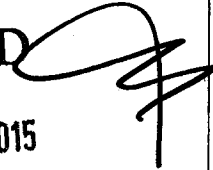


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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Timothy G. Byer Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017-2515 (213) 765-1325 Bar # 172472	Case Number(s): 13-O-14681, 13-O-16108, 14-O-02854, 14-O-01823, 14-O-02565	For Court use only <div style="font-size: 2em; font-weight: bold;">FILED</div>  APR 30 2015 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
Counsel For Respondent Paul J. Virgo 5200 West Century Blvd., Ste. 345 Los Angeles, CA 90045 (310) 666-9701 Bar # 67900	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: WILLIAM ROBERT TROIANI Bar # 236916 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 **June 1, 2005**.
- (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 **18** 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".

(Effective January 1, 2014)

TSB
4-21-15



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- (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: (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 [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case **09-O-10711, et al.**
 - (b) Date prior discipline effective **June 21, 2012**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Sections 6103, 6104, 6068(m); rule 3-110(A)**
 - (d) Degree of prior discipline **Two years of stayed suspension, 2 years of probation and 60 days of actual suspension.**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.

See Attachment, pages 14-15, "Aggravating Circumstances."
- (2) **Dishonesty:** Respondent's misconduct was intentional, 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.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. **See Attachment, page 15, "Aggravating Circumstances."**
- (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.

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- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See Attachment, page 15, "Aggravating Circumstances."
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. 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, the public, or the administration of justice.
- (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 with a good faith belief that was honestly held and reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental 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 the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (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 extraordinarily 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.

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(13) No mitigating circumstances are involved.

Additional mitigating circumstances:

See Attachment, page 15, "Additional Mitigating Circumstances."

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 1.2(c)(1) 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 **four 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 **two 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 1.2(c)(1), 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 and provides satisfactory proof of such restitution to the Office of Probation.

iii. and until Respondent does the following: **Provides proof to the Office of Probation that he has paid \$3,000 to the Los Angeles Superior Court, in payment of the sanctions issued against him in connection with the matter entitled People v. Balmore Cortez, LASC case no. KA 102 179.**

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 1.2(c)(1), 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.

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- (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:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> 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**

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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 is currently required to provide proof of passage of the MPRE as a condition of his discipline in Case No. 09-O-10711, et al., and he will remain actually suspended until he has complied with that condition.**

- (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:**

(Do not write above this line.)

In the Matter of: WILLIAM ROBERT TROIANI	Case Number(s): 13-O-14681, 13-O-16108, 14-O-02854, 14-O-01823, 14-O-02565
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Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Benjamin Cortez	\$900	October 10, 2013

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- 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.

c. Client Funds Certificate

- 1. 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 Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
 - a. 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";

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b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. 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 accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

7. By stating to the State Bar investigator, on October 7, 2013, that Respondent had filed a motion in the Workers Compensation Appeals Board to reinstate Risdana's matter on August 27, 2013, and was awaiting a ruling on that motion, when Respondent knew or was grossly negligent in not knowing the statement(s) were false, Respondent committed an act or acts involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

Case No. 13-O-16108 (Complainant: Edward Chizkov)

FACTS:

8. On February 1, 2013, Edward Chizkov employed Respondent to file a civil action against Chizkov's former employee. Respondent authorized Natalie Troiani, who is not licensed to practice law in California, to sign the fee agreement with Chizkov on behalf of his law office. Respondent thereafter performed no legal services on behalf of Chizkov.

9. From February 1, 2013, through August 6, 2013, Respondent authorized Natalie Troiani to discuss Respondent's anticipated legal strategy with Chizkov without Respondent's supervision or direction.

CONCLUSIONS OF LAW:

10. By performing no legal services on behalf of Chizkov after February 1, 2013, Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

11. By authorizing Natalie Troiani to discuss his anticipated legal strategy with Chizkov without Respondent's supervision or direction, Respondent aided and abetted the unauthorized practice of law by Natalie Troiani from February 1, 2013, through August 6, 2013, in willful violation of Rules of Professional Conduct, rule 1-300(A).

