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**State Bar Court of California  
Hearing Department  
Los Angeles**

Counsel For The State Bar  <b>Suzan J. Anderson</b> 1149 S. Hill Street Los Angeles, CA 90015  Bar # 160559	Case Number (s) <b>06-0-11175</b>  <b>PUBLIC MATTER</b>	(for Court's use)  <b>FILED</b> NOV 27 2006 <i>vac</i> STATE BAR COURT CLERKS OFFICE LOS ANGELES
In Pro Per Respondent  <b>Michael Alan Giuliani</b> 3510 N. 32 <sup>nd</sup> Ter Hollywood, FL 33021 (818) 605-3030  Bar # 237078	Submitted to: <b>Assigned Judge</b>	
In the Matter Of: <b>Michael Alan Giuliani</b>  Bar # 237078  A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>PUBLIC REPROVAL</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 **June 1, 2005** .
- (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 **17** pages, not including 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) 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.

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004.)

Reproval

(Do not write above this line.)

- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- costs added to membership fee for calendar year following effective date of discipline (public reproof)  
 case ineligible for costs (private reproof)  
 costs to be paid in equal amounts for the following membership years:

- (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)  
 costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"  
 costs entirely waived

- (9) The parties understand that:

- (a)  A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
- (b)  A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
- (c)  A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

**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

(Do not write above this line.)

- (e)  If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

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

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2)  **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (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. Respondent responded to all inquires by the Bar and is eager to comply with all conditions.
- (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.

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004.)

Reproval

(Do not write above this line.)

- (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.  
Please see Attachment
- (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.  
Please see Attachment
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

**D. Discipline:**

- (1)  **Private reproof (check applicable conditions, if any, below)**
- (a)  Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b)  Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2)  **Public reproof (Check applicable conditions, if any, below)**

**E. Conditions Attached to Reproof:**

- (1)  Respondent must comply with the conditions attached to the reproof for a period of **one (1) year**.
- (2)  During the condition period attached to the reproof, 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 condition period attached to the reproof. 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 the reproof during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (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 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 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 conditions attached to the reproof.
- (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.

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- 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)  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 within one year of the effective date of the reprobation.
- No MPRE recommended. Reason:
- (11)  The following conditions are attached hereto and incorporated:
- |                                                                |                                                           |
|----------------------------------------------------------------|-----------------------------------------------------------|
| <input checked="" type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions                    | <input type="checkbox"/> Financial Conditions             |

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

**Please see Attachment.**

In the Matter of  
Michael Alan Giuliani

Case number(s):  
06-0-11175

### Substance Abuse Conditions

- a.  Respondent must abstain from use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.
- b.  Respondent must attend at least **ten (10)** meetings per month of:
- Alcoholics Anonymous
  - Narcotics Anonymous
  - The Other Bar
  - Other program

As a separate reporting requirement, Respondent must provide to the Office of Probation satisfactory proof of attendance during each month, on or before the tenth (10<sup>th</sup>) day of the following month, during the condition or probation period.

- c.  Respondent must select a license medical laboratory approved by the Office of Probation. Respondent must furnish to the laboratory blood and/or urine samples as may be required to show that Respondent has abstained from alcohol and/or drugs. The samples must be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent must cause the laboratory to provide to the Office of Probation, at the Respondent's expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of Respondent's blood and/or urine obtained not more than ten (10) days previously.
- d.  Respondent must maintain with the Office of Probation a current address and a current telephone number at which Respondent can be reached. Respondent must return any call from the Office of Probation concerning testing of Respondent's blood or urine within twelve (12) hours. For good cause, the Office of Probation may require Respondent to deliver Respondent's urine and/or blood sample(s) for additional reports to the laboratory described above no later than six hours after actual notice to Respondent that the Office of Probation requires an additional screening report.
- e.  Upon the request of the Office of Probation, Respondent must provide the Office of Probation with medical waivers and access to all of Respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.

In the Matter of  
Michael Alan Giuliani

Case number(s):  
06-0-11175

A Member of the State Bar

### 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
Nabil Bouzeidan	\$500.00	10/14/2005

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **six (6) months after the effective date of this reproval.**

**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 reproval), 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

**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. Respondent is attending CTA School to understand the rules regarding fees and refunds.

