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STATE BAR COURT  
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State Bar Court of California Hearing Department		
PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES		
Counsel For The State Bar <b>CHARLES A. MURRAY</b> Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015-2299 Bar # 146069 Tel: (213) 765-1236	<b>Case Number (s)</b> 02-O-13095; 03-O-00379; 03-O-00938 (Cons);  02-O-14643; 02-O-14842; 02-O-15152; 02-O-15449 (Cons);  03-N-03692; 04-O-10511; 04-O-12346;  03-O-03509 (Inv.)	(for Court's use)  <div style="text-align: center;"><b>FILED</b></div> <div style="text-align: center;">MAR 05 2010</div> <div style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
<b>WILLIAM J. SALICA</b> #225 1772-J Ave De Los Arboles Thousand Oaks, California 91362 Bar #92896 Tel: (818) 456-2736	Submitted to: Program Judge  <b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: <b>WILLIAM JOHN SALICA</b>  Bar #92896  A Member of the State Bar of California (Respondent)		

**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 May 30, 1980.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (18) pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts." -See Attachment.
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law". -See Attachment.
- (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 and will pay timely any disciplinary costs imposed in this proceeding.

(Stipulation form approved by SBC Executive Committee 9/18/2002. Rev. 12/16/2004; 12/13/2006.)

Program



**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 99-O-12420; et al.
- (b) ☒ Date prior discipline effective August 1, 2003.
- (c) ☒ Rules of Professional Conduct/ State Bar Act violations: RPC 3-110(A); 4-100(A); 3-700; SBA 6106, 6103, 6068(i); AND 6068(m).
- (d) ☒ Degree of prior discipline actual suspension for (6) months and until restitution paid in full and if suspension for (2) years or more, until rehabilitation pursuant to standard 1.4(ii) is shown.
- (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.
- (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:**

**C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.**

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.

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- (3) ☒ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$        on        in restitution to        without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of 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:**

**ATTACHMENT TO**  
**ADP STIPULATION RE FACTS & CONCLUSIONS OF LAW**

IN THE MATTER OF: **WILLIAM J. SALICA, #92896**

CASE NUMBERS: 02-O-13095, 03-O-00379, 03-O-00938 (Consolidated);  
02-O-14643, 02-O-14842, 02-O-15152, 02-O-15449 (Consolidated);  
03-N-03692; 04-O-10511; 04-O-12346 & Investigation No. 03-O-03509

**PENDING PROCEEDINGS.**

The disclosure date referred to on page one, paragraph A.(6), was January 22, 2008.

**STIPULATION AS TO 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, or has otherwise committed acts of misconduct warranting discipline:

**Case No. 02-O-13095**

**FACTS:**

1. On June 14, 2001, Margaret Coleman ("Coleman") employed Respondent to represent her in an appeal.
2. On June 15, 2001, Respondent filed a Notice of Appeal on behalf of Coleman in the Los Angeles Superior Court. Subsequent to that date, Respondent appeared in court on at least four hearings on behalf of Coleman.
3. In March 2002, Coleman employed a new attorney, David Ogden ("Ogden"), to represent her in the appeal.
4. On April 12, 2002, Ogden sent Respondent a letter via facsimile transmittal ("fax") to (818) 783-7792, the fax number Respondent provided to Coleman at the date of hire. Ogden received a confirmation message on his fax machine confirming that the letter had been successfully transmitted. Respondent received Ogden's fax. In the letter, Ogden requested that Respondent sign the Substitution of Attorney form because he was now representing Coleman. Ogden also requested that Respondent make the file available to him. Respondent failed to respond to the letter.
5. On April 25, 2002, Ogden sent Respondent a letter via facsimile transmittal ("fax") to (818) 783-7792, the fax number Respondent provided to Coleman at the date of hire. Ogden received a confirmation message on his fax machine confirming that the letter had been successfully transmitted. Respondent received Ogden's fax. In the letter, Ogden informed Respondent he had filed a Substitution of Attorney and appeared before the trial judge on behalf of Coleman. Ogden also requested that Respondent make the file available to him immediately.
6. On April 26, 2002, Ogden mailed a letter to Respondent, which Respondent received. The letter was mailed via the United States Postal Service, first class postage prepaid, in

a sealed envelope properly addressed to Respondent at 15300 Ventura Blvd., #400, Sherman Oaks, CA 91403, which was the address Respondent provided to Coleman at the date of employment. The letter was not returned as undeliverable. In the letter, Ogden informed Respondent he had filed a Substitution of Attorney and appeared before the trial judge on behalf of Coleman. Ogden also requested that Respondent make the file available to him immediately.

