



PUBLIC MATTER

FILED

OCT 20 2015

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT - LOS ANGELES

In the Matter of	)	Case No.: 12-O-16308; 13-0-11519-YDR
	)	
ROBERT SIBILIA,	)	DECISION
	)	
Member No. 126979,	)	
	)	
<u>A Member of the State Bar.</u>	)	

**Introduction**<sup>1</sup>

In this matter, Robert Sibilias ("Respondent") is charged with three counts of willfully violating section 6106 by misappropriating funds from three clients. The Office of the Chief Trial Counsel of the State Bar of California ("State Bar") has the burden of proving these charges by clear and convincing evidence.<sup>2</sup> This court finds by clear and convincing evidence that Respondent misappropriated a total of \$12,933.69 by gross neglect and is culpable of all three counts. The court recommends that Respondent be suspended from the practice of law in California for one year, that execution of that period of suspension be stayed, and that respondent be placed on probation for a period of one year subject to a 90-day actual suspension.

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<sup>1</sup> Unless otherwise indicated, all references to rules refer to the State Bar Rules of Professional Conduct. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

<sup>2</sup> Clear and convincing evidence leaves no substantial doubt and is sufficiently strong to command the unhesitating assent of every reasonable mind. (*Conservatorship of Wendland* (2001) 26 Cal.4th 519, 552.)

### **Significant Procedural History**

The State Bar initiated this proceeding by filing a Notice of Disciplinary Charges (“NDC”) in case numbers 12-O-16308 and 13-O-11519 on December 12, 2013.<sup>3</sup> Respondent filed a response to the NDC on February 10, 2014.

The parties filed a Stipulation as to Facts and Admission of Documents on May 4, 2015 (“Stipulation”). On July 8, 2015, the State Bar moved to dismiss Counts Three and Four in case no. 12-O-16308 and Counts Six and Seven in case no. 13-O-11519. The court granted the motion and dismissed the counts with prejudice.

Trial took place on July 8, 2015. The State Bar was represented by Supervising Senior Trial Counsel Kim Kasreliovich. Respondent represented himself. The matter was submitted for decision on July 8, 2015, and the parties filed their respective closing briefs on July 24, 2015.

### **Findings of Fact**

Respondent was admitted to the practice of law in California on December 11, 1986 and has been a member of the State Bar of California at all times since that date. These findings of fact are based on the record, evidence admitted at trial, and facts set forth by the parties in their factual Stipulation.

### **Background Facts Regarding Respondent’s Former Partnership**

Respondent and his former law partner, W. Steven Lorenzo,<sup>4</sup> operated the Law Offices of Sibilia and Lorenzo, A Professional Corporation (the firm), which they created in 2002. Beginning in April 2002, Lorenzo and Respondent jointly owned and maintained a client trust

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<sup>3</sup> The State Bar filed these cases jointly with case number 13-O-11520, which was filed against Respondent’s former law partner, W. Steven Lorenzo. On October 31, 2014, case number 13-O-11520 was severed from the present case and abated.

<sup>4</sup> Lorenzo is currently inactive pursuant to section 6007(b)(3).

account (“CTA”) at City National Bank. Respondent and Lorenzo had no formal method of managing their CTA.

Although technically still partners, in 2009, Respondent and Lorenzo began to go their separate ways; independently rather than jointly handling firm matters. In April 2010, Respondent began working at another law firm and was seldom in the Sibilila & Lorenzo office. Respondent acknowledged that between May 2010 and January 2012, his firm failed to reconcile the CTA balance with the client accounts or ledgers. In February 2012, Lorenzo abandoned the firm and moved to Florida.<sup>5</sup> It was at this point that Respondent began to monitor the firm CTA. Even though Lorenzo deserted the practice, the firm CTA remained open under the name of “Law Office of Sibilila & Lorenzo” and both attorneys remained signatories and joint owners of the account until at least May 2014.<sup>6</sup>

#### **Case No. 12-O-16308 – The Oris and Gilbert Matter**

##### **Facts**

Faith Antoinette Oris and Gary Gilbert were involved in a car accident on October 31, 2007. Oris and Gilbert hired Respondent’s firm to pursue their personal injury claims. On or about July 30, 2009, Respondent settled Oris’ and Gilbert’s claims with Unitrin Insurance Company for \$15,000 each. Unitrin issued two \$15,000 settlement checks, which Respondent deposited into the firm’s CTA on August 18, 2009.

