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<b>State Bar Court of California</b> Hearing Department <b>PUBLIC MATTER</b>		
Counsel For The State Bar <b>Eli D. Morgenstern</b> Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015-2299 Bar # 190560	Case Number (s) 07-O-14201; 08-O-10676	(for Court's use) <div style="font-size: 2em; font-weight: bold;">FILED</div> APR 29 2009 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
Dante S. Ardite, Esq. 4612 W. 173rd Street, Apt. 6 Lawndale, California 90260  Bar # 207039	Submitted to: Settlement Judge	
In the Matter Of:  DANTE SEAN ARDITE  Bar # 207039  A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  ACTUAL SUSPENSION  <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, 2000.
- (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 (10) 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.



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(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 284, Rules of Procedure.
- costs to be paid in equal amounts prior to February 1 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

\*\* three (3) billing cycles following the effective date of the Supreme Court

**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.
- (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**

Although the misconduct herein cannot be deemed "not serious," Respondent has been a member of the State Bar since June 1, 2000, and has no prior record of discipline.

**D. Discipline:**

- (1)  **Stayed Suspension:**



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- (a)  Respondent must be suspended from the practice of law for a period of **one (1) 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:
- (b)  The above-referenced suspension is stayed.
- (2)  **Probation:**
- Respondent must be placed on probation for a period of **two (2) 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 **thirty (30) days**.
- 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 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

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004; 12/13/2006.)

Actual Suspension

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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 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 321(a)(1) & (c), 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.

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004; 12/13/2006.)

Actual Suspension

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- (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:**

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In the Matter of  
**DANTE SEAN ARDITE**  
Member #207039

Case number(s):  
07-O-14201; and  
08-O-10676

A Member of the State Bar

### Law Office Management Conditions

- a.  Within        days/        months/        years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b.  Within        days/    9 months/        years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than    6    hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c.  Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for        year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

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

IN THE MATTER OF: DANTE ARDITE  
CASE NUMBER(S): ET AL. 07-O-14201-RAH; 08-O-10676

**FACTS AND CONCLUSIONS OF LAW**

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes.

**Case No. 07-O-14201**

**Facts**

1. Between on or about June 1, 2000 and in or about January 2007, Respondent was employed full time by a law firm whose official State Bar membership address was 707 Torrance Boulevard, Suite 200, Redondo Beach, California 90277 (the "law firm's Redondo Beach address"). The law firm's Redondo Beach address was Respondent's official membership records address.
2. In or about January 2007, Respondent ended his employment on a full time basis with the law firm. Respondent continued to perform contract work for his former firm for the next several months; however, he did not maintain an office at the law firm's Redondo Beach address. Between in or about January 2007, and on or about July 27, 2007, Respondent practiced law out of his residence. However, Respondent did not notify the State Bar of his change of address.
3. On or about July 27, 2007, Respondent opened his own law office; the office was located at 1250<sup>6th</sup> Avenue, Suite 208, San Diego, California 92101 (the "San Diego address"). On July 27, 2007, Respondent also changed his official State Bar membership address from the law firm's Redondo Beach address to the San Diego address .
4. At the time Respondent left the full time employment of the law firm in or about January 2007, he had satisfied his MCLE requirements for the compliance period (02/01/04-1/31/07). However, neither Respondent's former firm nor Respondent had notified the State Bar of his compliance.
5. On or about June 15, 2007, the State Bar of California, Office of Certification ("Office of Certification"), prepared a "MCLE Non-Compliance 60-Day Notice" to Respondent ("60-Day Notice"). The 60-Day Notice was placed in a sealed envelope correctly addressed to Respondent at the law firm's Redondo Beach address. The 60-Day Notice was properly mailed, postage prepaid, by depositing for collection with the U.S. Postal Service in the ordinary course of business. Respondent never received the 60-Day Notice.
6. The 60-Day Notice stated, in part, that: as of June 8, 2007, Respondent was not in compliance with the MCLE Rules and Regulations for the compliance period ending January 31, 2007; and if he failed to comply with his MCLE requirement by August 15, 2007, he would be "enrolled as an



inactive member ('Not Eligible' to practice) of the Bar and will not be permitted to practice law until such time as adequate proof of compliance is received by the State Bar."