7. Respondent failed to make the file available to Ogden.

### **CONCLUSIONS OF LAW:**

8. By failing to make the file available, Respondent failed, upon termination of employment to promptly release to a client, at the request of a client, all client papers, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(1).

### **Case No. 03-O-00379**

### **FACTS:**

9. In August 2000, Michael Hodge ("Hodge") employed Respondent to incorporate his business under the name Employer Bridge, Incorporated ("EBI"). On that date, Hodge paid Respondent \$1,500.

10. On October 25, 2001, Hodge transferred ownership of EBI to Nancy Guillen ("Guillen"). Guillen requested the corporate documents from Respondent. Respondent informed Guillen that the corporate documents would be provided after payment in full of the remaining balance of legal fees and costs. Guillen paid Respondent an additional \$1,500, which was the full remaining amount of legal fees and costs due to Respondent.

11. On January 15, 2002, Guillen sent Respondent a letter via facsimile transmittal ("fax") to (818) 783-7792, the fax number Respondent provided to Hodge on the date he hired Respondent and to Guillen on the date ownership of EBI was transferred to Guillen. Guillen received a confirmation message on her fax machine confirming that the letter had been successfully transmitted. Respondent received Guillen's fax. In the letter, Guillen requested that she be contacted immediately so that she could pick up the articles of corporation and other pertinent documents.

12. On January 23, 2003, Guillen sent Respondent a letter via facsimile transmittal ("fax") to (818) 783-7792, the fax number Respondent provided to Hodge on the date he hired Respondent and to Guillen on the date ownership of EBI was transferred to Guillen. Guillen received a confirmation message on her fax machine confirming that the letter had been successfully transmitted. Respondent received Guillen's fax. In the letter, Guillen requested that she be contacted immediately so that she could pick up the articles of corporation and other pertinent documents.

13. In January 2003, Hodge left a message by telephone for Respondent, which Respondent received. Hodge called Respondent at the telephone number Respondent provided to Hodge at the date of employment. Hodge had not received any of the corporate documents. Hodge left a message with a receptionist requesting that Respondent contact him because he wanted the corporate documents to be made available. Respondent failed to respond to the telephone message.

### **CONCLUSIONS OF LAW:**

14. By failing to promptly make the corporate documents available, Respondent failed, upon termination of employment to promptly release to a client, at the request of a client, all client papers, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(1).

### **Case No. 03-O-00938**

### **FACTS:**

15. On April 18, 2001, Forbert Candiff ("Candiff") employed Respondent to represent him in a Petition for Reassessment against the Employment Development Department ("EDD") because it had assessed a substantial tax penalty against him. On that date, Candiff paid Respondent \$1,500. During the next several months Candiff and Respondent occasionally discussed this matter by telephone.

16. On July 27, 2001, Candiff contacted EDD and learned that no action by Respondent had been taken against its tax assessment on him. On August 1, 2001, Candiff filed a Petition for Reassessment on behalf of himself.

17. Respondent failed to perform the legal services for which he was retained or provide legal services of value to Candiff.

18. On or about July 20, 2001, Candiff mailed a letter to Respondent, which Respondent received. The letter was mailed via the United States Postal Service, first class postage prepaid, in a sealed envelope properly addressed to Respondent at 15915 Ventura Blvd., #201, Encino, CA 1436, which was the address Respondent provided to Candiff at the date of employment. The letter was not returned as undeliverable. In the letter, Candiff informed Respondent that he had received no communication from Respondent since April 2001 and demanded that Respondent contact him regarding the status of his case. Respondent failed to respond to the letter.

19. On April 3, 2002, Candiff mailed a letter to Respondent, which Respondent received. The letter was mailed via the United States Postal Service, first class postage prepaid, in a sealed envelope properly addressed to Respondent at 15915 Ventura Blvd., #201, Encino, CA 1436, which was the address Respondent provided to Candiff at the date of employment. The letter was not returned as undeliverable. In the letter, Candiff informed Respondent that he had received no legal services from Respondent and demanded that Respondent refund the \$1,500 to him.

20. Respondent failed to provide any services of value to Candiff in the action against the EDD. Respondent did not refund any of the \$1,500 paid by Candiff.

21. Soon after the date of employment, Respondent ceased performing work on Candiff's behalf, effectively abandoning his client. At no time did Respondent inform Candiff that he was withdrawing from employment.

### **CONCLUSIONS OF LAW:**

22. By failing to perform the legal services for which he was retained in Candiff's action against the EDD, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

23. By failing to respond to Candiff's letter mailed on or about July 20, 2001, Respondent failed to respond to his client's reasonable status inquiries, in wilful violation of Business and Professions Code, section 6068(m).

