

~~LOGGED~~

JAN 14 2011

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

~~ORIGINAL~~

~~CONFIDENTIAL~~

(Do not write above this line.)

**State Bar Court of California
Hearing Department**

PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES

Counsel For The State Bar CHARLES A. MURRAY Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015 Bar # 146069 Tel: (213) 765-1236	Case Number (s) 06-O-12774	(for Court's use) FILED MAY 11 2011 <i>AC</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES
Counsel For Respondent ARTHUR L. MARGOLIS MARGOLIS & MARGOLIS, LLP 2000 Riverside Drive Los Angeles, California 90039 Bar # 57703 Tel: (323) 953-8996	<p style="text-align: center;">PUBLIC MATTER</p>	
In the Matter Of: RICHARD FRANK PINTAL Bar # 152727 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 June 6, 1991.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of *(9)* pages, excluding the order.
- (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
- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.



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

- (1) **Prior record of discipline** [see standard 1.2(f)]
- (a) State Bar Court case # of prior case S107073 (01-O-00603; 01-O-00607; 01-O-00609)
- (b) Date prior discipline effective September 1, 2002
- (c) Rules of Professional Conduct/ State Bar Act violations: RPC 3-310(A); B&PC §6068(m)
- (d) Degree of prior discipline Sixty (60) days Actual; (One (1) year Stayed / Three (3) years Probation)
- (e) If Respondent has two or more incidents of prior discipline, use space provided below: See below.
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

B(1)(e) - S049766 (93-O-19021) effective 2/10/96. Violated RPC 3-110(A) (4 counts); 3-700(A); 3-700(B); B&PC 6068(m) (2 counts); 6068(i) (4 counts); 6103; 6068(o)(3). One Hundred Twenty (120) days Actual (Two (2) years Stayed / Two (2) years Probation)

- S049859 (98-O-01388) effective 5/6/01. Violated RPC 3-700(A)(2); B&PC 6103. No Actual (Six (6) months Stayed / Two (2) years Probation)

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 ^a the client or person who was the object of the misconduct.

(Do not write above this line.)

- (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:

Medical treatment: See page 7

ATTACHMENT TO ADP STIPULATION
RE FACTS & CONCLUSIONS OF LAW

IN THE MATTER OF: **RICHARD F. PINTAL, State Bar No. 152727**

CASE NUMBERS: 06-O-12774

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was August 31, 2007.

STIPULATION AS TO FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that ~~she~~ ^{he} is culpable of violations of the specified statutes and/or Rules of Professional Conduct, or that ~~he~~ ^{she} has otherwise committed acts of misconduct warranting discipline, as follows:

FACTS:

1. On March 11, 2002, Respondent entered into a Stipulation As To Facts and Disposition ("Stipulation") with the State Bar of California in State Bar Court Case Nos. 01-O-00603, 01-O-00607, and 01-O-00609. Respondent signed the Stipulation himself.
2. On March 21, 2002, the Hearing Department of the State Bar Court filed an Order Approving Stipulation and imposing upon Respondent actual suspension with conditions (the "Order").
3. On March 21, 2002, the Order was properly served by mail upon Respondent's counsel.
4. Respondent had actual notice of the Order, the Stipulation and the contents of both.
5. On August 2, 2002, the California Supreme Court filed an Order in Case No. S107073 (State Bar Court Case Nos. 01-O-00603, 01-O-00607, and 01-O-00609), ordering that Respondent be suspended from the practice of law for one year, that execution of the suspension be stayed and that he be placed on probation for three years on the condition that he be actually suspended for 60 days and further ordering Respondent to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 21, 2002. Respondent was properly served with the California Supreme Court Order by the Clerk of the Supreme Court.
6. The California Supreme Court Order and the suspension became effective on September 1, 2002.
7. Pursuant to the California Supreme Court Order, Respondent was required to comply with the following terms and conditions of probation, among others:
 - a. to comply with the provisions of the State Bar Act and the Rules of Professional Conduct during the imposed probation period;
 - b. to submit to the Probation Unit written quarterly reports each January 10, April 10, July 10, and October 10 of each year or part thereof during which the probation is in effect, in writing, to the Probation Unit, certifying by affidavit under penalty of perjury that he has complied with all provisions of the State Bar Act and Rules of Professional Conduct during said 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;

- c. to attend the State Bar Ethics School within one year of the effective date of the disciplinary order and pass the test given at the end of such session;
- d. to attend at least two meetings per week of any approved 12-step program (AA meetings) and to provide to the Probation Unit satisfactory proof of attendance during each month, on or before the tenth (10th) day of the following month, during the probation period;
- e. to obtain weekly psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker as recommended by Marie J. Paveen, MFT and to furnish evidence of compliance ("medical reports") to the Probation Unit with each quarterly report; and
- f. to complete six (6) hours of California Minimum Continuing Legal Education approved course(s) on law office management within two (2) years from the effective date of the disciplinary order and to provide satisfactory evidence of completion of the course(s) to the Probation Unit within 30 days of completion of any course (As listed in the Attachment to Stipulation in State Bar Court Case Nos. 01-O-00603, 01-O-00607, and 01-O-00609 filed on March 21, 2002.).

