

(Do not write above this line.)

State Bar Court of California

Hearing Department

Los Angeles

PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES

<p>Counsel For The State Bar</p> <p><b>MONIQUE T. MILLER</b>  <b>DEPUTY TRIAL COUNSEL</b>  1149 South Hill Street  Los Angeles, California 90015-2299  213-765-1486</p> <p>Bar # 212469</p>	<p>Case Number (s)  07-H-13336</p>	<p>(for Court's use)</p> <p><b>FILED</b></p> <p><b>JUN 11 2009</b></p> <p>STATE BAR COURT  CLERK'S OFFICE  LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p><b>ALEX T. RANCIGLIO</b>  P.O. Box 307  Redlands, California 92376  909-435-5256</p> <p>Bar # 162222</p>	<p>Submitted to: <b>Program Judge</b></p>	
<p>In the Matter Of:  <b>ALEX T. RANCIGLIO</b></p> <p>Bar # 162222</p> <p>A Member of the State Bar of California  (Respondent)</p>	<p><b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **December 14, 1992**.
- (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 **6** pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".



(Do not write above this line.)

- (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 **04-O-14783**
- (b)  Date prior discipline effective **August 21, 2006**
- (c)  Rules of Professional Conduct/ State Bar Act violations: **RPC 3-110(A); 3-700(A)(2); and B&P 6068(m)**
- (d)  Degree of prior discipline **Public Reproval (2 years)**
- (e)  If Respondent has two or more incidents of prior discipline, use space provided below:
- (2)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

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

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2)  **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted in good faith.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances are involved.**

**Additional mitigating circumstances:**



- c) Within one (1) year of the effective date of the Order, Respondent was required to provide to the Office of Probation satisfactory proof of attendance of Ethics School and passage of the test given at the end of that session; and
  - d) Within one (1) year of the effective date of the Order, Respondent was required to provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE") to the Office of Probation.
  - e) On or about August 16, 2006, a Probation Deputy in the State Bar's Office of Probation mailed a letter to Respondent, reminding him of the terms of his Public Repeval which became effective August 21, 2006. The letter was properly addressed and mailed to Respondent at his official State Bar Membership Records address at P.O. Box 1316, Attn: Legal Department, San Bernardino, CA 92402-1316. The letter was not returned by the U.S. Postal Service as undeliverable, or for any other reason. Respondent received the letter.
6. During the two years from the effective date of the Court Order of the Public Repeval imposed in this matter, Respondent did not comply with the terms and conditions attached to it, to wit: Respondent did not contact any Probation Deputy or anyone else in the Office of Probation to schedule a meeting with his assigned Probation Deputy or anyone else in the Office of Probation to discuss the terms and conditions of his probation; did not submit the quarterly reports to the Office of Probation due no later than October 10, 2006, January 10, 2007, April 10, 2007, July 10, 2007, October 10, 2007, January 10, 2008, and April 10, 2008 ; did not submit to the Office of Probation proof of attendance and successful completion of Ethics School; and did not submit to the Office of Probation proof of passage of the MPRE.

#### CONCLUSIONS OF LAW

- 7. By not contacting anyone at the Office of Probation to schedule a meeting to discuss the terms and conditions of his probation; by not submitting timely to the Office of Probation any quarterly reports; by not submitting timely to the Office of Probation proof of attendance and successful completion of the Ethics School; and by not submitting timely to the Office of Probation proof of passage of the MPRE, Respondent failed to comply with all conditions attached to his disciplinary probation, in willful violation of Rules of Professional Conduct, rule 1-110.

#### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(7), was November 4, 2008.

(Do not write above this line.)

In the Matter of ALEX J. RANCIGLIO, Bar No. 162222	Case number(s): 07-H-13336
---	-------------------------------

### 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.

**acceptance into**  
\*\* 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.

11/12/08  
Date

  
Respondent's Signature

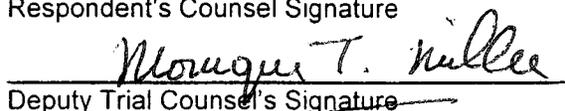
ALEX J. RANCIGLIO  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent's Counsel Signature

\_\_\_\_\_  
Print Name

Nov. 15, 2008  
Date

  
Deputy Trial Counsel's Signature

MONIQUE T. MILLER  
Print Name

**\*\*Rule 803(b), Rules of Procedure of the State Bar of California, effective July 1, 2008.**

(Do not write above this line.)

In the Matter Of <b>ALEX J. RANCIGLIO, Bar No. 162222</b>	Case Number(s): <b>07-H-13336</b>
--	--------------------------------------

**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.
1. On page 1 of the stipulation, at paragraph A.(2), after "However," insert "except as otherwise provided in rule 804.5(c) of the Rules of Procedure," before "if Respondent . . . .";
  2. On the Order form, reference in the last paragraph to rule 802(b) is incorrect. It should be 802(e).

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.)

6-9-09 \_\_\_\_\_  
Date Richard A. Honn  
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 June 11, 2009, I deposited a true copy of the following document(s):

### STIPULATION RE FACTS AND CONCLUSIONS OF LAW

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

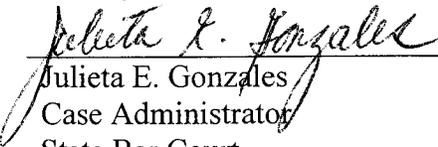
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

ALEX J RANCIGLIO ESQ  
P. O. BOX 307  
REDLANDS, CA 92373

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

Monique T. Miller, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 11, 2009.

  
\_\_\_\_\_  
Julieta E. Gonzales  
Case Administrator  
State Bar Court