24. By failing to refund any portion of the \$1,500 to Candiff, Respondent failed to refund unearned fees, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

25. By failing to inform Candiff of his intent to withdraw from representing him in the action against the EDD, Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client, in wilful violation of Rules of Professional Conduct, rule 3-700(A)(2).

**Case No. 02-O-14643**

**FACTS:**

26. On June 12, 2002, the Office of Certification of the State Bar of California mailed a letter to Respondent, which Respondent received. The letter was mailed via the United States Postal Service, first class postage prepaid, in a sealed envelope properly addressed to Respondent at his then official State Bar membership records address and was not returned as undeliverable. In the letter, Respondent was advised that he was not in compliance with the MCLE requirements. Respondent was also advised that there was a \$75 late fee and a \$200 reinstatement fee and that if he did not comply he would be placed on "Not Entitled" status on August 30, 2002.

27. On August 6, 2002, the Office of Certification of the State Bar of California mailed a letter to Respondent, which Respondent received. The letter was mailed via the United States Postal Service, certified mail, return receipt requested, postage prepaid, in a sealed envelope properly addressed to Respondent at his official State Bar membership records address. On August 8, 2002, the return receipt was signed by "LG" as having been received. In the letter, Respondent was advised that in order to avoid being placed on "Not Entitled" status he must send in his compliance card, pay the \$75 late fee and the \$200 reinstatement fee before August 30, 2002. Respondent did not respond to the letter.

28. On September 3, 2002, Respondent's membership record's status was "Not Entitled" due to failure to comply with MCLE requirements.

29. On September 16, 2002, the Office of Certification of the State Bar of California mailed a letter to Respondent, which Respondent received. The letter was mailed via the United States Postal Service, certified mail, return receipt requested, postage prepaid, in a sealed envelope properly addressed to Respondent at his official State Bar membership records address. In the letter, Respondent was advised that he was placed on "Not Entitled" status effective September 3, 2002 as he had failed to send in his compliance card and pay the \$75 late fee and the \$200 reinstatement fee before August 30, 2002.

30. On September 3, 2002, while Respondent was not entitled to practice law, Respondent or someone from Respondent's office mailed a letter to Mike Weaver ("Weaver"), a plaintiff in a lawsuit in which Respondent had previously become attorney of record for the defendant. In the letter, Respondent was identified as an attorney by the word, "Esquire" after his name and by referring to his representation of the defendant. The letterhead used by Respondent indicated it came from law "Law Offices of William J. Salica".

31. On September 18, 2002, while Respondent was not entitled to practice law,, Respondent or someone from Respondent's office mailed another letter to Weaver. In the letter, Respondent was identified as an attorney by the word, "Esquire" after his name and by referring to his representation of the defendant. The letterhead used by Respondent indicated it came from law "Law Offices of William J. Salica".

32. On September 24, 2002, the Office of Certification of the State Bar received Respondent's \$75 late fee but not the \$200 reinstatement fee.

33. On October 7, 2002, the Office of Certification of the State Bar received Respondent's \$200 reinstatement fee and Respondent was reinstated to active status effective October 7, 2002.

#### **CONCLUSIONS OF LAW:**

34. In the September 3, 2002 and September 18, 2002 letters, Respondent held himself out as entitled to practice law when he was not an active member of the State Bar in wilful violation of Business and Professions Code sections 6125 and 6126, and thereby failed to support the law of the State of California in wilful violation of Business and Professions Code, section 6068(a).

#### **Case No. 02-O-14842**

#### **FACTS:**

35. On September 27, 2002, while Respondent was not entitled to practice law,, Respondent mailed a letter to Amanda Steadman ("Steadman"), a party to a lawsuit in which Respondent had previously become attorney of record for the opposing party. In the letter, Respondent identified himself as an attorney by referring to the legal proceeding in which Steadman was involved. The letterhead used by Respondent indicated it came from law "Law Offices of William J. Salica".

36. On September 30, 2002, while Respondent was not entitled to practice law, Respondent signed a Verified Complaint as the attorney for the plaintiff in the matter entitled, EZ Communications v REMC, Inc., case no. YC044773. The Verified Complaint was filed in the Los Angeles Superior Court on or about October 2, 2002.

37. On October 1, 2002, while Respondent was not entitled to practice law, Respondent mailed a letter to Mike Thomas ("Thomas"), a party to a lawsuit in which Respondent had previously become attorney of record for the opposing party. In the letter, Respondent identified himself as an attorney by referring to his representation of the opposing party of the legal proceeding in which Thomas was involved. The letterhead used by Respondent indicated it came from law "Law Offices of William J. Salica".

