


State Bar Court of California Hearing Department San Francisco ACTUAL SUSPENSION		
Counsel For The State Bar Suzan J. Anderson Senior Trial Counsel 180 Howard Street San Francisco, California 94105 (415) 538-2209 Bar # 160559	Case Number(s): 12-O-17699-PEM 13-N-16583	For Court use only PUBLIC MATTER FILED  NOV 15 2013 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent Thaddeus Zigmund Wolny 2120 Railroad Ave #103-175 Pittsburgh, California 94565 (925) 848-6461 Bar # 119113	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: THADEUS ZIGMUND WOLNY Bar # 119113 A Member of the State Bar of California (Respondent)		

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 October 7, 1985.
- (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 12 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 5.130, Rules of Procedure.
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: two billing cycles from the effective date of the Supreme Court order. (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 11-O-16028-PEM [See Attachment at page 9].
 - (b) ☒ Date prior discipline effective August 9, 2013
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: Business and Professions Code sections 6068(c) - duty to counsel/maintain only legal or just actions of defenses, 6068(i) - failure to cooperate in investigation, 6068(o)(3) - failure to report sanctions, 6103 - failure to obey a court order, 6106 - moral turpitude/misrepresentation
 - (d) ☒ Degree of prior discipline 2 years' stayed suspension, two years' probation to include 90 days' actual suspension
 - (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 Stipulation Attachment at page 9.
- (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 Stipulation Attachment at page 9.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (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.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pretrial Stipulation: See Stipulation Attachment at page 9.

D. Discipline:

(1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of three 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 three 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 six 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.

(Do not write above this line.)

- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☐ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☒ No Ethics School recommended. Reason: Respondent is required to attend Ethics School in Case no. 11-O-16028-PEM.
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

(Do not write above this line.)

- (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: Respondent was ordered to take the MPRE in Case No 11-O-16028-PEM.
- (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:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: THADDEUS ZIGMUND WOLNY

CASE NUMBER: 12-O-17699-PEM; 13-N-16583

FACTS AND CONCLUSIONS OF LAW.

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

Case No. 12-O-17699 (Complainant: Stephen Fryer)

FACTS:

1. On February 2, 2012, Stephen Fryer ("Fryer") employed Respondent to file and prosecute a bankruptcy petition. On that date, Fryer paid Respondent \$500 in advanced fees.
2. On February 20, 2012, Fryer paid Respondent an additional \$825 in advanced fees for a total of \$1,325 in advanced legal fees.
3. From June 2012 through September 2012, Fryer called Respondent to inquire about the status of the bankruptcy petition, but was unable to contact Respondent or leave a message because Respondent's voice mailbox was full. On October 1, 2012, Fryer sent an email to Respondent advising Respondent that he had attempted to call his office several times. Fryer asked that Respondent contact him regarding his bankruptcy matter and the filing date. Respondent received the email.
4. On October 17, 2012, after not hearing back from Respondent, Fryer sent an email to Respondent terminating Respondent's legal services. Respondent received the email.
5. On October 20, 2012, Respondent responded to Fryer's email stating that he had been "out of the area," and informed Fryer that he was entitled to a full refund of the advanced fees Fryer paid. Fryer responded that same day and asked Respondent to send the refund of his advanced fees to him by October 31, 2012. Respondent received Fryer's email.
6. At no time did Respondent provide any legal services of value to Fryer with respect to his bankruptcy matter, or file and prosecute a bankruptcy petition on behalf of Fryer.
7. As of October 17, 2012, Respondent had not earned any of the advanced fees paid by Fryer. It was not until July 31, 2013, that Respondent refunded the \$1,325 to Fryer.
8. On November 8, 2012, the State Bar opened an investigation, Case Number 12-O-17699, pursuant to a complaint made by Fryer against Respondent ("the Fryer matter").
9. On May 23, 2013, the State Bar sent Respondent a letter regarding the allegations made by Fryer and asking Respondent to respond in writing to those allegations. Respondent received the letter,

but failed to respond. It was not until July 12, 2013, that Respondent began participating in the State Bar proceedings.

