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<p>PUBLIC MATTER State Bar Court of California Hearing Department Los Angeles</p>		<p>kwiktag® 018 040 252</p> 
<p>Counsel For The State Bar</p> <p>Katherine Kinsey Deputy Trial Counsel State Bar of California 1149 S. Hill Street Los Angeles, CA 90015 213-765-1503</p> <p>Bar # 183740</p>	<p>Case Number (s)</p> <p>08-O-13729 08-O-13882 08-O-14868 09-O-11980</p>	<p>(for Court's use)</p> <p>FILED</p> <p>NOV 29 2010</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Michael T. Melo 3231 Avalon Drive Weymouth, MA 02188 310-729-3527</p> <p>Bar # 218911</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: Michael Thomas Melo</p> <p>Bar # 218911</p> <p>A Member of the State Bar of California (Respondent)</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 March 8, 2002.
- (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 14 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."

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- (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.
- (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: 2012 (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

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. Respondent's misconduct harmed his client Henry Johnson in that Johnson paid \$7,500 for legal services that he did not receive. In addition, Respondent's misconduct harmed the administration of justice in that the court had set and reschedule numerous hearings on the Johnson matter due to Respondent's failure to appear. Respondent also harmed the public by repeatedly aiding Ross Berton in the unauthorized practice of law.
- (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. Respondent displayed a lack of cooperation with the State Bar in that he failed to respond in the State Bar investigations.
- (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. In May 2008, Respondent fractured his foot making it difficult for him to travel. In addition, in 2008, Respondent suffered from chest pains and other symptoms brought on by stress.
- (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. Respondent states that during the period in question, he ran completely out of money. His bank account was closed, and he was evicted from two apartments. Respondent also states that his car was impounded, and he did not have medical insurance.

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- (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

Respondent has no prior record of discipline.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of Two years.
- 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 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 60 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:

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

Actual Suspension

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- (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 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: Respondent resides in Massachusetts. See page 6.
- (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.
- (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: STATE BAR ETHICS SCHOOL EXCLUSION:**

Respondent currently resides outside California and is unable to attend State Bar Ethics School. As an alternative to State Bar Ethics School, the parties agree that Respondent will complete the following courses: Within one year of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than six hours of Minimum Continuing Legal Education (MCLE) approved courses in 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.)

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Michael T. Melo

CASE NUMBER(S): 08-O-13729; 08-O-13882; 08-O-14868; 09-O-11980

FACTS AND CONCLUSIONS OF LAW:

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

Case No. 08-O-13729

1. On October 7, 2008, the State Bar opened an investigation, case no. 08-O-13729, pursuant to a complaint made against Respondent regarding Vagarshak Kasaboglyan (the "Kasaboglyan matter").
2. On October 15, 2008, a State Bar investigator mailed a letter to Respondent at his address of record regarding the Kasaboglyan matter. The investigator's October 15, 2008 letter requested that Respondent respond in writing by October 29, 2008 to specific allegations of misconduct being investigated by the State Bar in the Kasaboglyan matter. Respondent received the October 15, 2008 letter.
3. On October 31, 2008, Respondent requested an extension to respond to the October 15, 2008 letter, which was granted. Respondent's response in the Kasaboglyan matter was now due on November 12, 2008.
4. On November 11, 2008, Respondent requested another extension to respond to the October 15, 2008 letter, which was granted. Respondent's response in the Kasaboglyan matter was now due on November 17, 2008. Respondent did not provide a response.
5. On November 21, 2008, a State Bar investigator mailed another letter to Respondent regarding his failure to provide a response in the Kasaboglyan matter and asked Respondent to provide a written response.
6. On November 24, 2008, Respondent's assistant telephoned the State Bar investigator to say that Respondent's response to the October 15, 2008 letter would be completed that day. Thereafter, Respondent failed to provide the response.
7. On December 4, 2008, the State Bar investigator left a message with Respondent regarding his failure to respond in the Kasaboglyan matter and reminded Respondent that he had a duty to cooperate with the State Bar.
8. Respondent did not provide the State Bar with a written response or otherwise cooperate in the investigation in the Kasaboglyan matter.

