

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of) Case No.: 07-R-12922-LMA
)
SAMUEL C. BELLICINI)
) DECISION
)
Petitioner for Reinstatement.)
)
_____)

I. INTRODUCTION

Petitioner **SAMUEL C. BELLICINI** (petitioner) resigned with charges pending effective September 28, 1993. Petitioner was an active alcoholic and was the subject of several State Bar investigations. Petitioner filed a petition for reinstatement to membership in the State Bar in 2003. The hearing judge recommended that the petition for reinstatement be granted. The State Bar sought review contending that petitioner failed to establish his rehabilitation from his alcohol and gambling addictions, failed to make timely restitution, and failed to comply with rule 955 of the California Rules of Court.¹ The Review Department of the State Bar Court concluded that petitioner’s period of exemplary conduct was insufficient to establish his overall rehabilitation and recommended that the petition for reinstatement be denied. Nevertheless, the Review Department ordered that a subsequent petition may be filed one year after the effective date of its opinion.²

¹ Effective January 1, 2007, rule 955 was renumbered and is now rule 9.20. However, as petitioner was ordered to specifically comply with rule 955 prior to the effective date of this renumbering, the decision will refer to the rule as rule 955.

² A subsequent petition for reinstatement may not be filed earlier than two years after the effective date of an adverse decision upon a prior petition, unless a shorter period is ordered by the court for good cause. (Rules Proc. of State Bar, rule 662(d).)

This matter comes before the court on a second petition for reinstatement to the practice of law filed by petitioner on July 27, 2007. Petitioner was represented by Jerome Fishkin. The Office of the Chief Trial Counsel of the State Bar of California (State Bar) was represented by Deputy Trial Counsel Maria Oropeza. The matter was submitted for decision on April 18, 2008. The court finds that petitioner has clearly and convincingly satisfied the requirements for reinstatement to the practice of law, and hereby recommends that petitioner be reinstated to the practice of law.

II. FINDINGS OF FACT

This decision focuses on petitioner's conduct following the commencement of his first reinstatement hearing on August 24, 2004. It is based on the July 27, 2007 petition and the evidence and testimony introduced at this proceeding. For purposes of brevity, the Review Department's findings of fact, included in its published March 6, 2006 decision (Bellicini I), are attached and incorporated by reference, as if set forth fully herein.

A. Petitioner's Background and Conduct Leading to Resignation

Petitioner was admitted to the practice of law in California on May 7, 1991. He was a member of the State Bar for less than three years. During his short tenure as an attorney, petitioner's alcoholism caused him to commit multiple ethical violations, ultimately resulting in the Supreme Court's acceptance of his resignation with charges pending on January 6, 1994.

At the time the Supreme Court accepted petitioner's resignation, he was the subject of several State Bar investigations. As noted by the Review Department in Bellicini I, petitioner committed misconduct in seven client matters.

In the first matter, petitioner retained \$2,962.20 in client finds for payment to a client's doctor. Instead of making the payment, petitioner used the funds to gamble and buy alcohol. Petitioner then attempted to postpone a lawsuit by making repeated misrepresentations to the

client's doctor that he intended to provide payment. (*In the Matter of Bellicini* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 883, 887.)

In the second matter, petitioner failed to perform any work on behalf of his client. Petitioner's failure to perform resulted in the entry of default against his client. Petitioner then misrepresented to his client that he would seek to set aside the default and pay any resulting costs. Petitioner also failed to refund \$200 in advanced attorney's fees. (*Id.*)

In the third matter, petitioner failed to perform with competence. Petitioner's failure to perform resulted in the entry of default against his client. (*Id.*)

In the fourth matter, petitioner improperly withdrew from employment when he abandoned his client. (*Id.*)

In the fifth matter, petitioner converted \$358 in client funds for his own personal use. These funds were owed to the client's doctor and petitioner subsequently misrepresented to the doctor that the money had been mailed. (*Id.*)

In the sixth matter, petitioner failed to perform with competence. His failure to perform resulted in a small claims judgment against his client. Petitioner then lied to the client about pursuing an appeal of the judgment and proceeded to abandon the client. Petitioner also failed to cooperate with the State Bar by not responding to several letters sent to him by the Client Security Fund regarding his client's claim. (*Id.*)

In the seventh matter, petitioner failed to obey a court order requiring that he pay sanctions. (*Id.*)

Following his resignation from the State Bar, petitioner continued to abuse alcohol. Over the next seven years, petitioner's alcoholism resulted in his termination from several jobs. As petitioner's drinking increased, he also began gambling in casinos. Petitioner developed a habit of getting drunk at the card tables and gambling away his money.