CONCLUSIONS OF LAW:

10. By failing to provide any legal services of value to Fryer, including not filing and prosecuting a bankruptcy petition on behalf of Fryer, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

11. By failing to refund any portion of the \$1,325 in unearned fees paid by Fryer until July 31, 2013, Respondent failed to refund promptly any part of a fee paid in advance that had not been earned, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

12. By failing to provide a written response to the State Bar's correspondence of May 23, 2013, or otherwise cooperate in the investigation of the Fryer matter, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent in willful violation of Business and Professions Code section 6068(i).

Case No. 13-N-16583

FACTS:

13. On July 10, 2013, the California Supreme Court issued and served Order No. S210429 (hereinafter "9.20 Order"). The 9.20 Order included a requirement that Respondent comply with Rule 9.20, California Rules of Court, by performing the acts specified in subdivisions (a) and (c) within 30 and 40 days, respectively, after the effective date of the 9.20 Order.

14. Respondent received the 9.20 Order.

15. The 9.20 Order became effective on August 9, 2013, thirty days after the 9.20 Order was filed. Respondent was ordered to comply with subdivisions (a) and/or (b) of Rule 9.20 of the California Rules of Court no later than September 8, 2013, and was ordered to comply with subdivision (c) of Rule 9.20, no later than September 18, 2013.

16. On September 26, 2013, Respondent filed a Rule 9.20 Compliance Declaration with State Bar Court. On October 2, 2013, the Office of Probation of the State Bar of California rejected Respondent's Rule 9.20 Compliance Declaration.

17. On November 4, 2013, Respondent filed a second Rule 9.20 Compliance Declaration with State Bar Court, which was accepted by the Office of Probation.

CONCLUSIONS OF LAW:

18. By filing a declaration of compliance with Rule 9.20 on November 4, 2013, over one and a half months late, Respondent failed to timely comply with provisions of Supreme Court Order No. S210429 requiring compliance with Rule 9.20, California Rules of Court. By the foregoing conduct, Respondent willfully violated Rule 9.20, California Rules of Court.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.2(b)(i)): In case number 11-O-16028, Respondent maintained an unjust action, committed an act of moral turpitude by attempting to mislead the bankruptcy court with material omissions and disobeyed the court's sanction orders, failed to report the sanctions to the State Bar and failed to cooperate in the State Bar's investigation. This misconduct arose out of Respondent's representation of a client from May 2007 through December 2009.

Multiple Acts (Std. 1.2(b)(ii)): Respondent committed multiple acts of misconduct by failing to perform, failing to refund unearned fees, failing to cooperate in the State Bar investigation, and failing to timely file his Rule 9.20 Compliance Declaration.

Harm (Std. 1.2(b)(iv)): Respondent's client, Stephen Fryer's bankruptcy was not completed or filed and he was deprived of the use of \$1,325 for approximately seventeen months, causing Fryer significant harm.

MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: Respondent is entitled to mitigation for entering into a stipulation with the Office of the Chief Trial Counsel prior to trial, thereby saving the State Bar Court time and resources. *Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability.]

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed 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." (*In re Morse* (1995) 11 Cal.4th 184, 205; std. 1.3.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Respondent admits to committing four acts of professional misconduct. Standard 1.6 (a) requires that where a Respondent acknowledges two or more acts of misconduct, and different sanctions are prescribed by the standards that apply to those acts, the sanction imposed shall be the more or most severe prescribed in the applicable standards.

Standard 2.6(a) and standard 1.7(a) are applicable in this matter. Standard 2.6(a), which applies to Respondent's violation of section 6068(i) of the Business and Professions Code, provides that culpability, "shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3 . . ."

Standard 1.7(a) is also applicable because Respondent has a prior record of discipline. Standard 1.7(a) provides that if a member is found culpable of misconduct and has a record of one prior imposition of discipline, the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior proceeding was remote in time and the offense was so minimal that imposing greater discipline in the current proceeding would be manifestly unjust. Respondent's prior was not remote in time, the misconduct occurred from 2007 through the present with the failure to pay the court ordered sanctions. The offense was also not minimal, Respondent was found culpable of five acts of misconduct including moral turpitude for misrepresentations by omission to the bankruptcy court. Therefore, the standard requires greater discipline in this case than the 90-day actual suspension imposed in Respondent's prior discipline.

In the current matter, Respondent failed to cooperate in the investigation of the State Bar, just as he did in his prior discipline. Additionally, Respondent failed to render any services as expected and compensated for by the client, and the harm to the client was great – his bankruptcy was not completed or filed and he did not receive a refund of the unearned fees until ten months after Respondent admitted he was entitled to a refund.