On August 24, 2009, Oris and Gilbert each received \$4,000 as their share of the settlement funds. Pursuant to the fee agreement, Respondent’s firm was entitled to 40% of the settlement funds, but instead of receiving \$6,000 per case, the office agreed to reduce Oris’s and

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<sup>5</sup> The “Law Offices of Sibilila & Lorenzo” was not dissolved until some time after February 2012.

<sup>6</sup> Respondent stipulated that from April 2002 through February 2012 and until the firm’s dissolution, he and Lorenzo jointly owned and maintained the firm CTA.

Gilbert's fees to \$5,000 each, totaling \$10,000. Each case incurred costs of \$440, totaling \$880.

Respondent retained a \$5,560 on behalf of each client for medical lien payments.<sup>7</sup>

Between August 12, 2012 and June 27, 2013, Respondent paid a total of \$11,850 on behalf of Oris and Gilbert to satisfy their outstanding medical liens.<sup>8</sup> However, before Respondent paid the liens, the firm's CTA balance repeatedly fell below \$5,560.<sup>9</sup> At its lowest point on March 14, 2011, the balance dropped to \$19.31. Respondent acknowledged that between May 2010 and January 2012, his firm failed to reconcile its CTA balance with its client accounts or ledgers.

### **Conclusions of Law**

#### ***Counts One and Two - Section 6106 [Moral Turpitude]***

Section 6106 provides, in part, that the commission of any act involving dishonesty, moral turpitude, or corruption constitutes cause for suspension or disbarment. In Count One, the State Bar alleges that between August 25, 2009, and August 21, 2012, Respondent dishonestly or gross negligently misappropriated for his own purposes at least \$5,540 that Oris's medical providers were entitled to receive, pursuant to liens held against Oris's recovery, thereby committing an act of moral turpitude in willful violation of section 6106. The State Bar makes the same allegations in Count Two pertaining to the funds that Gilbert's medical providers were entitled to receive.

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<sup>7</sup>The providers that held outstanding medical liens included Wilkerson Chiropractic, Inc., Spine and Orthopedic Center, Buena Vista Medical Services, Inc., Key Health Medical Solutions and Advanced Radiology.

<sup>8</sup> Respondent made the following payments: Wilkerson Chiropractic, \$2,000 on behalf of Oris and \$2,000 on behalf of Gilbert; Spine and Orthopedic Center, \$1,350 on behalf of Oris and \$1,000 on behalf of Gilbert; Buena Vista Medical Services, Inc., \$1,000 on behalf of Oris and \$1,000 on behalf of Gilbert; Key Health Medical Solutions, \$1,500 on behalf of Oris; and Advanced Radiology, \$2000 on behalf of Gilbert.

<sup>9</sup>The parties stipulated that Respondent's CTA balance dipped below \$5,560 on December 27, 2010, February 2, 2011, March 14, 2011, July 12, 2011 and January 5, 2012.

The court finds Respondent culpable of willfully violating section 6106 as alleged in Counts One and Two. Respondent deposited Oris's and Gilbert's settlement checks into his firm's CTA, retaining \$5,560 on behalf of each client to pay their outstanding medical liens. Before Respondent paid any liens, the firm's CTA repeatedly fell below \$5,560. Allowing the CTA to fall as low as \$19.31 is evidence of willful misappropriation. (*Giovanazzi v. State Bar* (1980) 28 Cal.3d 465, 474["The mere fact that the balance in an attorney's trust account has fallen below the total of amounts deposited in and purportedly held in trust, supports a conclusion of misappropriation"].)

