

**FILED**

JUN 17 2011 *AC*

STATE BAR COURT  
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LOS ANGELES

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES

In the Matter of	)	Case Nos.: 05-C-02197-RAP (05-C-02224
	)	05-C-04112); 05-C-04113
	)	07-C-11224; 07-N-12818
<b>JOHN LELAND DiFIORE,</b>	)	05-O-03435; 08-C-11192 (Cons.)
	)	
<b>Member No. 136971,</b>	)	<b>ORDER REGARDING RESPONDENT'S</b>
	)	<b>MOTION FOR CLARIFICATION</b>
	)	
A Member of the State Bar.	)	

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On May 12, 2011, respondent John L. DiFiore filed a motion for clarification of the decision filed on November 19, 2010 (as modified by the order filed on November 23, 2010). Specifically, respondent inquired about receiving credit towards the period of actual suspension for the time he participated in the LAP and the ADP; complying with standard 1.4(c)(ii), Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct;<sup>1</sup> and regarding the Multistate Professional Responsibility Examination he may have taken in November 2008.

On May 27, 2010, the Office of Probation, by Terrie Goldade, filed a response thereto.

Having considered the parties' contentions, the court GRANTS the motion as to credit toward the period of actual suspension. Respondent is not entitled to credit for the time he was

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<sup>1</sup> Future references to standard or std. are to this source.



inactively enrolled pursuant to Business and Professions Code section 6233 while participating in ADP as he did not successfully complete the program.<sup>2</sup> He is, however, entitled to credit for the time he was on interim suspension in State Bar Court case nos. 05-C-4113 (from October 26, 2005 to October 30, 2008) and 07-C-11224 (from May 7, 2007 to October 30, 2008) as reflected in the court's decision filed on November 19, 2010 (decision) at page 6, item 1.<sup>3</sup>

However, despite credit for the period of interim suspension, respondent remains on actual suspension, in part, because he must comply with standard 1.4(c)(ii) before his actual suspension is terminated. This was noted in the decision at page 2, footnote 3. Although respondent had to demonstrate rehabilitation to be relieved of the Business and Professions Code section 6233 inactive enrollment as reflected in the court's April 17, 2009, order, respondent did not successfully complete the ADP and was terminated from the program. Accordingly, the "high" level of discipline to which respondent agreed was recommended in the court's decision. The "high" level of discipline included the requirement that respondent comply with standard 1.4(c)(ii). The motion, therefore, is DENIED in this regard. Respondent must comply with standard 1.4(c)(ii) before being relieved of actual suspension.

The same reasoning applies to respondent being ordered to take the Multistate Professional Responsibility Examination. This was an agreed-upon condition of the "high" level of discipline. Accordingly, the motion is DENIED in this regard. Respondent must successfully

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<sup>2</sup> This is reflected in the court's decision in the last full sentence at page 4.

<sup>3</sup> Due to an error of the State Bar Court staff, the recommendation for this credit was inadvertently omitted from the Supreme Court's order no. S189727, filed March 24, 2011. An amendment to same is being sought.

complete the Multistate Professional Responsibility Examination as ordered regardless of whether he successfully completed the exam in November 2008.

IT IS SO ORDERED.

Dated: June 17, 2011.



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RICHARD A. PLATEL  
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 June 17, 2011, I deposited a true copy of the following document(s):

**ORDER REGARDING RESPONDENT'S MOTION FOR CLARIFICATION**

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:

JOHN DI FIORE  
111 PARROT LANE  
FOUNTAIN VALLEY CA 92708

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:

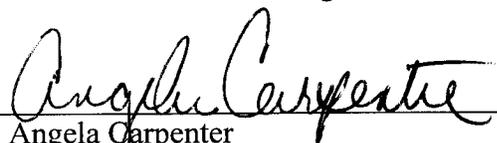
by fax transmission, at fax number . No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

TERRIE GOLDADE, Office of Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 17, 2011.

  
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Angela Carpenter  
Case Administrator  
State Bar Court