By the end of 1994, petitioner was living on the streets. Petitioner's parents permitted him to move in with them if he agreed to attend Gamblers Anonymous (GA) meetings. Petitioner attended GA meetings, but they had little effect on him because he was still drinking. It was not until May 14, 2001, that petitioner consumed his last drink of alcohol. After petitioner treated his alcohol addiction, he found that his gambling issues abated.³

B. 2003 Petition for Reinstatement

Petitioner filed his first petition for reinstatement on September 17, 2003. On December 21, 2004, the Hearing Department of the State Bar Court rendered its decision on the 2003 petition. In that decision, the Hearing Department concluded that petitioner had demonstrated by clear and convincing evidence that he was rehabilitated, that he had the requisite ability and learning in the general law, and that he possessed the moral qualifications for reinstatement to the practice of law.

On appeal, the Review Department commended petitioner's efforts in overcoming his addictions, but recommended that his petition for reinstatement be denied because his period of exemplary conduct was insufficient to establish his overall rehabilitation.⁴ The Review Department concluded that petitioner's period of sustained exemplary conduct should, at a minimum, match the five and one-half years of sustained exemplary conduct reflected in *In the Matter of Miller* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 423. (*In the Matter of Bellicini, supra*, 4 Cal. State Bar Ct. Rptr. at p. 894.) Accordingly, the Review Department ordered that a subsequent petition may be filed one year after the effective date of its opinion.

³ Petitioner acknowledged gambling one time since his sobriety date. In September 2002, he went to a casino and won a fairly large table jackpot. After winning the jackpot, someone offered to buy petitioner a drink. It suddenly became clear to petitioner that the casino just wanted his money. Petitioner then did something that he had never done before, he took his winnings and left; and he has not gone back since.

⁴ The Review Department was also troubled by the fact that petitioner still had not filed a rule 955 affidavit as ordered by the Supreme Court; however, this issue was not specifically addressed in its decision.

C. Petitioner's Conduct After August 2004

Petitioner has been sober since May 15, 2001 and continues to be committed to his sobriety. Petitioner remains active in Alcoholics Anonymous (AA) by regularly attending meetings, sponsoring recovering alcoholics, and spending one night a month answering phones for AA. Petitioner also continues to regularly attend The Other Bar meetings and has served as a secretary for The Other Bar. He also volunteers as a monthly speaker for Kaiser's Chemical Dependency Recovery Program (CDRP), where he fields questions from newly sober patients.

Petitioner is also active in his son's life. He volunteers in his son's Little League and attends his son's GATE committee meetings.

In 2004, petitioner began working for the law department of the United States Postal Service (U.S. Postal Service). Petitioner was originally hired as a secretary, but became a paralegal shortly thereafter. As a paralegal, petitioner's duties included drafting discovery motions and subpoena requests, and working on motions for summary judgment. Petitioner received numerous awards and official recognitions from the U.S. Postal Service for his hard work and dedication.

In September 2007, petitioner left his employment with the U.S. Postal Service and went to work as a paralegal for Fishkin & Slatter, LLP. Petitioner's duties at Fishkin & Slatter include, among other things, drafting discovery requests, legal memoranda, and pre-trial statements. He also handles many of the office's administrative duties such as opening the mail, keeping track of the files, and working on the computer and phone systems.

D. Rule 955

On December 7, 1993, the Supreme Court, upon acceptance of petitioner's resignation, ordered that petitioner comply with rule 955. Petitioner was in the throes of alcohol abuse and failed to file a rule 955 affidavit by the required date. At the time of petitioner's first petition for

reinstatement, he still had not filed a rule 955 affidavit due to his confusion regarding whether or not he could properly file a late rule 955 affidavit. However, based on the findings in Bellicini I, petitioner realized that he could and should file a late rule 955 affidavit. Therefore, on June 12, 2006, petitioner filed a rule 955 affidavit.