Respondent acknowledged his responsibility to keep track of the funds maintained in the CTA, but from May 2010 and January 2012, he failed to reconcile the CTA balances with client accounts or ledgers. Respondent clearly violated his "personal obligation of reasonable care to comply with the critically important rules for the safekeeping and disposition of client funds. [Citations.]" (*Palomo v. State Bar* (1984) 36 Cal.3d 785, 795.) Allowing his CTA account balance to repeatedly fall below \$5,560 and his failure to maintain an appropriate recordkeeping system to track funds held in trust are evidence that he grossly mismanaged the firm's CTA. This resulted in the misappropriation of \$11,100.69 of Oris's and Gilbert's settlement funds held for their medical lien payments. Such gross negligence constitutes moral turpitude in violation of section 6106. (*Lipson v. State Bar* (1991) 53 Cal.3d 1010, 1020 [moral turpitude finding for gross carelessness in failing to maintain trust account].)

### **Case No. 13-O-11519 – The Manusevitz Matter**

#### **Facts**

In June 2010, Yigal Manusevitz hired Respondent's firm to pursue a personal injury claim arising out of a three-vehicle accident that occurred on June 18, 2010. Lorenzo handled the Manusevitz's matter exclusively. A settlement was reached, and on November 10, 2010, the

Infinity Insurance Company issued a \$5,500 settlement check. The check was deposited into the firm's CTA on November 16, 2010. The firm was entitled to 25% percent of the recovery, which totaled \$1,375. On November 22, 2010, Manusevitz received \$2,292 as his share of the settlement funds, with the firm retaining \$1,833 to pay Tirsch & Lowenberg Chiropractic, Inc.'s medical lien on Manusevitz's behalf.

On February 9, 2013, Respondent paid Tirsch & Lowenberg \$1,833 on Manusevitz's behalf for the medical lien. Before Respondent paid the lien, the firm's CTA balance fell below \$1,833 four times.<sup>10</sup> At its lowest on March 14, 2011, the CTA balance was \$19.31.

### **Conclusions of Law**

#### ***Count Five – Section 6106 [Moral Turpitude]***

In Count Five, the State Bar alleges that between December 27, 2010, and February 9, 2013, Respondent and Lorenzo dishonestly or gross negligently misappropriated for their own purposes at least \$1,625 that Manusevitz's medical providers were entitled to receive, pursuant to a lien held against Manusevitz's recovery, thereby committing an act involving moral turpitude in willful violation of section 6106.

The court finds Respondent culpable of willfully violating section 6106 as alleged in Count Five. The firm's CTA balance repeatedly fell below the \$1,833 retained to pay the medical lien on Manusevitz's behalf, which is evidence of willful misappropriation. (See *Giovanazzi v. State Bar* (1980) 28 Cal.3d 465, 474.)

Respondent's misconduct is not excused because Lorenzo exclusively handled Manusevitz's case and because Respondent considered Manusevitz Lorenzo's client. Even after the firm began to dissolve in 2009 and Respondent began working with another firm in 2010, he took no steps to close the CTA or at least remove Lorenzo from the account. As late as May

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<sup>10</sup> The dates of the balance shortfalls are the same as the balance deficiencies in 2010 and 2011 in the Oris and Gilbert matter.

2014, the firm CTA remained open and Lorenzo still had access to the funds maintained in trust. Respondent “had a non-delegable duty to properly manage his CTA, to monitor and safeguard the account, and take prompt corrective and protective measures.” (*In the Matter of Guzman* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 308, 317; see also *In the Matter of Blum* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 403, 411 [even reasonable reliance on firm partner to care for trust account does not relieve attorney from professional responsibility to properly maintain funds in CTA].) Respondent’s failure to monitor the firm’s CTA led to the grossly negligent misappropriation of \$1,833 of Manusevitz’s recovery and constitutes moral turpitude.<sup>11</sup>

### **Aggravation<sup>12</sup>**

The State Bar bears the burden of proving aggravating circumstances by clear and convincing evidence. (Std. 1.5.) The court finds the following with regard to aggravating circumstances.