As discussed above, there are several factors in aggravation – prior record of discipline, including the same Business and Professions Code section 6068(i) violation; substantial harm to the client; and multiple acts of misconduct. The only mitigation present is Respondent's agreement to enter into this Stipulation, which is tempered by the fact that Respondent failed to participate in the State Bar investigation stage. Based on the gravity of the offense and harm to the client, a six-month actual suspension is appropriate.

King v. State Bar (1990) 52 Cal.3d 765, is instructive. In *King*, the attorney neglected two client matters even though the clients in both cases had urged him to act. The Court found that the attorney failed to competently perform the legal services for which he had been hired, withdrew from representing the clients without taking reasonable steps to avoid prejudice to those clients, and failed to promptly provide the clients with their files, and suspended the attorney for 90 days actual. The attorney had been practicing for over 30 years and did not have any prior discipline.

Although Respondent's misconduct is limited to one client matter, he also violated rule 9.20. In addition, Respondent's misconduct is aggravated by a prior record of discipline. Therefore, a higher level of discipline is warranted.

Additionally, California Rules of Court, Rule 9.20(d) provides that a suspended member's willful failure to comply with the provisions of rule 9.20 of the California Rules of Court is cause for disbarment or suspension. Respondent was one and a half months late in complying with Rule 9.20, although Respondent attempted compliance by filing his first 9.20 Compliance Declaration which was subsequently rejected by the Office of Probation of the State Bar of California. Respondent has shortly thereafter filed his second Rule 9.20 Compliance Declaration which was accepted by the Office of Probation of the State Bar of California.

Disbarment is not always imposed or warranted in cases that involved significant evidence of mitigation and/or substantial compliance with rule 9.20. (See, *Shapiro v. State Bar* (1990) 51 Cal. 3d 251.) Also, *In the Matter of Esau* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 131, 138; the Review Department found that recent cases resulting in discipline less than disbarment involved significant evidence in mitigation and/or substantial compliance with rule 9.20. In this matter, Respondent has substantially complied with rule 9.20, thus disbarment is not warranted.

Balancing all the appropriate factors, case law, and the standards, a six month actual suspension with a three-year probationary period serves the purposes of discipline as outlined in standard 1.3, and the protection of the public.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of 10/31/13, the estimated prosecution costs in this matter are \$5,851. 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: THADDEUS ZIGMUND WOLNY, 119113	Case number(s): 12-O-17699-PEM; 13-N-16583
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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.

<u>11/4/2013</u> Date	<u>Thaddeus Z. Wolny</u> Respondent's Signature	<u>Thaddeus Zigmund Wolny</u> Print Name
<u>11/5/13</u> Date	<u>Suzan J. Anderson</u> Deputy Trial Counsel's Signature	<u>Suzan J. Anderson</u> Print Name

(Do not write above this line.)

In the Matter of: THADDEUS ZIGMUND WOLNY, 119113	Case Number(s): 12-O-17699-PEM, 13-N-16583
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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.)**

Date

Nov. 15, 2013

Judge of the State Bar Court


LUCY ARMENDARIZ

DECLARATION OF SERVICE

by
U.S. FIRST-CLASS MAIL

CASE NUMBER(s): **12-O-17699 [13-N-16583] – PEM**

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

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



By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco.



By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))



By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ('UPS').



By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.



By Electronic Service: (CCP § 1010.6)

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.



(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at San Francisco, addressed to: *(see below)*



(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,
Article No.: _____ at San Francisco, addressed to: *(see below)*



(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,
Tracking No.: _____ addressed to: *(see below)*

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
Thaddeus Z. Wolny	Thaddeus Z. Wolny Law Offices of Ted Wolny 2120 Railroad Ave # 103-175 Pittsburg, CA 94565	Electronic Address	

☐ via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ('UPS'). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: November 5, 2013

SIGNED: _____

Meagan McGowan
Meagan McGowan
Declarant

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on November 15, 2013, 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:

THADDEUS ZIGMUND WOLNY
LAW OFFICES OF TED WOLNY
2120 RAILROAD AVE # 103-175
PITTSBURG, CA 94565

- ☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

- ☐ by overnight mail at , California, addressed as follows:

- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.

- ☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Suzan J. Anderson, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on November 15, 2013.


George Hue
Case Administrator
State Bar Court