Case No. 14-O-02854 (State Bar Investigation)

FACTS:

12. Respondent failed to comply with conditions attached to Respondent's disciplinary probation in State Bar Case no. 09-O-10711, et al., by a) failing to submit four quarterly reports by their due dates of January 10, 2013, April 10, 2013, July 10, 2013, and April 10, 2014; and b) failing to attend State Bar Ethics School and to pass the examination following within one year of the effective date of the discipline.

13. On October 3, 2012, January 1, 2013, April 10, 2013, September 30, 2013, October 1, 2013, and January 7, 2014, Respondent stated in writing and under oath to the Office of Probation of the State Bar that he had complied with the State Bar Act and the Rules of Professional Conduct during the preceding calendar quarter, when Respondent was grossly negligent in not knowing the statement(s) were false, because he had not fully complied with his probation requirements.

CONCLUSIONS OF LAW:

14. By failing to submit quarterly reports by their due dates of January 10, 2013, April 10, 2013, July 10, 2013, and April 10, 2014, and by failing to attend State Bar Ethics School and to pass the examination following within one year of the effective date of the discipline, Respondent failed to comply with conditions attached to Respondent's disciplinary probation in State Bar Case no. 09-O-10711, et al., in willful violation of Business and Professions Code, section 6068(k).

15. By stating in writing and under oath to the Office of Probation of the State Bar on October 3, 2012, January 1, 2013, April 10, 2013, September 30, 2013, October 1, 2013, and January 7, 2014, that he had complied with the State Bar Act and the Rules of Professional Conduct during the preceding calendar quarter, when Respondent was grossly negligent in not knowing the statement(s) were false because he had not fully complied with his probation requirements, Respondent committed an act or acts involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

Case No. 14-O-01823 (Complainant: Roberto Oregel)

FACTS:

16. On April 16, 2012, Respondent accepted an advanced fee of \$10,000 from Roberto Oregel as compensation for representing a client, Alejandro Cervantes. At no time did Respondent obtain Cervantes's informed written consent to receive such compensation.

17. On April 2, 2014, the State Bar opened an investigation in case no. 14-O-01823 into Oregel's State Bar complaint alleging misconduct by Respondent.

18. On April 18, 2014, and again on April 30, 2014, a State Bar investigator mailed letters to Respondent, which he received, requesting Respondent's response to the allegations of misconduct being investigated in case no. 14-O-01823. Respondent failed to provide a substantive response to either of the letters.

CONCLUSIONS OF LAW:

19. By accepting a fee of \$10,000 from Roberto Oregel as compensation for representing a client, Alejandro Cervantes, without obtaining Cervantes's informed written consent to receive such compensation, Respondent accepted compensation for representing a client from one other than the client without the client's informed written consent to accept such compensation, in willful violation of the Rules of Professional Conduct, rule 3-310(F).

20. By failing to provide a substantive response to the allegations being investigated in case no. 14-O-01823, as requested in the State Bar investigator's letters dated April 18, 2014 and April 30, 2014, 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. 14-O-02565 (State Bar Investigation)

FACTS:

21. Effective September 1, 2013, Respondent was suspended for his failure to take and pass the Multistate Professional Responsibility Examination, pursuant to his discipline in State Bar Case No. 09-O-10711. Respondent has remained not entitled to practice law in California since September 1, 2013. On October 10, 2013, Benjamin Cortez employed Respondent to defend Cortez's son, Balmore Cortez, in the matter entitled *People v. Balmore Cortez*, Los Angeles Superior Court, case no. KA 102 179 (the "Balmore Cortez Matter").

