

(Do not write above this line.)

State Bar Court of California
Hearing Department
Los Angeles

<p>Counsel For The State Bar</p> <p>Eli D. Morgenstern, DTC The State Bar of California Office of the Chief Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 Tel: (213) 765-1334</p> <p>Bar # 190560</p>	<p>Case Number (s)</p> <p>09-O-14153 09-O-14340 10-O- 06927</p>	<p>(for Court's use)</p> <p>FILED JAN 18 2011 <i>YIC</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p>PUBLIC MATTER</p>
<p>In Pro Per Respondent</p> <p>Thomas Michael Comparet 4929 Wilshire Blvd., #410 Los Angeles, CA 90010 Tel: (323) 931-1401</p> <p>Bar # 32103</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: Thomas Michael Comparet</p> <p>Bar # 32103</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 January 9, 1962.
- (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 16 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.
- (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: three billing cycles following the effective date of the Supreme Court Order. See page 12 for further discussion re: costs.
(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 See page 12 for further discussion re: Respondent's Prior Record of discipline.
 - (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. See page 12 for further discussion re: Harm.
- (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. See page 12 for further discussion re: Multiple/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. See page 13 for further discussion re: Candor/Cooperation.
- (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.

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- (13) No mitigating circumstances are involved.

Additional mitigating circumstances

D. Discipline:

- (1) **Stayed Suspension:**

- (a) Respondent must be suspended from the practice of law for a period of two (2) 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 (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 Sixty (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:

- (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: See Page 15 for reason why MPRE is not recommended.

- (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 checked="" 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: See page 15 for reason why MPRE is not recommended.
- (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:**

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Case number(s):
09-O-14153; 09-O-14340; 10-O-06927

A Member of the State Bar

Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

- b. Respondent has kept and maintained the following:
- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
 - ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
 - iii. all bank statements and cancelled checks for each client trust account; and,
 - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
- i. each item of security and property held;
 - ii. the person on whose behalf the security or property is held;
 - iii. the date of receipt of the security or property;
 - iv. the date of distribution of the security or property; and,
 - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

By practicing law when he knew, or was grossly negligent in not knowing, that he was not entitled to practice law in the state of California, Respondent committed an act involving moral turpitude, dishonesty or corruption, in wilful violation of Business and Professions Code Section 6106.

Case No. 09-O-14340

Facts

1. Between March 2, 2009, and September 14, 2009, Respondent paid funds from his client trust account at Bank of America, account no. xxxxx-x7328 ("CTA")¹, to pay for his personal expenses including, but not limited to, the following:

<u>Check No.:</u>	<u>Date Paid:</u>	<u>Amount:</u>	<u>Payee:</u>
Electronic Debit	03/02/09	\$131.27	AT&T
2516	03/20/09	\$850.00	West Hollywood Auto
2522	03/27/09	\$31.73	AT&T
2532	03/27/09	\$311.70	AT&T
2534	03/28/09	\$400.00	West Hollywood Auto
Electronic Debit	03/31/09	\$130.08	AT&T
2535	04/10/09	\$248.48	Toner Outlet
Electronic Debit	04/30/09	\$141.09	AT&T
Electronic Debit	05/26/09	\$128.77	AT&T
Electronic Debit	07/06/09	\$144.57	AT&T
Electronic Debit	07/31/09	\$130.94	AT&T
2593	08/21/09	\$251.67	Toner Outlet
2596	08/31/09	\$31.73	AT&T
Electronic Debit	09/08/09	\$141.13	AT&T
2617	09/14/09	\$311.73	AT &T

2. Between March 2, 2009, and September 14, 2009, Respondent maintained only earned fees in the CTA. Respondent did not maintain any client funds in the CTA during this period.

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¹ The complete account number has been omitted due to privacy concerns.

Conclusion of Law

By paying personal expenses from the CTA, Respondent misused a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, in wilful violation of rule 4-100(A) of the Rules of Professional Conduct.

Case No. 10-O-06927

Facts

1. On June 25, 2009, Respondent entered into a Stipulation Re: Facts, Conclusions of Law, and Discipline with the Office of the Chief Trial Counsel of the State Bar in Case No. 07-O-14966 (the "Stipulation").
2. On July 7, 2009, the State Bar Court filed an Order approving the facts, conclusions of law, and disposition in the Stipulation and recommended the discipline set forth in the Stipulation to the Supreme Court of California.
3. On December 3, 2009, the Supreme Court issued Order No. S176785 (the "Disciplinary Order") imposing on Respondent the discipline recommended by the State Bar Court in its order approving the disposition in the Stipulation. Respondent was properly served with the Disciplinary Order and received it. On January 2, 2010, the Disciplinary Order became effective.
4. One of the conditions of the Disciplinary Order required Respondent to contact the Office of Probation and schedule a meeting with the assigned probation deputy to discuss the terms and conditions of the Disciplinary Order within thirty (30) days of the effective date of the Disciplinary Order, or by no later than on or about February 1, 2010. At no time did Respondent contact or meet with the assigned probation deputy.
5. Another condition of the Disciplinary Order required Respondent to submit Quarterly Reports to the Office of Probation by no later than on or about April 10, 2010, July 10, 2010, October 10, 2010, and a final Report on January 2, 2011.
6. In or about January 6, 2011, Respondent submitted to the Office of Probation the Quarterly Reports which were due on April 10, 2010, July 10, 2010, and October 10, 2010.

