

**ORIGINAL**

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<b>State Bar Court of California</b> Hearing Department <input checked="" type="checkbox"/> Los Angeles <input type="checkbox"/> San Francisco <b>PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES</b>		
Counsel for the State Bar <b>CHARLES A. MURRAY</b> Deputy Trial Counsel 1149 South Hill Street Los Angeles, CA 90015 (213) 765-1236  Bar # 146069	Case Number(s)  05-0-02471 06-0-12118	(for Court use)  <div style="text-align: center;"> <b>LODGED</b>            APR 18 2009 <i>ROC</i>            STATE BAR COURT            CLERK'S OFFICE            LOS ANGELES         </div>
<input checked="" type="checkbox"/> Counsel for Respondent <input type="checkbox"/> In Pro Per <b>PHILLIP FELDMAN</b> 15250 VENTURA BLVD., SUITE 610 SHERMAN OAKS, CALIFORNIA 91403 (818) 986-9890  Bar # 40792	<div style="font-size: 2em; font-weight: bold;">PUBLIC MATTER FILED</div>	
In the Matter of <b>ALESSANDRO GIANCARLO ASSANTI</b>  Bar # 181368 A Member of the State Bar of California (Respondent)	Submitted to Program Judge  <b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
<div style="font-size: 2em; font-weight: bold;">PUBLIC MATTER FILED</div>		
<div style="font-size: 2em; font-weight: bold;">SEP 15 2009 <i>ROC</i></div>		
STATE BAR COURT CLERK'S OFFICE LOS ANGELES		

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 27, 1995  
(date)
- (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 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 and order consists of 8 pages.
- (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.

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- (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 [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 Action violations \_\_\_\_\_
- (d)  Degree of prior discipline \_\_\_\_\_
- (e)  If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline" (above)
- (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 the victims of his/her misconduct or the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct.
- (8)  **No aggravating circumstances are involved.**

**Additional aggravating circumstances:**

See Attachment.

(Do not write above this line.)

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

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over <sup>nine (9)</sup> ~~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 to the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat of 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 were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs 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:       **ALESSANDRO GIANCARLO ASSANTI, #181368**

CASE NUMBER(S): 00-O-11356; 01-O-00678; 05-O-02471 & 06-O-12118 (Investigation)

**PENDING PROCEEDINGS:**

The disclosure date referred to, on page one, paragraph A.(6), was December 6, 2006.

**DISMISSALS:**       Case no. 00-O-11356 [count one] and Case no. 01-O-00678 [count two] were dismissed by an order of the Court filed April 21, 2006.

**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. 05-O-02471**

**FACTS**

1. On March 3, 2005, Kalijah Anderson ("Anderson") received a gunshot wound to his abdomen at his workplace. Anderson received emergency surgery in the surgical intensive care unit at the UCI Medical Center ("UCI"). On March 5, 2005, Anderson was transferred to a different unit at UCI for recovery.

2. On or about March 10, 2005, Respondent walked into Anderson's recovery room at UCI while Anderson was discussing the gunshot wound with a police officer. Anderson had not contacted Respondent or Respondent's office to request that Respondent come to see him. Respondent waited in Anderson's room, on the other side of the privacy curtain that separates the beds, until the police officer finished and left the room. Respondent then approached Anderson. Anderson was suspicious of Respondent because Respondent was not wearing the required visitor's identification badge and because Anderson was not registered under his name but under a "doe" name. Anderson asked Respondent how he had obtained Anderson's name. Respondent replied that he had been "referred" to Anderson by someone but could not identify who it was. Respondent advised Anderson that Respondent could assist Anderson in obtaining compensation for his injuries and he provided Anderson with a number of documents necessary to do a workers' compensation claim. Respondent said that he could represent Anderson in a workers' compensation case, that he had represented people in worker's compensation claims who had been seriously injured, and that he had obtained significant settlements for them.

3. Anderson remained suspicious of Respondent. Anderson told Respondent that he had to first speak to his family or employer about retaining Respondent's services and that he would be in touch with him later. That ended the meeting. Neither Anderson nor Respondent contacted the other of them after this meeting.

4. Anderson complained to the hospital about Anderson's solicitation.

5. No one at any time was authorized to refer Respondent to Anderson.
6. Respondent was not a family member of Anderson.
7. Respondent had no prior professional relationship with Anderson.
8. Respondent made no reasonable attempt to verify whether Anderson or some authorized person on Anderson's behalf wanted Respondent to come to see Anderson.

**CONCLUSIONS OF LAW:**

9. By contacting Anderson in person in his hospital room a week after his gunshot wound in order to offer to secure employment from Anderson, Respondent, who had neither a family nor prior professional relationship with Anderson, made a communication to a prospective client regarding availability for employment with a significant motive to securing pecuniary gain, in wilful violation of Rules of Professional Conduct, rule 1-400(C).

**Investigation matter - Case no. 06-O-12118**

10. Cycle News is a nationally and internationally distributed motorcycle trade magazine which targets motorcycle enthusiasts as its readers.

11. On February 13, 2006, by email addressed to [wantads@cyclenews.com](mailto:wantads@cyclenews.com), Respondent placed an advertisement with the Cycle News to run in the classified section. Respondent wrote and specified the following text for the advertisement:

**2006 Yamaha R6 Recall.** Purchasers of this motorcycle. Learn more about the factory recall involving the R6 and its failure to redline at 17,500 rpm as advertised. Know your options even if you decide to keep your motorcycle. Please call (714) 473-0101 (24 hours).

12. Respondent did not identify himself as an attorney in his email. He gave his cell phone number and not his law office number to contact him. Respondent did not designate any other specifications for the advertisement, including his not identifying it as an advertisement or specifying the size of the type.

