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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
<p>Counsel For The State Bar</p> <p>Anand Kumar Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1000</p> <p>Bar # 261592</p>	<p>Case Number(s): Filed Matters: 11-O-10160-LMA 11-O-14131 11-O-14726</p> <p>Unfiled Matters: 11-O-15310 11-O-16055 11-O-16908 11-O-17937</p>	<p>For Court use only</p> <p style="font-size: 1.2em; font-weight: bold;">PUBLIC MATTER</p> <p style="font-size: 1.5em; font-weight: bold;">FILED </p> <p style="font-size: 1.1em; font-weight: bold;">MAR 27 2012</p> <p style="font-weight: bold;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p>Rodney Ritner 421 W. Water Street, Third Floor P.O. Box 228 Decorah, Iowa 52101 (563) 382-5071 (909) 648-7737</p> <p>Bar # 165916</p>	<p>Submitted to: Settlement 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: Daniel Wallace Rinaldelli</p> <p>Bar # 219162</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 May 3, 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 20 pages, not including the order.



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- (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 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: three (3) billing cycles immediately following the effective date of the Supreme Court order in this matter. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are 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. See page 16 below.

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- (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 16 below.
- (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. Respondent has cooperated with the State Bar by entering into a stipulated settlement for all matters described herein without the need of a trial and agreed to fee arbitration as described below.
- (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. During October 2010, Respondent suffered from extreme emotional difficulties as a result of his marital dissolution, which temporarily prevented Respondent from fulfilling his professional obligations.
- (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.

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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. Commencing in September 2010, significant marital problems arose resulting in a dissolution of marriage.
- (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. The State Bar has received multiple letters on Respondent's behalf attesting to his good character.
- (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 was admitted to practice law in California in May 2002, and practiced law for seven (7) years prior to the commencement of the misconduct described herein. 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 (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 three (3) months.
- 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 the 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: .
- (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:

- Substance Abuse Conditions
- Law Office Management Conditions

Medical Conditions

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 5.162(A) & (E), 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:**

FEE ARBITRATION:

Respondent must offer binding fee arbitration to Marta Chausée, Richard Bays, Vito Girardi and Mark Bolton in the manner set forth below:

A. Duty to Notify Individuals of Right to Mandatory Fee Arbitration

No later than thirty (30) days after the effective date of discipline, Respondent agrees to send a letter by certified mail, return receipt requested, to the individuals set forth below and agrees to therein offer to initiate, pay any costs and fees associated with the fee arbitration, and participate in binding fee arbitration with said individuals, upon the request of any such individuals, regarding fees Respondent received for representation of the former clients set forth below, unless Respondent has previously sent such a written offer to said individuals. The letter shall include the address and phone number of the Office of Probation along with a statement that the Office of Probation will be monitoring his fee arbitration conditions and may be contacted by the individual.

Respondent must offer Marta Chausée, Richard Bays, Vito Girardi and Mark Bolton the option of participating in binding fee arbitration for the \$18,530.00 (Chausée), \$8,500.00 (Bays), \$8,000.00 (Girardi) and \$3,500.00 (Bolton) in fees each respective client paid Respondent.

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Within forty (40) days after the effective date of discipline, Respondent agrees to provide the Office of Probation with a copy of the letters offering to initiate and participate in fee arbitration with the individuals set forth above, along with a copy of the return receipt from the U.S. Postal Service, or other proof of mailing.

B. Upon Individual's Consent to Mandatory Fee Arbitration, Duty to Initiate Fee Arbitration

Respondent agrees to advise the Office of Probation, in writing, of any request to participate in fee arbitration made by any individual set forth above within thirty (30) days after any such request. Respondent agrees to provide the Office of Probation with any information requested to verify Respondent's compliance, including submission of any written request for fee arbitration or the submission of a declaration from any individual setting forth the date arbitration was requested.

