

Responsibility Examination within the time period prescribed in the Supreme Court Order filed December 3, 2009.

A. One Pending Investigation

There is one open investigation pending against Comparet based on his failure to comply with probation conditions. In May 2011, Comparet was ordered to comply with various probation conditions in his second disciplinary case (see below), which included contacting the Office of Probation within 30 days of the effective date of his discipline; submitting quarterly reports; and providing proof of attendance at State Bar Ethics School and State Bar Client Trust Accounting School, and proof of passage of the tests given at the end of each training. As part of this resignation process, Comparet stipulated that his compliance with these conditions was either untimely or he did not comply at all.

B. Two Prior Records of Discipline²

In Comparet's first disciplinary case, the Supreme Court ordered a one-year stayed suspension with a one-year period of probation with conditions. (*In re Comparet on Discipline* (December 3, 2009, S176785) Cal. State Bar Ct. No. 07-O-14966.) Comparet stipulated that he engaged in the unauthorized practice of law and committed acts involving moral turpitude when he prepared and filed documents in the California Court of Appeal while suspended for failing to comply with the Minimum Continuing Legal Education requirements.

² We take judicial notice of the State Bar Court records regarding Comparet's prior discipline and our March 25, 2011 order placing Comparet on administrative suspension. Even though the State Bar report indicates that the prior discipline records were attached as exhibits to its report, no such documents were attached. We direct the Clerk to include copies of the records in this resignation proceeding. (Evid. Code, § 452, subd. (d).) In the future, the State Bar is advised to properly attach by declaration, copies of all documents referenced in its report that are not part of the resignation proceeding. The record must be complete for this court, and ultimately the Supreme Court, to reach a decision on a respondent's resignation.

In the second disciplinary case, the Supreme Court ordered a two-year stayed suspension with a two-year probation period with conditions, including suspending Comparet for the first 60 days of probation. (*In re Comparet on Discipline* (May 19, 2011, S191333) Cal State Bar Ct. No. 09-O-14153.) Comparet stipulated to misconduct in three client matters. In the first matter, Comparet stipulated that he engaged in the unauthorized practice of law and that his misconduct involved moral turpitude. In the second matter, Comparet paid his personal expenses from his client trust account in violation of rule 4-100(A) of the Rules of Professional Conduct. Finally, in the third matter, Comparet agreed that he failed to comply with the probation conditions in his first disciplinary matter.

C. State Bar Resignation Recommendation

The State Bar filed its resignation report on July 24, 2013. In the report, the State Bar recommends that Comparet's resignation be accepted because his misconduct is accurately described in the stipulation; the stipulation provides the public with adequate notice of that misconduct; and Comparet has had no clients and has not practiced law since April 2011. Comparet did not file a response.

II. CONSIDERATION OF THE GROUNDS SET FORTH IN RULE 9.21(d)

We have considered Comparet's resignation in light of the grounds set forth in rule 9.21(d). Below is a summary of the relevant information as to each ground.

1. Whether the preservation of testimony is complete

Preservation of testimony is not necessary because the parties stipulated to the facts and conclusions of law that resolve all pending disciplinary matters.

2. Whether Comparet committed the unauthorized practice of law (UPL) after he submitted his resignation

The State Bar reports that since Comparet was placed on administrative suspension on April 18, 2011, there is no indication that he has practiced law or held himself out as entitled to practice law.

3. Whether Comparet performed the acts specified by rule 9.20(a)-(b)

Comparet filed a rule 9.20 compliance declaration dated May 13, 2013, declaring that he has no clients, no client papers or property, and no unearned fees. The State Bar reports that it has no information indicating noncompliance with the rule.

4. Whether Comparet provided proof of compliance with rule 9.20(c)

Comparet filed his rule 9.20 affidavit of compliance on June 18, 2013.

5. Whether the Supreme Court has filed a disbarment order

The Supreme Court has not filed a disbarment order.

6. Whether the State Bar Court has filed a decision recommending disbarment

The State Bar Court has not filed a decision recommending Comparet's disbarment.

7. Whether Comparet previously resigned or has been disbarred and reinstated to the practice of law

Comparet has not previously resigned or been disbarred.

8. Whether Comparet and the State Bar have entered into a stipulation as to the facts and conclusions of law regarding the pending disciplinary matter

Comparet has entered into a stipulation as to facts and conclusions of law regarding a pending disciplinary matter under investigation. The stipulation was filed on July 24, 2013.

9. Whether the acceptance of Comparet's resignation will reasonably be inconsistent with the need to protect the public

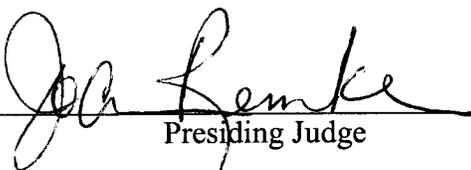
We find that permitting Comparet to resign would be consistent with the need to protect the public, the courts and the legal profession. Comparet has cooperated with the State Bar by

entering into a stipulation regarding the facts and conclusions of law as to the pending disciplinary matter under investigation. Together with the record of his two prior records of discipline, this stipulation provides a complete account of the nature and extent of Comparet's misconduct and is available to the public and any licensing agency or other jurisdiction. No other unresolved discipline matters or investigations are pending against him and there are no outstanding issues concerning clients, restitution or unearned fees.

We recognize that since the pending disciplinary matter is Comparet's third, the presumptive level of discipline under the standards would be disbarment. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.7(b) [third imposition of discipline shall result in disbarment unless most compelling mitigating circumstances clearly predominate].) But, Comparet received low levels of discipline for his priors, and although his current misconduct stems from his failure to meet the conditions of his probation, no client harm is involved and the misconduct is on the low end of the spectrum. Moreover, he has not practiced law for over two years, he is 79 years old and retired, and is prepared to relinquish his license. Under these circumstances, we do not believe that public confidence in the discipline system will be undermined by accepting Comparet's resignation.

III. RECOMMENDATION

We recommend that the Supreme Court accept the resignation of Thomas Michael Comparet, State Bar number 32103. We further recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and that such costs be enforceable both as provided in section 6140.7 and as a money judgment.


Presiding Judge

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. 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 September 27, 2013, I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED SEPTEMBER 27, 2013

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

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

THOMAS M. COMPARET
4929 WILSHIRE BLVD #410
LOS ANGELES, CA 90010

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

RONALD K. BUCHER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 27, 2013.



Jasmine Ghatzghyan
Case Administrator
State Bar Court