38. On October 2, 2002, while Respondent was not entitled to practice law, Respondent signed an Ex Parte Application as the attorney for the plaintiff in EZ Communications v REMC, Inc., case no. YC044773. The Ex Parte Application was filed October 4, 2002 and was denied the same day.

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### **CONCLUSIONS OF LAW:**

39. By mailing the September 27, 2002 letter to Steadman, by signing the Verified Complaint on September 30, 2002, by mailing the October 1, 2002 letter to Thomas and by signing the Ex Parte Application on October 2, 2002, Respondent held himself out as entitled to practice law when he was not an active member of the State Bar in wilful violation of Business and Professions Code sections 6125 and 6126, and thereby failed to support the law of the State of California in wilful violation of Business and Professions Code, section 6068(a).

### **Case No. 02-O-15152**

### **FACTS:**

40. On September 30, 2002, while Respondent was not entitled to practice law, Respondent signed a "Motion to Set Aside Court's Ruling of September 25, 2002" as the attorney for a party to an action entitled, In re George A. Perez, BK case no. RS02-21016MJ.

41. On October 2, 2002, while Respondent was not entitled to practice law, Respondent filed a "Motion to Set Aside Court's Ruling of September 25, 2002" in a matter entitled, In re George A. Perez, BK case no. RS02-21016MJ in the United States Bankruptcy Court.

### **CONCLUSIONS OF LAW:**

42. By signing the "Motion to Set Aside Court's Ruling of September 25, 2002" on September 30, 2002, by filing the same document in the United States Bankruptcy Court on October 2, 2002, Respondent held himself out as entitled to practice law when he was not an active member of the State Bar in wilful violation of Business and Professions Code sections 6125 and 6126, and thereby failed to support the law of the State of California in wilful violation of Business and Professions Code, section 6068(a).

### **Case No. 02-O-15449**

### **FACTS:**

43. Respondent was on inactive status and not entitled to practice law from September 3, 2002 until October 7, 2002, when his membership status returned to "Entitled". This administrative action was due to Respondent's failure to comply with his MCLE requirements.

44. On September 16, 2002, the Office of Certification of the State Bar of California mailed a letter to Respondent, which Respondent received. The letter was mailed via the United States Postal Service, certified mail, return receipt requested, postage prepaid, in a sealed envelope properly addressed to Respondent at his official State Bar membership records address. In the letter, Respondent was advised that he was placed on "Not Entitled" status effective September 3, 2002 as he had failed to send in his compliance card and pay the \$75 late fee and the \$200 reinstatement fee before August 30, 2002.

45. On September 24, 2002, the Office of Certification of the State Bar received Respondent's \$75 late fee but not the \$200 reinstatement fee.

46. On October 2, 2002, while Respondent was still not entitled to practice law, Respondent filed an action on behalf of his client the plaintiff in the Superior Court of the State of

California, County of Los Angeles, in the matter known as EZ Communications v REMC, Inc., case no. YC044773 (EZ Communications matter).

47. On October 7, 2002, the Office of Certification of the State Bar received Respondent's \$200 reinstatement fee and Respondent was reinstated to active status effective October 7, 2002.

48. On October 8, 2002, a hearing in the EZ Communications matter was held before Judge Lois Smaltz. Judge Lois Smaltz asked Respondent about his membership status with the State Bar on October 2, 2002 when Respondent filed a complaint on behalf of the plaintiff. Respondent explained to Judge Smaltz that he had failed to pay a \$75 Continuing Education fee when he filled out an application form but when he was told about it he sent in the \$75 immediately and that he had received his cancelled check back several weeks ago. In fact, Respondent had only delivered the \$75 check to the Office of Certification of the State Bar two weeks prior to this hearing. Further, Respondent did not disclose the Judge Smaltz anything about the \$200 reinstatement fee that he had only paid by check the previous day.

#### **CONCLUSIONS OF LAW:**

49. By representing to Judge Smaltz he had received back his cancelled check for the \$75 late fee several weeks before when he had only delivered it two weeks before, and by failing to disclose to Judge Smaltz that he had only delivered the \$200 reinstatement fee the prior day, five days after filing the action and while he was still "not entitled" to practice law, Respondent wilfully committed an act, or acts, involving moral turpitude, dishonesty or corruption in the course of his relations as an attorney, in wilful violation of Business and Professions code, section 6106.