Respondent agrees to initiate fee arbitration within thirty (30) days of any request, including making any payment required by the organization conducting the fee arbitration. Respondent agrees to fully and promptly participate in the fee arbitration as directed by the organization conducting the fee arbitration. Respondent will not be permitted to raise the statute of limitations as a defense to the fee arbitration with respect to any of the above individuals.

Respondent further agrees to accept binding arbitration on the arbitration request form. If the arbitration proceeds as non-binding, however, Respondent hereby agrees to abide by the arbitration award and foregoes the right to file an action seeking a trial de novo in court to vacate the award.

C. Duty to Comply with the Arbitration Award

Within thirty (30) days after issuance of any arbitration award or judgment or agreement reflected in a stipulated award issued pursuant to a fee arbitration matter, Respondent agrees to provide a copy of said award, judgment or stipulated award to the Office of Probation.

Respondent agrees to abide by any award, judgment or stipulated award of any such fee arbitration and agrees to provide proof thereof to the Office of Probation within thirty (30) days after compliance with any such award, judgment or stipulated award. If the award, judgment or stipulated award does not set forth a deadline for any payment, Respondent is to make full payment within sixty (60) days of the issuance of any such award, judgment or stipulated award.

To the extent that Respondent has paid any fee arbitration award, judgment or stipulated award prior to the effective date of the Supreme Court's final disciplinary order in this proceeding, Respondent will be given credit for such payment(s) provided satisfactory proof of such payment(s) is or has been shown to the Office of Probation.

D. Obligation to Pay Restitution to the Client Security Fund.

If the State Bar Client Security Fund has reimbursed any of the above individuals for all or any portion of any award, judgment or stipulated award pursuant to fee arbitration, Respondent agrees to pay restitution to the Client Security Fund of the amount paid, plus applicable interest and costs, in accordance with Business and Professions Code section 6140.5. To the extent the Client Security Fund has paid only principal

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amounts, Respondent will still be liable for interest payments to such individuals. Any restitution to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

E. Effect of Failure to Comply with Fee Arbitration Conditions.

Respondent understand that failure to strictly comply with these conditions regarding fee arbitration may result in this Court ordering Respondent to pay back the full amount of attorneys' fees paid to Respondent by each of the individuals listed plus 10% interest from the date Respondent received the fees.

Attachment language (if any):

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Daniel Wallace Rinaldelli

CASE NUMBERS: 11-O-10160; 11-O-14131; 11-O-14726; 11-O-15310;
11-O-16055; 11-O-16908; 11-O-17937

FACTS AND CONCLUSIONS OF LAW.

Pursuant to this stipulation herein, Respondent pleads nolo contendere to the following facts and violations as reflected in the nolo contendere attachment (see page 19). Respondent completely understands that the plea for nolo contendere shall be considered the same as an admission of the stipulated facts and of his culpability of the statutes and/or Rules of Professional Conduct specified herein.

Case No. 11-O-10160 (Complainant: Marta Chaussée)

FACTS:

1. On August 28, 2008, Marta Chaussée Kelly ("Chaussée") retained Respondent to represent her in a spousal support appeal and paid Respondent \$15,000.00 in advanced fees. The retainer agreement included a number of legal services to be performed by Respondent, including preparation of an opening brief.
2. On October 1, 2008, Respondent filed a notice of appeal on behalf of Chaussée with the California Court of Appeal, Second District, Division Four in the matter entitled *Kelly v. Kelly*, case number B211030.
3. In connection with the costs of filing the appeal, Chaussée paid a total of \$3,580.00: \$655.00 to the Court Clerk on September 15, 2008, \$2,500.00 on November 3, 2008 for court transcripts to the Superior Court Clerk; and \$425.00 on November 14, 2008 to Respondent for costs to be paid to the Superior Court Clerk.
4. Between April 2009 and June 2009, Respondent filed three applications with the Court of Appeal to extend time to file the opening brief. The extensions were granted. In granting the last extension, the Court of Appeal extended the time to file the brief until July 31, 2009 with no further extensions. Respondent did not file an opening brief by July 31, 2009.
5. On August 10, 2009, the Court of Appeal notified Respondent by letter that if the opening brief was not filed within 15 days of the notice, or good cause was shown for relief from default, the appeal would be dismissed. Respondent received the notice.

