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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES</b>		
Counsel For The State Bar  <b>Charles A. Murray</b> <b>Deputy Trial Counsel</b> <b>1149 S. Hill Street</b> <b>Los Angeles, CA 90015-2299</b> <b>(213)765-1236</b>  Bar # <b>146069</b>	Case Number (s) <b>05-C-02197 (Inv.)</b> <b>05-C-02224 (Inv.)</b> <b>05-C-04112 (Inv.)</b> <b>05-C-04113</b> <b>05-O-03435</b> <b>07-C-11224</b> <b>07-N-12818</b> <b>08-C-11192</b>	(for Court's use)   <div style="font-size: 2em; font-weight: bold;">FILED</div> OCT 08 2008 <i>OC</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES  <div style="font-size: 1.5em; font-weight: bold;">PUBLIC MATTER</div>
In Pro Per Respondent  <b>John L DiFiore</b> <b>P. O. Box 7223</b> <b>Newport Beach, CA 92658</b>  Bar # <b>136971</b>	Submitted to: <b>Program Judge</b>	
In the Matter Of: <b>JOHN LELAND DiFIORE</b>  Bar # <b>136971</b>  A Member of the State Bar of California (Respondent)	<b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

**Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.**

#### A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **December 7, 1988**.
- (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 **16** pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) 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.

**B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline** [see standard 1.2(f)]
- (a)  State Bar Court case # of prior case
- (b)  Date prior discipline effective
- (c)  Rules of Professional Conduct/ State Bar Act violations:
- (d)  Degree of prior discipline
- (e)  If Respondent has two or more incidents of prior discipline, use space provided below:
- (2)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (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:**

**Disregard of the Law and Safety of the Public:** Respondent demonstrated complete disregard for the conditions of his probation, the law, and the safety of the public. [Citation omitted]. Disobedience of a court order, whether as an legal representative or as a party, demonstrates a lapse of character and a disrespect for the legal system that directly relates to an attorney's fitness to practice and serve as an officer of the court. [Citation omitted.]" (In re Kelley (1990) 52 Cal.3d 487, 495.)

**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.
- (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:**

- 1. **Respondent has no prior record of discipline over 15 years of practice.**
- 2. **Respondent displayed candor and cooperation with the State Bar in these proceedings.**
- 3. **Immediately prior to the commencement of these events, Respondent was laid off after 13 years as a staff attorney for a major insurance company. He suffered financially and opened a**

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**solo practice which he mismanaged. He also went through an emotionally difficult divorce and strained relationship with his children.**

- 4. No misconduct toward a client was involved. (*In re Kelley* (1990) 52 Cal.3d 487, 498.)**



On April 11, 2007, the Review Department of the State Bar Court referred this matter to the Hearing Department for a determination as to whether the facts and circumstances surrounding Respondent's November 13, 2006 convictions for two felony counts under Vehicle Code sections 23152(a), (driving under the influence of alcohol/drugs with three or more priors), and 23152(b), (driving when blood alcohol .08% or more) both enhanced due to Respondent's three or more priors), and on misdemeanor count under 14601.2(a) (driving on a suspended license with prior within 5 years) constituted acts of moral turpitude or misconduct warranting discipline.

On May 3, 2007, the Review Department directed the Hearing Department to recommend the level of discipline to impose in the event moral turpitude or misconduct warranting discipline was found.

**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:

**05-C-02224 Investigation**

**STIPULATED FACTS:**

1. On the morning of January 9, 2004, a police officer was called to an accident scene on Interstate 5 in San Clemente, California. When he arrived he discovered that Respondent had been in the accident and was about to be taken away to a hospital in an ambulance. Respondent's vehicle had sustained moderate damage after striking a concrete center divider barrier wall and had to be towed away. Respondent stated that he knew that he was driving on a suspended license, pursuant to Vehicle Code section 13953, related to a medical disability.
2. As a result of the above incident, on February 28, 2005, the court found Respondent guilty of a misdemeanor violation of Vehicle Code section 14601.1(a), driving on suspended/revoked license, and an infraction violation of Vehicle Code section 12500(a), driving without license. The Court placed Respondent on three years informal probation with conditions, including a term that he was not to drive with a measurable amount of alcohol in his system or without a valid driver's license.

**CONCLUSIONS OF LAW:**

3. The facts and circumstances surrounding Respondent's February 28, 2005 convictions for a misdemeanor violation of Vehicle Code section 14601.1(a) (driving on suspended/revoked license) and an infraction violation of Vehicle Code section 12500(a), (driving without license) do not constitute acts of moral turpitude but do constitute misconduct warranting discipline.