8. On August 9, 2002, Probation Deputy Yolanda Acosta ("Acosta") of the Office of Probation ("Probation") wrote a letter to Respondent in which she reminded Respondent of the terms and conditions of the Stipulation and Order. The August 9, 2002 letter also specifically warned Respondent that failure to timely submit reports or any other proof of compliance would result in a noncompliance referral to the State Bar Court Review Department or Enforcement Unit, Office of the Chief Trial Counsel. Attached to the August 9, 2002 letter was a copy of the Supreme Court Order, a copy of the portion of the Stipulation setting forth the conditions of Respondent's probation, an Attendance Verification and Declaration form, Quarterly Report Instructions, and a Quarterly Report form, among other documents.

9. Acosta's August 9, 2002 letter to Respondent was mailed on August 9, 2002 via the United States Postal Service, first class postage prepaid, in a sealed envelope addressed to Respondent at his official State Bar membership records address. The August 9, 2002 letter was not returned as undeliverable by the United States Postal Service. Respondent received the letter.

10. Respondent filed his quarterly reports late as follows:

- Quarterly report due October 10, 2002, was filed late on October 11, 2002 - (1 day).
- Quarterly report due January 10, 2003, was filed late on January 13, 2003 - (3 days).
- Quarterly report due July 10, 2003, was filed late on August 7, 2003 - (28 days).
- Quarterly report due October 10, 2003, was filed late on October 16, 2003 - (6 days).
- Quarterly report due January 10, 2004, was filed late on May 14, 2004 - (4 months).
- Quarterly report due April 10, 2004, was filed late on May 14, 2004 - (1 month).
- Quarterly report due July 10, 2004, was filed late on July 30, 2004 - (20 days).
- Quarterly report due October 10, 2004, was filed late on October 15, 2004 - (5 days).
- Quarterly report due January 10, 2005, was filed late on January 11, 2005 - (1 day).
- Quarterly report due April 10, 2005, was filed late on August 8, 2005 - (4 months).
- Quarterly report due July 10, 2005 was filed late on August 8, 2005 - (29 days).

11. Respondent failed to show monthly proof of 12-Step ("AA") meeting attendance at least twice per week as ordered. From the beginning of his probation in September 2002 through March 2003, Respondent provided proof of AA meeting attendance that showed no meetings or only one meeting some weeks, the minimum required two meetings other weeks, and three or four meetings for the other weeks. There were eleven (11) weeks in which he did not show proof of attendance at least two meetings. Even averaging out all meetings he attended over this period of time - which is not the same as twice weekly attendance, Respondent was still short of averaging two meetings per week and he had no proof of attending any meetings in March 2003. Further, from April, 2003 to the end of probation on September 1, 2005, a period of twenty-nine (29) months, Respondent failed to submit satisfactory proof of any AA meeting

attendance, though Respondent did provide a declaration from a fellow recovering alcoholic - confirmed by telephone interview - who attested that during this time Respondent regularly and frequently attended AA meetings and that he was never given any reason to suspect that Respondent was not sober.

12. Respondent also failed to timely file medical reports as follows:

- Medical report due October 10, 2002, was filed late on October 11, 2002 - (1 day).
- Medical report due January 10, 2003, was filed late on January 21, 2003 - (11 days).
- Medical report due April 10, 2003, was filed too early on March 18, 2003.
- Medical report due July 10, 2003, was filed late on August 7, 2003 - (5 weeks).
- Medical report due October 10, 2003, was filed late on October 16, 2003 - (6 days).
- Medical report due January 10, 2004, was filed late on June 4, 2004 - (5 months).
- Medical report due April 10, 2004, was filed late on June 4, 2004 - (2 months).
- Medical report due July 10, 2004, was filed late on July 30, 2004 - (20 days).
- Medical report due October 10, 2004, was filed late on October 15, 2004 - (5 days).
- Medical report due January 10, 2005, was filed late on January 11, 2005 - (1 day).
- Medical report due April 10, 2005, was filed late on August 8, 2005 - (4 months).

13. The medical reports submitted with the quarterly report of April 10, 2003, and the quarterly reports of July 10, 2003 and October 10, 2003 (which were filed late) did not state whether Respondent had been attending weekly therapy sessions, as required.

14. Although Respondent's July 10, 2005 quarterly report was filed late on August 8, 2005, Respondent still failed to provide any weekly medical report - also due by July 10, 2005.

15. Respondent did provide proof that he complied with treatment from the Pasadena Recovery Center during this time, as confirmed by reports from his primary therapist there. This therapist provided reports on a quarterly basis, though not always timely pursuant to the probation order. Respondent transitioned to and complied with recommendations of other therapists, who also continued to provide quarterly reports which were untimely submitted by Respondent.

