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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
Counsel For The State Bar  AGUSTIN HERNANDEZ Deputy Trial Counsel State Bar of California 1149 South Hill Street Los Angeles, CA 90015-2299 (213) 765-1713  Bar # 161625	Case Number(s): 06-O-10873 06-O-11220 10-O-08425	For Court use only  <div style="text-align: center;"> <b>FILED</b> <i>YRC</i>  <b>APR - 5 2011</b>            STATE BAR COURT            CLERK'S OFFICE            LOS ANGELES   <b>PUBLIC MATTER</b> </div>
In Pro Per Respondent  TONI LORILEE CHRISTIANI 1610 South 10th Street Las Vegas, Nevada 89104 (619) 794-6454  Bar # 202884	Submitted to: <b>Assigned Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: TONI LORILEE CHRISTIANI  Bar # 202884  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 November 29, 1999.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 15 pages, not including the order.



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- (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) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) 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.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
  - Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: 2012, 2013 and 2014. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.

**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.

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- (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. Respondent's misconduct consists of nine violations of sections of the Business and Professions Code and Rules of Professional Conduct. This includes issuing seven checks from her client trust accounts to pay for personal expenses, and two failures to deposit clients' settlement checks into a client trust account. (See Attachment for details.)
- (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. Respondent has no record of prior discipline since being admitted to the practice of law on November 29, 1999.
- (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:**

During the time of the misconduct in this stipulation, Respondent was suffering from depression, anxiety and stress which she attributes to financial issues with her law firm and real property that she owned, and because of claimed physical and verbal abuse from another person. Respondent received emergency medical care for injuries suffered from the physical abuse. On August 29, 2006, Respondent filed a request for a temporary restraining order against her abuser.

In November 2004, Respondent voluntarily sought help from the Lawyer's Assistance Program ("LAP") and was formally accepted into LAP on March 1, 2005. However, Respondent was terminated from LAP on July 25, 2005, because she could not financially afford the recommended treatment.

Respondent does not have health insurance and has not received any medical or professional care for these conditions for several years. However, Respondent claims that she no longer suffers from these conditions and that she no longer has any contact with the person who physically and verbally abused her.

**D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of two years.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:
- (b)  The above-referenced suspension is stayed.
- (2)  **Probation:**
- Respondent must be placed on probation for a period of three years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3)  **Actual Suspension:**
- (a)  Respondent must be actually suspended from the practice of law in the State of California for a period of one year.

- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

- (1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4)  Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.

No Ethics School recommended. Reason: .

- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input checked="" type="checkbox"/> Financial Conditions  |

**F. Other Conditions Negotiated by the Parties:**

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5)  **Other Conditions:**

Attachment language (if any):

WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CONCLUSIONS OF LAW

The parties waive any variance between the Notice of Disciplinary Charges filed on November 2, 2010, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

ATTACHMENT TO STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: TONI LORILEE CHRISTIANI

CASE NUMBER(S): 06-O-10873, 06-O-11220 & 10-O-08425

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that she is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 06-O-10873 (Complainant: Stephanie Pollaro)

FACTS:

1. At all relevant times, Respondent and her law partner, William Bransfield Sullivan ("Sullivan"), maintained a client trust account at San Diego National Bank, account no. xxxxxx7270 ("San Diego National Bank CTA") in the name of the law firm of Sullivan & Christiani (the "firm"). At all relevant times, Respondent was a signatory on the San Diego National Bank CTA.

2. Between February 7, 2005 and August 20, 2005, Respondent issued checks drawn upon the San Diego National Bank CTA to pay for her and Sullivan's personal expenses including, but not limited to, the following:

Date	Payee (memo line)	Amount (\$)
02/07/05	Mark Meyer ("repayment beach house")	\$50,000
08/20/05	Cash ("Robert Krogen/Statewide payment")	\$5,000

3. In March 2002, Stephanie Pollaro ("Pollaro") employed the firm to represent her in a personal injury action against Great American Balloon Co. arising out of a hot air balloon accident that occurred on February 23, 2002.

4. In January 2005, the firm settled the matter against Great American Balloon Co. for \$85,000. In January 2005, the firm received the \$85,000 settlement check from Great American Balloon Co.

5. On January 21, 2005, Respondent deposited the \$85,000 settlement check from Great American Balloon Co. into the firm's general account at San Diego National Bank, account number xxxxxx9099 (the "San Diego National Bank general account"). At no time did Respondent deposit the settlement check from American Balloon Co. in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import.