#### **Multiple Acts (Std. 1.5(b).)**

Respondent committed multiple acts of misconduct in two matters by misappropriating client funds. He allowed the firm’s CTA balance to repeatedly dip below the amount needed for his clients’ medical lien payments. Considering the nature and extent of his misconduct, these multiple acts moderately aggravate this case.

### **Mitigation**

It is Respondent’s burden to prove mitigating circumstances by clear and convincing evidence. (Std. 1.6.) The court finds the following with regard to mitigating factors.

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<sup>11</sup> Although \$19.31 remained in the CTA on March 14, 2011, Respondent misappropriated the entire \$1,833 because the court credited Respondent with maintaining \$19.31 in the firm CTA in the Oris and Gilbert matter.

<sup>12</sup> All references to standards (Std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

**No Prior Record (Std. 1. 6(a).)**

Before Respondent committed the misconduct that is the subject of these proceedings, Respondent practiced law 24 years with no discipline record. His lack of a prior discipline record is most relevant if the misconduct is unlikely to recur. (Std. 1.6(a); *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1029; *In the Matter of Reiss* (Review Dept. 2012) 5 Cal. State Bar Ct. Rptr. 206, 218.) Respondent has acknowledged his misconduct, closed the firm's CTA and no longer practices law. When his years of discipline-free practice are combined with the other mitigating circumstances discussed below, the court is persuaded Respondent is unlikely to commit future misconduct. (Std. 1.6(a).) Thus, Respondent's lack of a prior discipline record is a significant mitigating factor.

**Extreme Physical/Mental Difficulties (Std. 1.6(d).)**

Respondent was involved in a car accident in April 2006 where he was rear-ended by another vehicle. Respondent suffered neck and lower back disc herniations, and for the next five years he had headaches, progressive neck and back pain, memory loss, the inability to focus and concentrate, and emotional problems. Respondent submitted a declaration from his treating physician, Fredric Weiss, M.D., who indicates that Respondent's neck and back pain continue, but Respondent's other symptoms "have improved over time and are not nearly as severe today as they were within the 5 years after the accident and are no longer an issue in the performance of his job duties." Dr. Weiss also provided that Respondent's injuries would directly affect Respondent's ability to focus and properly do detailed work such as accounting and record keeping from 2006 through 2011.

The court affords Respondent no mitigating credit for his mental and physical disabilities resulting from his 2006 car accident. Respondent and Lorenzo started their firm in 2002, and since its inception they never had a written agreement or verbal understanding regarding how

they would manage their CTA. Respondent and Lorenzo never reconciled the CTA balance, and failed to utilize any accounting practices with respect to their CTA. Thus, Respondent's misconduct cannot be attributed to any recordkeeping errors resulting from his injuries when no such records were ever maintained.

**Cooperation with State Bar (Std. 1. 6(e).)**

The court assigns significant mitigating credit for Respondent's cooperation with the State Bar. Respondent entered into a stipulation of facts that established his culpability and conserved judicial resources. In addition, Respondent readily acknowledged his responsibility for keeping track of the funds in his CTA. (See *In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179, 190 [extensive weight in mitigation for those who admit culpability and facts].)

**Good Character (Std. 1. 6(f).)**

Respondent provided ten declarations from individuals who attested to his good character. The declarants included two attorneys, two businessmen, a retired school teacher, company vice president, licensed clinical social worker, fitness consultant, an individual who was "semi-retired." Three of the declarants were former clients. Respondent was described as an "honest, generous, caring person of the highest integrity" who was "careful and conscientious." All of the declarants knew about the allegations against Respondent and the majority of them considered the "allegations . . . out of his character." One of the businessmen was a former client who entrusted Respondent with \$1,000,000 in an escrow matter, which was resolved to his satisfaction.