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:       MICHAEL ALAN GIULIANTI  
CASE NUMBER(S):        06-O-11175

**FACTS AND CONCLUSIONS OF LAW.**

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

**COUNT ONE**

**FACTS**

1. On August 27, 2005, Nabil Bouzeidan ("Bouzeidan") was issued a citation for traveling at the speed of 107 miles per hour in a 70 mile per hour zone. Bouzeidan was scheduled to appear in court regarding the citation on October 21, 2005 at the Barstow Superior Court. Bouzeidan lived in Georgia at the time.

2. On September 27, 2005, Respondent faxed a retainer agreement to Bouzeidan at Bouzeidan's home facsimile number, (770) 904-5189, along with a credit card authorization request. The retainer agreement specified that Bouzeidan agreed to pay Respondent a "non-refundable" \$500.00 retainer fee and that Respondent agreed to be retained "for the entire case with no possibility of additional legal fees." At the time Respondent knew Bouzeidan's hearing was scheduled for October 21, 2005.

3. On September 28, 2005, Bouzeidan reviewed Respondent's retainer agreement and credit card authorization, signed both documents and subsequently returned them to Respondent.

4. On October 14, 2005, Respondent billed Bouzeidan's credit card \$500.00 in accordance with Respondent's retainer agreement with Bouzeidan.

5. On the same day, Bouzeidan called Respondent to schedule an appointment to review the case. At that time, Respondent instructed Bouzeidan to bring with him to the appointment his son, George Bouzeidan ("George"), and Jessica Nolan ("Ms. Nolan"), since both of them were with Bouzeidan at the time the citation was issued. Bouzeidan and Respondent scheduled the appointment for October 20, 2005.

6. On October 18, 2005, Respondent sent an e-mail to Sarah Mishoe ("Mishoe"), Legal Processing Assistant II, at her email @courts.sbcounty.gov informing Mishoe that Bouzeidan was going to plead not guilty and requesting a trial date of December 1, 2005.

7. On October 20, 2005, Mishoe sent a return e-mail to Respondent informing him that the trial was scheduled for December 1, 2005.

8. On October 19, 2005, Bouzeidan, Ms. Nolan and George traveled from Georgia to California to meet with Respondent and attend the hearing previously scheduled for October 21, 2005. On October 20, 2005, Bouzeidan, Ms. Nolan and George met with Respondent for the first time at Respondent's office. During that meeting, Respondent explained to Bouzeidan what would transpire at the hearing. Respondent also informed Bouzeidan that the trial had been continued to December 1, 2005.

9. On November 9, 2005, Mishoe sent an e-mail to Respondent confirming that the trial date in Bouzeidan's case had been scheduled for December 1, 2005 at 8:30 a.m. Respondent received this e-mail.

10. On November 30, 2005, Bouzeidan and Ms. Nolan traveled to Los Angeles, California for the scheduled trial. That day, Bouzeidan made several telephone calls to Respondent at the telephone number which Respondent gave him to inform Respondent that he was in Los Angeles. Bouzeidan had to leave messages for Respondent requesting him to return the call each time. Respondent returned the calls later that day and spoke with Bouzeidan. During the telephone conversation, Bouzeidan offered to pick up Respondent, drive him to Barstow with them and pay for his room since the courthouse was in Barstow and Respondent's office was in Woodland Hills. Respondent declined the offer and told Bouzeidan that he would be up in Barstow in three hours.

11. In the early morning of December 1, 2005, Bouzeidan looked for Respondent's car in the hotel's parking lot but did not see it. Bouzeidan made numerous calls to Respondent that morning at the telephone number which Respondent gave him and each time left a message requesting a call back. At about 8:30 a.m., Respondent returned the calls and informed Bouzeidan that he had another appearance at another court and would not be there until 1:30 p.m. Bouzeidan stated that he expected Respondent to be there to represent him as he had paid Respondent to be there and represent him. Respondent told Bouzeidan that he would not be there until 1:30 p.m. and would represent him then.

12. On December 1, 2005, Respondent called the court clerk to leave a message for the Judge in Bouzeidan's matter that Respondent had another appearance in Temecula and requested that the hearing be continued to 1:30 p.m. that day. The Judge denied Respondent's request for a continuance to 1:30 p.m.