6. On August 18, 2005, Respondent informed Pollaro that Respondent would reduce her fee to 25% of the \$85,000 settlement (\$21,250). Respondent informed Pollaro that Pollaro would receive \$38,000 and that Respondent would keep the balance of \$25,750 to pay Pollaro's medical expenses and liens upon negotiation with the healthcare providers.

7. On August 26, 2005, Respondent disbursed to Pollaro two checks totaling \$38,000 issued from the San Diego National Bank general account. Respondent kept the remaining \$25,750 to pay Pollaro's medical expenses and liens upon negotiation with the healthcare providers.

8. Thereafter, after numerous requests from Pollaro to negotiate and/or pay the medical expenses and liens, Respondent did not contact the health care providers and did not pay any of Pollaro's medical expenses and liens.

9. In May 2006, Pollaro employed attorney Ralph Martinez ("Martinez") to negotiate and pay the outstanding medical bills and liens on her behalf.

10. On June 19, 2006, Martinez mailed a letter to Respondent requesting that the firm provide him with Pollaro's client file and the remaining settlement funds. Respondent received the letter. Neither Respondent nor Sullivan provided Martinez or Pollaro with Pollaro's file or settlement funds.

11. On July 6, 2006, and on August 1, 2006, Martinez mailed letters to Respondent requesting Pollaro's client file. Respondent received the letters. Neither Respondent nor Sullivan provided Martinez or Pollaro with the client file.

12. On September 15, 2006, Martinez mailed a letter to Respondent requesting Pollaro's file and the remaining settlement funds. Respondent received the letter. Neither Respondent nor Sullivan released the file or the funds to Martinez or Pollaro.

13. At no time did Respondent or Sullivan release the client file or remaining settlement funds to Martinez or Pollaro.

14. In September and October 2010, Sullivan paid the outstanding medical bills and liens.

15. On November 2, 2010, Sullivan issued a check to Pollaro in the sum of \$6,835.09, which represented the remaining balance of Pollaro's settlement funds

#### CONCLUSIONS OF LAW:



16. By issuing checks from the San Diego National Bank CTA to pay for her and Sullivan's personal expenses, Respondent misused the San Diego National Bank CTA, in willful violation of rule 4-100(A), Rules of Professional Conduct.
17. By depositing the \$85,000 settlement check from Great American Balloon Co. into the San Diego National Bank general account, Respondent failed to deposit client funds in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, in willful violation of rule 4-100(A), Rules of Professional Conduct.
18. By failing to pay Pollaro's medical bills and liens prior to September and October 2010, failing to disburse the remaining settlement proceeds to Martinez, and by failing to disburse the remaining \$6,835.09 to Pollaro prior to November 2, 2010, Respondent failed to pay promptly, as requested by a client, any funds in Respondent's possession which the client is entitled to receive, in willful violation of rule 4-100(B)(4), Rules of Professional Conduct.
19. By failing to release the client file to Martinez or Pollaro, Respondent failed to release promptly, upon termination of employment, all client documents at the request of the client, in willful violation of rule 3-700(D)(1), Rules of Professional Conduct.

Case No. 06-O-11220 (Complainant: Richard Joyce)

FACTS:

20. In March 2005, Richard Joyce ("Joyce") employed the firm to represent him in a wage and hour and retaliation claim against his employer Patriot Plumbing, Inc. ("Patriot Plumbing").
21. On January 13, 2006, Joyce agreed to settle his claim against Patriot Plumbing for \$50,000 at a Mandatory Settlement Conference ("MSC"). At the MSC, Joyce and Sullivan agreed that the firm would be paid a fee of \$12,000.
22. In January 2006, the firm received a settlement check issued by Patriot Plumbing in the amount of \$5,000. The check represented the first of two installment payments in satisfaction of the settlement of Joyce's case.
23. On February 3, 2006, the firm deposited, or caused to be deposited, the \$5,000 check in the firm's client trust account at Wells Fargo Bank, account number xxx-xxx4454 (the "Wells Fargo Bank CTA"). At that time, Sullivan was a signatory on the Wells Fargo Bank CTA, but Respondent was not. On February 8, 2006, Respondent became a signatory on the Wells Fargo Bank CTA along with Sullivan.
24. On February 10, 2006, Respondent issued a check payable to the firm in the amount of \$5,000 from the Wells Fargo Bank CTA, reducing the balance in the Wells Fargo Bank CTA to \$3,093. On February 15, 2010, Respondent transferred \$3,000 from the Wells Fargo Bank CTA to a non-trust account maintained in the name of the firm, reducing the balance in the Wells Fargo Bank CTA to \$93. On February 17, 2006, Respondent withdrew \$90 from the Wells Fargo Bank CTA, reducing the balance to \$3. Prior these transactions, no disbursement had been made from the Wells Fargo Bank CTA to or on behalf of Joyce.