Both of the attorney declarants considered Respondent trustworthy. One attorney, who has known Respondent over 19 years, has represented clients with Respondent. Some of the cases involved settlements and there was never an issue with the distribution of funds. The

attorney stated that Respondent takes the role of representing clients seriously, and he would “continue to work with Respondent and entrust the care of [his] clients to him.” This evidence from members of the bar is entitled to great consideration because they are strongly interested in maintaining the administration of justice. (*In the Matter of Riordan* (Review Dept.2007) 5 Cal. State Bar Ct. Rptr. 41, 50.) Respondent’s good character is entitled to significant mitigation.

### **Community Service and Pro Bono Activities**

Respondent was a member of the Calabasas City Council from 1997 through 2001. As a result of his service, he worked toward establishing the first City library, developed a skate park for youth and received recognition for creating a skate program. He was instrumental in thwarting a development on the Ventura County – Calabasas border that would have destroyed a pristine open space. This area of land has been preserved as permanent open space for the public to enjoy.

From 2001 through 2007, Respondent was a City of Calabasas Parks and Recreation Commission member. He planned and developed a playground geared toward handicap access for children with disabilities. He also helped plan and develop the Agoura – Calabasas Community Center developed for youth basketball leagues, preschool classes, after school activities, and spin and yoga classes.

From 1997 through 2007 Respondent served as a Teen Court Judge. He worked with the Los Angeles County Sheriff to hold teen trials for juvenile offenders where the Teen Court jury determined the appropriate sentence for guilty defendants.

Eight of the individuals who attested to Respondent’s good character recognized Respondent’s dedication to his community. They noted that he devoted much of his time and efforts “for the benefit of others.” Respondent’s civic endeavors have had a lasting effect on his

community – many of the benefits are permanent and ongoing. Respondent's community service is a significant mitigating factor.

### **Discussion**

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, to preserve public confidence in the profession, and to maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1025; Std. 1.1.)

In determining the level of discipline, the court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d 1085, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628). Standard 2.1(b) is applicable to this case. Standard 2.1(b) provides “[a]ctual suspension is the presumed sanction for misappropriation involving gross negligence.” The State Bar requested that Respondent be actually suspended for one year. Respondent, on the other hand, argued that the appropriate discipline range is a reproof to 90 days actual suspension. While the standards are not binding, they are entitled to great weight. (*In re Silverton* (2005) 36 Cal.4th 81, 92.) Respondent is culpable of misappropriating \$12,933.69 by gross negligence; thus the presumptive discipline is a period of actual suspension.

In addition to the standards, the court considers decisional law relevant to Respondent's grossly negligent misappropriation to determine the appropriate level of discipline. The court is guided by *Waysman v. State Bar* (1986) 41 Cal.3d 452; *In the Matter of Blum* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 403, *In the Matter of Ward* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 47, and *In the Matter of Bouyer* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 404.

In *Waysman, supra*, 41 Cal.3d 452, the attorney had formed a two person partnership and three weeks later the partner quit, leaving Waysman with 150 cases. Waysman received a \$24,000 settlement check on behalf of a client while he was out of town. He told his secretary to

obtain the client's signature, and to deposit the check into the general office account rather than the trust account because it would clear faster than in the latter. When Waysman returned to his office, he found that his secretary had quit, and her departure combined with other circumstances left his office finances in considerable disarray. In the confusion, the \$24,000 in client funds had been spent. Waysman immediately retained a certified public accountant to help him straighten out his books and took immediate responsibility for the misappropriation. He voluntarily began restitution within five months of the misconduct. The court noted that there was no prior record of discipline and that Waysman suffered from serious alcohol-related problems. Waysman received a six-month stayed suspension and was placed on probation for one year and until restitution was made.