7. On or about July 25, 2007, the Office of Certification prepared a "MCLE Non-Compliance Final Notice" to Respondent ("Final Notice"). The Final Notice was placed in a sealed envelope correctly addressed to Respondent at the law firm's Redondo Beach address. The Final Notice was properly mailed by Certified Mail - Domestic Return Receipt, postage prepaid, by depositing for collection with the U.S. Postal Service in the ordinary course of business. Respondent never received the Final Notice.

8. On August 16, 2007, Respondent was enrolled as an inactive member of the State Bar, *i.e.*, Not Eligible to practice, due to his failure to notify the State Bar of his compliance with the MCLE rules and requirements.

9. On or about August 25, 2007, the U.S. Postal Service returned the Final Notice with the notations, "Not Deliverable - As Addressed - Unable to Forward" and "Return to Sender - Closed."

10. On or about August 31, 2007, Respondent prepared and mailed three letters on behalf of his client, Michael Alves ("Alves"), concerning Alves' dissolution. The letters were written on Respondent's law office letterhead. Two of the letters were addressed to the attorney who previously represented Alves' ex-spouse, Jenny Stewart ("Stewart"), while the third letter was addressed to a forensic accountant who was to appraise assets in the dissolution.

11. At the time that Respondent prepared the letters in the Alves' dissolution, he did not have actual notice that he was not entitled to practice law.

12. On or about September 25, 2007, the Office of Certification prepared a "MCLE Non-Compliance - Notice of Enrollment on Not Eligible Status" to Respondent ("Notice of Not Eligible Status"). The Notice of Not Eligible Status was placed in a sealed envelope correctly addressed to Respondent at the San Diego address. Respondent received the Notice of Not Eligible Status.

13. The Notice of Not Eligible Status stated, in part, that:

You have been enrolled on not eligible status effective August 16, 2007.

You are not eligible to practice law as of that date and you will not be reinstated to practice until you have been reinstated to active status.

14. On or about September 25, 2007, at the time that he received the Notice of Not Eligible Status, Respondent learned for the first time that he had not been entitled to practice since August 16, 2007.

15. On or about September 25, 2007, Respondent prepared and sent an email to the Office of Certification that stated that he could not go online to register his MCLE compliance and was sending his MCLE compliance card via facsimile and via another email. The Member Services Center received the email.

16. On or about September 28, 2007, the Office of Certification prepared and sent an email to Respondent responding to his email dated September 25, 2007. The email stated that the documents necessary for him to be reinstated were attached to the email and were also being sent via U.S. Postal Service. Respondent received the email.

17. On or about September 28, 2007, the Office of Certification prepared a letter to Respondent titled "MCLE Reinstatement Information" ("Letter re Reinstatement"). The Letter re Reinstatement was placed in a sealed envelope correctly addressed to the Respondent at the San Diego address. The Letter re Reinstatement was properly mailed by first class mail, postage prepaid, by depositing for collection with the U.S. Postal Service in the ordinary course of business. Respondent received the Letter re Reinstatement.

18. The Letter re Reinstatement stated, in part, that: "You were placed on Not Entitled to practice status effective August 16, 2007, for failure to comply with the MCLE Requirement"; Respondent "must submit" a "completed compliance card," "[d]ocumentation (proof) of compliance," and "[p]ayment of the \$200 MCLE Reinstatement Fee"; and "Be advised that you will remain on Not Entitled status until we receive all required items as indicated above."

19. After Respondent received the Letter re Reinstatement, he contacted his former firm and requested that the firm send him his MCLE file for the compliance period from 02/01/04-01/31/07. Respondent did not receive his MCLE file from the firm until in or about November 2007.

20. On or about November 26, 2007, Respondent prepared and sent an email to the Office of Compliance responding to the email from the Office of Certification dated September 28, 2007. The email stated that he was sending the compliance documents via email and overnight mail.