13. On December 1, 2005, at approximately 8:30 a.m., Bouzeidan appeared at the scheduled trial. At approximately 11:00 a.m., the Judge called Bouzeidan's case. Respondent failed to appear. At that time, Bouzeidan informed the judge that he was waiting for Respondent and that Respondent would be there after 1:30 p.m. The judge told Bouzeidan that he was not going to wait for Respondent because Respondent had notice of the time he was to be in his court. Bouzeidan was forced to represent himself. After he was found guilty and fined, Bouzeidan waited for Respondent outside the courtroom until about 12:30 p.m. Respondent never appeared at the Barstow Courthouse.

#### CONCLUSIONS OF LAW

By failing to appear at the scheduled hearing which resulted in Bouzeidan having to represent himself after he had paid Respondent to represent him, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

#### **COUNT TWO**

#### FACTS

14. The stipulated facts set forth in paragraphs 1 through 13 are incorporated by reference.

15. On December 2, 2005, Bouzeidan called Respondent to inform him that the scheduled trial had taken place without Respondent. Bouzeidan also requested a refund of the \$500.00 that he had paid Respondent because Respondent did not appear at the trial. Respondent informed Bouzeidan that he could not give him his money back. Respondent also informed Bouzeidan that it was the Judge's problem because Respondent had called the Judge to tell him that Respondent was going to be late and the Judge would not wait for Respondent.

16. By failing to represent Bouzeidan at trial, Respondent failed to perform services for which he was retained and failed to earn the \$500 paid by Bouzeidan.

17. To date, Respondent has not refunded any portion of the \$500.00 which Bouzeidan paid in advanced attorney fees.

#### CONCLUSIONS OF LAW

By failing to return any portion of the unearned fees to Bouzeidan, Respondent wilfully failed to promptly refund any part of a fee paid in advance that had not been earned in wilful violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

## **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(7), was October 20, 2006.

## **MITIGATING CIRCUMSTANCES.**

### **FACTS SUPPORTING MITIGATING CIRCUMSTANCES.**

In October 1998, Respondent was diagnosed by Thomas F. Trott, M.D., Ph.D with Bi-Polar Disorder, Type I. Respondent treated with Dr. Trott until approximately April of 2006.

In July, 2000, Respondent and his wife entered joint counseling for acute spousal problems caused by Respondent's Bi-Polar Disorder. In or about November 2005, Respondent's wife decided to end the marriage and made Respondent move out of the marital home. At that time, Respondent went through extreme mania and attempted to self-medicate with prescription medications and recreational drugs including alcohol.

### **ADDITIONAL MITIGATING CIRCUMSTANCES.**

In March 2006, Respondent was admitted to Cedars-Sinai Medical Center for a 10-day detoxification program. After successfully completing the 10-day program, Respondent admitted himself to Promises Residential Treatment Centers on April 4, 2006. Respondent was discharged on May 4, 2006 after successfully completing their residential program. After completion of the residential stay, Respondent transitioned into Promises' Continuing Care Program, which consisted of 2 weeks Day-Patient Program (Respondent attended 3 groups per day for 10 days) and 2 weeks of Intensive Out-Patient Program (Respondent attended one group per day for 2 weeks.) Respondent completed this level of care and was discharged on June 4, 2006. During his treatment at Promises, Respondent also attended 5 twelve-step meetings per week and was randomly drug tested which resulted in clean results.

From June to August 2006, Respondent lived at Sober Living House where he attended a minimum of five twelve-step meetings per week, completed all assigned chores and tasks, complied with all house rules and regulations and tested clean on all weekly urine analysis.

Respondent is continuing his rehabilitation living with his parents in Hollywood, Florida. Respondent continues to attend 5 to 7 twelve-step meetings per week.

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## **OTHER CONDITIONS NEGOTIATED BY THE PARTIES.**

### **A. Mental Health Conditions**

As Respondent has been previously diagnosed with Bi-Polar Disorder, which contributed to the misconduct herein, Respondent has agreed to the following mental health conditions.