- 25. Respondent dishonestly or with gross negligence misappropriated \$4,997 of Joyce's funds.
- 26. On February 21, 2006, Sullivan paid Joyce \$5,000 from the firm's general account at Wells Fargo Bank.

CONCLUSIONS OF LAW:

- 27. By failing to maintain \$5,000 in the Wells Fargo Bank CTA, Respondent failed to maintain client funds in trust, in willful violation of rule 4-100(A), Rules of Professional Conduct.
- 28. By misappropriating \$4,997 of Joyce's funds, Respondent committed acts involving moral turpitude, dishonesty or corruption, in wilful violation of Business and Professions Code section 6106.

Case No. 10-O-08425 (State Bar Investigation)

FACTS:

- 29. In 2004, Jolie Ibrahim ("Ibrahim") employed the firm to represent her in a sexual harassment claim and wage and hour claim against her employer Nextel Communications ("Nextel").
- 30. On August 1, 2005, Ibrahim agreed to settle her claim against Nextel for \$69,000.
- 31. In October 2005, the firm received a settlement check from Nextel in the sum of \$69,000.
- 32. At all times relevant to the firm's representation of Ibrahim, the firm maintained only one client trust account, the San Diego National Bank CTA.
- 33. Respondent failed to deposit Ibrahim's \$69,000 settlement check into the San Diego National Bank CTA. At no time did Respondent deposit the settlement check from Nextel into a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import.
- 34. On November 3, 2005, Respondent and Sullivan opened a client trust account at Union Bank of California, account number xxxxxx0684 (the "Union Bank CTA") in the name of the firm. At all relevant times, Respondent was a signatory on the Union Bank CTA.
- 35. Between November 17, 2005 and November 21, 2005, Respondent issued checks drawn upon the Union Bank CTA to pay for her and Sullivan's personal expenses including, but not limited to, the following:

Date	Payee (memo line)	Amount (\$)
11/17/05	Cash ("cashier check to Statewide house payment")	\$7,000.00
11/21/05	Cash ("WBS-100 TLC-car rental deposit")	\$400.00
11/21/05	Cash ("2nd house payment Capistrano")	\$7,000.00
11/21/05	Cash ("3rd house payment Capistrano")	\$6,000.00
11/21/05	Cash ("cashier check-house payment Capistrano MS Mayer")	\$7,000.00

## CONCLUSIONS OF LAW:

36. By failing to deposit Ibrahim's \$69,000 settlement check into the San Diego National Bank CTA, Respondent failed to deposit client funds in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, in willful violation of rule 4-100(A), Rules of Professional Conduct.

37. By issuing checks from the Union Bank CTA to pay for her and Sullivan's personal expenses, Respondent misused the San Diego National Bank CTA, in willful violation of rule 4-100(A), Rules of Professional Conduct.

## PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was March 24, 2011.

## AUTHORITIES SUPPORTING DISCIPLINE.

### Standards

Standard 1.3, Title IV, Standards for Attorney Sanctions for Professional Misconduct, provides that the primary purposes of the disciplinary system are: "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession."

The Supreme Court emphasized the importance of the standards and held that great weight should be given to the application of the standards in determining the appropriate level of discipline. The Court indicated that unless it has "grave doubts as to the propriety of the recommended discipline," it will uphold the application of the standards. In re Silverton (2005) 36 Cal. 4th 81, 91-92.

In this case, the standards support discipline consisting of a one-year actual suspension.

Standard 1.6(a) states that "[i]f two or more acts of professional misconduct are found or acknowledged in a single disciplinary proceeding, and different sanctions are prescribed by these standards for said acts, the sanction imposed shall be the more or most severe of the different applicable sanctions."

In this case, the most serious misconduct is the misappropriation of \$4,997 of Joyce's funds.

Standard 2.2(a) states that "[c]ulpability of a member of wilful misappropriation of entrusted funds or property shall result in disbarment. Only if the amount of funds or property misappropriated is insignificantly small or if the most compelling mitigating circumstances clearly predominate, shall disbarment not be imposed. In those latter cases, the discipline shall not be less than a one-year actual suspension, irrespective of the mitigating circumstances."

