

PUBLIC MATTER

FILED

AUG 27 2014
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

1 STATE BAR OF CALIFORNIA
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STATE BAR COURT
HEARING DEPARTMENT - LOS ANGELES

In the Matter of:) Case Nos. 14-N-03317, 14-O-03770
JOSEPH SCLAFANI,)
No. 134026,) NOTICE OF DISCIPLINARY CHARGES
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.**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Joseph Sclafani ("Respondent") was admitted to the practice of law in the State of
4 California on June 14, 1988, 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.14-N-03317
8 California Rules of Court, rule 9.20
[Failure to Obey Rule 9.20]

9 2. Respondent failed to file a declaration of compliance with California Rules of Court,
10 rule 9.20 in conformity with the requirements of rule 9.20(c) with the clerk of the State Bar
11 Court by April 24, 2014, as required by Supreme Court order number S215084, in willful
12 violation of California Rules of Court, rule 9.20. (A true and correct copy of the rule 9.20 order
13 is attached hereto as Exhibit 1 and is incorporated by reference.)

14 COUNT TWO

15 Case No. 14-O-03770
16 Business and Professions Code section 6103
[Failure to Obey a Court Order]

17 3. Respondent disobeyed or violated an order of the court requiring Respondent to do or
18 forbear an act connected with or in the course of Respondent's profession which Respondent
19 ought in good faith to do or forbear by failing to comply with the March 27, 2014 order from the
20 Review Department of the California State Bar Court in case number 12-C-13982 by failing to
21 file a declaration of compliance with California Rules of Court, rule 9.20 in conformity with the
22 requirements of rule 9.20(c) with the clerk of the State Bar Court by June 2, 2014 as required by
23 the March 27, 2014 order, in willful violation of Business and Professions Code section 6103.
24 (A true and correct copy of the Review Department rule 9.20 order is attached hereto as Exhibit
25 2 and is incorporated by reference.)

26 NOTICE - INACTIVE ENROLLMENT!

27 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
28 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**

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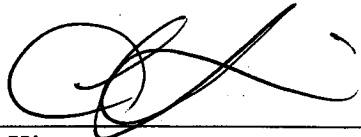
SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.

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: August 27, 2014

By: _____
Ann J. Kim
Deputy Trial Counsel



FEB 13 2014

(State Bar Court Nos. 12-O-12091; 12-O-16312; 13-H-15082)

Frank A. McGuire Clerk

S215084

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re JOSEPH SCLAFANI on Discipline

The court orders that Joseph Sclafani, State Bar Number 134026, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. Joseph Sclafani is suspended from the practice of law for a minimum of the first six months of probation, and he will remain suspended until the following requirements are satisfied:
 - i. He makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles:
 - (1) Eric and Desiree Naujock in the amount of \$410 plus 10 percent interest per year from November 26, 2011;
 - (2) Hajime Shimizu in the amount of \$1,500 plus 10 percent interest per year from June 7, 2012; and
 - (3) Darlene Gomez in the amount of \$2,500 plus 10 percent interest per year from July 13, 2012.
 - ii. If he remains suspended for two years or more as a result of not satisfying the preceding condition, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)

2. Joseph Sclafani must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 18, 2013.
3. At the expiration of the period of probation, if Joseph Sclafani has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

Joseph Sclafani must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Joseph Sclafani must also comply with California Rules of Court, rule 9.20, 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 this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2015, 2016, and 2017. If Joseph Sclafani 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.

I, Frank A. McGuire, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

day of FEB 10 2014 20

By: 

Clerk
Deputy

CANTIL-SAKAUYE

Chief Justice



FILED

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**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

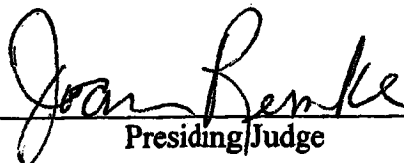
STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 12-C-13982
)	
JOSEPH SCLAFANI,)	ORDER
)	
A Member of the State Bar, No. 134026.)	
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Since respondent Joseph Sclafani, State Bar Number 134026, has been convicted of violating Penal Code section 459 (burglary), a felony involving moral turpitude, and Penal Code section 594, subdivision (b)(1) (vandalism over \$400), a felony that may or may not involve moral turpitude, it is ordered pursuant to Business and Professions Code section 6102 that respondent be suspended from the practice of law effective April 23, 2014, pending final disposition of this proceeding. (Cal. Rules of Court, rule 9.10(a).) It is further ordered that respondent comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this suspension.



Presiding Judge

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DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 14-N-03317; 14-O-03770

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, declare that I am not a party to the within action; that 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; that 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; that I am aware that on motion of 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; and that 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, on the date shown below, a true copy of the within

NOTICE OF DISCIPLINARY CHARGES

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414 7266 9904 2010 0923 46, at Los Angeles, on the date shown below, addressed to:

**Joseph Sclafani
9025 Wilshire Blvd. Penthouse
Beverly Hills, CA 90211**

Courtesy copy via regular mail to:


**Joseph Sclafani
4552 Filson Street
Riverside, CA 92507**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

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: August 27, 2014

Signed: 

**Lupe Pacheco
Declarant**