#### **1. Individual Psychotherapy Treatment:**

a. Commencing within twenty (20) days of the effective date of the disciplinary order resulting from this stipulation, if he has not done so already, Respondent shall commence participating and shall continue to participate in individual psychotherapy treatment, a minimum of once per month, with a duly licensed psychiatrist or psychologist ("therapist").

b. No later than his first therapy session, Respondent shall provide his therapist with: (1) a copy of this Stipulation and (2) a release waiving rights of privacy and privilege and authorizing the Office of the Chief Trial Counsel and the Office of Probation access to all of Respondent's medical and treatment records. Revocation of the medical release/waiver constitutes a violation of this condition.

c. Respondent shall comply with all treatment recommendations of his therapist, as may be made initially or as may be later recommended or modified, including without limitation, individual therapy, group therapy and/or medication management (prescribed by the therapist if qualified or by a psychiatrist working in conjunction with his therapist).

d. Respondent shall authorize and instruct his therapist to prepare and submit to the Office of Probation a written report each calendar quarter describing Respondent's condition, including a prognosis, and his compliance with therapy and treatment recommendations, including but not limited to medication management.

e. Respondent shall further authorize and instruct his therapist to advise the Office of Probation within five (5) days of any non-compliance by Respondent with the conditions of his treatment.

#### **2. Reporting Compliance to the Office of Probation:**

a. With each written quarterly report or final report required as a condition of this stipulation, Respondent shall report, in writing and under penalty of perjury, his compliance with his mental health conditions; and he shall provide to the Office of Probation satisfactory proof of his attendance at the above-described therapy sessions. Proof of compliance and attendance shall be as requested by the Office of Probation and may include

submission of a writing which clearly sets forth for each therapy session he attends the date and time of the session and which bears the signature of the therapist verifying Respondent's attendance at that session.

b. Within thirty (30) days of the effective date of the disciplinary order resulting from this stipulation, Respondent shall provide the Office of Probation with:

(1) The name, address, and telephone number of his therapist; and,

(2) Proof satisfactory to the Office of Probation that Respondent has provided his therapist with (a) a copy this stipulation and (b) a written release and authorization for disclosure of medical/treatment records and information, including non-compliance with treatment recommendations, to the Office of Probation.

**3. Responsibility for Costs:**

All costs related to the above-described conditions shall be the responsibility of the Respondent.

**4. Modification of Conditions:**

Modification of these mental health condition shall be made pursuant to the Rules of Procedure of the State Bar of California, rules 550 et seq. If Respondent's treating therapist determines that there has been a substantial change in Respondent's condition, Respondent or the Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 550 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the therapist by affidavit or under penalty of perjury, in support of the proposed modification.

**AUTHORITIES SUPPORTING DISCIPLINE**

Standard 2.4(b) provides that the culpability of a member of wilfully failing to perform services in an individual matter shall result in reproof or suspension depending on the extent of the misconduct and the degree of harm to the client.

As this is an individual matter, only one client, only one occurrence, and this is the first discipline for Respondent, this public reproof is appropriate under the circumstances.

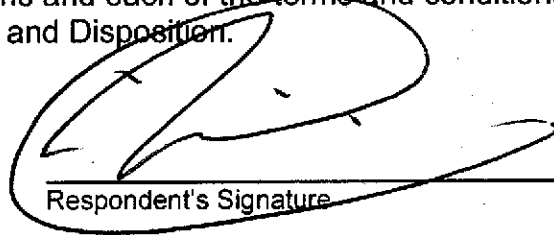
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In the Matter of Michael Alan Giuliani	Case number(s): 06-0-11175
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### SIGNATURE OF THE PARTIES

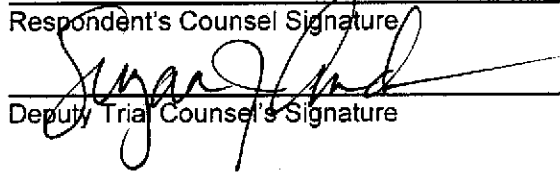
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

11/4/06  
Date

  
Respondent's Signature

Michael Alan Giuliani  
Print Name

11/9/06  
Date

  
Deputy Trial Counsel's Signature

Suzan J. Anderson  
Print Name



(Do not write above this line.)

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### ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, 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 REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- 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. (See rule 125(b), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

**Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.**

Nov - 21, 2004  
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 November 27, 2006, I deposited a true copy of the following document(s):

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

in a sealed envelope for collection and mailing on that date as follows:


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

**MICHAEL ALAN GIULIANTI  
OUTLAW LEGAL GROUP  
3510 N 32<sup>ND</sup> TER  
HOLLYWOOD FL 33021**

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

**SUZAN ANDERSON, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **November 27, 2006.**

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