22. Also on October 10, 2013, Respondent entered into an agreement for, charged, and collected a fee of \$900 from Benjamin Cortez as compensation for representing his son, Balmore Cortez, as a client. At no time has Respondent obtained Balmore Cortez's informed written consent to accept such compensation.

23. Between October 10, 2013 and April 18, 2014, Respondent employed contract attorneys to make appearances for him in the Balmore Cortez Matter, and discussed with them the representations and legal arguments those contract attorneys were to make to the judge in the matter.

24. On March 24, 2014, Respondent failed to appear for the trial readiness conference in the Balmore Cortez Matter. On March 24, 2014, the Los Angeles Superior Court in the Balmore Cortez Matter served Respondent with an order, which he received, that he appear for an Order to Show Cause hearing on April 18, 2014, and to show cause why sanctions should not be imposed for his failure to appear at the trial readiness conference.

25. On March 26, 2014, Respondent failed to appear for trial in the Balmore Cortez Matter.

26. On April 18, 2014, the Los Angeles Superior Court served Respondent with an order, which he received, imposing monetary sanctions of \$1,000 on Respondent for his failure to appear for the March 24, 2014 trial readiness conference in the Balmore Cortez Matter, to be paid by May 1, 2014. Respondent did not pay the sanctions and at no time has he reported the imposition of the sanctions to the State Bar.

27. On April 18, 2014, the Los Angeles Superior Court served Respondent with an order, which he received, imposing additional monetary sanctions of \$1,000 on Respondent for his failure to appear for the March 26, 2014 trial in the Balmore Cortez Matter, to be paid by May 1, 2014. Respondent did not pay the sanctions and at no time has he reported the imposition of the sanctions to the State Bar.

28. On April 18, 2014, the Los Angeles Superior Court served Respondent with an order, which he received, imposing additional monetary sanctions of \$1,000 on Respondent for his failure to appear for the April 18, 2014 Order to Show Cause hearing in the Balmore Cortez Matter, to be paid by May 1, 2014. Respondent did not pay the sanctions and at no time has he reported the imposition of the sanctions to the State Bar.

29. On April 9, 2014, in connection with conditions attached to his disciplinary probation in State Bar case nos. 09-O-10711, et al., Respondent stated in writing and under oath to the Office of Probation of the State Bar that, other than the misconduct alleged by the State Bar in investigation no.

14-O-02854, he had complied with the State Bar Act and the Rules of Professional Conduct between January 1, 2014 and March 31, 2014, when Respondent knew or was grossly negligent in not knowing the statement(s) were false.

30. Respondent failed to comply with a condition attached to Respondent's disciplinary probation in State Bar Case no. 09-O-10711, et al., by failing to submit a final probation report by its due date of June 21, 2014.

31. On May 5, 2014, the State Bar opened a State Bar Investigation into allegations of misconduct by Respondent in case no. 14-O-02565.

32. On May 15, 2014, and again on August 13, 2014, a State Bar investigator mailed letters to Respondent, which he received, requesting Respondent's response to the allegations of misconduct being investigated in case no. 14-O-02565. Respondent failed to provide a substantive response to either of the letters.

CONCLUSIONS OF LAW:

33. By accepting employment as defense attorney for Balmore Cortez in the Balmore Cortez Matter, and by employing contract attorneys to make his appearances for him in that matter and discussing with those contract attorneys the representations they were to make to the judge in the matter, Respondent held himself out as entitled to practice law and actually practiced law when Respondent was not an active member of the State Bar, in violation of Business and Professions Code, sections 6125 and 6126, and thereby willfully violated Business and Professions Code, section 6068(a).

34. By holding himself out as entitled to practice law and actually practicing law when Respondent was not an active member of the State Bar, Respondent committed an act or acts involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

35. By entering into an agreement for, charging, and collecting a fee of \$900 from Benjamin Cortez as compensation for representing his son, Balmore Cortez, as a client, while he was not entitled to practice law, Respondent entered into, charged, and collected an illegal fee, in willful violation of Rules of Professional Conduct, rule 4-200(A).

