

PUBLIC MATTER

FILED

JUL 08 2016
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

1 STATE BAR OF CALIFORNIA
2 OFFICE OF CHIEF TRIAL COUNSEL
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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

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12 In the Matter of:) Case Nos. 14-O-02444 and 14-O-06185
13 MICHAEL ANTHONY GULLA,) NOTICE OF DISCIPLINARY CHARGES
14 No. 81033,)
15 A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

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**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:**

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- (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. Michael Anthony Gulla ("Respondent") was admitted to the practice of law in the
4 State of California on June 23, 1978, 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-02444
8 Rules of Professional Conduct, rule 4-100(A)
[Failure to Maintain Client Funds in Trust Account]

9 2. On or about January 8, 2013, Respondent received on behalf of his client, Edward
10 Bates, a settlement check from Platinum Claims Service made payable to Respondent and his
11 client in the sum of \$7,000. On or about January 8, 2013, Respondent deposited the check for
12 \$7,000 into his client trust account at Chase Bank, account no. xxxxxx8050,¹ on behalf of his
13 client. After subtracting his contingency fee, costs and payment to his client's health care
14 provider, Respondent was required to maintain in the client trust account the approximate sum of
15 \$500 on behalf of his client. Respondent failed to maintain the approximate sum of \$500 on
16 behalf of his client in his client trust account. By failing to maintain the approximate sum of
17 \$500 on behalf of his client in his client trust account, Respondent willfully violated Rules of
18 Professional Conduct, rule 4-100(A).

19 COUNT TWO

20 Case No. 14-O-02444
21 Business and Professions Code section 6106
[Moral Turpitude - Misappropriation]

22 3. On or about January 8, 2013, Respondent received on behalf of his client, Edward
23 Bates, a settlement check from Platinum Claims Service made payable to Respondent and his
24 client in the sum of \$7,000. On or about January 8, 2013, Respondent deposited the check for
25 \$7,000 into his client trust account at Chase Bank, account no. xxxxxx8050,² on behalf of his
26 client. After subtracting his contingency fee, costs and payment to his client's health care

27 ¹ The account number has been redacted to protect the account and account holder.

28 ² The account number has been redacted to protect the account and account holder.

1 provider, Respondent was required to maintain in the client trust account the approximate sum of
2 \$500 on behalf of his client. Respondent dishonestly or grossly negligently misappropriated for
3 his own purposes the approximate sum of \$500 that his client was entitled to receive. By
4 dishonestly or grossly negligently misappropriating for his own purposes the approximate sum of
5 \$500 that his client was entitled to receive, Respondent committed an act involving moral
6 turpitude, dishonesty or corruption in willful violation of Business and Professions Code section
7 6106.

8 COUNT THREE

9 Case No. 14-O-06185
10 Rules of Professional Conduct, rule 3-700(A)(2)
11 [Improper Withdrawal from Employment]

12 4. In about August 2013, Brenda Santana hired Respondent to represent her and her
13 daughter Amber Santana in a personal injury matter.

14 5. Respondent failed, upon termination of employment, to take reasonable steps to avoid
15 reasonably foreseeable prejudice to Respondent's clients, Brenda Santana and Amber Santana,
16 by constructively terminating Respondent's employment in or about August 2014, by failing to
17 take any action on the client's behalf after notifying the clients that a settlement offer for \$8,500
18 had been made to settle the claim of Brenda Santana in or about August 2014, and thereafter
19 failing to inform the clients that Respondent was withdrawing from employment, in willful
20 violation of Rules of Professional Conduct, rule 3-700(A)(2).

21 COUNT FOUR

22 Case No. 14-O-06185
23 Rules of Professional Conduct, rule 4-100(A)
24 [Failure to Maintain Client Funds in Trust Account]

25 6. On or about July 18, 2014, Respondent received on behalf of his client, Amber
26 Santana, a settlement check from Travelers Indemnity Company made payable to Respondent
27 and Brenda Santana as Parent of Amber Santana in the sum of \$1,500. On or about July 18,
28 2014, Respondent deposited the check for \$1,500 into his client trust account at Chase Bank,

1 account no. xxxxxx8050,³ on behalf of his client. Of this sum, his client was entitled to the
2 approximate sum of \$900. Respondent failed to maintain the approximate sum of \$900 on behalf
3 of his client in his client trust account. By failing to maintain the approximate sum of \$900 on
4 behalf of his client in his client trust account, Respondent wilfully violated Rules of Professional
5 Conduct, rule 4-100(A).

6 COUNT FIVE

7 Case No. 14-O-06185
8 Business and Professions Code section 6106
9 [Moral Turpitude - Misappropriation]

10 7. On or about July 18, 2014, Respondent received on behalf of his client, Amber
11 Santana, a settlement check from Travelers Indemnity Company made payable to Respondent
12 and Brenda Santana as Parent of Amber Santana, in the sum of \$1,500. On or about July 18,
13 2014, Respondent deposited the check for \$1,500 into his client trust account at Chase Bank,
14 account no. xxxxxx8050,⁴ on behalf of Amber Santana. Of this sum, his client was entitled to
15 the approximate sum of \$900. Respondent dishonestly or grossly negligently misappropriated
16 for his own purposes the approximate sum of \$900 that his client was entitled to receive. By
17 dishonestly or grossly negligently misappropriating for his own purposes the approximate sum of
18 \$900 that his client was entitled to receive, Respondent committed an act involving moral
19 turpitude, dishonesty or corruption in willful violation of Business and Professions Code section
20 6106.

21 COUNT SIX

22 Case Nos. 14-O-02444 and 14-O-06185
23 Business and Professions Code, section 6068(j)
24 [Failure to Update Membership Address]

25 8. In or about September 2014, Respondent vacated his office at the address maintained
26 on the official membership records of the State Bar and thereafter failed to comply with the
27 requirements of Business and Professions Code section 6002.1, by failing to notify the State Bar

28 ³ The account number has been redacted to protect the account and account holder.

⁴ The account number has been redacted to protect the account and account holder.

1 of the change in Respondent's address within 30 days, in willful violation of Business and
2 Professions Code section 6068(j).

3 **NOTICE - INACTIVE ENROLLMENT!**

4 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
5 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**
6 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**
7 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**
8 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**
9 **INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**
10 **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**
11 **RECOMMENDED BY THE COURT.**

12 **NOTICE - COST ASSESSMENT!**

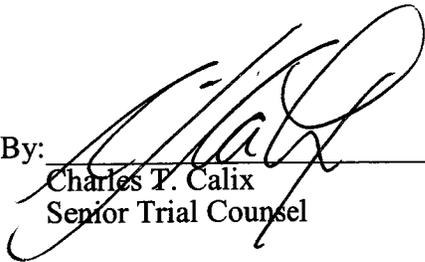
13 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC**
14 **DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS**
15 **INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING**
16 **AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND**
17 **PROFESSIONS CODE SECTION 6086.10.**

18 Respectfully submitted,

19 THE STATE BAR OF CALIFORNIA
20 OFFICE OF CHIEF TRIAL COUNSEL

21 DATED: July 8, 2016

22 By: _____

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24 Charles T. Calix
25 Senior Trial Counsel
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DECLARATION OF SERVICE

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

CASE NUMBER(s): 14-O-02444 and 14-O-06185

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, California 90017-2515, 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))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

- (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.: 9414-7266-9904-2010-0657-46 at Los Angeles, addressed to: (see below)
(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 3 columns: Person Served, Business-Residential Address, Fax Number. Includes contact info for Michael Anthony Gulla.

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').

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: July 8, 2016

SIGNED: Kathi Palacios
Kathi Palacios
Declarant