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**05-C-02197 (Investigation)**

**STIPULATED FACTS:**

4. On February 27, 2005, a day before Respondent's conviction for driving while suspended and driving without a license in the previously mentioned matter (05-O-02224), Respondent was arrested in another incident.
5. In responding to a call about a possible drunk driver, an officer observed Respondent's vehicle drifting dangerously in its travel lane. The officer initiated a traffic stop. After the stop, Respondent attempted to exit his vehicle. The officer could smell a strong odor of an alcohol beverage and observed other objective symptoms of Respondent being under the influence of alcohol.
6. When asked by the officer, Respondent admitted that his licence was suspended.
7. Respondent was not asked to perform any tests at the time because of his unsteady condition. The officer arrested Respondent for driving under the influence of alcohol. A breath test showed that Respondent's blood alcohol content at .37%.
8. On March 24, 2005, a criminal complaint was filed in Harbor Municipal Court case no. 05HM02064, consisting of three misdemeanor counts under Vehicle Code sections 23152(a), (driving under the influence of alcohol) and 23152(b), (driving with a blood/alcohol content of 0.08% or more), with both charges including a special allegation pursuant to Vehicle Code section 23578, (blood/alcohol content of .20% or more). The third count was filed under Vehicle Code section 14601.1(a), (driving while privilege suspended or revoked).
9. On July 11, 2005, Respondent pled guilty to all charges and was convicted.
10. On July 29, 2005, Respondent was sentenced to three years informal probation, fines and fees, 180 days in the Orange County jail (with 138 days credit) concurrent with any other fines or sentencing, and the Level I Alcohol Impaired Driver's Program concurrent with the multiple offender program in the other cases (see below, case no. 05-C-04112).

**CONCLUSIONS OF LAW:**

11. The facts and circumstances surrounding Respondent's July 11, 2005 convictions for misdemeanor counts under Vehicle Code sections 23152(a) (driving under the influence of alcohol) and 23152(b), (driving with a blood/alcohol content of 0.08% or more) with a special allegations pursuant to Vehicle Code section 23578, (blood/alcohol content of .20% or more); and Vehicle Code section 14601.1(a) (driving while privilege suspended or revoked) do not constitute acts of moral turpitude but do constitute misconduct warranting discipline.

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**STIPULATED FACTS:**

12. At all times relevant to the events described in this matter, Respondent maintained an attorney client trust account at Pacific Mercantile Bank, account no. 2712693 ("CTA").
13. Between April 29, 2004 and June 7, 2004, checks were issued from Respondent's CTA to pay Respondent's personal and/or business expenses including but not limited to:

<u>Check no.</u>	<u>Date Issued</u>	<u>Amount</u>	<u>Payee</u>
1061	April 29, 2004	\$ 44.00	Rotary Club
1062	April 29, 2004	\$112.00	Rotary Club
1066	June 4, 2004	\$ 26.80	Lucky Cleaners

**CONCLUSIONS OF LAW:**

14. By commingling personal and/or business funds and issuing checks from his CTA to pay for personal and/or business expenses, Respondent misused his attorney client trust account in wilful violation of rule 4-100(A), Rules of Professional Conduct.

05-C-04112 (Investigation)

**STIPULATED FACTS:**

15. This matter involves two separate incidents which occurred on April 28, 2005 and April 30, 2005 as follows:

**Incident of April 28, 2005**

16. On April 28, 2005, a sheriff's deputy went to an apartment complex in San Juan Capistrano, California, in response to the property manager's telephone call regarding a disturbance on complex property.
17. When the deputy arrived he conducted an investigation that revealed that Respondent had been operating his vehicle. The deputy observed strong objective indications that Respondent was under the influence of alcohol.
18. Respondent could not successfully complete some field tests at the scene and refused to take other tests. He was taken into custody for suspicion of driving under the influence of alcohol. His blood alcohol content tested at .32%.

**Incident of April 30, 2005**

19. On April 30, 2005, just two days after Respondent's April 28, 2005 arrest (described above), a deputy was dispatched to a traffic collision in Dana Point, California. Upon the deputy's arrival, a person informed the deputy that he was in his vehicle and stopped at a red light when he was rear ended by a vehicle driven by Respondent.

