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FILED *LD*

SEP 29 2015

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SAN FRANCISCO

*filed per order of Judge*

STATE BAR COURT

HEARING DEPARTMENT- SAN FRANCISCO

In the Matter of  
JOSEPH MICHAEL BIASELLA, JR.  
NO. 53160,

Case No. 15-N-13659-PEM

RESPONSE TO CHARGES

A Member of the State Bar

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JOSEPH M. BIASELLA, hereby responds to the charges filed, as follows:

1. This counsel did not willfully violate the order of the Supreme Court, but has technically violated the same by not filing within the time required, because this counsel misunderstood the order and thought that compliance had already occurred.
2. This counsel had previously been accepted into the ADP program in September, 2013, and had filed the Rule 9.20 statement in a timely fashion, which was accepted by the Court. Since that time, there has not occurred any change in the circumstances involving this counsel, who has always been in compliance with the rule, as it was submitted in 2013.
3. This counsel was advised by Ms. Farfan of the probation Department about this matter, and I was informed that because I had been taken off ADP, there was a new rule, and I must file the statement again. I did so in August of 2015. I was informed by Ms. Farfan that the date of filing was firm. I am sorry for the delay. My explanation of mitigation is contained in the following paragraphs.
4. Mitigation:
  - a. I was taken off ADP because I could not complete the program because of illness and financial difficulties. Shortly after being placed on probation, I learned I had cancer of the kidney. I was operated on in November of 2014, with the removal of a large tumor and the removal of my kidney as well. I am still being treated for the disease. The court may be aware that I also have a long history of illness and heart disease, which was a mitigating factor in my original case. Shortly after surgery, I lost my home by removal from the motel where I was staying. I had lost my real home in 2012.

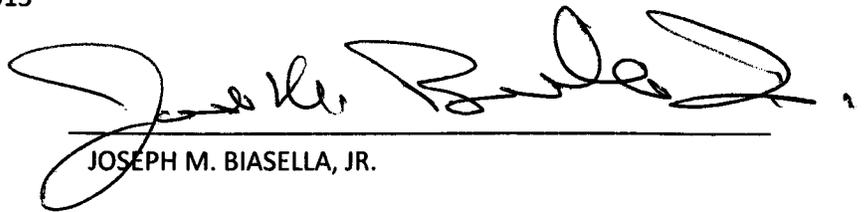
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- b. I am in fact now homeless and am living in my car. I have had difficulties with obtaining work because of my condition and age. I have had severe stress and depression because I simply have not been able to reconstruct my life as yet. It had always been my intent to regain my license, which would have occurred by now, but not to practice again. I would have retired, and I always informed the court of this.
- c. At the ENEC, I discussed this matter with counsel for the Bar, Ms. McLetchie, and the court, and we discuss the question of retirement with charges pending. I have received the papers from counsel, and I am in the process of completing them.

Respectfully submitted,

Dated: September 22, 2015



JOSEPH M. BIASELLA, JR.

SPECIAL REQUEST TO APPEAR AT THE STATUS CONFERENCE OF OCTOBER 5, 2015 BY TELEPHONE:

I HAVE LIMITED FUNDS AND THE PERSONAL APPEARANCE AT THIS TIME IS DIIFICULT FOR ME. I ALSO HAVE CAR DIFFICULTIES, SO IT IS A HARDSHIP FOR ME TO COME TO SAN FRANCISCO AT THIS TIME. AT THE ENEC, THE COURT PERMITTED MY APPEARANCE TELEPHONICALLY, WITH CONSENT OF COUNSEL. I HAVE NOT SPOKEN TO HER AS YET ABOUT THIS, BUT I INTEND TO DO SOTHIS WEEK.

PROOF OF SERVICE

I filed this document with the court, via facsimile, on September 23, 2015, and on counsel, As well as mailed copies with the court and counsel, by mailing the same at San Jose, California by U.S. Mail on the same date.

I declare under penalty of perjury under the laws of the State of California, the foregoing to the true and correct. Executed at San Jose, California, on September 22, 2015.



JOSEPH M. BIASELLA, JR.

STATE BAR COURT  
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