6. Respondent failed to file the brief within 15 days of the court's notice, and on September 1, 2009, the Court of Appeal dismissed Chaussée's appeal for failure to file an opening brief.
7. Respondent contends he sent Chaussée a letter on September 3, 2009, notifying Chaussée that the appeal had been dismissed. However, Chaussée contends she never received the letter.
8. On September 23, 2009, Chaussée sent Respondent a letter requesting a status update of the appeal and for the details of the progress made and information regarding future court dates. Respondent did not respond to the letter. On October 23, 2009, Chaussée sent Respondent another letter requesting an update on the status of the appeal.
9. On November 11, 2009, Respondent and Chaussée met at Respondent's office to discuss the appeal when Chaussée learned for the first time that her appeal had been dismissed because Respondent had failed to file an opening brief.
10. At the November 11, 2009 meeting, Chaussée and Respondent discussed a refund of the unearned fees paid to Respondent and Chaussée requested an accounting of the services performed by Respondent. However, Respondent disputes this.
11. On January 27, 2010, Chaussée sent Respondent a letter requesting a refund of the \$15,000.00 in unearned fees. Respondent received the letter but did not respond.
12. On May 26, 2010, Chaussée sent Respondent another letter requesting her refund and an accounting. Respondent received the letter but did not respond.
13. To date, Respondent has not paid any portion of the \$15,000.00 to Chaussée nor provided her with a final accounting to Chaussée after her January 27, 2010 request.
14. On February 2, 2011, the State Bar opened a disciplinary investigation identified as case number 11-O-10160 concerning a complaint submitted by Chaussée against Respondent.
15. On March 15, 2011, a State Bar Investigator sent a letter to Respondent's membership records address requesting Respondent to respond in writing to the allegations in Chaussée's complaint. On March 23, 2011, Respondent requested an extension, which was granted, to respond by April 12, 2011. On April 12, 2011, Respondent requested another extension, which was granted, to respond by April 26, 2011. Having received no response, the State Bar investigator sent Respondent a letter on May 27, 2011 requesting Respondent's written response by June 10, 2011. On June 8, 2011, Respondent requested another extension, which was granted, permitting Respondent to respond by June 30, 2011. On June 17, 2011, Respondent requested another extension, which was granted, permitting Respondent to respond by July 6, 2011.
16. Respondent did not provide a written response to the allegations raised by Chaussée's complaint by July 6, 2011 or at any time during the disciplinary investigation.

CONCLUSIONS OF LAW:

1. By not filing an opening brief for Chaussée, resulting in the dismissal of Chaussée's appeal, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of rule 3-110(A), *Rules of Professional Conduct*.
2. By not informing Chaussée before abandoning her appeal and not timely informing Chaussée when the court dismissed her appeal, Respondent failed to keep a client reasonably informed of significant developments in which Respondent had agreed to provide legal services in willful violation of *Business and Professions Code*, section 6068(m).
3. By failing to promptly refund to Chaussée any part of the \$15,000.00 unearned advance fees he collected, Respondent willfully violated rule 3-700(D)(2), *Rules of Professional Conduct*.
4. By failing to render appropriate accounts to Chaussée regarding all funds coming into Respondent's possession, Respondent willfully violated rule 4-100(B)(3), *Rules of Professional Conduct*.
5. By not providing the State Bar with a written response to the allegations raised by Chaussée's complaint at any time during the disciplinary investigation, 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. 11-O-14131 (Complainant: Richard Bays)

FACTS:

1. On April 1, 2009, Richard Bays ("Bays") retained Respondent to represent Bays in a spousal support appeal in the California Court of Appeal, Fourth District, Division Two in the matter entitled *In re the Marriage of Virginia and Richard Bays*, case number E047979. Respondent was not originally retained to prepare and file an opening brief.
2. Between April 2009 and July 2010, the parties attempted to resolve their spousal support dispute through a negotiated settlement. The parties' negotiations were unsuccessful and in July 2010, Bays paid Respondent \$8,500.00 to draft and file the opening brief in Bays's appeal.
3. Between July 2010 and November 2010, Respondent requested multiple extensions to file the opening brief, including an extension which was granted and permitted Respondent to file the opening brief by October 31, 2010. However, Respondent failed to file the opening brief by October 31, 2010.
4. On November 3, 2010, the Court of Appeal notified Respondent by letter that if the opening brief was not filed within 15 days of the notice, Bays's appeal would be dismissed. Respondent received the court's notice, but did not file an opening brief on Bays's behalf.

5. Respondent contends he discussed with Bays the filing of the opening brief to preserve Bays's appeal in November 2010 prior to the 15-day deadline. However, Bays disputes this.
6. On November 24, 2010, the Court of Appeal dismissed Bays's appeal for failure to file an opening brief. As a result, the court ordered Bays to pay costs on appeal for his ex-wife's costs of suit. Respondent received notice of the dismissal and the court's order.
7. In December 2010, Bays contacted Respondent to inform Respondent that he may have tentatively settled the spousal support dispute.
8. In January 2011, Bays found out for the first time that his appeal had been dismissed and attempted to contact Respondent. Respondent disputes this. After leaving several voice messages for Respondent in January and February of 2011, Bays and Respondent had a phone conversation on March 23, 2011, regarding the dismissal of Bays's appeal and Bays requested a refund of the unearned fees and an accounting of the services Respondent provided.
9. To date, Respondent has not refunded any portion of the \$8,500.00 in unearned fees he collected nor provided a final accounting to Bays after his March 23, 2011 request.

CONCLUSIONS OF LAW:

1. By not preparing or filing an opening brief for Bays, resulting in the dismissal of Bays's appeal, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of rule 3-110(A), *Rules of Professional Conduct*.
2. By failing to render appropriate accounts to Bays regarding all funds coming into Respondent's possession, Respondent willfully violated rule 4-100(B)(3), *Rules of Professional Conduct*.
3. By failing to promptly refund to Bays any part of the \$8,500.00 in unearned advance fees he collected, Respondent willfully violated rule 3-700(D)(2), *Rules of Professional Conduct*.

Case No. 11-O-14726 (Complainant: Tomoe Kanaya)

FACTS:

1. On January 11, 2011, Tomoe Kanaya ("Kanaya") retained Respondent to represent her in a paternity/child custody action and paid Respondent \$4,500 in advanced fees to file a paternity petition.
2. On February 24, 2011, Kanaya terminated Respondent's services for failure to file the petition and informed Respondent that she had hired new counsel. Kanaya also requested a refund of the advanced fees.

3. On July 14, 2011, Respondent signed an agreement to refund \$3,600.00 to Kanaya in three installments before September 30, 2011. To date, Respondent has not made a refund of any portion of the \$3,600 he collected in advanced fees. Respondent did not earn the \$3,600.00.

CONCLUSION OF LAW:

1. By failing to promptly refund to Kanaya any part of the \$3,600.00 unearned advance fees he collected, Respondent willfully violated rule 3-700(D)(2), *Rules of Professional Conduct*.

Case No. 11-O-15310 (Complainant: Vito Girardi)

FACTS:

1. On August 17, 2011, the State Bar opened a disciplinary investigation identified as case number 11-O-15310 concerning a complaint submitted by Vito Girardi ("Girardi") against Respondent.
2. On August 26, 2011, and September 13, 2011, a State Bar investigator sent letters to Respondent, through counsel for Respondent, Rodney Ritner ("Ritner") regarding the State Bar's investigation of Girardi's complaint at Ritner's membership records address. Respondent and Respondent's counsel received the letters.
3. In the letters, the State Bar requested a written response to the allegations raised by Girardi's complaint by September 12, 2011, and September 26, 2011, respectively. Respondent did not provide a written response to the allegations raised by Girardi's complaint by September 26, 2011 or at any time during the disciplinary investigation. Respondent finally submitted a response during the negotiation of the settlement herein to the State Bar on February 13, 2012.