In *Blum, supra*, 4 Cal. State Bar. Ct. Rptr. 403, the respondent and her then attorney husband were partners and both were signatories on the client trust account. Because of her work load, Blum's husband managed the day to day operations of the law office, including the trust account. The husband grossly mismanaged the financial aspects of the practice, which resulted in the misappropriation of over \$45,000 in client funds in two matters. Blum also was found culpable of charging an illegal fee. In mitigation, Blum had no record of prior discipline in 14 years of practice, suffered from extreme emotional difficulties, was candid and cooperative in the disciplinary proceeding, changed her office procedures to take full charge of all aspects of her practice including the handling of the finances and her trust account, and established her good character. In aggravation, Blum engaged in multiple acts of misconduct and significantly harmed her clients. She was suspended for 30 days.

In *Ward, supra*, 2 Cal. State Bar Ct. Rptr. 47, the attorney committed misconduct in two client matters. In the first matter, Ward's trust account repeatedly dropped below the amount he was obligated to hold for his client and he misappropriated \$12,000 by gross negligence. He also

failed to promptly pay his client funds upon the client's demand and failed to promptly return his client's file. In the second matter, Ward failed to communicate with his client. Multiple acts, and significant client harm were aggravating factors. Ward received mitigating credit for 14 years of discipline-free practice, good character, and family problems and emotional upset due to the passing of his father-in-law. Ward was actually suspended for 90 days.

Finally, in *Bouyer, supra*, 1 Cal. State Bar Ct. Rptr. 404, the attorney committed misconduct in two client matters.<sup>13</sup> In each matter Bouyer allowed his trust account to fall below the amount he was required to maintain on behalf of his clients. Culpability was based on his grossly negligent failure to supervise his staff in handling client trust funds and amounted to moral turpitude. Bouyer was also culpable of failing to perform with competence. In aggravation, the court found multiple acts, client harm, concealment, lack of candor, incomplete restitution, and uncharged misconduct of failing to promptly notify his clients of the receipt of settlement funds. Bouyer received mitigating credit for voluntarily curing his office procedure deficiencies, the lack of intentional misconduct or venality, and the payment of restitution to all but one client before the State Bar's involvement. Bouyer was actually suspended for six months.

Several factors justify imposing a sanction greater than in *Waysman* and *Blum*, but less than the six months in *Bouyer*. There is no evidence that Respondent ever took the any steps to develop accounting procedures to properly monitor and manage his CTA as in *Waysman* and *Blum*. Also, although Respondent has made complete restitution, there is no evidence that all of the outstanding medical liens were paid prior to the State Bar's involvement. On the other hand, the discipline in *Bouyer* is too severe because here Respondent's misconduct was less serious and he has made complete restitution.

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<sup>13</sup> Although his misconduct involved three clients, the court treated one personal injury case involving two clients as a single matter.

In light of the standards and applicable case law, the court finds that the appropriate level of discipline is a 90-day actual suspension. There is nothing in the record to establish that Respondent harbored a dishonest or intentional motive when he misappropriated his client's funds through gross neglect. Moreover, he has made amends for his misconduct; he has made full restitution, acknowledged his wrongdoing, and cooperated with the State Bar. Finally, his misconduct caused no harm, and his case is further mitigated by his lengthy period of discipline-free practice, good character, and community service.

Considering all relevant factors, a 90-day actual suspension is in accordance with the standards and case law, and will protect the public while preserving the integrity of the legal profession. The court recommends that Respondent attend trust accounting school to ensure he properly handles client funds in the event he resumes the practice of law.