21. On or about November 28, 2007, the Office of Certification received the compliance documents from Respondent.

22. On or about November 28, 2007, the Office of Certification prepared a letter to Respondent that stated that he would be reinstated upon payment of the \$200 MCLE Reinstatement Fee. The letter was placed in a sealed envelope correctly addressed to the Respondent at the San Diego address. The letter was properly mailed by first class mail, postage prepaid, by depositing for collection with the U.S. Postal Service in the ordinary course of business. Respondent received the letter.

23. On or about December 10, 2007, Respondent paid the \$200 MCLE Reinstatement Fee to the Office of Certification, and was reinstated to active status.

### **Conclusions of Law**

By mailing three letters on behalf of a client concerning a legal matter on August 31, 2007, Respondent held himself out as entitled to practice law and actually practiced law when he was not an active member of the State Bar in wilful violation of Business and Professions Code sections 6125 and 6126, and thereby willfully failed to support the laws of the State of California in violation of Business and Professions Code section 6068(a).

Facts

24. The allegations of paragraphs 1 through 23 are incorporated by reference.
25. Respondent was not entitled to practice law between August 16, 2007, and December 10, 2007.
26. On August 27, 2007, Respondent prepared, filed, and served a "Response and Request for Dissolution of Marriage" on behalf of Charles Crawford ("Crawford") in a dissolution matter titled *Anne Crawford v. Charles Crawford*, Orange County Superior Court Case No. 221103 ("*Crawford v. Crawford*"). On September 20, 2007, Respondent appeared for a hearing on an "OSC re Spousal Support and Attorney Fee" on behalf of Crawford.
27. Respondent did not have actual notice that he was not entitled to practice law at the time that he prepared the pleading and appeared on behalf of Crawford in the dissolution proceeding.
28. On about August 30, 2007, Respondent filed and served an "Answer" on behalf of Stephen E. Reiger ("Reiger") in a matter titled *Mark Stuart v. Stephen E. Reiger, et al.*, San Diego County Superior Court Case No. 37-2007-00071223-CU-BC-CTL ("*Stuart v. Reiger*").
29. Respondent did not have actual notice that he was not entitled to practice law at the time that he prepared the Answer on behalf of Reiger in *Stuart v. Reiger*.
30. Between September 4, 2007, and November 21, 2007, Respondent prepared, filed, and served pleadings, appeared, and sent letters on behalf of Marcus Bloom ("Bloom") in a dissolution matter titled *Diana Spinello-Bloom v. Marcus Bloom*, Orange County Superior Court Case No. 07-D006166 ("*Bloom v. Bloom*").
31. Respondent prepared, filed, and served pleadings, appeared, and sent letters on behalf of Bloom when he knew that he was not entitled to practice law. Bloom has been a friend of Respondent's for many years; and Respondent represented Bloom pro bono. Respondent advised Bloom that he was not entitled to practice law; but Bloom elected to keep Respondent as his attorney. Respondent rationalized his misconduct by convincing himself that he was not causing any harm to Bloom.
32. On November 9, 2007, Respondent filed and served an "Answer – Unlawful Detainer" on behalf of Stephen E. Regier and Brenda Regier in a civil matter titled *Reid & Simi Jilek v. Stephen E. Regier & Brenda Regier*, Riverside County Superior Court Case No. TEC 081084 ("*Jilek v. Regier*"). On or about December 3, 2007, Respondent also filed a "Notice of Change of Address."
33. Respondent filed the Answer and change of address in *Jilek v. Regier* when he knew that he was not entitled to practice. Stephen Regier is a relative of Respondent's through marriage; and Respondent advised Regier that he was not entitled to practice at the time that Regier hired him in *Jilek v. Regier*. Respondent represented Mr. Regier on a pro bono basis in *Jilek v. Regier*. Respondent once again rationalized his misconduct by convincing himself that he was not causing harm to his client.

34. Respondent represented Steve Brotherton in a matter titled *George Talin, Jr., et al. v. Steve Brotherton, et al.*, Los Angeles County Superior Court Case No. VC045652 ("*Talin v. Brotherton*"). On or about December 3, 2007, Respondent filed and served a "Notice of Change of Address."