20. Upon contacting the Respondent who was sitting in his vehicle the deputy observed objective indications that Respondent was under the influence of alcohol.
21. For his own safety and because of his condition, Respondent was not required to take field tests. Respondent was arrested and booked into jail. His blood alcohol content tested at .35%.
22. On May 9, 2005, a criminal complaint combining the incidents of April 28, 2005 and April 30, 2005, was filed in Orange County Superior court as case no. 05SM02013, consisting of six misdemeanor counts:

**Incident of April 28, 2005:**

Three misdemeanor counts under Vehicle Code sections 23152(a), (driving under the influence of alcohol), 23152(b), (driving with blood/alcohol content of 0.08% or more) and 14601.1(a), (driving on suspended/revoked license).

**Incident of April 30, 2005:**

Three misdemeanor counts under Vehicle Code sections 23152(a), (driving under the influence of alcohol), 23152(b), (driving with blood/alcohol content of 0.08% or more) and 14601.1(a), (driving on suspended/revoked license).

23. On July 11, 2005, Respondent pled guilty to all six counts and was so convicted. At the July 29, 2005 sentencing hearing, Respondent received fines and fees as to counts 1, 3, 4 and 6. Counts 2 and 5 were stayed pursuant to Penal Code section 654. Respondent received jail, fines, and alcohol conditions concurrent with other matters (see above, case no. 05-C-02197), and was designated a Habitual Traffic Offender.

**CONCLUSIONS OF LAW:**

27. The facts and circumstances surrounding Respondent's July 11, 2005 convictions on six misdemeanor counts, two each under Vehicle Code sections 23152(a) (driving under the influence of alcohol) and 23152(b), (driving with a blood/alcohol content of 0.08% or more) with a special allegations pursuant to Vehicle Code section 23578, (blood/alcohol content of .20% or more); and two under Vehicle Code section 14601.1(a) (driving while privilege suspended or revoked) do not constitute acts of moral turpitude but do constitute misconduct warranting discipline.

05-C-04113

**STIPULATED FACTS:**

**Incident of April 12, 2005:**

28. On April 12, 2005, a deputy was dispatched to a report of a traffic collision on Paseo Del Mar in San Juan Capistrano, California. Paseo Del Mar was a private road in an apartment complex, which included parking stalls.

29. When the officer arrived he came in contact with Respondent and observed several objective symptoms of Respondent being under the influence of alcohol. Respondent refused to answer the deputy's questions.
30. Investigation and witness reports revealed that Respondent had struck the vehicle next to his while backing out of a parking space, causing minor damages. However, Respondent did not stop and leave the required information at the place of the impact but instead drove away to a nearby parking spot in the apartment complex. Respondent's vehicle sustained minor damage to the vehicle's passenger side and front end and the other vehicle sustained minor side-swipe damage.
31. On July 18, 2005, a criminal complaint was filed in Harbor Superior Court case no. 05HF1211 (AKA: 05SM02116) related to the incident of April 12, 2005, consisting of two felony counts under Vehicle Code sections 23152(a), (driving under the influence of alcohol/drugs with three or more priors) and 23152(b), (driving when blood alcohol .08% or more with three or more priors) along with two misdemeanor counts under Vehicle Code sections 20002(a), (hit and run with property damage) and 14601.1(a), (driving on suspended/revoked license).
32. On July 18, 2005, Respondent pled guilty to all four counts and was convicted.
33. On July 29, 2005, Respondent received 5 years formal supervised probation and, concurrent with the previously described matters (see above), jail, restitution, a 4 year revocation of his driver's license, alcohol conditions, and a designation of being a Habitual Traffic Offender.
34. On August 23, 2005, a motion was granted allowing Respondent to serve the remainder of his jail sentence in the Cornerstone Alternative Sentencing Recovery Program ("Program").
35. In January 2006, Respondent was terminated from the Program for violation of the Program's rules, including consuming alcohol. His consumption of alcohol was a violation of the alcohol conditions imposed on July 29, 2005. On January 24, 2006, a probation violation petition was filed as a result.
36. On January 25, 2006, Respondent's probation was revoked, reinstated and modified in counts 1, 2 and 4, by the revoking of his probation as to count 3. His probation was revoked, reinstated and modified in count 3 by ordering an additional 105 days in jail.

**Incident of April 3, 2006:**

37. On April 3, 2006, the Santa Ana Police Department received a call transferred from the Santa Ana Fire Department. An anonymous caller had informed them that a person was down on the ground and looked like he needed help. When the officer arrived Respondent was being attended to by a medic unit. He was sitting on the curb next to an upright blue moped. After the medics' unit declared that Respondent was OK, the officer began questioning him. Respondent displayed strong objective signs of being under the influence of alcohol and when Respondent tried to get up, he fell back down.