#### **Case No. 03-O-03509**

#### **FACTS:**

50. On October 17, 2000, Jennifer DiGiulio ("DiGiulio") employed Respondent to represent her in pursuing a personal injury claim arising from an automobile accident which occurred on October 1, 2000. Timothy Zeugin ("Zeugin") was the co-plaintiff. At that time, DiGiulio and Respondent signed a contingency retainer agreement and determined that Respondent would file a complaint on behalf of DiGiulio against the vehicle's owner, Esperanza Palacios ("Palacios").

51. On October 25, 2000, Respondent sent a letter of representation on behalf of DiGiulio and Zeugin to Lisa Pardi of Viking Insurance.

52. On December 8, 2000, Respondent advanced \$250 to DiGiulio by delivery to her of check no. 4008 from his Washington Mutual general account no. 019776.

53. On September 27, 2001, Respondent filed a complaint in the Los Angeles Superior Court, Southwest District entitled *Jennifer DiGiulio and Timothy Zeugin vs. Lee Roger Plaud*, ("the DiGiulio matter") in case no. YC041721.

54. On February 6, 2002, an Order to Show Cause ("OSC") hearing was held based on Respondent's failure to prosecute by failing to serve defendant and file the required proof of that service. The court noted that the complaint was the only document on file. Respondent was ordered to file a declaration as to why sanctions and a dismissal should not be imposed. The matter was continued to February 25, 2002. On February 25, 2002 however, Respondent appeared at the hearing, filed a proof of service as to defendant, and the OSC was discharged.

55. On March 26, 2002, the defendant filed an answer to the complaint.

56. On April 11, 2002, the matter related to DiGiulio was assigned to a mediator and was to be completed by September 25, 2002.

57. On August 21, 2002, a motion to compel the plaintiffs to respond to interrogatories was filed by the defendant.

58. On September 3, 2002 to October 7, 2002, the State Bar placed Respondent on administrative inactive status as a result of Minimum Continuing Legal Education non-compliance.

59. On September 19, 2002, Respondent received a draft payable to DiGiulio and Respondent from Plaud's insurance company, Royal & Sunalliance, in the sum of \$15,000 resulting from an out of court settlement which DiGiulio previously agreed to.

60. On September 20, 2002, although not entitled to practice law, Respondent amended the complaint to include Palacios as a defendant in the DiGiulio matter.

61. In addition, on September 20, 2002, a partial dismissal was filed in the DiGiulio matter.

62. On September 27, 2002, Respondent negotiated the \$15,000 draft he had received on or about September 19, 2002. At no time did Respondent give any of the \$14,750 (\$15,000 minus the \$250 previously advanced) to DiGiulio, nor did he pay any of DiGiulio's medical providers as provided by liens he signed. Respondent did not hold DiGiulio's settlement funds in trust. He did not pay these funds to DiGiulio or her medical provider. He spent DiGiulio's settlement funds on other purposes not related to her matter and these funds are gone.

63. On September 27, 2002, the matter involving the defendant's August 21, 2002 motion to compel was completed.

64. On October 7, 2002, Respondent failed to appear at the jury trial hearing. The trial was continued to November 19, 2002.

65. On November 12, 2002, the court granted the defendant's motion to dismiss the complaint for lack of prosecution and the trial hearing set for November 19, 2002 was vacated. The court noted that Respondent did not respond to the motion in any form.

66. On December 31, 2002, DiGiulio took some of her file from Respondent's office at a time when Respondent was not in the office. The parties dispute whether DiGiulio and Respondent had an appointment to meet or if the taking of the file was with Respondent's consent.

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67. Subsequently on December 31, 2002, DiGiulio also sent a letter to Respondent asking for the settlement money, minus any fees or advances. Respondent did not respond to DiGiulio's letter, nor did he give her any of the \$14,750 (\$15,000 minus \$250 advanced to DiGiulio) in settlement money. Respondent's fee according to a written fee agreement was one-seventh of the settlement, which for this settlement is \$2143. DiGiulio should have received \$12,607.

68. DiGuilo and Respondent had other relationships. DiGuilo did some office work for Respondent and Respondent made two or three appearances for DiGuilo on an unrelated Family Law matter for which DiGuilo and Respondent dispute whether there was a charge.

69. In January 2003 to March 2003, prior to moving to Oregon, DiGiulio called Respondent both at his home and office and left messages for him to contact her almost on a daily basis. Respondent failed to respond to DiGiulio's messages. Eventually his telephone was disconnected.

70. Effective August 1, 2003, Respondent was again not entitled to practice law.

71. On October 29, 2003, DiGiulio's new attorney Daniel P. Wilsey ("Wilsey"), filed a motion to vacate the dismissal of the DiGiulio matter. On November 26, 2003, the matter was taken off calendar.

