

# PUBLIC MATTER

1 STATE BAR OF CALIFORNIA  
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**FILED**  
**FEB 13 2015**  
 STATE BAR COURT  
 CLERK'S OFFICE  
 LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of: ) Case No. 14-O-03311  
 14 VITO TORCHIA, Jr., )  
 15 No. 244687, ) NOTICE OF DISCIPLINARY CHARGES  
 16 A Member of the State Bar. )

**NOTICE - FAILURE TO RESPOND!**

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

- 22 (1) **YOUR DEFAULT WILL BE ENTERED;**
- 23 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**  
**WILL NOT BE PERMITTED TO PRACTICE LAW;**
- 24 (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;**
- 25 (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.**



1 The State Bar of California alleges:

2 JURISDICTION

3 1. Vito Torchia, Jr. ("Respondent") was admitted to the practice of law in the State of  
4 California on December 1, 2006, 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-O-03311  
8 Rules of Professional Conduct, rule 3-110(A)  
[Failure to Perform with Competence]

9 2. On or about September 15, 2013, Steven Thorne ("Thorne") employed  
10 Respondent to file a Chapter 7 petition. Respondent intentionally, recklessly, or repeatedly failed  
11 to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-  
12 110(A), by failing to appear at the initial creditors meeting on or about March 4, 2014, by failing  
13 to advise the client to appear at the same hearing, and by failing to submit the proper schedules  
14 and income tax filings for the second creditors meeting conducted on or about April 30, 2014,  
15 resulting in the dismissal of both petitions.

16 COUNT TWO

17 Case No. 14-O-03311  
18 Business and Professions Code, section 6068(m)  
[Failure to Inform Client of Significant Development]

19 3. Respondent failed to keep Respondent's client, Steven Thorne ("Thorne")  
20 reasonably informed of significant developments in a matter in which Respondent had agreed to  
21 provide legal services, in willful violation of Business and Professions Code, section 6068(m),  
22 by failing to inform the client of the following:

- 23 a. failing to advise Thorne he had been added to a mass joinder complaint and  
24 that the mass joinder litigation had been dismissed;
- 25 b. failing to advise Thorne that he intended to continue Thorne as a plaintiff in a  
26 re-filed mass joinder which was removed to the United States District Court;  
27 and  
28

1 c. failing to advise Thorne to appear at the creditors meeting conducted on or  
2 about March 4, 2014.

3 COUNT THREE

4 Case No. 14-O-03311  
5 Business and Professions Code, section 6068(i)  
6 [Failure to Cooperate in State Bar Investigation]

7 4. Respondent failed to cooperate and participate in a disciplinary investigation  
8 pending against Respondent by failing to provide a substantive response to the State Bar's letters  
9 of June 30, 2014, July 24, 2014, and an e-mail dated September 10, 2014, which Respondent  
10 received, that requested Respondent's response to the allegations of misconduct being  
11 investigated in case no. 14-O-03311, in willful violation of Business and Professions Code,  
12 section 6068(i).

13 COUNT FOUR

14 Case No. 14-O-03311  
15 Rules of Professional Conduct, rule 4-100(B)(3)  
16 [Failure to Render Accounts of Client Funds]

17 5. On or about September 14, 2013, Respondent received from Respondent's client,  
18 Steven Thorne, the sum of \$1,806 as advanced fees plus costs for legal services to be performed.  
19 Respondent thereafter failed to render an appropriate accounting to the client regarding those  
20 funds following the client's request for such accounting on or about December 7, 2013, in  
21 willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

22 NOTICE - INACTIVE ENROLLMENT!

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

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**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: February 13 '15

By: Hugh G. Radigan  
Hugh G. Radigan  
Deputy Trial Counsel

DECLARATION OF SERVICE

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

CASE NUMBER(s): 14-O-03311

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, CA 90017, 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))
By U.S. Certified 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 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.: 9414726699042010090823 and at Los Angeles, addressed to: (see below)
9414726699042010090816

(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. Includes addresses for Vito Torchia Jr and David Alan Clare.

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

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: February 13, 2015

SIGNED:

Handwritten signature of Juli Finnila

JULI FINNILA
Declarant