Respondent also violated Business and Professions Code, section 6106 by misappropriating \$4,997. Standard 2.3 provides that "[c]ulpability of a member of an act of moral turpitude, fraud, or intentional

dishonesty toward a court, client or another person or of concealment of a material fact to the court, client or another person shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law."

Respondent's violations of rules 4-100(A) and 4-100(B)(4) are governed by standard 2.2(b) which states that "[c]ulpability of a member of commingling of entrusted funds or property with personal property or the commission of another violation of rule 4-100, Rules of Professional Conduct, none of which offenses result in the wilful misappropriation of entrusted funds or property shall result in at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances."

Pursuant to standard 2.2(a), the minimum discipline can be no less than a one-year actual suspension in light of Respondent's mitigating circumstances. Respondent's mitigation consists of the absence of a prior record of discipline since being admitted to the practice of law in 1999, and her suffering from depression, anxiety and stress at the time of the misconduct.

Case Law

Case law also supports the imposition of a one-year actual suspension.

The Supreme Court has imposed discipline consisting of a one-year actual suspension with three years of stayed suspension and three years of probation for a misappropriation of approximately \$3,000. Upon settlement, the attorney sent the client a check for \$3,000 representing the client's share of the settlement proceeds. However, the check was not honored by the bank as there were insufficient funds in the trust account. The lowest balance in the account during the relevant time was \$33.22. In mitigation, the attorney had no record of prior discipline; promptly repaid the funds before the State Bar contacted him; cooperated with the State Bar; and took steps to improve his management of trust funds. In aggravation, the attorney committed multiple acts of misconduct by misusing his trust account by sometimes paying personal expenses from it, and demonstrated a lack of appreciation of the seriousness of his misconduct. (Edwards v. State Bar (1990) 52 Cal. 3d 28.)

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

Case No.	Count	Alleged Violation
06-O-10873	Three	Business and Professions Code, section 6106
10-O-08425	Eight	Business and Professions Code, section 6106

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In the Matter of: TONI LORILEE CHRISTIANI	Case Number(s): 06-O-10873, 06-O-11220 & 10-O-08425
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**Financial Conditions**

**a. Restitution**

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

**b. Installment Restitution Payments**

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**c. Client Funds Certificate**

- 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
  - a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

- b. Respondent has kept and maintained the following:
    - i. A written ledger for each client on whose behalf funds are held that sets forth:
      - 1. the name of such client;
      - 2. the date, amount and source of all funds received on behalf of such client;
      - 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
      - 4. the current balance for such client.
    - ii. a written journal for each client trust fund account that sets forth:
      - 1. the name of such account;
      - 2. the date, amount and client affected by each debit and credit; and,
      - 3. the current balance in such account.
    - iii. all bank statements and cancelled checks for each client trust account; and,
    - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
  - c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
    - i. each item of security and property held;
    - ii. the person on whose behalf the security or property is held;
    - iii. the date of receipt of the security or property;
    - iv. the date of distribution of the security or property; and,
    - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

**d. Client Trust Accounting School**

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

(Do not write above this line.)


In the Matter of:  
TONI LORILEE CHRISTIANI

Case number(s):  
06-O-10873, 06-O-11220 & 10-O-08425

**SIGNATURE OF THE PARTIES**

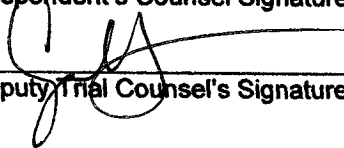
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

3/26/2011  
Date

  
Respondent's Signature

TONI CHRISTIANI  
Print Name

3/28/2011  
Date

Respondent's Counsel Signature  
  
Deputy Trial Counsel's Signature

Print Name  
AGUSTIN HERNANDEZ  
Print Name

(Do not write above this line.)

In the Matter of:  
TONI LORILEE CHRISTIANI

Case Number(s):  
06-O-10873, 06-O-11220 & 10-O-08425


### ACTUAL SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates 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. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

4/4/11  
Date

  
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 April 5, 2011, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION**

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:

**TONI L. CHRISTIANI  
1610 S 10TH  
LAS VEGAS, NV 89104**

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

**AUGUSTIN HERNANDEZ, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 5, 2011.



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Tammy Cleaver  
Case Administrator  
State Bar Court