13. On February 16, 2006, Respondent sent a second email to Cycle News, referencing the previous email and changing the telephone number to (949) 476-1100. Again, Respondent did not identify himself nor did he designate any other specifications for the advertisement.

14. The advertisement appeared exactly as Respondent had written and submitted it to Cycle News, including the telephone number change requested. The heading was printed in 8 point type and the text in 7 point type. Nowhere in the advertisement did the word "Advertisement," or words of similar import appear. The advertisement ran for four consecutive weeks in March 2006.

15. The advertisements were primarily directed to seeking professional employment primarily for pecuniary gain and they were transmitted to the general public, including purchasers of this motorcycle, by means of the magazine Cycle News.

## CONCLUSIONS OF LAW:

16. By placing the above-described advertisement in Cycle News, Respondent made a communication that was false, deceptive, or which tends to confuse, deceive, or mislead the public, in wilful violation of Rules of Professional Conduct, rule 1-400(D)(2).

17. By placing the above-described advertisement in Cycle News, which did not contain the word "Advertisement" or other words of similar import in 12 point type, Respondent willfully violated Business and Professions Code, ~~section 1-400(E)~~, and Standards for Communications, standard (5). *RULE APP*

18. By placing the above-described advertisement in Cycle News, which did not state the name of Respondent, Respondent willfully violated Business and Professions Code, ~~section 1-400(E)~~, and Standard for Communications, standard (12). *RULES APP*

## AGGRAVATING CIRCUMSTANCES:

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

Cycle News Advertisement: Respondent concealed his true identity as an attorney from Cycle News when he placed the advertisement.

State Bar investigation: Cycle News ran the advertisement exactly as Respondent submitted for placement. The advertisement ran for four consecutive weeks in March 2006. Respondent raised no issue with the content of the advertisement. After the State Bar sent a letter to Respondent on May 16, 2006, informing him that a complaint was received that he did not include his name in the advertisement, Respondent then contacted Cycle News and complained that his name was not included in the advertisement due to an error by Cycle News when he knew the advertisement that ran was exactly as Respondent had submitted. To resolve the situation and terminate further contact by Respondent, on May 26, 2006 Cycle News representative Ashleigh Klein sent Respondent a facsimile that said "It looks like your name was not printed in the ad that was most recently run for you in issues #8-11. Sorry about that. Let me know if you need anything else." Respondent then wrote the State Bar "Assanti concedes type wasn't 12 point (since those mags charge too much for their miniaturize ads and concedes phone number was provided. Omission of the responsible lawyer, Assanti, however appears to be a publisher's goof as per Ashleigh Klein's of Cycle News attached note of May 26, 2006." The referenced Cycle News facsimile was attached with the writing.

Presenting the Cycle News facsimile to the State Bar to make it appear that the omission of his name from the ad was cycle News fault and not Respondent's was in bad faith, dishonest, an act of concealment and overreaching. Further, it lacked candor and cooperation with the State Bar's investigation.

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In the Matter of ALESSANDRO GIANCARLO ASSANTI Member #: 181368	Case number(s): 05-O-02471
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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.

12/6/06  
Date

  
Respondent's signature

ALESSANDRO G. ASSANTI  
Print name

Dec 6, 2006  
Date

  
Respondent's Counsel's signature

PHILLIP FELDMAN  
Print name

12/6/06  
Date

  
Deputy Trial Counsel's signature

CHARLES A. MURRAY  
Print name

(Do not write above this line.)

In the Matter of ALESSANDRO GIANCARLO ASSANTI Member #: 181368	Case number(s): 05-O-02471
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### 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.)

04-18-07  
Date

  
\_\_\_\_\_  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court 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 April 18, 2007, I deposited a true copy of the following document(s):

**CONFIDENTIAL STATEMENT OF ALTERNATIVE DISPOSITIONS AND ORDERS; STIPULATION RE FACTS AND CONCLUSIONS OF LAW; 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:

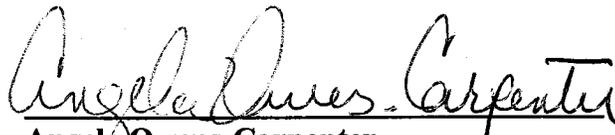
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

<b>PHILLIP FELDMAN</b>	<b>ALESSANDRO G ASSANTI</b>
<b>LAW OFC PHILLIP FELDMAN</b>	<b>ASSANTI &amp; ASSOCIATES LLP</b>
<b>15250 VENTURA BLVD #610</b>	<b>33 BROOKLINE</b>
<b>SHERMAN OAKS CA 91403</b>	<b>ALISO VIEJO CA 92656</b>

- 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 **April 18, 2007**.



**Angela Owens-Carpenter**  
Case Administrator  
State Bar Court

**CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court 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 San Francisco, on November 24, 2009, I deposited a true copy of the following document(s):

DECISION AND DISCIPLINE ORDER; ORDER SEALING CERTAIN DOCUMENTS

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 San Francisco, California, addressed as follows:

ALESSANDRO G. ASSANTI  
A. G. ASSANTI & ASSOCIATES, A PLC  
33 BROOKLINE  
ALISO VIEJO, CA 92656

- by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

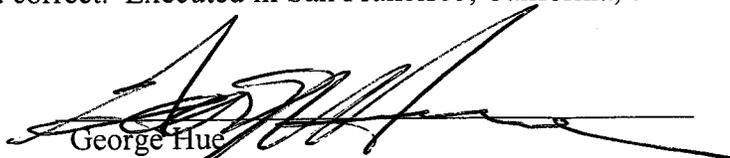
- by overnight mail at , California, addressed as follows:

- By 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:

Charles A. Murray, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on November 24, 2009.

  
George Hue  
Case Administrator  
State Bar Court