Conclusions of Law

By not providing a written response to the allegations in the Kasaboglyan matter or otherwise cooperating in the investigation of the Kasaboglyan matter, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent in willful violation of Business and Professions Code section 6068(i).

Case No. 08-O-13882

1. On October 8, 2008, the State Bar opened an investigation, case no. 08-O-13882, pursuant to a complaint made against Respondent regarding Jason Plazola (the "Plazola matter").
2. On October 15, 2008, a State Bar investigator mailed a letter to Respondent at his address of record regarding the Plazola matter. The investigator's October 15, 2008 letter requested that Respondent respond in writing by October 29, 2008 to specific allegations of misconduct being investigated by the State Bar in the Plazola matter. Respondent received the October 15, 2008 letter.
3. On October 31, 2008, Respondent requested an extension to respond to the October 15, 2008 letter, which was granted. Respondent's response in the Plazola matter was now due on November 12, 2008.
4. On November 11, 2008, Respondent requested another extension to respond to the October 15, 2008 letter, which was granted. Respondent's response in the Plazola matter was now due on November 17, 2008.
5. On November 21, 2008, a State Bar investigator mailed another letter to Respondent regarding his failure to provide a response in the Plazola matter. The investigator again asked Respondent to provide a written response in the Plazola matter.
6. On November 24, 2008, Respondent's assistant telephoned the State Bar investigator to say that Respondent's response to the October 15, 2008 letter would be completed that day. However, Respondent did not provide the response.
7. On or December 4, 2008, the State Bar investigator left a message with Respondent regarding his failure to respond in the Plazola matter and reminded Respondent that he had a duty to cooperate with the State Bar.
8. Respondent did not provide the State Bar with a written response or otherwise cooperate in the investigation in the Plazola matter.

Conclusions of Law

By not providing a written response to the allegations in the Plazola matter or otherwise cooperating in the investigation of the Plazola matter, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent in willful violation of Business and Professions Code section 6068(i).

Case No. 08-O-014868

1. From 2003 through 2008, Ross Berton ("Berton") held himself out as an attorney licensed to practice in the State of California. Berton is not and has never been an attorney licensed to practice law in the State of California or any other state.
2. From in or about 2005 through December 2007, Respondent made court appearances on behalf of Berton's clients. During all relevant periods, Respondent worked out of Berton's office.
3. On February 4, 2007, Dion L. Meeks ("Meeks") was arrested for driving under the influence ("DUI").
4. In February 2007, Meeks hired non-attorney Berton to represent him in the criminal proceedings arising out of the February 4, 2007 DUI. Meeks paid \$10,000 to Berton, or to someone on Berton's behalf, for legal representation. Meeks never specifically employed Respondent to be his attorney.
5. Berton held himself out as an attorney to Meeks, and Meeks believed that Berton was an attorney.
6. On February 27, 2007, the Alameda District Attorney's office filed a petition to revoke Meeks's probation in *People of the State of California v. Dion Meeks*, Alameda County Superior Court, case number 510138 (the "probation revocation action").
7. On or about March 6, 2007, criminal proceedings began in *People of the State of California v. Dion Meeks*, Alameda County Superior Court case number 527497 (the "DUI action").
8. From on or about March 6, 2007 through in or about June 2007, non-attorney Berton was listed as Meeks's defense counsel of record in the DUI action with various attorneys "appearing" on Berton's behalf.
9. From March 6, 2007 through May 21, 2007, the court held four proceedings in the probation revocation action. In these proceedings, Berton is listed as Meeks's defense counsel and various attorneys appeared on Berton's behalf.
10. On May 1, 2007 and on or about June 27, 2007, Respondent appeared on Berton's behalf as counsel for Meeks in the probation revocation action.
11. On May 21, 2007, Respondent appeared on Berton's behalf in the DUI action.

12. In or about June 2007, Respondent replaced Berton as Meeks's attorney of record in the DUI action.

13. Respondent aided Berton in holding himself out to Meeks as an attorney.

14. On December 30, 2008, the State Bar opened an investigation, case no. 08-O-14868, pursuant to a complaint made against Respondent regarding Dion Meeks. On January 12, 2009 and on January 29, 2009, a State Bar investigator mailed letters to Respondent at his address of record regarding the Meeks matter. The investigator's letters requested that Respondent respond in writing to specific allegations of misconduct being investigated by the State Bar in the Meeks matter. Respondent received the letters but failed to provide a response. To date, Respondent has not provided the State Bar with a written response or otherwise cooperated in the investigation in the Meeks matter.

