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**State Bar Court of California**

**Hearing Department**

**Los Angeles  
DISBARMENT**

**PUBLIC MATTER**

<p>Counsel For The State Bar</p> <p><b>Timothy G. Byer</b> Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017-2515 (213) 765-1325</p> <p>Bar # 172472</p>	<p>Case Number(s): 14-O-04721, 14-O-04898, 14-O-05764, 14-O-05841, 15-O-10608</p>	<p>For Court use only</p> <p><b>FILED</b> OCT 22 2015 <i>P.B.</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p><b>William R. Troiani</b> 4790 Irvine Blvd., Ste. 105-33 Irvine, CA 92620 (714) 660-8905</p> <p>Bar # 236916</p>	<p>Submitted to: <b>Assigned Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT</p> <p><b>DISBARMENT</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: <b>WILLIAM ROBERT TROIANI</b></p> <p>Bar # 236916</p> <p>A Member of the State Bar of California (Respondent)</p>		

**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 resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (14) 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."



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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):
  - Costs to be awarded to the State Bar.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:  
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

**B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline**
  - (a)  State Bar Court case # of prior case
  - (b)  Date prior discipline effective
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline
  - (e)  If respondent has two or more incidents of prior discipline, use space provided below:

**Respondent has two prior records of discipline.**

**Effective September 1, 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 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)).**

Respondent's second imposition of discipline has yet to be effectuated, the stipulation having been filed on April 28, 2015. In State Bar case nos. 13-O-14681, 13-O-16108, 14-O-02854, 14-O-01823, and 14-O-02565, Respondent stipulated to two years of actual suspension for 30 violations in four client matters, and a State Bar Investigation into his violation of probations conditions. The misconduct included failure to perform legal services with competence (rule 3-110(A)), failure to obtain a client's written informed consent to payment of the client's legal fees by a third party (rule 3-310(F)), improper withdrawal (rule 3-700(A)(2)), receipt of an illegal fee (rule 4-200(A)), aiding and abetting of the unauthorized practice of law (rule 1-300(A)), unauthorized practice of law while suspended from practice (section 6068(a)), failure to cooperate with a State Bar investigation (section 6068(i)), failure to comply with conditions of probation (section 6068(k)), failure to communicate (6068(m)), failure to report to the State Bar the imposition of sanctions (section 6068(o)(3)), failure to obey a court order that he pay those sanctions (section 6103), and moral turpitude (section 6016). Respondent's misconduct was aggravated by indifference toward rectification or atonement for the consequences of the misconduct, and by multiple acts of misconduct.

- (2)  **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3)  **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4)  **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (5)  **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.
- (6)  **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code or the Rules of Professional Conduct.
- (7)  **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.
- (8)  **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10)  **Lack of Candor/Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings. See Attachment, p. 11, "Aggravating Circumstances"
- (11)  **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See Attachment, p. 11, "Aggravating Circumstances"
- (12)  **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct. See Attachment, p. 12, "Aggravating Circumstances"
- (13)  **Restitution:** Respondent failed to make restitution. See Attachment, p. 12, "Aggravating Circumstances"
- (14)  **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standards 1.2(i) & 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 likely to recur.
- (2)  **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3)  **Lack of Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps demonstrating spontaneous 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 objectively 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 subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

**D. Discipline: Disbarment.**

**E. Additional Requirements:**

- (1) **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.
- (2)  **Restitution:** Respondent must make restitution to **see "Other" below** in the amount of \$ **see "Other" below** plus 10 percent interest per year from **see "Other" below**. If the Client Security Fund has reimbursed **see "Other" below** for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than **N/A** days from the effective date of the Supreme Court order in this case.
- (3)  **Other:**

**Respondent must make restitution to Jesse Quiroz: in the amount of \$1,000 plus 10 percent interest per year from August 3, 2013; in the amount of \$1,000 plus 10 percent interest per year from August 29, 2013; in the amount of \$500 plus 10 percent interest per year from September 28, 2013; in the amount of \$1,000 plus 10 percent interest per year from November 2, 2013; in the amount of \$1,000 plus 10 percent interest per year from December 3, 2013; in the amount of \$1,000 plus 10 percent interest per year from January 3, 2014; in the amount of \$1,000 plus 10 percent interest per year from February 3, 2014; and in the amount of \$1,000 plus 10 percent interest per year from March 6, 2014.**

**Respondent must make restitution to Romel Ramieri in the amount of \$1,860 plus 10 percent interest per year from January 7, 2014.**