36. By not paying the monetary sanctions imposed on April 18, 2014 in the sum of \$1,000 for Respondent's failure to appear at the trial readiness conference in the Balmore Cortez Matter, Respondent disobeyed or violated an order of the court requiring Respondent to do an act connected with or in the course of Respondent's profession which Respondent ought in good faith to do, in willful violation of Business and Professions Code, section 6103.

37. By not paying the monetary sanctions imposed on April 18, 2014 in the sum of \$1,000 for Respondent's failure to appear for trial in the Balmore Cortez Matter, Respondent disobeyed or violated an order of the court requiring Respondent to do an act connected with or in the course of Respondent's profession which Respondent ought in good faith to do, in willful violation of Business and Professions Code, section 6103.

38. By not paying the monetary sanctions imposed on April 18, 2014 in the sum of \$1,000 for Respondent's failure to appear court at the Order to Show hearing in the Balmore Cortez Matter,

Respondent disobeyed or violated an order of the court requiring Respondent to do an act connected with or in the course of Respondent's profession which Respondent ought in good faith to do, in willful violation of Business and Professions Code, section 6103.

39. By not reporting to the State Bar the monetary sanctions in the sum of \$1,000 imposed on April 18, 2014 for Respondent's failure to appear at the trial readiness conference in the Balmore Cortez Matter, Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against Respondent, in willful violation of Business and Professions Code section, 6068(o)(3).

40. By not reporting to the State Bar the monetary sanctions in the sum of \$1,000 imposed on April 18, 2014 for Respondent's failure to appear for trial in the Balmore Cortez Matter, Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against Respondent, in willful violation of Business and Professions Code section, 6068(o)(3).

41. By not reporting to the State Bar the monetary sanctions in the sum of \$1,000 imposed on April 18, 2014 for Respondent's failure to appear at the Order to Show Cause hearing in the Balmore Cortez Matter, Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against Respondent, in willful violation of Business and Professions Code section, 6068(o)(3).

42. By stating in writing and under oath to the Office of Probation of the State Bar on April 9, 2014 that, other than the misconduct alleged by the State Bar in investigation no. 14-O-02854, he had complied with the State Bar Act and the Rules of Professional Conduct between January 1, 2014 and March 31, 2014, when Respondent knew or was grossly negligent in not knowing the statement was false, Respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

43. By failing to submit a final probation report to the Office of Probation by its due date of June 21, 2014, Respondent failed to comply with a condition attached to Respondent's disciplinary probation in State Bar Case no. 09-O-10711, et al., in willful violation of Business and Professions Code, section 6068(k).

44. By not providing a substantive response to the allegations of misconduct being investigated in case no. 14-O-02565, as requested in the State Bar investigator's letters dated May 15, 2014, and August 13, 2014, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent, in willful violation of Business and Professions Code, section 6068(i).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Effective June 21, 2012, in State Bar Court case nos. 09-O-10711 and 11-O-14328, Respondent was suspended for two years, stayed, placed on two years' probation with 60 days of actual suspension and ordered to take the MPRE.

In the first matter, Respondent stipulated to appearing without authority as an attorney for a party (section 6104), failing to perform legal services with competence (rule 3-110(A)), disobeying a court order by failing to pay sanctions (section 6103), and failing to respond promptly to reasonable status

inquiries of a client (section 6068(m)). Respondent had filed a civil suit on behalf of a client and added the client's son as a plaintiff in the matter despite never speaking to the son to ask his permission. Respondent also failed to appear at multiple hearings in the case, failed to appear at a mediation, and failed to file key court documents, including any opposition to the adverse party's three motions for sanctions, terminating sanctions and summary judgment. Respondent also did not pay any of the \$34,035.55 in sanctions the court had ordered him (jointly and severally with his client) to pay.