### **Recommendations**

It is recommended that respondent Robert Sibilis, State Bar Number 126979, be suspended from the practice of law in California for one year, that execution of that period of suspension be stayed, and that respondent be placed on probation<sup>14</sup> for a period of one year subject to the following conditions:

1. Respondent Robert Sibilis is actually suspended from the practice of law for the first 90 days of probation.
2. Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of respondent's probation.
3. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including respondent's current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, respondent must report such change in writing to the Membership Records Office and the State Bar's Office of Probation.

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<sup>14</sup> The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

4. Within 30 days after 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 of the conditions of respondent's probation during the preceding calendar quarter. In addition to all quarterly reports, a final report, containing the same information, is due no earlier than 20 days before the last day of the probation period and no later than the last day of the probation period.
6. Respondent must comply with the following reporting requirements:
  - a. 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 a certified public accountant or other financial professional approved by the Office of Probation certifying that:
    - i. 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"; and
    - ii. Respondent has complied with the "Trust Account Record Keeping Standards" as adopted by the Board of Governors pursuant to rule 4-100(C) of the Rules of Professional Conduct.
  - b. 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 certificate described above.

The requirements of this condition are in addition to those set forth in rule 4-100 of the Rules of Professional Conduct.

7. Subject to the assertion of applicable privileges, respondent must answer fully, promptly, and truthfully, any inquiries of the Office of Probation or any probation monitor that are directed to respondent personally or in writing, relating to whether respondent is complying or has complied with respondent's probation conditions.
8. Within one year after the effective date of the discipline herein, respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and of the State Bar's Client Trust Accounting School and

passage of the tests given at the end of those sessions. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent will not receive MCLE credit for attending Ethics School or Client Trust Accounting School. (Rules Proc. of State Bar, rule 3201.)

### **Multistate Professional Responsibility Examination**

It is recommended that respondent be ordered to take and pass the Multistate Professional Responsibility Examination (MPRE) within one year after the effective date of the Supreme Court order imposing discipline in this matter, or during the period of respondent's suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

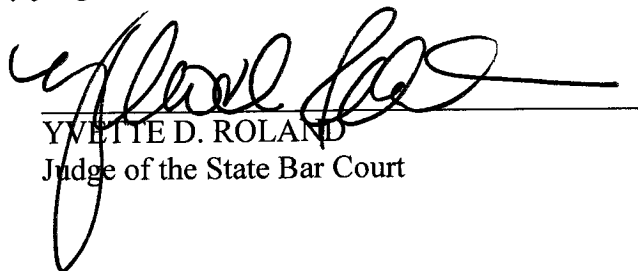
### **California Rules of Court, Rule 9.20**

It is further recommended that respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding. Failure to do so may result in disbarment or suspension.

### **Costs**

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Dated: October 20, 2015

  
YVETTE D. ROLAND  
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 Los Angeles, on October 20, 2015, I deposited a true copy of the following document(s):

### DECISION

in a sealed envelope for collection and mailing on that date as follows:

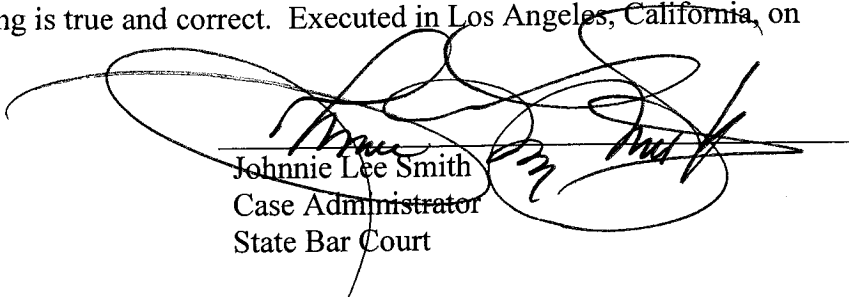
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ROBERT SIBILIA**  
**PO BOX 7060**  
**WOODLAND HILLS, CA 91365**

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

**RIZAMARI SITTON**, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 20, 2015.



Johnnie Lee Smith  
Case Administrator  
State Bar Court