E. Restitution

Restitution was also an issue in petitioner's first reinstatement petition. In Bellicini I, the Review Department found that petitioner provided adequate restitution to all of the victims of his prior misconduct, with the exception of one individual, Charles Roumeliotes, who could not be located. Since then, petitioner, with the help of the State Bar, has located and paid full restitution to Mr. Roumeliotes.

F. Petitioner's Rehabilitation and Present Moral Qualifications

Petitioner was a candid and credible witness at the hearing. His demeanor and testimony in the courtroom evidenced a passion about being committed to his sobriety and in helping others get sober. As previously noted, petitioner devotes significant amounts of his time to helping other alcoholics become and stay sober.

Petitioner takes full responsibility for the problems of his past. He is extremely remorseful for his conduct. He is well aware of the harm caused to the legal profession and to that end has strived to make amends for the wrongs he committed as a lawyer. Today, petitioner measures his success by how much he helps others.

Petitioner's rehabilitation from his alcohol addiction began on May 14, 2001, the day petitioner took his last drink. On May 18, 2001, petitioner enrolled in CDRP. Two months into his CDRP treatment, petitioner also began attending AA. By the summer of 2001, petitioner was attending seven to fourteen AA meetings a week in addition to his CDRP sessions. By May 2002, petitioner also began attending weekly meetings of The Other Bar.

Dr. Peter Banys, a board certified psychiatrist who serves as a director for the VA Medical Center Substance Abuse Programs and a faculty member of the University of California San Francisco, examined petitioner and reviewed his petition for reinstatement. Dr. Banys has extensive experience in the area of addiction medicine.

Dr. Banys identified several positive factors in petitioner's recovery. First, petitioner has changed how he lives. Petitioner no longer sees himself as a debonair social person; instead, he is now a family man with responsibilities to his wife and child. Second, petitioner's work performance has changed dramatically. When he was drinking, he was not very responsible and had trouble holding jobs, but now petitioner takes pride in his work and is a good employee. Third, petitioner demonstrated integrity during the evaluation process and was willing to reveal everything regarding his treatment, even the negative aspects. Fourth, petitioner has been exposed to highly stressful situations, including a period of separation from his spouse and the Review Department's overturning of his original petition for reinstatement, yet he managed to remain sober. Fifth, petitioner has been giving back to CDRP and AA, evidencing his desire to help others- a highly valued trait. And sixth, petitioner has abstained from drinking and gambling for seven and six years respectively.

Dr. Banys acknowledged that in the case of an individual with two addictions, it is ideal to treat both addictions. However, Dr. Banys added that sometimes it is difficult to tell if one addiction is the horse and the other the cart. Here, petitioner has abstained from both alcohol and gambling for an extended period of time. This leads Dr. Banys to believe that, although petitioner is not in a program specifically tailored for gambling, whatever he is doing is working.

Dr. Banys could not predict with 100% certainty that petitioner will not experience a relapse, but each year of sobriety decreases the risk. Petitioner uses the fellowship of the AA program as a defense to alcoholism and has learned to rely on others, not just himself. Dr. Banys

opinioned that, based on the previously noted factors, petitioner is in an advanced recovery phase with a low risk of relapse.

G. Petitioner's Character Witnesses

Petitioner's character witnesses uniformly praised his high ethical and moral values and were aware of the prior disciplinary proceedings. Among the more salient witnesses were the following:

1. Jerome Braun

Jerome Braun has been a California attorney since 1953. Mr. Braun owns Farella, Braun & Martel. Mr. Braun is a reputed trial and appellate lawyer with many published legal articles. Mr. Braun has known petitioner for approximately six years. They first met at The Other Bar. He sees petitioner every Tuesday evening at The Other Bar meetings in Tiburon, where petitioner is the secretary on Mr. Braun's nomination.

Mr. Braun has read Bellicini I and in his opinion, petitioner is of good moral character. He recommends petitioner's reinstatement. Mr. Braun is very impressed with petitioner's commitment to recovery and to the service of others.

2. Laurie Simonson

Laurie Simonson, a California attorney, has been a member of the State Bar since 1995. Ms. Simonson presently is an attorney with the U.S. Postal Service. Petitioner was her paralegal and she was always impressed with petitioner's quality of work, his eagerness, and his commitment to his sobriety.

Petitioner also revealed to Ms. Simonson his resignation from the State Bar and the circumstances surrounding that resignation. Ms. Simonson has read Bellicini I and she strongly endorses petitioner's petition for reinstatement.