**Respondent must make restitution to Deidre Morrow in the amount of \$500 plus 10 percent interest per year from August 13, 2013.**

**Respondent must make restitution to Kjell McCord in the amount of \$1,500 plus 10 percent interest per year from March 18, 2014.**

**ATTACHMENT TO**

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:

WILLIAM ROBERT TROIANI

CASE NUMBERS:

14-O-04721, 14-O-04898, 14-O-05764, 14-O-05841,  
15-O-10608

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 14-O-04721 (Complainant: Jesse Quiroz)

**FACTS:**

1. On August 3, 2013, Respondent agreed to attempt to negotiate a home mortgage loan modification or other mortgage loan forbearance for a fee for a client, Jesse Quiroz, and on that same date received \$1,000 from Quiroz, and received another \$1,000 from Quiroz on or about August 29, 2013, before Respondent had fully performed each and every service Respondent had been contracted to perform or represented to Quiroz that Respondent would perform.

2. On September 28, 2013, Respondent collected a fee of \$500 from Jesse Quiroz, and collected another fee of \$1,000 from Quiroz on each the following dates: November 2, 2013, December 3, 2013, January 3, 2014, February 3, 2014, and March 6, 2014, all of which were collected to perform legal services (to attempt to negotiate a home mortgage loan modification or other mortgage loan forbearance) while Respondent was suspended and not entitled to practice law.

3. From September 1, 2013 through April 2014, Respondent aided Alan Razani, who is not licensed to practice law in California, to attempt to negotiate a home mortgage loan modification or other mortgage loan forbearance between Jesse Quiroz and Wells Fargo Bank, without attorney supervision.

4. Between December 23, 2013, and November 12, 2014, Respondent issued the following checks from Respondent's client trust account at J.P. Morgan Chase Bank, N.A., account no. \_\_\_\_\_ 2450<sup>1</sup>, for the payment of personal expenses:

<u>CHECK #</u>	<u>PAYEE</u>	<u>\$ AMT OF CHECK/WITHDRAWAL</u>
1606	AT&T	\$371.43
1618	Michael Moini	\$250.00
1620	Anthem Blue Cross	\$113.95
1621	Nestle (Arrowhead)	\$29.17
1625	Jocelyn Ramirez	\$881.00

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<sup>1</sup> Full account number is redacted for privacy reasons.

1626	Berenise Salas	\$1,221.00
1627	DMV	\$5.00
1628	Anthem Blue Cross	\$340.94
1629	Xochitl Rivera	\$4,800.00
1630	Michael Moini	\$375.00
1631	Jocelyn Ramirez	\$200.00
1632	Michael Moini	\$125.00
1633	Wells Fargo Dealer Svcs.	\$6,732.62
1634	Jocelyn Ramirez	\$370.66
1635	Dorita LLC	\$4,200.00
1636	Jocelyn Ramirez	\$400.00
1640	Berenise Salas	\$742.50
1641	Jocelyn Ramirez	\$46.00
1642	Tuning Acosta	\$300.00
1643	Xochitl Rivera	\$700.00
1645	AT&T	\$60.53
1646	Jocelyn Ramirez	\$340.00
1647	Alan Razani	\$500.00
1648	Carlos Mario Beltran	\$200.00
1649	Fariba Daneshfor	\$3,000.00
1650	Jocelyn Ramirez	\$612.00
1651	Berenise Salas	\$850.30
1653	Jocelyn Ramirez	\$700.00
1654	Mike Chamasmani	\$400.00
1655	Anthem Blue Cross	\$340.94
1656	Anthem Blue Cross	\$113.95
1657	Daniel Sharpe	\$150.00
1658	Michael Moini	\$150.00
1662	Jocelyn Ramirez	\$560.00
1663	Mehrnush Akhavanfard	\$3,000.00
1664	Berenise Salas	\$770.55
1665	Jocelyn Ramirez	\$530.20
1668	AT&T	\$202.56
1669	Jocelyn Ramirez	\$29.00
1670	John Murray	\$75.00
1673	Berenise Salas	\$420.00
1674	Alan Razani	\$500.00
1675	Jocelyn Ramirez	\$600.00
1676	Michael Moini	\$125.00
1677	AP & Associates	\$100.00
1678	Dorita LLC	\$4,827.23
1679	John Murray	\$150.00
1680	Sergio's Lock & Key	\$90.00
1681	Sergio Carmona	\$27.48
1682	Jocelyn Ramirez	\$300.00
1683	Jocelyn Ramirez	\$140.00
1684	Berenise Salas	\$743.05
1685	Jocelin Ramirez	\$751.60
1688	Ramtin Chamasmani	\$280.00