CONCLUSION OF LAW:

1. By not providing the State Bar with a written response to the allegations raised by Girardi's complaint by September 26, 2011 or at any time during the disciplinary investigation, 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. 11-O-16055 (Complainant: Evelyn Burrell)

FACTS:

1. On January 19, 2005, Evelyn Burrell ("Burrell") retained Respondent to represent her in a guardianship matter and Burrell paid Respondent \$17,804.55 in legal fees—\$10,000.00 as a flat fee retainer and \$7,804.55 for services covered by the initial retainer. Subsequently, a fee dispute ensued between the parties as to whether Respondent had earned all the fees he collected.

2. Accordingly, in January 2007, the parties participated in fee arbitration. In the arbitration award, the arbitrator determined that Respondent had earned only a portion of the \$17,804.55 in fees he collected from Burrell and ordered Respondent to pay Burrell \$4,502.76 in two installments of \$2,502.76 and \$2,000.
3. Thereafter, Respondent failed to pay \$2,502.76 of the fee arbitration award and Burrell initiated a small claims action against Respondent to enforce the arbitration award and recover the \$2,502.76 in unearned fees. On January 3, 2011, Burrell received a default judgment against Respondent in the amount of \$2,807.04 (\$2,502.76 plus interest and costs).
4. Burrell subsequently sought a writ of execution from the Riverside County Superior Court. On August 8, 2011, the court issued a writ of execution indicating that Respondent owed Burrell \$2,880.06. To date, Respondent has not refunded \$2,880.06 to Burrell for the unearned fees he collected.
5. On September 2, 2011, the State Bar opened a disciplinary investigation identified as case number 11-O-16055 concerning a complaint submitted by Burrell against Respondent.
6. On September 30, 2011, and October 17, 2011, a State Bar investigator sent letters to Respondent, through Ritner regarding the State Bar's disciplinary investigation of Burrell's complaint at Ritner's membership records address. Respondent and Respondent's counsel received the letters.
7. In the letters, the State Bar requested a written response to the allegations raised by Burrell's complaint by October 14, 2011, and October 28, 2011, respectively. Respondent did not provide a written response to the allegations raised by Burrell's complaint by October 28, 2011 or thereafter.

CONCLUSIONS OF LAW:

1. By failing to promptly refund to Burrell of the \$2,502.76 in unearned fees he collected, Respondent willfully violated rule 3-700(D)(2), *Rules of Professional Conduct*.
2. By not providing the State Bar with a written response to the allegations raised by Burrell's complaint at any time during the disciplinary investigation, 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. 11-O-16908 (Complainant: Mark Bolton)

FACTS:

1. On January 8, 2009, Mark Bolton ("Bolton") retained Respondent to represent him in a marital dissolution and paid Respondent an advanced fee of \$3,500.00.

2. Respondent initially performed work to finalize Bolton's marital dissolution and subsequently assigned the case to an associate attorney at Respondent's law office, who failed to finalize the dissolution.
3. Respondent was aware of the associate attorney's representation in the Bolton matter, but was unaware of the lack of progress made on Bolton's behalf.
4. Having been unable to finalize his marital dissolution through Respondent's law office, Bolton terminated representation from Respondent's law office in April 2011.
5. On September 29, 2011, the State Bar opened a disciplinary investigation identified as case number 11-O-16908 concerning a complaint submitted by Bolton against Respondent.
6. On October 24, 2011, and November 7, 2011, a State Bar investigator sent letters to Respondent, through Ritner, regarding the State Bar's disciplinary investigation of Bolton's complaint at Ritner's membership records address. Respondent and Respondent's counsel received the letters.
7. In the letters, the State Bar requested a written response to the allegations raised by Bolton's complaint by November 7, 2011, and November 21, 2011, respectively. Respondent did not provide a written response to the allegations raised by Bolton's complaint by November 21, 2011 or at any time during the disciplinary investigation. Respondent ultimately submitted a response to the State Bar on February 13, 2012 during the negotiation of the settlement herein.