16. Respondent failed to timely file his final report due no later than the last day of ~~his~~ September 1, 2005, the last day of his probation. *MSB*

17. On February 1, 2006, Respondent submitted his final report to Probation, along with an unsigned declaration stating that due to an unexpected financial crises he had been unable to pay for further weekly therapy during the last months of his probation. Respondent also stated that he had been regularly attending AA meetings, although he failed to provide actual dates of the further AA meeting attendance or other proof satisfactory to Probation.

CONCLUSIONS OF LAW:

18. By failing to comply with the conditions of his disciplinary probation regarding: (a) timely submission of quarterly reports and a final report; (b) monthly submission of proof of attendance at a minimum of two 12 step sobriety meetings per week; (c) timely submission of medical reports; (d) declaring his attendance at weekly therapy sessions in quarterly reports due April 10, July 10 and October 10, 2003; and, (e) including weekly medical reports in his July 10, 2005 quarterly report, Respondent wilfully violated Business and Professions Code, section 6068(k). *MSB*

///
///
///

[continued next page]

Aggravating Circumstances:

See page 2:

Prior Record of Discipline
Multiple/Pattern of Misconduct.

Mitigating Circumstances:

See page 3:

Candor/Cooperation
No Harm to a Client.

Additional Mitigating Circumstances:

Medical Treatment:

Though Respondent did not comply with the condition that he obtain weekly psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker as recommended by Marie J. Padveen, MFT, and furnish evidence of compliance ("medical reports") to Probation with the quarterly reports due April 10, July 10 and October 10, 2003, Respondent did undergo treatment from the Pasadena Recovery Center during this time, as confirmed by reports from his primary therapist there. This therapist provided reports on a quarterly basis, though not always timely pursuant to the probation order. Respondent transitioned to and complied with recommendations of other therapists, who also continued to provide quarterly reports which were untimely submitted by Respondent.

(Do not write above this line.)

In the Matter of RICHARD FRANK PINTAL Member #152727	Case number(s): 06-O-12774
--	-------------------------------

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.

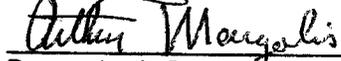
If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

9/5/07
Date


Respondent's Signature

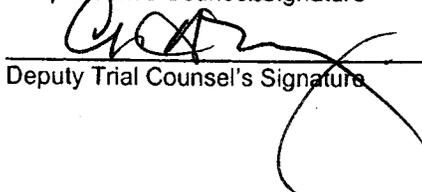
RICHARD F. PINTAL
Print Name

9/5/07
Date


Respondent's Counsel Signature

ARTHUR L. MARGOLIS
Print Name

9/5/07
Date


Deputy Trial Counsel's Signature

CHARLES A. MURRAY
Print Name

(Do not write above this line.)

In the Matter Of RICHARD FRANK PINTAL Member #152727	Case Number(s): 06-O-12774
--	-------------------------------

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.)

01/14/05
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 January 18, 2008, I deposited a true copy of the following document(s):

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

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

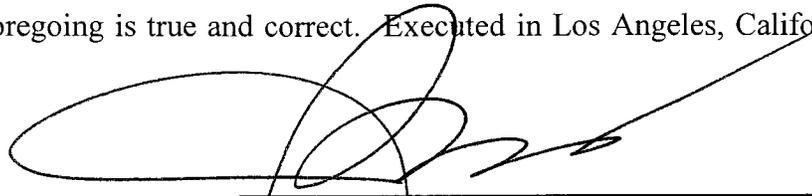
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ARTHUR LEWIS MARGOLIS
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DR
LOS ANGELES, CA 90039**

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

MONIQUE MILLER , Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **January 18, 2008**.



Johnnie Lee Smith
Case Administrator
State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on June 3, 2011, I deposited a true copy of the following document(s):

DECISION AND ORDER SEALING CERTAIN DOCUMENTS
STIPULATION RE FACTS AND CONCLUSIONS OF LAW (07-O-12234)
STIPULATION RE FACTS AND CONCLUSIONS OF LAW (06-O-12774)

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:

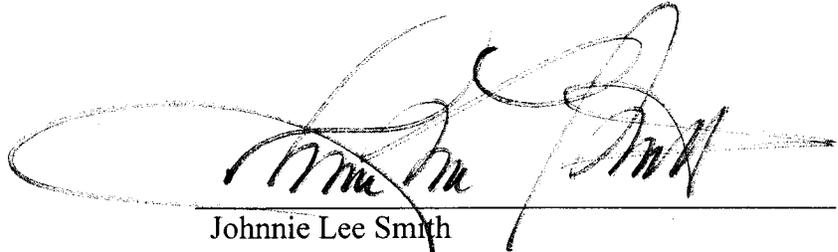
PAUL JEAN VIRGO
PO BOX 67682
LOS ANGELES, CA 90067

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 Los Angeles, California, on June 3, 2011.

Probation
Lap



Johnnie Lee Smith
Case Administrator
State Bar Court