1689	Sergio Pereda	\$210.00
1691	John Murray	\$500.00
1692	Michael Moini	\$640.00
1693	Sergio Preda	\$100.00
1694	Public Storage	\$122.50
1695	Michael Moini	\$150.00
1696	Dorita LLC	\$2,420.00
1697	Sergio Pereda	\$654.50
1698	Alan Razani	\$500.00
1700	Michael Moini	\$150.00
1701	IRWD	\$17.00
1702	AT&T	\$208.36
1704	John Murray	\$100.00
1705	Michael Moini	\$275.00
1706	DMV	\$197.00
1707	MJ Property Trust	\$2,943.81
1708	Michael Moini	\$300.00
1712	John Murray	\$200.00
1713	UPS Store	\$216.00
1714	MJ Property Services	\$3,200.00
1715	Catalina Manzano	\$1,000.00
1716	Mary Troiani	\$1,000.00

5. On January 7, 2014, Respondent held himself out as entitled to practice law, and actually practiced law, when Respondent was not an active member of the State Bar, by accepting the representation of Romel Ramieri and his company, Acclaimed Direct Marketing, LLC, in its defense of an unemployment claim matter pending before the State of California Employment Development Department, and collected an advanced fee of \$1,860 from Ramieri and Acclaimed Direct Marketing, LLC.

6. On January 7, 2014, Respondent knew, or was grossly negligent in not knowing, that he was not an active member of the State Bar.

#### CONCLUSIONS OF LAW:

7. By agreeing, on August 3, 2013, to attempt to negotiate a home mortgage loan modification or other mortgage loan forbearance for a fee for a client, Jesse Quiroz, and on that same date receiving \$1,000 from Quiroz, and by receiving another \$1,000 from Quiroz on August 29, 2013, before Respondent had fully performed each and every service Respondent had been contracted to perform or represented to Quiroz that Respondent would perform, Respondent violated Civil Code, section 2944.7, and willfully violated Business and Professions Code, section 6106.3.

8. By collecting fees for legal services from Jesse Quiroz on September 28, 2013, November 2, 2013, December 3, 2013, January 3, 2014, February 3, 2014, and March 6, 2014, while Respondent was suspended and not entitled to practice law, Respondent collected illegal fees in willful violation of Rules of Professional Conduct, rule 4-200(A).

9. By permitting Alan Razani to attempt to negotiate a home mortgage loan modification or other mortgage loan forbearance between Jesse Quiroz and Wells Fargo Bank, without attorney



supervision, Respondent aided Alan Razani in the unauthorized practice of law, in willful violation of Rules of Professional Conduct, rule 1-300(A).

10. By issuing checks from his client trust account for the payment of personal expenses, Respondent commingled his personal funds in his client trust account, in willful violation of Rules of Professional Conduct, rule 4-100(A).

11. By accepting the representation of Romel Ramieri and his company, Acclaimed Direct Marketing, LLC, while Respondent was suspended and not entitled to practice law, Respondent held himself out as entitled to practice law and actually practiced law when he 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).

12. By collecting a fee of \$1,860 from Ramieri and Acclaimed Direct Marketing while Respondent was suspended and not entitled to practice law, Respondent collected an illegal fee in willful violation of Rules of Professional Conduct, rule 4-200(A).

13. By holding himself out as entitled to practice law and actually practicing law when he knew, or was grossly negligent in not knowing, that he was not an active member of the State Bar, by accepting the representation of Ramieri and Acclaimed Direct Marketing, LLC, 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-04898 (Complainant: Deidre Morrow)

FACTS:

14. On August 13, 2013, Diedre Morrow employed Respondent to obtain a joint child custody order, and paid Respondent advanced fees of \$500, after which Respondent failed to perform any legal services for Morrow. Respondent constructively withdrew from representation on September 1, 2013, upon his suspension from practice. Respondent earned none of the advanced fees paid, and failed to refund promptly, upon Respondent's termination of employment on September 1, 2013, any part of Morrow's \$500 fee.

15. Respondent failed to inform Morrow that he was withdrawing from employment, and thereby failed to take reasonable steps to avoid reasonably foreseeable prejudice to Morrow.