3. April Molinelli

April Molinelli, a California attorney, was admitted to the State Bar in 2003. Ms. Molinelli is an attorney with the U.S. Postal Service. Petitioner was her paralegal and she describes petitioner as the best paralegal she ever worked with and a most capable researcher and writer.

Petitioner also revealed to Ms. Molinelli his resignation from the State Bar and the circumstances surrounding that resignation. Ms. Molinelli has read Bellicini I and she strongly endorses petitioner's petition for reinstatement because she finds petitioner to be a hard worker, a nice person with a great sense of humor, and a good family man.

4. Marina Ponomarchuk

Ms. Ponomarchuk is an administrative assistant with the U.S. Postal Service and worked with petitioner when he worked there. She saw petitioner every day and they often commuted to work together because they are neighbors. She knows his wife and son and considers petitioner her friend. Ms. Ponomarchuk has read Bellicini I and she strongly endorses petitioner's petition for reinstatement because she admires how he has changed his life and she believes she knows an absolutely different person than the one described in Bellicini I.

5. Pelle C.⁵

Pelle C. met petitioner about seven years ago in AA. Mr. C sees petitioner every week. Mr. C has read Bellicini I and believes that petitioner has excellent character and is very reliable.

6. Robert Resner

Robert Resner has been a California attorney since 1981. He has known petitioner for about five years. They met through The Other Bar. Mr. Resner is the lead consultant for The Other Bar. He is responsible for helping judges and attorneys get into treatment by showing

⁵ Membership in AA is confidential. To protect the confidentiality of some of petitioner's character witnesses, the court will not identify them by their full names.

them the resources available for them to get sober. Mr. Resner sees petitioner every Tuesday morning at The Other Bar Meetings in Tiburon where petitioner is the secretary.

Mr. Resner has read Bellicini I and is impressed by the way that petitioner is “working recovery” by helping others and being committed to going to meetings.

7. Gilbert Kirwin

Gilbert Kirwin has been a California attorney since 1966. He and petitioner have known each other for about seven years. They met through The Other Bar. Mr. Kirwin is familiar with petitioner’s reinstatement proceedings and believes that petitioner is the “poster boy” for recovery. He is impressed with how petitioner shares at every meeting and was not bitter after the Review Department overturned the Hearing Department’s decision in Bellicini I.

8. Lonny S.

Lonny S. met petitioner about seven years ago in AA. Mr. S has seen petitioner every week for the past several years. Mr. S. believes that petitioner is of strong moral character and is a very humble person. The petitioner has served as the treasurer for their AA meetings and Mr. S. found him to be very honest with the money.

9. Anthony Ducomb

Anthony Ducomb is a managing counsel for the U.S. Postal Service. Mr. Ducomb hired petitioner when petitioner worked for the U.S. Postal Service from 2003-2007. Mr. Ducomb observed that whenever petitioner worked for an attorney, that attorney’s success rate for summary judgment motions would go up.

Mr. Ducomb has discussed with petitioner his prior misconduct and resignation. Mr. Ducomb also read Bellicini I and, in his opinion, petitioner is reliable, loyal, and is a hard worker with a solid work ethic. He highly recommends petitioner’s reinstatement.

10. Daren Draves

Daren Draves has been a California attorney since 1991. Ms. Draves is a Deputy Managing Counsel for the U.S. Postal Service. Ms. Draves was petitioner's direct supervisor while he worked at the U.S. Postal Service. Ms. Draves described petitioner as the "go to" person when dealing with subpoenas and described his legal and writing skills as excellent.

Ms. Draves has read Bellicini I and, in her opinion, petitioner is of excellent moral character. She recommends petitioner's reinstatement.

11. Lindsay Slatter

Lindsay Slatter has been a California attorney since 1976 and is currently a partner with Fishkin & Slatter. Her firm employed petitioner in September of 2007 as a paralegal. Ms. Slatter observes petitioner everyday because Fishkin & Slatter is a small operation. Petitioner is reliable, punctual, and a hard worker. Ms. Slatter testified that if reinstated, petitioner will continue working for Fishkin & Slatter.