Conclusions of Law

By aiding Berton in holding himself out as an attorney to Meeks and by making a court appearance in the DUI action and in the probation revocation action on behalf of Berton and on behalf of Berton's client, Respondent aided a person or entity in the unauthorized practice of law in willful violation of Rules of Professional, rule 1-300(A).

By not providing a written response to the allegations in the Meeks matter or otherwise cooperating in the investigation of the Meeks matter, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent in willful violation of Business and Professions Code section 6068(i).

Case No. 09-O-11980

1. From in or about 2003 through in or about 2008, Ross Berton ("Berton") held himself out as an attorney licensed to practice in the State of California. Berton is not and has never been an attorney licensed to practice law in the State of California or any other state.

2. From in or about 2005 through in or about December 2007, Respondent was paid to make court appearances on Berton's behalf. During all relevant periods, Respondent worked out of Berton's office.

3. In May 2007, Henry J. Johnson ("Johnson") hired Berton to represent him in *People of the State of California v. Henry Johnson*, Santa Clara County Superior Court case number BB726763 (the "criminal action"). In or about May 2007, Johnson paid \$7,500 to Berton, or to a third party on Berton's behalf, for legal representation.

4. From on May 22, 2007 through on December 10, 2007, Respondent appeared for Berton as counsel for Johnson on seven separate hearings in the criminal action.

5. On December 10, 2007, Respondent appeared as counsel for Johnson in the criminal action. On December 10, 2007, the court scheduled the next hearing in the criminal action for January 30, 2008. Respondent received actual notice of the January 30, 2008 hearing.

6. On January 30, 2008, Respondent failed to appear at the hearing in the criminal action. On January 30, 2008, the court in the criminal action ordered Respondent to appear in person on February 26, 2008. Respondent received notice of the February 26, 2008 hearing.

7. On February 26, 2008, Respondent called the court in the criminal action and told them he was still trying to arrange a flight and may be late for the hearing. Respondent subsequently failed to appear at the hearing.

8. On February 26, 2008, Johnson appeared at hearing in the criminal action and told the court that he had not been able to speak to Respondent.

9. On February 26, 2008, the court ordered Respondent to appear in person on March 26, 2008. On February 26, 2008, the court properly served a copy of the February 26, 2008 minute order to an address of record provided by Respondent. Respondent received the court's minute order and had notice of the March 26, 2008 hearing.

10. On March 26, 2008, Respondent failed to appear at the hearing in the criminal action. On March 26, 2008, Johnson appeared at the hearing and informed the court that Respondent had not been in contact with him.

11. On March 26, 2008, the court received a call from Respondent's secretary, who told the court that Respondent has suffered a heart attack earlier that morning. On March 26, 2008, the court in the criminal action ordered Respondent to appear in person on May 28, 2008 and ordered Respondent to bring proof of his hospitalization. On March 26, 2008, the court clerk notified Respondent of the court's March 26, 2008 orders. Respondent received notice of the court's orders.

12. On May 28, 2008, Respondent called the court clerk in the criminal action to say he fractured his foot and would not be appearing at the hearing. On May 28, 2008, Respondent did not provide the court with proof of his hospitalization.

13. On May 28, 2008, the court in the criminal action ordered Respondent to appear in person on June 27, 2008. The court again ordered Respondent to bring proof of his hospitalization. The court also stated that there would be no more continuances in the criminal action. On May 28, 2008, the court properly served a copy of the May 28, 2008 minute order on Respondent. Respondent received the court's minute order.

14. On June 27, 2008, Respondent appeared at the hearing in the criminal action. Although Respondent provided the court with some medical records, the court instructed Respondent to provide the previously requested medical documentation.

15. During the June 27, 2008 hearing, the court verified that Respondent was still counsel for Johnson and scheduled the next appearance in the criminal action for July 21, 2008.