CONCLUSIONS OF LAW:

16. By not performing any legal services for Morrow after August 13, 2013, and by not refunding to Morrow her \$500 advanced fee, upon Respondent's termination of employment on September 1, 2013, Respondent failed to refund promptly unearned advanced fees, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

17. By constructively withdrawing from Morrow's employment on September 1, 2013, and by thereafter failing to inform Morrow that he was withdrawing from her, Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to Morrow, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

Case No. 14-O-05764 (Complainant: Kristina Vaita)

FACTS:

18. On October 29, 2014, Respondent allowed his name to be listed as General Counsel for International Sports Agency, LTD, on the website for International Sports Agency, LTD, when Respondent was not an active member of the State Bar.

19. On October 29, 2014, Respondent knew, or was grossly negligent in not knowing, that he was not an active member of the State Bar and that he was not entitled to practice law.

CONCLUSIONS OF LAW:

20. By allowing his name to be listed as General Counsel for International Sports Agency, LTD, on the website for International Sports Agency, LTD, when Respondent was not an active member of the State Bar and not entitled to practice law, Respondent violated Business and Professions Code, sections 6125 and 6126, and thereby willfully violated Business and Professions Code, section 6068(a).

21. By allowing his name to be listed as General Counsel for International Sports Agency, LTD, on the website for International Sports Agency, LTD, when Respondent knew or was grossly negligent in not knowing that he was not an active member of the State Bar and that he was not entitled to practice law, Respondent committed an act of moral turpitude in willful violation of Business and Professions Code, section 6106.

Case No. 14-O-05841 (Complainant: Kjell McCord)

FACTS:

22. On March 18, 2014, Kjell McCord employed Respondent to defend McCord in civil litigation, and paid Respondent advanced fees of \$1,500.

23. From March 18, 2014 through October 31, 2014, Respondent provided legal counsel to McCord.

24. From March 18, 2014 through October 31, 2014, Respondent knew, or was grossly negligent in not knowing, that he was not an active member of the State Bar and that he was not entitled to practice law.

CONCLUSIONS OF LAW:

25. By accepting the representation of Kjell McCord while Respondent was suspended and not entitled to practice law, Respondent held himself out as entitled to practice law and actually practiced law when he 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).

26. By collecting a fee of \$1,500 from Kjell McCord while Respondent was suspended and not entitled to practice law, Respondent collected an illegal fee in willful violation of Rules of Professional Conduct, rule 4-200(A).

27. By holding himself out as entitled to practice law and actually practicing law when he knew, or was grossly negligent in not knowing, that he was not an active member of the State Bar, by accepting the representation of Kjell McCord, Respondent committed an act or acts involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

Case No. 15-O-10608 (State Bar Investigation)

FACTS:

28. On October 28, 2013, Respondent employed John Patrick Murray, whom Respondent knew or reasonably should have known was a disbarred member, to engage in activities that constitute the practice of law, namely, to draft, sign and mail correspondence to an adverse party to Respondent's client Hassan Chitsaz, in which Murray made legal conclusions, demanded that the letter's recipient cease and desist from certain actions, and threatened legal action.

29. Respondent failed to serve upon the State Bar of California, prior to or at the time of Murray's employment, written notice of Respondent's employment of Murray.

CONCLUSIONS OF LAW:

30. By employing Murray, Respondent employed, associated professionally with, or aided a person whom Respondent knew or reasonably should have known was a disbarred member, to engage in activities that constitute the practice of law, in willful violation of Rules of Professional Conduct, rule 1-311(B).

31. By failing to serve upon the State Bar of California, prior to or at the time of Murray's employment, written notice of Respondent's employment of Murray, Respondent failed to serve upon the State Bar written notice of Respondent's employment of a person whom Respondent knew or reasonably should have known was disbarred, in willful violation of Rules of Professional Conduct, rule 1-311(D).

**AGGRAVATING CIRCUMSTANCES.**

**Lack of insight or remorse (Std. 1.5(h)):** Respondent's operation of his law office during his suspension, including employment by new clients during his suspension, continued work for existing clients, and depositing of funds into and issuing checks from, his CTA, demonstrate "business as usual" during his suspension, and demonstrates a lack of insight into his ethical obligations and an unlikelihood of reform.