CONCLUSIONS OF LAW:

1. By not making sure his associate finalized Bolton's marital dissolution, Respondent failed to supervise the associate attorney and intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of rule 3-110(A), Rules of Professional Conduct.
2. By not providing the State Bar with a written response to the allegations raised by Bolton's complaint by November 21, 2011 or at any time during the disciplinary investigation, 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. 11-O-17937 (Complainant: Mera Williams)

FACTS:

1. On October 31, 2011, the State Bar opened a disciplinary investigation identified as case number 11-O-17937 concerning a complaint submitted by Mera Williams ("Williams") against Respondent.

2. On December 9, 2011, and December 28, 2011, a State Bar investigator sent letters to Respondent, through Ritner regarding the State Bar's disciplinary investigation of Williams's complaint at Ritner's membership records address. Respondent and Respondent's counsel received the letters.
3. In the letters, the State Bar requested a written response to the allegations raised by Williams's complaint by December 23, 2011, and January 11, 2012, respectively. Respondent did not provide a written response to the allegations raised by Williams's complaint by January 11, 2012 or at any time during the disciplinary investigation.

CONCLUSION OF LAW:

1. By not providing the State Bar with a written response to the allegations raised by Williams's complaint at any time during the disciplinary investigation, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent in willful violation of *Business and Professions Code*, section 6068(i).

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was March 2, 2012.

AGGRAVATING CIRCUMSTANCES.

FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.

Under *Standard 1.2(b)(ii)*, Respondent's current misconduct described above evidences multiple acts of wrongdoing as indicated above in case numbers 11-O-10160; 11-O-14131; 11-O-14726; 11-O-15310; 11-O-16055; 11-O-16908; 11-O-17937.

Under *Standard 1.2(b)(iv)*, Respondent's misconduct harmed significantly clients Bays, Kanaya and Burrell.

AUTHORITIES SUPPORTING DISCIPLINE.

The *Standards For Attorney Sanctions For Professional Misconduct* ("Standard" or "Standards") are entitled to "great weight" and "promote the consistent and uniform application of disciplinary measures." (*In re Silvertan* (2005) 36 Cal.4th 81, 92.) The presumptively appropriate level of discipline for any misconduct is as set forth in the standards.

Standard 1.3 provides that the primary purposes of attorney discipline are, "the protection of the public, the courts and the legal profession; the maintenance of high legal professional standards by attorneys and the preservation of public confidence in the legal profession."

Standard 1.6 provides that the appropriate "...sanction for an act of professional misconduct shall be that set forth in the following standards for the particular act of misconduct found or acknowledged."

Standard 2.2(b) provides that:

Culpability of a member of commingling of entrusted funds or property with personal property or the commission of another violation rule 4-100, Rules of Professional Conduct, none of which offenses result in the wilful misappropriation of entrusted funds or property shall result in at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances.

Standard 2.4(b) provides that:

Culpability of a member of willfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of willfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.

Standard 2.10 provides that culpability of a member of wilful violation of any *Rule of Professional Conduct* not specified in the standards shall result in reproof or suspension according to the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set for the *Standard 1.3*.