H. Petitioner's Present Learning and Ability in the Law

In its December 21, 2004 decision, the Hearing Department found by clear and convincing evidence that petitioner possessed present learning and ability in the general law and the Review Department agreed. Since then, petitioner has taken additional hours of MCLE classes and U.S. Postal Service training sessions in various areas of practice to ensure that his skills and knowledge in the law are current. Since August 2004, petitioner has completed approximately 100 hours of legal education in a wide variety of topics, including professional responsibility, electronic discovery, intellectual property law, labor law, and postal law.

Over the past five years petitioner has also continuously worked in the legal community. Petitioner's legal knowledge and ability in the law have drawn the acclaim of many of his supervising attorneys.

I. Professional Responsibility Examination

In August 2006, Petitioner took and passed the Multistate Professional Responsibility Examination as required by rule 9.10(f) of the California Rules of Court and rule 665(a) of the Rules of Procedure of the State Bar of California (Rules of Procedure).

III. CONCLUSIONS OF LAW AND DISCUSSION

To be reinstated to the practice of law, petitioner must establish by clear and convincing evidence that he has passed a professional responsibility examination, has present ability and learning in the general law, has been rehabilitated, and has present moral qualifications for readmission. (*In the Matter of Giddens* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 25, 30; Cal. Rules of Court, rule 9.10(f); Rules Proc. of State Bar, rule 665.)

A. Professional Responsibility Examination

Petitioner complied with rule 9.10(f) of the California Rules of Court and rule 665(a) of the Rules Procedure by passing the Multistate Professional Responsibility Examination in August 2006.

B. Present Learning and Ability in the General Law

The un rebutted evidence supports a finding that the petitioner has made a sufficient showing of present ability and learning in the general law as required for reinstatement. (Rules Proc. of State Bar, rule 665(b).) Petitioner's duties and responsibilities as a paralegal, his legal knowledge and ability in the general law as attested to by his present and former supervising attorneys, and his completion of numerous MCLE and U.S. Postal Service education hours demonstrate that petitioner possesses the required present learning and ability in the general law.

C. Petitioner's Rehabilitation and Present Moral Qualifications

In a reinstatement proceeding, the petitioner bears a heavy burden of proving his or her rehabilitation and "must show by the most clear and convincing evidence that efforts made

towards rehabilitation have been successful.” (*Hippard v. State Bar* (1989) 49 Cal.3d 1084, 1091-1092.) In an application for reinstatement, the petitioner “should be required to present stronger proof of his present honesty and integrity than one seeking admission for the first time whose character has never been in question.” (*Tardiff v. State Bar* (1980) 27 Cal.3d 395, 403.) Proof of that rehabilitation must include a lengthy period of unblemished and exemplary conduct. (*In re Menna* (1995) 11 Cal.4th 975, 989.)

After careful consideration of the facts presented in the instant proceeding, the court finds that petitioner has proven by clear and convincing evidence his overall rehabilitation and the requisite good moral character for reinstatement to the practice of law. He has demonstrated by his sustained conduct over an extended period of time that he is once again fit to practice law. (Id. at p. 991.)

Petitioner’s rehabilitation and present moral qualifications have been established in several areas. He has taken responsibility for his life and past misconduct. He has made himself into an honest, trustworthy and productive member of the community. (*In the Matter of Miller, supra*, 2 Cal. State Bar Ct. Rptr. 423.) Petitioner has been forthright and honest in his description of his misconduct and has expressed his sincere remorse. He described changes in his behavior and attitude. The court believes this change in attitude would prevent future misconduct if he were reinstated. Such testimony is a significant factor in favor of his reinstatement. “Reformation is a ‘state of mind’ [citation] and ‘the applicant must show a proper attitude of mind regarding his offense before he can hope for reinstatement [citation].” (*Feinstein v. State Bar* (1952) 39 Cal.2d 541, 547.)

Petitioner’s character witnesses, including several attorneys and his current and former employer, also demonstrate petitioner’s rehabilitation and present moral qualifications.

Favorable character testimony and reference letters from employers and attorneys are entitled to considerable weight. (*Id.*)

A critical area of rehabilitation is the concrete showing of acts designed to rectify past wrongdoing. (*In re Menna, supra*, 11 Cal.4th at pp. 987-988.) Petitioner has devoted significant amounts of his time to working with newly sober patients in recovery and teaching them how to maintain sobriety. His work through AA in sponsoring recovering alcoholics and volunteering on the AA hotline also shows his rehabilitation. “Postmisconduct pro bono work and community service are factors evidencing rehabilitation and present moral qualifications.” (*In the Matter of Miller, supra*, 2 Cal. State Bar Ct. Rptr. at p. 430.)