**Multiple Acts of Misconduct (Std. 1.5(b)):** Respondent's 16 counts include 97 acts of misconduct include practicing law while inactive (section 6068(a)), moral turpitude for the UPL violations (section 6106), receipt of advanced fees for loan modifications (on eight such instances for Quiroz alone) (section 6106.3), aiding unauthorized practice of law (rule 1-300(A)), employment of a disbarred attorney to engage in legal practice (rule 1-311(B)(6)), failure to notify the State Bar of that employment of the disbarred attorney (rule 1-311(D)), improper withdrawal (rule 3-700(A)(2)), failure to promptly refund unearned advanced fees (rule 3-700(D)(2)), 76 instances of commingling his personal funds in his client trust account (rule 4-100(A)), and receipt of illegal fees (4-200(A)).

**Pattern of Misconduct (Std. 1.5(c)):** Respondent's misconduct in these matters, in particular his continued operation of his legal practice while on suspension, consistent with the misconduct in case nos. 13-O-14681 et al., comprises a pattern of unauthorized practice of law.

**Failure to Make Restitution (Std. 1.5(i)):** Respondent has not paid any restitution to Quiroz (for the \$7,500 in illegal fees Quiroz paid prior to completion of loan modification services and/or during Respondent's suspension from practice), to Ramieri (for the \$1,860 Ramieri paid to Respondent during his suspension from practice), to Morrow (for her \$500 in advanced fees that were unearned), or to McCord (for the \$1,500 McCord paid to Respondent during his suspension from practice).

#### **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 Silverton* (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 97 acts of professional misconduct, which include 76 acts of commingling in violation of rule 4-100(A). 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, irrespective of aggravating factors, is found in Standard 2.6, which addresses the unauthorized practice of law. Std. 2.6 provides that "disbarment or actual suspension is appropriate when a member engages in the practice of law or holds himself or herself out as entitled to practice law when he or she is on actual suspension for disciplinary reasons[, t]he degree of sanction depend[ing] on whether the member knowingly engaged in the unauthorized practice of law." Here, the degree of sanction should be the highest, since Respondent 1) took a new client six months into his suspension for whom he did nothing, 2) gave legal advice during

the suspension, 3) continued to receive fees from a pre-suspension client after his suspension began, 4) and held himself out by advertising his status as attorney, receiving client payments, and paying settlements and client expenses. In addition, this pattern of unauthorized practice of law is consistent with the misconduct addressed in his prior stipulation to discipline in case nos. 13-O-14681, et al.

Standard 1.8 applies as well. Standard 1.8(b)(1) states: "If a member has two or more prior records of discipline, disbarment is appropriate in the following circumstances, unless the most compelling mitigating circumstances clearly predominate or the misconduct underlying the prior discipline occurred during the same time period as the current misconduct: [...] 1. Actual suspension was ordered in any one of the prior disciplinary matters[.]" As noted above, Respondent was actually suspended for 60 days in case nos. 09-O-10711 et al., and for two years in case nos. 13-O-14681, et al. (pending). There is no justification for a departure from the disbarment recommended by Std. 1.8.

### **COSTS OF DISCIPLINARY PROCEEDINGS.**


Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of September 30, 2015, the prosecution costs in this matter are approximately \$7,496. 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.

(Do not write above this line.)

In the Matter of: <b>WILLIAM ROBERT TROIANI</b>	Case number(s): <b>14-O-04721, 14-O-04898, 14-O-05764, 14-O-05841, 15-O-10608</b>
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### 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.

10/7/15            William R. Troiani  
Date                      Respondent's Signature                      Print Name

\_\_\_\_\_  
Date                      Respondent's Counsel Signature                      Print Name

10.9.15            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):  
14-O-04721, 14-O-04898, 14-O-05764,  
14-O-05841, 15-O-10608

### DISBARMENT 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.

1. On page 5 of the stipulation, an "X" is INSERTED in box E(2).
2. On page 9 of the stipulation, in paragraph number 14, in the first line, the name "Diedre" is changed to "Deidre" so that it is consistent with paragraph E(3) on page 5 of the stipulation and with the notice of disciplinary charges.

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.)**

Respondent William Robert Troiani is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

October 22, 2015

Date

  
W. KEARSE MCGILL  
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 October 22, 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:

**WILLIAM R. TROIANI  
LAW OFFICES OF TROIANI &  
ASSOCIATES  
4790 IRVINE BLVD STE 105-330  
IRVINE, CA 92620**

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

**Timothy G. Byer, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 22, 2015.

*Paul Barona*

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Paul Barona  
Case Administrator  
State Bar Court