### **Conclusions of Law**

By appearing, filing and serving pleadings, and sending letters on behalf of his clients in the matters titled *Crawford v. Crawford*, *Stuart v. Reiger*, *Bloom v. Bloom*, *Jilek v. Regier*, and *Talin v. Brotherton*, Respondent held himself out as entitled to practice law and actually practiced law when he was not an active member of the State Bar in wilful violation of Business and Professions Code sections 6125 and 6126, and thereby failed to support the laws of the State of California in violation of Business and Professions Code section 6068(a).

By misrepresenting to the court that he was entitled to practice law when he was not an active member of the State Bar, and knowingly practicing law when he was not an active member of the State Bar, Respondent committed acts involving moral turpitude, dishonesty, or corruption in violation of Business and Professions Code section 6106.

### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(7), was April 3, 2009.

### **DISMISSALS.**

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

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
07-O-14201	TWO	Business and Professions Code § 6106
07-O-14201	THREE	Business and Professions Code § 6068(i)
08-O-10676	SIX	Rules of Professional Conduct, rule 3-700(B)(2)
08-O-10676	SEVEN	Business and Professions Code § 6068(i)

### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of April 3, 2009, the prosecution costs in this matter are \$3,070. The costs are to be paid in equal amounts prior to February 1 for the following three billing cycles following the effective date of the Supreme Court Order. Respondent acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

If Respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is

due and payable immediately and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment unless relief has been granted under the Rules of Procedure of the State Bar of California. (Rules Proc. of State Bar, rule 286.)

## **AUTHORITIES SUPPORTING DISCIPLINE.**

### **STANDARDS**

Standards 2.3 and 2.6 of the Standards For Attorney Sanctions For Professional Misconduct (the "Standards") apply to this disciplinary matter.

Standard 2.3 provides that culpability 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 a 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.

Standard 2.6(a) and (e) provide that culpability of a member for violating Business and Professions Code § 6068 and 6125, respectively, shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, with due regard for the purposes of imposing discipline set forth in Standard 1.3.

Here, Respondent engaged in the unauthorized practice of law in six client matters. In three of the matters, Respondent had actual knowledge that he was engaging in the unauthorized practice of law, and thus committed acts of moral turpitude. Accordingly, a period of actual suspension is warranted.

### **CASE LAW**

In *In the Matter of Johnston* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 585, a default case, the attorney was suspended from the practice for failure to pay his annual membership fees while he was representing a single client in a personal injury case. The attorney did not inform the client of his suspension and misled her into believing that he was actively working on the case. The Review Department found the attorney culpable of violating section 6106 by misleading the client into believing that he was working on her case and, additionally, found him culpable of failing to communicate with the client and failing to competently perform the legal services for which he was retained. The attorney was also found culpable of failing to cooperate with a disciplinary investigation. In mitigation, the attorney had no record of prior discipline in 12 years of practice. The Review Department recommended that the attorney be actually suspended from the practice of law for a period of 60 days.

Here, as will be discussed below, Respondent did not misrepresent his membership status to his clients. Moreover, Respondent actually complied with his MCLE requirements; however, Respondent failed to timely report his compliance with the State Bar. Further still, after initially failing to respond to the State Bar's written inquiries concerning his misconduct in this matter, Respondent responded to all State Bar inquiries and willingly provided any and all documentation requested. Finally, Respondent has been a member of the State Bar for approximately nine years and has no prior record of discipline.

Accordingly, the State Bar submits that a lower level of discipline than that imposed against the attorney in *Johnston* will accomplish the purposes of sanctions for professional misconduct, which are the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of the public confidence in the legal profession.

In *In the Matter of Trousil* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 229, the attorney was actually suspended for 30 days for accepting employment from a client and appearing in bankruptcy court while suspended for nonpayment of Bar dues. The attorney had three prior records of discipline but had significant mitigation, including mental impairment.

**AGGRAVATING CIRCUMSTANCES.**

**FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.**

By practicing law when he was not entitled to do so, Respondent harmed the administration of justice. (*In the Matter of Mason* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 639, 642.)

**MITIGATING CIRCUMSTANCES.**

**FACTS SUPPORTING MITIGATING CIRCUMSTANCES.**

Although Respondent's misconduct cannot be deemed "not serious", Respondent has been a member of the State Bar since June 1, 2000, and has no prior record of discipline.