38. Respondent informed the officer that he had been drinking alcohol earlier. Based on Respondent's answers to questions and objective symptoms of his being intoxicated, the officer arrested Respondent took him to jail.
39. On July 6, 2006, another probation violation petition was filed based on the April 3, 2006 incident.
40. On July 7, 2006, Respondent's probation was revoked and terminated in this court case (05HF1211) as to counts 1-4, based on the new matter which occurred on April 3, 2006. Respondent was sentenced on count 1 to State prison for a low term of 16 months. The sentence on counts 2- 4 was stayed pending successful completion of the sentence on count 1, then the sentence would be permanently stayed.

**CONCLUSIONS OF LAW:**

41. The facts and circumstances surrounding Respondent's July 18, 2005 convictions for two felony counts under Vehicle Code sections 23152(a), (driving under the influence of alcohol/drugs with three or more priors) and 23152(b), (driving when blood alcohol .08% or more with three or more priors) and two misdemeanor counts under Vehicle Code sections 20002(a), (hit and run with property damage) and 14601.1(a), (driving on suspended/revoked license) do not constitute acts of moral turpitude but do constitute misconduct warranting discipline.

**07-CV-11224**

**STIPULATED FACTS:**

42. On July 13, 2006, a Felony Complaint Warrant was filed in Orange County Superior Court, Central Justice Center case no. 06CF2219, based on the above-described incident of April 3, 2006. The charges consisted of two felony counts under Vehicle Code sections 23152(a), (driving under the influence of alcohol/drugs with three or more priors), 23152(b), (driving when blood alcohol .08% or more with three or more priors), and 14601.2(a) (driving on a suspended license with prior within 5 years), a misdemeanor. Respondent's blood/alcohol content tested at .24%.
43. On November 13, 2006, Respondent pled guilty to all three counts and was convicted.
44. In addition, on November 13, 2006, Respondent was sentenced to 16 months State Prison as to count 1, with credit for 470 days, concurrent with the sentence imposed in case no. 05HF1211 for his violation of probation. Sentencing as to counts 2 and 3 was suspended.

**CONCLUSIONS OF LAW:**

45. The facts and circumstances surrounding Respondent's November 13, 2006 convictions for two felony counts under Vehicle Code sections 23152(a), (driving under the influence of alcohol/drugs with three or more priors), and 23152(b), (driving when blood alcohol .08% or more with three or more priors) and on misdemeanor count under 14601.2(a) (driving on a suspended license with prior within 5 years) do not constitute acts of moral turpitude but do constitute misconduct warranting discipline.

**STIPULATED FACTS**

46. On April 11, 2007, in State Bar case number 07-C-11224, the Review Department of the State Bar Court ("Review Department") issued an interim suspension order following Respondent's criminal conviction. Pursuant to the April 11, 2007 Order ("Suspension Order"), Respondent was suspended from the practice of law effective May 7, 2007.
47. The Suspension Order also included a requirement that Respondent comply with provisions of Rule 9.20, California Rules of Court, by performing the acts specified in subdivisions (a) and (c) within 30 and 60 days, respectively, after the effective date of the suspension, *i.e.*, May 7, 2007.
48. On April 11, 2007, notice of the Suspension Order was duly and properly served upon Respondent in the manner prescribed by California Rule of Court 29.4 subdivision(a)<sup>1</sup> at Respondent's address as maintained by the State Bar in accordance with Business and Professions Code section 6002.1.
49. Pursuant to the Suspension Order, Respondent was ordered to comply with subdivision (a) of rule 9.20 of the California Rules of Court by no later than June 6, 2007, and was ordered to comply with subdivision (c) of rule 9.20 by no later than June 18, 2007.
50. Respondent did not file a rule 9.20 declaration on or before June 18, 2007.
51. On August 10, 2007, Respondent filed with the clerk of the State Bar Court a declaration of compliance with Rule 9.20 (a), California Rules of Court, as required by Rule 9.20(c), pursuant to the Suspension Order.

**CONCLUSIONS OF LAW**

52. By not filing the declaration of compliance with Rule 9.20 in conformity with the requirements of Rule 9.20(c) due June 18, 2007 until August 10, 2007, Respondent failed to timely comply with the provisions of the Suspension Order in wilful violation of an order of the Court and of rule 9.20, California Rules of Court.

