

1 JOSEPH SCLAFANI
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FILED
OCT 02 2014
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

5 Respondent, Self-Represented
6
7

8 **STATE BAR OF CALIFORNIA**
9 **LOS ANGELES OFFICE**
10 **HEARING DEPARTMENT**

11 **In the Matter of:**

CASE NOS. 14-N-0317, 14-O-03770

12 **JOSEPH SCLAFANI,**
13 **No. 134026,**

ANSWER TO NOTICE OF
DISCIPLINARY CHARGES

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15
16 **A Member of the State Bar,**
17

18 Respondent Joseph Sclafani hereby, generally, collectively, or specifically, where appropriate,
19 and applicable admits, denies, or has lack of sufficient information, in responding to the charges and,
20 or accusations as alleged in the Notice of Disciplinary Charges brought against him by the State Bar
21 of California through its Office of The Chief Trial Counsel as follows:
22

- 23 1. Member admits the allegations stated and described in paragraphs 1 of the Notice of
24 Disciplinary Charges;
25 2. Member denies the accusations or charges in paragraph 2 of the Notice of Disciplinary
26 Charges.
27 3. Member denies the accusations or charges in paragraph 3 of the Notice of Disciplinary
28



1 Charges.

2 **FIRST AFFIRMATIVE DEFENSES**

3 Medical Incapacity

4 4. Respondent Sclafani at all times relevant was suffering from severe depression, extreme
5 anxiety, bi-polar disorder, a severe mental break in his ability to function at full capacity, and
6 was attempting to overcome having been incarcerated based on false accusations having been brought
7 against him, as well as overcoming injuries suffered by an accident, and imbalanced and violent
8 clients, along with a heart attack, being evicted from his place of residence and his business, as well
9 as the obvious suffering of the unintentional effects of all of the above on his legal practice, business
10 and most importantly his clients, with generally an unexpected mountain of other unfortunate events
11 that came together all at once. His failure to file Subject **9.20** declaration was not intentional, or
12 willful.
13
14

15 **SECOND AFFIRMATIVE DEFENSE**

16 Rejection Of Filed Of Document

17 5. Respondent Sclafani on August 24, 2014, filed a premature motion for relief from default,
18 and in doing so, attached proposed responsive pleadings to the motion, re documents that were to
19 have been filed with the clerk of the State Bar Court, to preempt any default being filed. One of
20 those documents was a declaration of compliance with *California Rules of Court, rule 9.20* in
21 conformity with subdivision **9.20(c)**.
22

23 6. As it would turn out, the motion was returned because it contained the wrong case number,
24 among several, as well as the **9.20** declaration attached to it.
25

26 7. However, and in fact, if this Respondents default had been entered because of the failure
27 to file the **9.20** declaration, then a motion for relief would necessarily have had to include the
28

1 proposed document attached to the motion in order for the relief sought to be granted. If the motion
2 was granted, then the *9.20* declaration would have been deemed filed. In other words, the *9.20*
3 declaration attached was not being included as a document to be filed with the motion, but a
4 document to be deemed filed if the motion was granted. Without the proposed document to be filed,
5 that should have been timely filed, the motion must be rejected pursuant to *Code of Civil Procedure*
6 *Section 473(b)*.

8 THIRD AFFIRMATIVE DEFENSE

9 Respondent Is Not In Default

10 8. Respondent Sclafani is currently not in Default re the instant cases, by responding to both
11 the Notice of Disciplinary Charges, and necessity to be in compliance with *Rule 9.20(c)* of the
12 *California Rules of Court Rule 9.20*, by filing this Answer, and his *9.20* declaration on October
13 2, 2014, and before the hearing/status conference set on said date.
14

15 CONCLUSION

16 9. Notwithstanding the filing of this pleading out of sheer necessity, the Respondent has been
17 and is currently suffering from a medical incapacity, from which he most certainly will recover from,
18 but which has interfered with his ability to timely comply with the court's requirement as is required
19 pursuant to rule and/or statute.
20

21 10. It would appear that all due consideration should be given to said incapacity, which affects
22 his mental stability, not related to a genetic or deteriorating brain disorder, but more akin to extreme
23 and extraordinary stress, that truly might have broken a person of lesser personal strength, mentally
24 as well as physically.
25

26 11. The Respondent has made an attempt that was unsuccessful attempt to file the *9.20*
27 declaration in question, but because of the premature document that it was attached to as a proposed
28

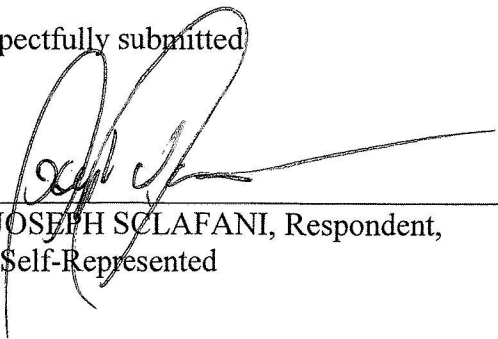
1 document to be filed, and because of a wrong case number, that should have been checked upon
2 filing by the court, the document was rejected.

3 **WHEREFORE**, Respondent prays for judgment as follows:

- 4 1. Disciplinary Charges are dismissed
5
6 2. The Court grants the Respondent sufficient time that he may require to recuperate from
7 his medical incapacity/disabilities and set a status conference for _____ 2015.

8 Dated: October 1, 2014

Respectfully submitted

9
10
11 By 
12 JOSEPH SCLAFANI, Respondent,
13 Self-Represented

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PROOF OF SERVICE

COURT: STATE BAR COURT OF CALIFORNIA

CASE NO(S): 14-N-00317; 14-O-04770

I am over 18 years of age and not a party to the action attached, and a resident of the County of Los Angeles, CA, with my place of residence stated as follows:

15403 South White Avenue
East Rancho Dominguez, CA 90221

On October 2, 2014 I served the following document in said cases as follows:

ANSWER TO NOTICE OF DISCIPLINARY CHARGES

The document was served by placing it in a self-addressed, stamped envelope, with postage fully prepaid, and then depositing it in a mailbox of the United States Postal Service.

The document was served on the parties and/or counsel(s) of record as follows:

Jayne Kim
Office Of The Chief Trial Counsel
State Bar of California
845 South Figueroa Street
Los Angeles, CA 90017-2515

Executed on October 2, 2014, at Los Angeles, CA 90012

I declare under penalty of perjury under the laws of the State of California, that the foregoing is both true and correct.

Dated: October 2, 2014


XOCHITL ARANGO, Declarant