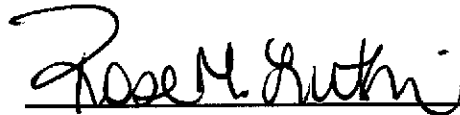
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**WILLIAM J. SALICA, ESQ.
15915 VENTURA BLVD #201
ENCINO CA 91436**

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

MONIQUE MILLER, A/L, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **June 3, 2003**.



Rose M. Luthi
Case Administrator
State Bar Court