**STIPULATED FACTS:**

53. On December 1, 2006, a deputy was dispatched to investigate a report of a non-injury, hit-and-run collision. The collision occurred earlier in a private roadway exiting the parking lot of the Ocean View Plaza, in San Clemente, California.

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<sup>1</sup>Effective January 1, 2007, rule 29.4(a) was renumbered as rule 8.532(a), but the language of the rule did not change.

54. The deputy located the victim on the same day. According to the victim, while exiting the parking lot after shopping in the plaza, she stopped at a red light behind four other vehicles. After a few moments, she felt the impact of her vehicle being hit from behind. When she exited her vehicle to check it, she noticed that the two vehicles were still touching. The victim told the man driving the other vehicle to back up. When she informed him that he had damaged her vehicle, he said "there's no damage there." After this brief contact, the man drove around her vehicle and left without exchanging any information with the victim.
55. Upon information supplied by the victim, the deputy checked DMV records and located Respondent's address. At that time, he also discovered that Respondent's driving privileges were revoked and that he had numerous suspensions in the past for excessive blood alcohol. An attempt to contact Respondent was unsuccessful.
56. On December 21, 2006, the victim participated in a photographic line-up, from which she identified Respondent's picture as the perpetrator of her collision.
57. On February 23, 2007, after several additional failed attempts to contact Respondent, a complaint was filed in Orange County Superior Court (Harbor Justice Center) case no. 07SM00750, entitled *People of the State of California vs. John Leland Difiore*, consisting of violations of Vehicle Code section 20002(a) (hit and run with property damage), count 1, and Vehicle Code section 14601.2(a) (driving on suspended/revoked license with prior), count 2, both misdemeanors. Five Vehicle Code section violations were added as allegations to count 2 as follows: Four under VC14601.1(a) (driving while privilege suspended or revoked) and one under VC14601.2(a) (driving on suspended/revoked license with prior).
58. On May 4, 2007, Respondent pled guilty to both counts and was sentenced to five (5) years informal probation, standard alcohol conditions, 120 days Orange County jail, less credit for 120 days (90 days actual, 30 days conduct), fines and fees totaling \$720, restitution to the victim via the Victim Witness program in the total amount of \$36, and an Ignition Interlock Device for three (3) years.

## CONCLUSIONS OF LAW

59. The facts and circumstances surrounding Respondent's convictions, including his wilful violation of Vehicle Code section 20002(a) [hit and run with property damage], and Vehicle Code section 14601.2(a) [driving on suspended/revoked license with prior], both misdemeanors, do not involve moral turpitude, but do involve other misconduct warranting discipline pursuant to Business and Professions Code, sections 6101 and 6102.

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**A timeline is attached on the next two pages  
to show the chronology of events  
in the numerous incidents and cases described above.**

<b>JOHN L. DIFIORE - TIMELINE</b>		
<b>Date</b>	<b>Event</b>	<b>Case No.</b>
12/07/1988	Admitted to CA State Bar	
1990-2004	Works as staff counsel for a major insurance company. Cut back in early 2004. Opens solo practice in early 2004	
01/09/2004	Accident – arrested for driving while license suspended or revoked and driving w/o a license.	05-C-02224
04/29/2004	Writes two improper personal/business checks from CTA	05-O-03435
06/04/2004	Writes 3rd improper personal/business checks from CTA	05-O-03435
02/27/2005	Arrested for DUI – BAC .37%; driving while suspended or revoked.	05-C-02197
02/28/2005	Convicted for 01/09/2004 driving while license suspended or revoked and driving w/o a license	05-C-02224
04/12/2005	Arrested for DUI – BAC unknown; driving while suspended or revoked; hit-and-run	05-C-04113
04/28/2005	Arrested for DUI – BAC .32%; driving while suspended or revoked.	05-C-04112
04/30/2005	Arrested for DUI – BAC .35%; driving while suspended or revoked.	05-C-04112
07/11/2005	Convicted for 02/27/2005 DUI and for driving while suspended or revoked  Convicted for 04/28/2005 & 04/30/2005 DUIs and for driving while suspended or revoked	05-C-02197  05-C-04112
07/18/2005	Convicted for 04/12/2005 DUI (FELONY); driving while suspended or revoked; hit-and-run w/property damage	05-C-04113
08/23/2005	Permitted to serve remainder of sentence in recovery program.	
09/29/2005	State Bar Court places on interim suspension re DUI conviction - rule 955 requirement	05-C-04113
12/05/2005	Rule 955 declaration due – timely filed	05-C-04113