In the second matter, Respondent's client employed him to file a civil lawsuit intended to attempt to avoid foreclosure or obtain a loan modification, but Respondent performed no work on his client's behalf (rule 3-110(A)). The client asked numerous times for an update on his matter, but did not learn until months later that no work had been performed on his behalf (section 6068 (m)).

Indifference (Std. 1.5(g)): Respondent's repeatedly careless, erroneous, and false quarterly reports indicate an indifference toward rectification or atonement for the consequences of the misconduct for which he received his prior discipline and for which he entered into the stipulation to probation conditions.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent has committed 30 separate acts of misconduct, including violations of Rules of Professional Conduct, rules 3-110(A), 3-310(F), 3-700(A)(2), 4-200(A), and 1-300(A), and Business and Professions Code sections 6068(a), 6068(i), 6068(k), 6068(m), 6068(o)(3), 6103, and 6016.

ADDITIONAL MITIGATING CIRCUMSTANCES.

Pre-trial Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to trial, thereby saving 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 "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.) 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.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In this matter, Respondent admits to committing 30 acts of professional misconduct. Standard 1.7(a) requires that where a Respondent "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed."

The most severe sanction applicable to Respondent's misconduct is found in Standard 2.7, which applies to Respondent's misrepresentations, in violation of Business and Professions Code section 6106. Standard 2.7 provides for disbarment or actual suspension, depending on the magnitude of the misconduct and the extent to which the misconduct harmed or misled the victim and related to the member's practice of law. Similarly, Standard 2.8 applies to Respondent's multiple violations of court orders in the Balmore Cortez Matter, and also provides for disbarment or actual suspension.

In aggravation but pertinent to the discipline analysis, Standard 1.8(a) applies to Respondent because he has a prior disciplinary record. Standard 1.8(a) requires that the discipline here be "greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust." Respondent's previous discipline was imposed in 2012 (for misconduct which began barely two years after his admission) and is therefore not at all remote in time; that prior discipline included 60 days of actual suspension. Under standard 1.8(a), the discipline imposed this time must be greater.

Thus, the inquiry is what level of discipline between 90 days of actual suspension and disbarment is appropriate, given the misconduct, and the combined aggravating and mitigating circumstances. Respondent's misconduct covers a wide range of violations including non-performance, aiding and abetting unauthorized practice of law, abandonment, numerous misrepresentations, and failures to comply with previous disciplinary orders, all of which may be analyzed separately for their disciplinary weight. As always, the objective is to arrive at a disposition which provides the most public protection under all the circumstances. Guidance from case law is helpful.

Part of the instant misconduct, Respondent's aiding and abetting of a non-attorney's unauthorized practice of law, is analogous to the misconduct in *In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, where an attorney had violated rule 1-300(B) by her unauthorized practice of law in two matters in South Carolina and violated rule 4-200(A) by taking illegal fees, which she had not refunded. She also committed moral turpitude when she misled the State Bar investigator and misled the attorney investigating her violation of South Carolina law. Similarly, Respondent violated rule 1-300(A) by his aiding and abetting of the unauthorized practice of law by Natalie Troiani. The *Wells* court found the moral turpitude of greater concern than that attorney's rule violations. Respondent similarly misled the State Bar investigator when he falsely claimed to have filed a motion on behalf of Risdana (in case no. 13-O-14681) on which he claimed to be awaiting a ruling. The attorney in *Wells* also had one prior discipline, in her case consisting of a private reproof. That matter resulted in the imposition of six months of actual suspension.

Respondent's many misrepresentations to the State Bar investigator and to the Office of Probation in his quarterly reports, in addition to his various additional acts of misconduct, are also analogous to the

misconduct in *Levin v. State Bar* (1989) 47 Cal.3d 1140. In *Levin*, an attorney had misrepresented to opposing counsel that he had authority to settle a case, as an officer of his incorporated client (which he was not), attempted to communicate with his opposing counsel's client, and in a separate matter settled a personal injury claim without client consent, mishandled the settlement proceeds, and failed to provide an accounting. Levin had 18 years of practice without prior discipline; for the above misconduct he received six months of actual suspension. As with the previous *Wells* case, the misconduct in *Levin* is similar to only a portion of Respondent's misconduct.

