

1 STATE BAR OF CALIFORNIA
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**PUBLIC MATTER
FILED**

SEP 23 2013

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

11 In the Matter of:) Case No. 13-O-10575
12 ANTHONY LUTI,)
13 No. 207852,) NOTICE OF DISCIPLINARY CHARGES
14)
15 A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

16 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE**
17 **WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT**
18 **THE STATE BAR COURT TRIAL:**

- 19 (1) **YOUR DEFAULT WILL BE ENTERED;**
20 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
21 **WILL NOT BE PERMITTED TO PRACTICE LAW;**
22 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**
23 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**
24 **AND THE DEFAULT IS SET ASIDE, AND;**
25 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
26 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
27 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**
28 **ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Anthony Luti ("Respondent") was admitted to the practice of law in the State of
4 California on June 19, 2000, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 13-O-10575
8 Rules of Professional Conduct, rule 4-100(B)(4)
9 [Failure to Pay Client Funds Promptly]

10 2. Respondent willfully violated Rules of Professional Conduct, rule 4-100(B)(4), by
11 failing to pay promptly, as requested by a client, any funds in Respondent's possession which the
12 client is entitled to receive, as follows:

13 3. On or about February 16, 2006, Catherine McCoy ("McCoy") and the two others
14 employed Respondent to defend them in a lawsuit filed against them by their former attorney in a
15 matter titled *Jeffery B. Landa, et al. v. Hatti Simsisulu, et al.*, Los Angeles County Superior
16 Court case no. BC344011 ("the civil matter"). At issue in the civil matter was the amount of
17 legal fees that the defendants' former attorney was entitled to take from the settlement of their
18 employment discrimination lawsuit against Pacific Management Association ("P.M.A.").

19 4. On or about February 16, 2006, McCoy and the other defendants signed a fee
20 agreement prepared by Respondent memorializing his representation of them in the civil matter.
21 Pursuant to the fee agreement, McCoy and the other defendants in the civil matter were to
22 compensate Respondent on an hourly fee basis. The fee agreement did not provide that
23 Respondent maintained a charging lien with respect to any funds that he might recover in
24 connection with the settlement of the civil matter on behalf of McCoy and the other defendants.

25 5. On or about January 11, 2008, a settlement agreement was reached in the civil matter
26 ("settlement agreement"). Pursuant to the settlement agreement, McCoy was entitled to
27 \$304,157.97 ("settlement funds").

28

COUNT THREE

Case No. 13-O-10575
Business and Professions Code, section 6090.5(a)(1)
[Attorney/Client Agreement Not to File Complaint]

16. Respondent, while acting as a party or as an attorney for a party, wilfully violated Business and Professions Code, section 6090.5(a)(1), by agreeing or seeking agreement that professional misconduct or the terms of a settlement of a claim for professional misconduct would not be reported to the disciplinary agency, as follows:

17. The allegations of Counts One and Two are incorporated by reference.

18. On or about April 25, 2008, Respondent mailed McCoy a letter seeking an agreement from McCoy that she would not file a bar complaint against him.

19. By mailing a letter to McCoy on or about April 25, 2008 seeking an agreement from McCoy that she would not file a bar complaint against him, Respondent acted as a party or as an attorney for a party and agreed or sought agreement that professional misconduct or the terms of a settlement of a claim for professional misconduct would not be reported to the disciplinary agency.

NOTICE - INACTIVE ENROLLMENT!

YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.

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NOTICE - COST ASSESSMENT!

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: September 23, 2013

By: 
Tyrone Sandoval
Contract Attorney for the State Bar

DECLARATION OF SERVICE

by
U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 13-O-10575

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, 1149 South Hill Street, Los Angeles, California 90015, declare that:

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

NOTICE OF DISCIPLINARY CHARGES

- By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

- (for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)
(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7196 9008 9111 6409 7761 at Los Angeles, 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)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy to:
Vicken Sonentz Papazian, Esq., 1611 North San Fernando Blvd. Burbank, CA 91504, 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').

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 Los Angeles, California, on the date shown below.

DATED: September 23, 2013

SIGNED:

Laura Jett
LAURA JETT
Declarant