Conclusion of Law

By the foregoing conduct, Respondent failed to comply with all conditions attached to a disciplinary probation, in wilful violation of Business and Professions Code Section 6068(k).

PENDING PROCEEDINGS.

The disclosure date referred to on page 1, paragraph A(7), was January 3, 2011.

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COSTS OF DISCIPLINARY PROCEEDINGS

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that as of January 3, 2011, the prosecution costs in this matter are \$3,739.51. 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.

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.)

Respondent further 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.

AGGRAVATING CIRCUMSTANCES.

1. Prior Discipline

Respondent has been a member of the State Bar since January 1, 1962, and has a prior record of discipline. A prior record of discipline is an aggravating circumstance. (Std. 1.2(b)(i).)

On December 3, 2009, the California Supreme Court ordered (S176785) that Respondent be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for one year subject to certain conditions.

The discipline resulted from Respondent's stipulation in State Bar Court in Case Number 07-O-14966 to having practiced law in the state of California on behalf of a client when he was not entitled to do so due to his failure to notify the State Bar of his compliance with the MCLE Rules and Requirements.

2. Multiple Acts of Misconduct

Respondent committed misconduct in two different client matters and also failed to comply with the conditions attached to a disciplinary probation. Respondent's multiple acts of misconduct are an aggravating circumstance. (Std. 1.2(b)(ii).)

3. Harm

By practicing law when he was not entitled to do so, Respondent harmed the administration of justice. (See, *In the Matter of Mason* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 639, 642; see also *In the Matter of Trousil* (Review Dept. (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 229, 240 (harm to the public and administration of justice is inherent in UPL cases).) Harm to the administration of justice is an aggravating circumstance. (Std. 1.2(b)(iv).)

MITIGATING CIRCUMSTANCES.

1. Candor and Cooperation

Respondent is entitled to significant mitigation for entering into this stipulation. (Std. 1.2(e)(v).)

AUTHORITIES SUPPORTING DISCIPLINE.

1. Standards

Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct (“Standards”) “The primary purposes of disciplinary proceedings . . . are the protection of the public, the courts[,] and the legal profession; the maintenance of high professional standards by attorneys[;] and the preservation of public confidence in the legal profession.”

Standard 1.7(a) provides that if discipline has been imposed on a member on one prior occasion, the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust.

As discussed above, in December 2009, the Supreme Court ordered Respondent suspended from the practice of law for one year, and that execution of the suspension be stayed. The parties submit that there is no justification for departure from Standard 1.7(a) in the instant proceeding, and that Respondent’s current misconduct warrants a period of actual suspension.

Standards 2.2(b), 2.3, and 2.6(a), apply to this proceeding.

Standard 2.2(b) provides that culpability of a member of a violation of rule 4-100 that does not involve misappropriation of client property shall result in at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances.

In the case of *In re Ronald Robert Silverton* (2005) 36 Cal. 4th 81, the Supreme Court discussed the fact that the Standards are entitled to great weight and the State Bar Court should follow their guidance whenever possible. (*In re Silverton, supra*, 36 Cal. 4th a p. 92.) However, the Supreme Court also indicated that the State Bar Court may deviate from the Standards when there exists grave doubt as to the propriety of applying them to a particular case. (*Id.*) For example, deviation from the Standards may be appropriate where extraordinary circumstances exist or where the imposition of discipline called for by the Standards would be manifestly unjust.

The parties submit that a deviation from Standard 2.2(b) in this matter is warranted for the following reasons.

First, Respondent did not maintain client funds in the CTA during his misconduct. While Respondent’s conduct was improper, it does not reflect a failure to appreciate and protect client funds. As such, Respondent’s conduct does not present a significant concern that he poses a future threat to the public or his clients.

Second, Respondent deposited in the CTA advanced fees paid to him by his clients. Respondent was entitled to the funds that he used to pay for his personal expenses. Had Respondent first removed those funds from his client trust account to a personal account before paying his expenses, he would not have violated the Rules of Professional Conduct.

Third, although Respondent's misconduct occurred over a six month period, that six months may be considered somewhat isolated in consideration of his 48 years as a member of the State Bar without any violations of the Rules of Professional Conduct pertaining to the administration of the client trust account.