72. In January 2004, several OSC hearings were held against Respondent for failure to prosecute. On March 2, 2004 however, an order of dismissal was filed in the DiGiulio matter.

#### **CONCLUSIONS OF LAW:**

73. By failing to complete the DiGiulio matter thereby causing DiGiulio to employ a new attorney in an effort to complete it and vacate a dismissal, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A).

74. By failing to respond to DiGiulio's many efforts to contact him for status and payments of the settlement money, Respondent failed to respond promptly to reasonable status inquiries of a client in wilful violation of Business and Professions Code, section 6068(m).

75. By negotiating the \$15,000 draft and by not paying any of the \$12,607 (\$15,000 minus \$250 advanced to DiGiulio and \$2143 for fees) in settlement money to DiGiulio or to her medical providers, Respondent failed to pay client funds as requested by his client in wilful violation of Rules of Professional Conduct, rule 4-100(B)(4).

76. By negotiating the settlement draft and by amending the complaint to include Palacios as a defendant when he was no longer entitled to practice law and by failing to inform the court and opposing counsel of his status, Respondent misrepresented to the court, opposing counsel and DiGiulio as being entitled to practice law and actually practiced law when he was not an active member of the State Bar in wilful violation of Business and Professions Code, section 6125 and 6126, and thereby failed to support the laws of the State of California in wilful violation of Business and Professions Code, section 6068(a).

77. By not paying DiGiulio or her medical providers DiGiulio's \$12,607 (\$15,000 minus \$250 advanced to DiGiulio and \$2143 for attorney fees) in settlement money, not holding DiGiulio's settlement funds on her behalf, and paying out DiGiulio's settlement funds for other purposes not related to this DiGiulio's matter, Respondent wilfully misappropriated \$12,607 of DiGiulio's settlement funds, and thereby committed an act involving moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code, section 6106.

**Case No. 03-N-03692**

**FACTS:**

78. On July 2, 2003, the California Supreme Court filed Order No. S114598 (hereinafter "955 Order") in State Bar file nos. (99-O-12420; 99-O-13271; 00-O-10078; 00-O-12786; 00-O-13022; and 01-O-05042 (consolidated)). In the 955 Order, the Court ordered that Respondent be suspended from the practice of law for a period of two years and until a showing of proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), that execution of the suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for six months, and until he makes restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 14, 2002, as modified by its order filed January 13, 2003. If actual suspension was two years or more, Respondent would remain actually suspended until he provided proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. The court further ordered Respondent to take and pass the Multistate Professional Responsibility Examination within one year after the effective date of the order or during the period of his actual suspension, whichever was longer.

79. The 955 Order included a requirement that Respondent comply with rule 955, California Rules of Court, by performing the acts specified in subdivisions (a) and (c) within 30 and 40 days, respectively, after the effective date of the Supreme Court Order.

80. Specifically, the 955 Order required Respondent to comply with rule 955(a) by notifying all clients and any co-counsel of his suspension, delivering to all clients any papers or other property to which the clients are entitled, refunding any unearned attorney fees, notifying opposing counsel and adverse parties of his suspension and filing a copy of said notice with the court, agency, or tribunal before which the litigation is pending. Respondent was further required to comply with rule 955(c) by filing with the Clerk of the State Bar Court an affidavit showing that he fully complied with those provisions of the order entered pursuant to rule 955.

81. The Supreme Court Order became effective August 1, 2003, 30 days after the 955 Order was entered. Thus, Respondent was ordered to comply with subdivision (a) of rule 955 of the California Rules of Court no later than August 31, 2003, and was ordered to comply with subdivision (c) of rule 955 no later than September 10, 2003.

82. On July 2, 2003, the Clerk of the Supreme Court of the State of California served upon Respondent a copy of the 955 Order.

83. On August 4 2003, Eddie Esqueda ("Esqueda"), Probation Deputy, Probation Unit of the Office of the Chief Trial Counsel of the State Bar of California wrote a letter to Respondent.

In the letter, among other things, Esqueda reminded Respondent that he was ordered to comply with rule 955, California Rules of Court, and must file his affidavit no later than September 10, 2003. Esqueda enclosed several documents with the letter, including a true and correct copy of the 955 Order, a copy of rule 955, and a rule 955 Compliance Declaration form. The letter and enclosures, which were sent as a courtesy to Respondent, were placed in a sealed envelope correctly addressed to Respondent at his State Bar of California membership address. The letter and enclosures were properly mailed by first class mail, postage prepaid, by depositing for collection by the United States Postal Service in the ordinary course of business. The United States Postal Service did not return said letter and enclosures as undeliverable or for any other reason.