Another consideration is the passage of an appreciable period of time since petitioner’s misconduct. (*Hippard v. State Bar, supra*, 49 Cal.3d at p. 1095.) Petitioner has been sober for seven years. During that time he has conducted himself in an exemplary manner with the exception of his one gambling incident in 2002. Despite that incident, the evidence before the court strongly suggests that petitioner’s use of alcohol is directly related to his gambling, and that once he was able to abstain from alcohol, his problems with gambling greatly diminished.

The court acknowledges petitioner’s failure to comply with rule 955, but finds that this factor alone should not bar his reinstatement. For to find otherwise “would effectively foreclose petitioner from ever being readmitted regardless of the showing of rehabilitation otherwise made.” (*Id.* at pp. 1096-1097.)

In *Bellicini I*, the Review Department found that petitioner’s 39 months of sustained exemplary conduct were insufficient to demonstrate his overall rehabilitation. In reaching this conclusion, the Review Department determined that petitioner’s period of sustained exemplary conduct should, at a minimum, match that found in *In the Matter of Miller, supra*, 2 Cal. State Bar Ct. Rptr. 423. In *Miller*, the petitioner demonstrated six years of sustained exemplary

conduct between the time of his resignation and the beginning of his hearing for reinstatement. Petitioner's current period of sustained exemplary conduct is equivalent to that found in *Miller*.

In *Bellicini I*, the Review Department also considered reinstatement cases from other jurisdictions involving misconduct stemming from alcohol abuse. In its analysis, the Review Department relied upon, inter alia, *In re Moynihan* (1989) 113 Wash.2d 219 [778 P.2d 521] and *In re Chantry* (1974) 84 Wash.2d 153 [524 P.2d 909].

In *Moynihan*, the petitioner was disbarred for neglecting client matters, misappropriating a total of \$5,100 in funds, and failing to cooperate with the disciplinary investigation. Moynihan's misconduct was attributed to his abuse of alcohol. Moynihan completed an in-patient alcohol treatment program and participated in weekly meetings with AA. Moynihan also participated in a program similar to The Other Bar. At the time he petitioned for reinstatement, Moynihan had abstained from alcohol for eight years. The Washington Supreme Court found that Moynihan had overcome the weakness that gave rise to his initial misconduct and ordered his reinstatement. (*In re Moynihan, supra*, 113 Wash.2d at pp. 225-226.)

In *Chantry*, the petitioner filed for reinstatement following his disbarment for abandoning a client and misappropriating approximately \$1,100 in client funds. This misconduct occurred while Chantry was experiencing marital and alcohol related problems. Chantry had been sober for approximately six years at the time the Washington Supreme Court granted his petition for reinstatement.

The present case shares similar qualities with *Moynihan* and *Chantry*. Here, petitioner has been sober for seven years and has abstained from gambling for six years. The misconduct that resulted in petitioner's resignation with charges pending occurred approximately fifteen years ago and is attributable to petitioner's alcohol abuse. Like *Moynihan*, petitioner has demonstrated a sustained commitment to his sobriety through his participation and volunteer

work in AA and other chemical dependency treatment programs. “The law looks with favor upon the regeneration of erring attorneys and should not place unnecessary burdens upon them.” (*Resner v. State Bar* (1967) 67 Cal.2d 799, 811, citing *In re Gaffney* (1946) 28 Cal.2d 761, 764; *In re Andreani* (1939) 14 Cal.2d 736, 749.) Therefore, in consideration of the nature of the underlying misconduct and petitioner's subsequent rehabilitation, the court recommends his reinstatement to the practice of law in California.

IV. CONCLUSION AND RECOMMENDATION

For the foregoing reasons, the court concludes that petitioner has sustained his burden by clear and convincing evidence to demonstrate that he is rehabilitated and thus possesses the present moral qualifications for reinstatement to the practice of law in California. Accordingly, the court recommends that the petition for reinstatement be **GRANTED** and that petitioner **SAMUEL C. BELLICINI** be reinstated as a member of the State Bar of California upon payment of the fees and taking the oath required by law.

Dated: August _____, 2008

LUCY ARMENDARIZ
Judge of the State Bar Court