Standard 2.3 provides that culpability of a member of an act of moral turpitude shall result in actual suspension or disbarment depending upon the extent of harm involved, the magnitude of the act of misconduct and the degree to which the misconduct relates to the member's practice of law.

Standard 2.6(a) provides, in pertinent part, that culpability of a member of a violation of Business and Professions Code section 6068 shall result in disbarment or suspension depending upon the gravity of the offense or the harm, if any, to the victim.

2. Case Law

There is no case exactly like this one. However, similar cases provide guidance as to the appropriate discipline. (*In re Morse* (1995) 11 Cal.4th 184, 207-208, *Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311.)

In *In the Matter of Johnston* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 585, the attorney was suspended from the practice of law 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.

In *In the Matter of Mason* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 639, the attorney, during a 75-day actual suspension ordered by the California Supreme Court, made an appearance on behalf of his client in a family law matter requesting a continuance. The attorney did not disclose to the court or opposing counsel that he had been suspended. The attorney also filed papers with the court while suspended. The Review Department concluded that the attorney's conduct consisted of both the unauthorized practice of law and moral turpitude. The Review Department recommended a 90 day actual suspension.

In consideration of the facts and circumstances surrounding Respondent's misconduct, and the aggravating and mitigating circumstances that are present, the parties submit that the intent and goals of Standard 1.3 are met in this matter by the imposition of a 60-day actual suspension from the practice of law with those probationary conditions articulated herein.

STATE BAR TRUST ACCOUNT SCHOOL.

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

STATE BAR ETHICS SCHOOL EXCLUSION.

It is not recommended that Respondent attend State Bar Ethics School since he has been ordered to attend State Bar Ethics School pursuant to Supreme Court Order S176785 (State Bar Case No. 07-O-14966), which was filed on December 3, 2009. Pursuant to Order S176785, Respondent must provide the Office of Probation with satisfactory proof of attendance at Ethics School, and passage of the test given at the end of the course, by no later than January 2, 2011.

MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION EXCLUSION.

It is recommended that respondent not be required to take the Multistate Professional Responsibility Examination ("MPRE") because he was ordered to take and pass the examination pursuant to Supreme Court Order S176785 (State Bar Case No. 07-O-14966), which was filed on December 3, 2009. Pursuant to Order S176785, Respondent must provide the Office of Probation with proof of passage of the MPRE by no later than January 2, 2011.

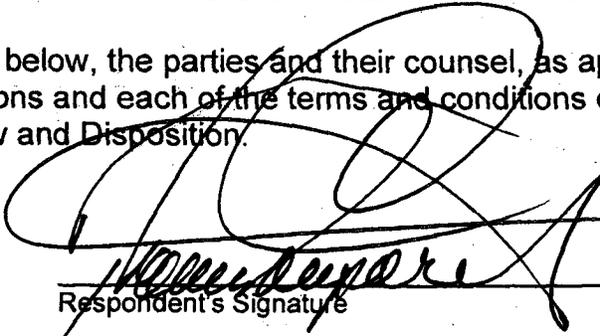
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SIGNATURE OF THE PARTIES

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.

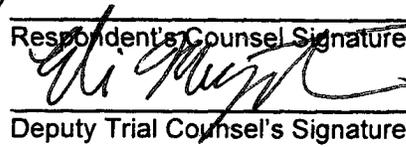
Date 1/6/11



Respondent's Signature

Thomas Michael Comparet
Print Name

Date 1/6/11



Respondent's Counsel Signature

Eli D. Morgenstern
Print Name

Date

Deputy Trial Counsel's Signature

Print Name

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ORDER

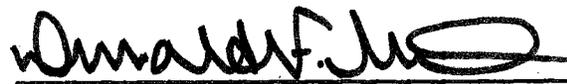
Finding the stipulation to be fair to the parties and that it adequately protects the public, **IT IS ORDERED** that the requested dismissal of counts/charges, if any, is **GRANTED** without prejudice, and:

- 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.

1. On page 4 of the stipulation, an "X" is inserted in the box next to paragraph E.(3); and
2. On page 5 of the stipulation, paragraph E.(10), an "X" is inserted in the box next to "Financial Conditions", and the "X" in the box next to "Law Office Management Conditions" is deleted.
3. On page 5, paragraph E.(8), this provision is modified to insert an "X" in the box requiring Respondent to provide proof of attendance at a session of the Ethics School. The existind "X" in the box, indicating that no Ethics School is recommended, is deleted. Respondent may satisfy this requirement by presenting proof of attending Ethics School during the period of his probation under Supreme Court Order S176785.

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.)**

1/18/11
Date



Judge of the State Bar Court
DONALD F. MILES

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on January 18, 2011, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION

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:

**THOMAS MICHAEL COMPARET
4929 WILSHIRE BLVD #410
LOS ANGELES, CA 90010**

- 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 January 18, 2011.



Tammy Cleaver
Case Administrator
State Bar Court