The case law also supports the discipline stipulated to here by the State Bar and Respondent Rinaldelli. In *In the matter Kaplan* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 509, the attorney-respondent was found culpable of multiple failures to perform, including negligent law office management, in violation of former rule 6-101(A)(2), Rules of Professional Conduct (current rule 3-110(A)), multiple violations of rule 4-100(B), violations of rule 3-700(D)(1) and multiple failures to respond to reasonable client status inquiries in violation of section 6068(m), Business and Professions Code. The attorney's misconduct in *Kaplan* involved negligent law office management over an extended period of time (four years) which resulted in seven counts of misconduct for ten different clients. The Review Department noted the attorney's numerous violations over an extended period of time and recommended discipline consisting of a two-year stayed suspension, two years probation with conditions, including a three-month actual suspension. Similarly, Respondent Rinaldelli's misconduct here involves multiple failures to perform and multiple clients. Accordingly, discipline for Respondent's current misconduct consisting of two years of stayed suspension, two years of probation with conditions and a three-month actual suspension is warranted.

DISMISSALS.

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

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
11-O-14131	2	Business & Professions Code, section 6068(m) [Failure to Respond to Client Inquiries]
11-O-14131	3	Business and Professions Code, section 6106 [Moral Turpitude - Misrepresentation]

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of March 2, 2012, the prosecution costs in this matter are approximately \$9,929.00. 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.

(Do not write above this line.)

In the Matter of: Daniel Wallace Rinaldelli	Case Number(s): 11-O-10160; 11-O-14131; 11-O-14726; 11-O-15310 11-O-16055; 11-O-16908; 11-O-17937
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Nolo Contendere Plea Stipulations to Facts, Conclusions of Law, and Disposition

The terms of pleading nolo contendere are set forth in the Business and Professions Code and the Rules of Procedures of the State Bar. The applicable provisions are set forth below:

Business and Professions Code § 6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a notice of disciplinary charges or other pleading which initiates a disciplinary proceeding against a member:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere will be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court will find the member culpable. The legal effect of such a plea will be the same as that of an admission of culpability for all purposes, except that the plea and any admissions required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based.

Rules of Procedure of the State Bar, rule 5.56. Stipulations to Facts, Conclusions of Law, and Disposition

“(A) Contents. A proposed stipulation to facts, conclusions of law, and disposition must comprise:

[] . . . []

(5) a statement that the member either:

- (a) admits the truth of the facts comprising the stipulation and admits culpability for misconduct; or
- (b) pleads nolo contendere to those facts and misconduct;

[] . . . []

“(B) Plea of Nolo Contendere. If the member pleads nolo contendere, the stipulation must also show that the member understands that the plea is treated as an admission of the stipulated facts and an admission of culpability.”

I, the Respondent in this matter, have read the applicable provisions of Business and Professions Code section 6085.5 and rule 5.56 of the Rules of Procedure of the State Bar. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea will be considered the same as an admission of culpability except as stated in Business and Professions Code section 6085.5(c).

March 16 2012 _____ Daniel Wallace Rinaldelli
 Date Respondent's Signature Print Name

(Do not write above this line.)

In the Matter of: Daniel Wallace Rinaldelli	Case number(s): 11-O-10160; 11-O-14131; 11-O-14726; 11-O-15310; 11-O-16055; 11-O-16908; 11-O-17937
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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 Facts, Conclusions of Law, and Disposition.

March 16 th , 2012 Date	 Respondent's Signature	Daniel Wallace Rinaldelli Print Name
March 13, 2012 Date	 Respondent's Counsel Signature	Rodney Ritner Print Name
March 16, 2012 Date	 Deputy Trial Counsel's Signature	Anand Kumar Print Name

(Do not write above this line.)

In the Matter of: Daniel Wallace Rinaldelli	Case Number(s): 11-O-10160; 11-O-14131; 11-O-14726; 11-O-15310; 11-O-16055; 11-O-16908; 11-O-17937
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ACTUAL SUSPENSION ORDER

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

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

The 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 5.58(E) & (F), 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.)**

3/26/12
Date



DONALD F. MILES
Judge of the State Bar Court

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 San Francisco, on March 27, 2012, 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 San Francisco, California, addressed as follows:

RODNEY G. RITNER
421 W WATER ST
PO BOX 228
DECORAH, IA 52101

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

ANAND KUMAR, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on March 27, 2012.



Mazie Yip
Case Administrator
State Bar Court