84. Respondent failed to file an affidavit pursuant to rule 955(c) by September 10, 2003, showing that he fully complied with the provisions of the 955 Order.

#### **CONCLUSIONS OF LAW:**

85. By failing to file an affidavit of compliance in conformity with the 955 Order and the requirements of rule 955(c), Respondent wilfully disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear, in wilful violation of business and Professions Code, section 6103.

#### **Case No. 04-O-10511**

#### **FACTS:**

86. By order dated July 2, 2003, the Supreme Court imposed discipline on Respondent in case no. S114598 (State Bar Court case no. 99-O-12420 et al.). The Supreme Court ordered Respondent suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to Standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, and until he makes specified restitution, the execution of the suspension stayed, and placed Respondent on probation for three years on condition he actually be suspended for six months and until he makes restitution, as specified in the order. If Respondent remains on suspension for two years or more, he shall remain actually suspended until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to Standard 1.4(c)(ii).

87. As terms of probation in Supreme Court case no. S114598, Respondent was ordered, among other things, to:

- (A) submit written quarterly reports due each January 10, April 10, July 10, and October 10, during the period of probation;
- (B) File a final written report no earlier than 20 days prior to the last day of the period of probation and no later than the last day of probation;
- (C) Attend Ethics School and pass the test given at the end of the session within one year of the effective date of the suspension order; .
- (D) Attend Client Trust Account School and pass the test given at the end of the session within one year of the effective date of the suspension order;

(E) Provide proof satisfactory to the Office of Probation that he had completed at least 10 hours of MCLE courses qualifying for credit in Law Office Management or Legal Ethics with in one year of the effective date of the suspension order;

(F) develop a law office management plan within six months from the effective date of discipline for approval by the Probation Unit.

88. Respondent has failed to comply with the terms of probation in that he failed to do the following:

(A) submit written quarterly reports due each January 10, April 10, July 10, and October 10, during the period of probation:

The Quarterly Report due October 10, 2003 was not filed until March 21, 2006.

The Quarterly Reports due January 10, April 10, July 10, and October 10, 2004 and January 10, 2005 were not filed until February 22, 2006.

The Quarterly Reports due April 10, July 10, and October 10, 2005, were not filed until January 5, 2006.

The Quarterly Report due April 10, 2006 was not filed until May 4, 2006.

The Quarterly Report due July 10, 2006 was not submitted until January 10, 2007, five months after his period of probation had ended.

(B) File a final written report no earlier than 20 days prior to the last day of the period of probation and no later than the last day of probation;

The final written report due not later than August 1, 2006 was not submitted until January 10, 2007, five months after his probation period had ended.

(C) Attend Ethics School and pass the test given at the end of the session within one year of the effective date of the suspension order;

Respondent was to attend and pass Ethics School before August 1, 2004. He has never attended Ethics School.

(D) Attend Client Trust Account School and pass the test given at the end of the session within one year of the effective date of the suspension order;

Respondent was to attend and pass Client Trust Account School before August 1, 2004. He did not do so until June 2, 2006.

(E) Provide proof satisfactory to the Office of Probation that he had completed at least 10 hours of MCLE courses qualifying for credit in Law Office Management or Legal Ethics with in one year of the effective date of the suspension order;

By the end of his three year period of probation, Respondent had only provided the Office of Probation with proof satisfactory of completion of 5 hours of qualifying MCLE credits.

- (F) develop a law office management plan within six months from the effective date of discipline for approval by the Probation Unit;

Respondent was to have submitted an approved Law Office Management Plan before February 1, 2004. Respondent did not submit an approved Plan until November 28, 2005.

**CONCLUSIONS OF LAW:**

89. By failing to comply with the conditions attached to any disciplinary probation, as described above, Respondent wilfully violated Business and Professions Code, section 6068(k).

**Case No. 04-O-12346**

**FACTS:**

90. On December 4, 2002, Otis Smith ("Smith") employed Respondent to represent him in a probate matter. On that date the parties agreed Respondent would receive \$2,000 for his legal fees. On December 6, 2002, Smith paid Respondent \$2,000.

91. On March 23, 2003, Respondent filed a Petition for Probate of Will and for Letter of Testamentary ("Petition") on behalf of Smith in the Los Angeles Superior Court.

92. The Petition requested that Smith be granted full authority to administer the estate as the personal representative.

93. Probate Code section 10501(a) requires court supervision be obtained in the allowance of compensation of the attorney for the personal representative.