After initially failing to respond to the State Bar's written inquiries, Respondent displayed candor and cooperation to the State Bar during these disciplinary proceedings.

On or about July 25, 2007, Respondent opened his own practice. Between in or about July 2007 and in or about December 2007, Respondent's entire practice consisted of the clients listed in this stipulation and the Notice of Disciplinary Charges herein. In other words, during this period, Respondent's practice consisted of six clients and seven cases. The clients were either family, close friends, or referrals from close friends. Respondent represented Marcus Bloom, a friend; and Stephen E. Regier, a relative through marriage, pro bono.

As soon as he received actual notice that he was not entitled to practice law, Respondent advised his clients of his membership status. All of the clients decided that they wanted Respondent to remain as their attorney.

In September 2007, Respondent contacted his former firm and requested that the firm send Respondent his MCLE file. However, the firm did not provide the file until November 2007.

As of September 25, 2007, Respondent knew that he was not entitled to practice. Nonetheless, he filed and served pleadings, wrote letters to opposing counsel, and made appearances on behalf of Bloom; and filed and served pleadings on behalf of Regier and Brotherton. Respondent rationalized his unauthorized practice of law by convincing himself that he could continue to represent his clients, despite his inactive status, without harming them. Specifically, Respondent rationalized that since he had advised the State Bar of his compliance with the MCLE requirements in his September 25, 2007 email, he would not be causing harm to his clients or the administration of justice by continuing to

represent his clients. As a further rationalization, Respondent believed that the clients could not afford to hire another attorney to represent them.

Respondent acknowledges that by practicing law while he was not entitled to do so, he committed serious misconduct and he has expressed his remorse to the State Bar. Further, Respondent acknowledges that it was his responsibility to timely update his membership records address, that he did not do so, and his failure to do so was a significant contributing factor to his misconduct.

In summary, Respondent has been candid with the State Bar during these disciplinary proceedings, recognized his misconduct, accepted responsibility for the misconduct, and demonstrated remorse.

#### **STATE BAR ETHICS SCHOOL.**

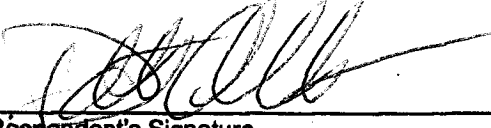
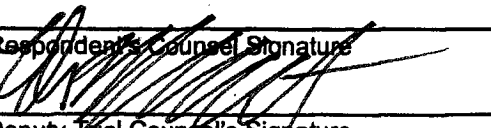
Because Respondent has agreed to attend State Bar Ethics School as part of this stipulation, Respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

(Do not write above this line.)

In the Matter of <b>DANTE SEAN ARDITE</b> Member #207039	Case number(s): 07-O-14201; and 08-O-10676
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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.

<u>4-17-2009</u> Date	 Respondent's Signature	<u>DANTE S. ARDITE</u> Print Name
<u>4/22/09</u> Date	 Deputy Trial Counsel's Signature	<u>ELI D. MORGENSTERN</u> Print Name



(Do not write above this line.)

In the Matter Of <b>DANTE SEAN ARDITE</b> Member #207039	Case Number(s): <b>07-O-14201; and</b> <b>08-O-10676</b>
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**ORDER**

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

- The 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 stipulation consists of 16 pages, not 10. Paragraph A (3) is modified accordingly. (see p. 1.)

On page 2 of the stipulation, paragraph A.(8), the word "order" is inserted at the end of the sentence beginning with two asterisks.

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 135(b), 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.)

4/27/09  
Date

  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on April 29, 2009, 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:

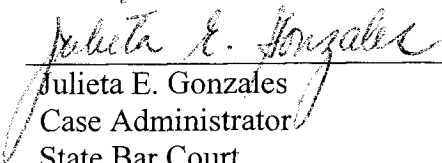
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DANTE S ARDITE ESQ  
LAW OFFICE  
4612 W 173RD ST APT 6  
LAWNDALE, CA 90260

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

Eli D. Morgenstern, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 29, 2009.

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