01/2006	Terminated from recovery program for violation of rules Including consuming alcohol	
01/25/2006	Probation revoked and reinstated for consuming alcohol	05-C-04113
04/03/2006	Arrested for DUI – BAC .24% (moped); driving while suspended	05-C-04113
07/07/2006	Probation revoked (sentenced to prison) 04/03/2006 DUI	05-C-04113
07/13/2006	Convicted for 04/03/07 DUI (FELONY); driving while suspended or revoked	07-C-11224
12/01/2006	Involved in a hit-and-run incident while driving while suspended or revoked	08-C-11192
04/11/2007	Placed on interim suspension re DUI conviction – rule 9.20 requirement	07-C-11224 07-N-12818
05/04/2007	Convicted for 12/01/2006 hit-and-run and driving while suspended	08-C-11192
06/18/2007	Rule 9.20 declaration due for filing – not timely filed	07-C-11224 07-N-12818
08/10/2007	Rule 9.20 declaration filed - 53 days late	07-C-11224 07-N-12818
01/30/08 to date - Respondent remains sober and in a monitored recovery program		

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In the Matter of <b>JOHN LELAND DIFIORE</b>	Case number(s): 05-C-02197 (Inv.); 05-C-02224 (Inv.); 05-C-04112 (Inv.) 05-C-04113; 05-O-03435; 07-C-11224; 07-N-12818; 08-C-11192
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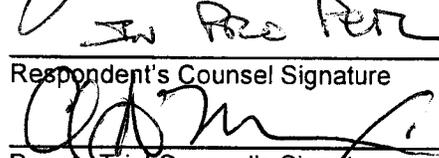
### SIGNATURE OF THE PARTIES

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 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.

806-08 _____ Date	 _____ Respondent's Signature	JOHN L. DIFIORE _____ Print Name
_____ Date 08/08/08 _____ Date	IN RE RE  _____ Respondent's Counsel Signature _____ Deputy Trial Counsel's Signature	_____ Print Name CHARLES A. MURRAY _____ Print Name

\* Pursuant to rule 803(b), Rules of Procedure, this stipulation shall be filed and public if respondent is accepted for participation in the Program.

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In the Matter Of  
**JOHN LELAND DiFIORE**

Case Number(s):  
05-C-02197 (Inv.); 05-C-02224 (Inv.); 05-C-04112  
(Inv.); 05-C-04113; 05-O-03435; 07-C-11224;  
07-N-12818; 08-C-11192

### 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.)

*10-26-05*

Date

Judge of the State Bar Court

**RICHARD A. PLATEL**

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**DECLARATION OF SERVICE BY REGULAR MAIL**

**CASE NUMBERS: 05-C-02197 (Inv.); 05-C-02224 (Inv.); 05-C-04112 (Inv.);  
05-C-04113; 05-O-03435; 07-C-11224; 07-N-12818; 08-C-11192**

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on the date shown below, a true copy of the within

**STIPULATION RE FACTS AND CONCLUSIONS OF LAW**

in a sealed envelope placed for collection and mailing at Los Angeles, on the date shown below, addressed to:

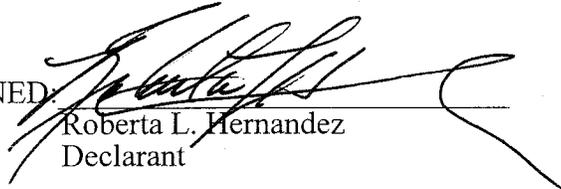
**John L. DiFiore  
P. O. Box 7223  
Newport Beach, CA 92658**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

**N/A**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: August 8, 2008

SIGNED:   
Roberta L. Hernandez  
Declarant

**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 October 8, 2008, I deposited a true copy of the following document(s):

STIPULATION RE FACTS AND CONCLUSIONS OF LAW  
CONFIDENTIAL STATEMENT OF ALTERNATIVE DISPOSITIONS AND ORDERS  
CONTRACT AND WAIVER FOR PARTICIPATION IN THE STATE BAR COURT'S  
ALTERNATIVE DISCIPLINE PROGRAM

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 L DI FIORE  
P O BOX 7223  
NEWPORT CA 92658

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

CHARLES MURRAY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 8, 2008.



Angela Owens-Carpenter  
Case Administrator  
State Bar Court