94. Respondent failed to obtain court supervision before being paid as the attorney for the personal representative.

95. On July 31, 2003, Smith employed new counsel to represent him in the probate matter. On that date, a Substitution of Attorney signed by Respondent as the former representative was filed in the Los Angeles Superior Court.

96. Subsequent to substituting out of the probate matter Respondent provided an accounting of the fees to Smith. It stated that there was an unused balance of \$200 due to Smith.

97. Respondent failed to refund the \$200 to Smith.

**CONCLUSIONS OF LAW:**

98. By contracting for and collecting a fee prior to obtaining court supervision, Respondent entered into an agreement for, charged and collected an illegal fee in wilful violation of Rules of Professional Conduct, rule 4-200(A).

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99. By failing to refund the \$200 to Smith, Respondent failed to refund unearned fees in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

#### **AGGRAVATING CIRCUMSTANCES:**

See Page 2, B(4) - **Harm:** Respondent's misconduct significantly harmed a client, the public, or the administration of justice.

02-O-13095 - Respondent failed to make the client's file available to the client's successor counsel, causing unnecessary additional time and expense to her appeal.

03-O-00938 - By omission, the client was mislead for a year into thinking that Respondent was performing legal services for him and otherwise representing him. Respondent never returned the client his fee which was not earned.

02-O-14643; 02-O-14842; 02-O-15152; 02-O-15449 - Respondent held himself out to opposing parties and to courts, including by court appearances, that he was entitled to practice when he was not.

03-O-03509 - Respondent failed to complete the client's matter, causing her to employ another attorney in an effort to complete it and vacate a dismissal. Respondent failed to respond to the client, pay her medical providers despite signed medical liens, or pay the client over \$12,000 in settlement funds. It is now more than five years later and the client remains unpaid.

03-N-03692; 04-O-10511 - Respondent failed to obey an order of the Supreme Court.

04-O-12346 - Respondent collected an illegal fee and failed to refund it to the client.

#### **RESTITUTION:**

1. Respondent owes **Fobert Candiff** the principal sum of \$1,500.00, plus interest at the rate of 10% from April 18, 2001.

2. Respondent owes **DiGiulio** (also known now a Wooley) the principal sum of \$12,607 (\$15,000 minus \$250 advanced to DiGiulio and \$2143 for attorney fees) in settlement money, plus interest at the rate of 10% from September 27, 2002.

3. Respondent owes **Otis Smith** the principal sum of \$200.00, plus interest at the rate of 10% from December 6, 2002.

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(Do not write above this line.)

In the Matter of  
WILLIAM JOHN SALICA  
Member #92896

**Case number(s):**

02-O-13095; 03-O-00379; 03-O-00938 (Cons);  
02-O-14643; 02-O-14842; 02-O-15152; 02-O-15449 (Cons);  
03-N-03692; 04-O-10511; 04-O-12346;  
03-O-03509 (Inv.)

**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 and Conclusions of Law.

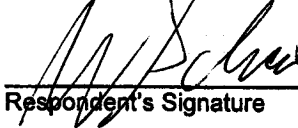
Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

2-07-08

Date

  
Respondent's Signature

WILLIAM J. SALICA  
Print Name

Date

Respondent's Counsel Signature

Print Name

Date

Deputy Trial Counsel's Signature

CHARLES A. MURRAY  
Print Name

(Do not write above this line.)

In the Matter Of

WILLIAM JOHN SALICA  
Member #92896

Case Number(s):

02-O-13095; 03-O-00379; 03-O-00938 (Cons);  
02-O-14643; 02-O-14842; 02-O-15152; 02-O-15449 (Cons);  
03-N-03692; 04-O-10511; 04-O-12346;  
03-O-03509 (Inv.)

### 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 stipulation as to facts and conclusions of law is APPROVED.
- ☐ The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- ☐ All court dates in the Hearing Department 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(b), Rules of Procedure.)

2-21-08  
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 1, 2010, I deposited a true copy of the following document(s):

DECISION AND ORDER SEALING CERTAIN DOCUMENTS; ORDER OF  
INVOLUNTARY INACTIVE ENROLLMENT


STIPULATION RE FACTS AND CONCLUSIONS OF LAW

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:
- WILLIAM JOHN SALICA  
3450 HUALAPAI 2127  
LAS VEGAS, NV 89129
- ☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- ☐ by overnight mail at , California, addressed as follows:
- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.
- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Charles A. Murray, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 1, 2010.

  
Cristina Potter  
Case Administrator  
State Bar Court