

# PUBLIC MATTER

1 STATE BAR OF CALIFORNIA  
 OFFICE OF THE CHIEF TRIAL COUNSEL  
 JAYNE KIM, No. 174614  
 2 CHIEF TRIAL COUNSEL  
 JOSEPH R. CARLUCCI, No. 172309  
 3 DEPUTY CHIEF TRIAL COUNSEL  
 MELANIE J. LAWRENCE, No. 230102  
 4 ASSISTANT CHIEF TRIAL COUNSEL  
 MIA R. ELLIS, No. 228235  
 5 SUPERVISING SENIOR TRIAL COUNSEL  
 ANTHONY GARCIA, No 171419  
 6 SENIOR TRIAL COUNSEL  
 845 South Figueroa Street  
 7 Los Angeles, California 90017-2515  
 Telephone: (213) 765-1089

**FILED**

**DEC 22 2014**

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES



STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

11 In the Matter of: ) Case No. 13-O-14606  
 12 )  
 13 LORI JO SKLAR, )  
 No. 170218, ) NOTICE OF DISCIPLINARY CHARGES  
 14 )  
 15 A Member of the State Bar. )

**NOTICE - FAILURE TO RESPOND!**

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

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

The State Bar of California alleges:

JURISDICTION

1. Lori Jo Sklar (respondent) was admitted to the practice of law in the State of California on June 2, 1994, was a member at all times pertinent to these charges, and is currently

1 a member of the State Bar of California.

2 COUNT ONE

3 Case No. 13-O-14606  
4 Business and Professions Code, section 6068(d)  
5 [Seeking to Mislead a Judge]

6 2. On or about April 5, 2010, in a class action lawsuit entitled *Elihu v. Toshiba*, Los  
7 Angeles Superior Court, case no. BC 328556, respondent denied in open court that she had ever  
8 asked the court for an award of attorneys' fees in or about the amount of \$24,743,965.50, when  
9 in fact in or about August 2006, respondent had approved the class notice and distribution of the  
10 class notice in *Elihu v. Toshiba* which stated that respondent would ask the court for attorneys'  
11 fees in the amount of \$24,743,965.50 less whatever the court awarded other counsel in the  
12 action, and in or about February 2008 respondent filed a declaration in *Elihu v. Toshiba* wherein  
13 she requested that the court enter an order requiring Toshiba to pay respondent an award of  
14 attorney fees of either \$7,847,362.52 or \$24,743,965.50. Respondent knew her statement in  
15 open court on April 5, 2010, was false and thereby sought to mislead the judge or judicial officer  
16 by an artifice or false statement of fact or law, in willful violation of Business and Professions  
17 Code, section 6068(d).

18 COUNT TWO

19 Case No. 13-O-14606  
20 Business and Professions Code, section 6106  
21 [Moral Turpitude – Misrepresentation]

22 3. On or about April 5, 2010, in a class action lawsuit entitled *Elihu v. Toshiba*, Los  
23 Angeles Superior Court, case no. BC 328556, respondent denied in open court that she had ever  
24 asked the court for an award of attorneys' fees in or about the amount of \$24,743,965.50, when  
25 in fact in or about August 2006, respondent had approved the class notice and distribution of the  
26 class notice in *Elihu v. Toshiba* which stated that respondent would ask the court for attorneys'  
27 fees in the amount of \$24,743,965.50 less whatever the court awarded other counsel in the  
28 action, and in or about February 2008 respondent filed a declaration in *Elihu v. Toshiba* wherein  
she requested that the court enter an order requiring Toshiba to pay respondent an award of

1 attorney fees of either \$7,847,362.52 or \$24,743,965.50. Respondent knew or was grossly  
2 negligent in not knowing her statement in open court on April 5, 2010, was false, and thereby  
3 committed an act involving moral turpitude, dishonesty or corruption in willful violation of  
4 Business and Professions Code, section 6106.

5 COUNT THREE

6 Case No. 13-O-14606  
7 Business and Professions Code, section 6103  
8 [Failure to Obey a Court Order]

9 4. Respondent disobeyed or violated orders of the court requiring Respondent to do or  
10 forbear an act connected with or in the course of Respondent's profession which Respondent  
11 ought in good faith to do or forbear as ordered in two separate Superior Court orders in Los  
12 Angeles Superior Court, case no. BC 328556, *Elihu v. Toshiba*, in wilful violation of Business  
13 and Professions Code section 6103, to wit:

- 14 1) Failing to comply with an order issued on or about August 15, 2007 requiring  
15 respondent to make her computer hard drive available for inspection by Toshiba  
16 within 30 days; and  
17 2) Failing to comply with an order issued on or about June 24, 2008, which required  
18 respondent to make her computer hard drives available for inspection by Toshiba on  
19 July 22, and July 23, 2008.

20 NOTICE - INACTIVE ENROLLMENT!

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

25 ///

26 ///

27 ///

28 ///

**NOTICE - COST ASSESSMENT!**

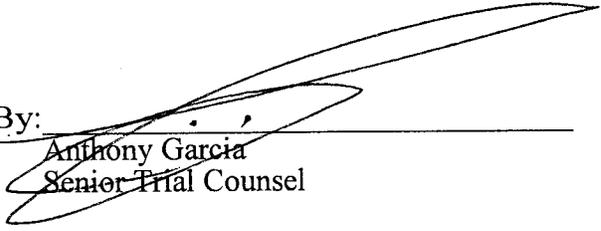
**IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.**

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: December 22, 2014

By: \_\_\_\_\_

  
Anthony Garcia  
Senior Trial Counsel

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 13-O-14606

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, 845 South Figueroa Street, Los Angeles, California 90017-2515, 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))

- 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 Los Angeles.

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 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 1008 4890 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:.

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 Los Angeles, California, on the date shown below.

DATED: December 22, 2014

SIGNED:

Sandra Reynolds (handwritten signature)

Sandra Reynolds
Declarant