16. On July 21, 2008, an attorney specially appeared on Respondent's behalf in the criminal action to inform the court that Respondent would not be appearing. On or about July 21, 2008, the court ordered Respondent to appear in person on August 11, 2008. On or about July 21, 2008, the court clerk called Respondent and left a voicemail message giving notice of the August 11, 2008 hearing. Respondent received notice of the court's order.

17. On August 11, 2008, Respondent telephoned the court in the criminal action and indicated he would not be appearing because he missed his flight. On August 11, 2008, the court in the criminal action ordered Respondent to appear in person on August 19, 2008. The court also ordered Respondent to bring the previously requested proof of his heart condition, his foot fracture and proof of his missed flight. The court gave Respondent notice of the August 11, 2008 court orders by telephone and by mail. Respondent received notice of the August 19, 2008 hearing.

18. On August 19, 2008, Respondent failed to appear at the hearing in the criminal action. During the August 19, 2008 hearing, Johnson told the court that he had left messages for Respondent but had not spoken to Respondent. On August 19, 2008, the court referred Johnson's case to the public defender's office.

19. By failing to communicate with Johnson and by not appearing at six hearings on Johnson's behalf in the criminal action, Respondent terminated his representation of Johnson without notice to his client.

Conclusion of Law

By making court appearances in the criminal action matter on behalf of Berton and on behalf of Berton's client and by aiding Berton in holding himself out as an attorney to Johnson, Respondent aided a person or entity in the unauthorized practice of law in willful violation of Rules of Professional, rule 1-300(A).

By failing to comply with the January 30, 2008 court order to appear on February 26, 2008, by failing to comply with the February 26, 2008 court order to appear in person on March 26, 2008, by failing to comply with the March 26, 2008 court order to appear in person on May 28, 2008 and order to bring proof of his hospitalization, by failing to comply with the May 28, 2008 court order to provide proof of his hospitalization, by failing to comply with the July 21, 2008 court order to appear in person on August 11, 2008 and by failing to comply with the August 11, 2008 court order to appear on August 19, 2008 and order to provide medical documentation, Respondent willfully disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear in willful violation of Business and Professions Code section 6103.

By ceasing his representation of Johnson without notice to Johnson or to the court in the criminal action, Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client in willful violation of Rules of Professional Conduct rule 3-700(A)(2).

AUTHORITIES SUPPORTING DISCIPLINE

Standards

Standard 2.6 provides, in pertinent part, that "Culpability of a member of a violation of any of the following provisions of the Business and Professions Code shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim,....: (a) Sections 6067 and 6068; (b) Sections 6103 through 6105;...

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was November 2, 2010.

(Do not write above this line.)

In the Matter Of Michael T. Melo	Case Number(s): 08-O-13729; 08-O-13882; 08-O-14868; 09-O-11980
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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.

PAGE 4 - PARAGRAPH D. (1) (b) - PLACE "X" IN BOX.

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.)**

11-29-10
Date


Judge of the State Bar Court

RICHARD A. PLATEL

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on November 29, 2010, 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:

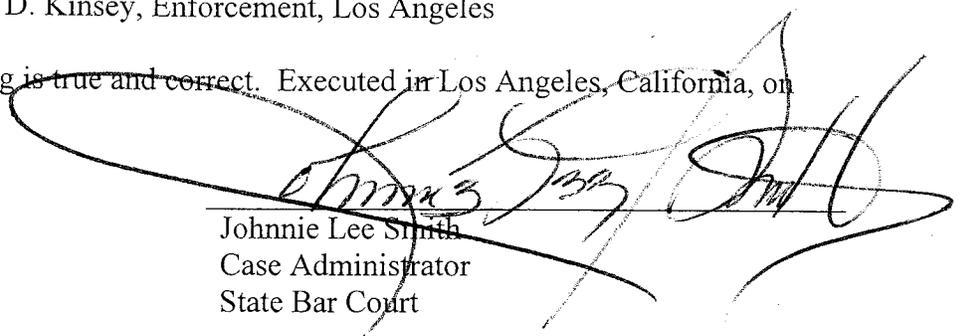
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

MICHAEL T. MELO
3231 AVALON DR
WEYMOUTH, MA 02188

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

Katherine D. Kinsey, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 29, 2010.



Johnnie Lee Smith
Case Administrator
State Bar Court