In these matters, Respondent admits to committing 30 separate acts of professional misconduct. Respondent has demonstrated a continued unwillingness or inability to conform his conduct to ethical standards. Respondent's various acts of misconduct are appropriately addressed by imposition of actual suspension pursuant to the different applicable Standards, with a minimum period of 90 days of actual suspension pursuant to Standard 1.8(a), and with case law supporting six months of actual suspension for just a portion of similar misconduct standing alone. Given the wide range and high number of the various acts of misconduct committed by Respondent and the danger of their recurrence in light of his apparent inability to comply with his ethical responsibilities and with disciplinary orders, a substantial period of actual suspension is appropriate here. Moreover, as stated above, the aggravating circumstances far outweigh the mitigating circumstances, making a lengthy period of actual suspension necessary to protect the public. (Std. 1.1.)

Accordingly, two years of actual suspension, and until Respondent demonstrates proof of his rehabilitation, fitness to practice, and present learning and ability in the general law in accordance with Standard 1.2(c)(1), and until he pays sanctions to the court and restitution as set forth above, is appropriate to protect the public and to preserve public confidence in the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of April 21, 2015, the prosecution costs in this matter are approximately \$9,592. 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.

EXCLUSION FROM MCLE CREDIT

Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School ordered as a condition of suspension. (Rules Proc. of State Bar, rule 3201.)

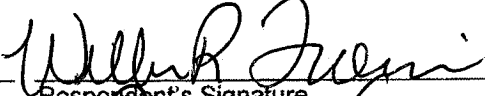
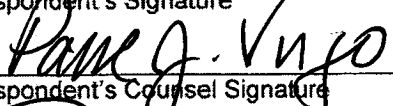
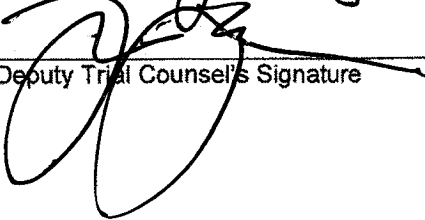
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In the Matter of:
WILLIAM ROBERT TROIANI

Case number(s):
13-O-14681, 13-O-16108, 14-O-02854,
14-O-01823, 14-O-02565

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.

4/21/15		William R. Troiani
Date	Respondent's Signature	Print Name
4/22/2015		Paul J. Virgo
Date	Respondent's Counsel Signature	Print Name
4.24.15		Timothy G. Byer
Date	Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of: WILLIAM ROBERT TROIANI	Case Number(s): 13-O-14681, 13-O-16108, 14-O-02854, 14-O-01823, 14-O-02565
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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.)**

April 28, 2015
Date

Rebecca Meyer Rosenberg
REBECCA MEYER ROSENBERG, JUDGE PRO TEM
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 May 1, 2015, 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:

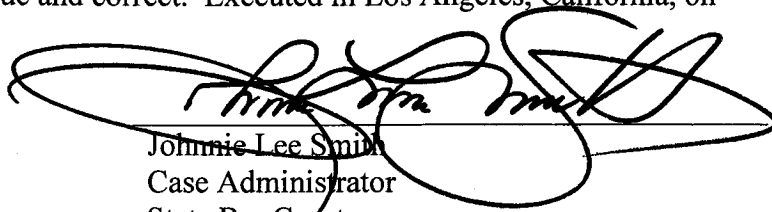
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**PAUL JEAN VIRGO
9909 TOPANGA BLVD # 282
CHATSWORTH, CA 91311**

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

TIMOTHY BYER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 1, 2015.


Johnnie Lee Smith
Case Administrator
State Bar Court