

**PUBLIC MATTER**

1 STATE BAR OF CALIFORNIA  
OFFICE OF CHIEF TRIAL COUNSEL  
2 JAYNE KIM, No. 174614  
CHIEF TRIAL COUNSEL  
3 JOSEPH R. CARLUCCI, No. 172309  
DEPUTY CHIEF TRIAL COUNSEL  
4 MIA R. ELLIS, No. 228235  
ACTING ASSISTANT CHIEF TRIAL COUNSEL  
5 JOHN T. KELLEY, No. 193646  
SUPERVISING SENIOR TRIAL COUNSEL  
6 SHANE C. MORRISON, No. 284115  
DEPUTY TRIAL COUNSEL  
7 845 South Figueroa Street  
Los Angeles, California 90017-2515  
8 Telephone: (213) 765-1280

**FILED**

**OCT 13 2015**

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:

) Case No. 15-O-10406

14 **LEO JOSEPH MORIARTY JR.,**  
15 **No. 140093,**

) **NOTICE OF DISCIPLINARY CHARGES**

16 A Member of the State Bar

**NOTICE - FAILURE TO RESPOND!**

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

- 21 (1) **YOUR DEFAULT WILL BE ENTERED;**
- 22 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**  
23 **WILL NOT BE PERMITTED TO PRACTICE LAW;**
- 24 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**  
25 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**  
26 **AND THE DEFAULT IS SET ASIDE, AND;**
- 27 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**  
28 **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.**

///

///

kwiktag® 197 145 870



1 The State Bar of California alleges:

2 JURISDICTION

3 1. Leo Joseph Moriarty ("respondent") was admitted to the practice of law in the  
4 State of California on June 6, 1989, 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. 15-O-10406  
8 Business and Professions Code, section 6068(d)  
[Seeking to Mislead a Judge]

9 2. On or about September 12, 2014, respondent stated to the court, or caused to be  
10 stated to the court, in Office of Administrative Hearings case number 2014030511 (*In the Matter*  
11 *of the Final Compensation and Rescission of Additional Retirement Service Credit of: Teresa*  
12 *Jacobo*), that respondent had been taken to the hospital and would be unable to attend the  
13 hearing scheduled for September 12, 2014 in that matter, when in fact respondent had not been  
14 taken to the hospital, knew that statement was false, and thereafter took no steps to rectify the  
15 misrepresentation that had been made to the court, and thereby sought to mislead the judge or  
16 judicial officer by an artifice or false statement of fact or law, in willful violation of Business and  
17 Professions Code section 6068(d).

18 COUNT TWO

19 Case No. 15-O-10406  
20 Business and Professions Code, section 6106  
[Moral Turpitude]

21 3. On or about September 12, 2014, respondent stated to the court, or caused to be  
22 stated to the court, in Office of Administrative Hearings case number 2014030511 (*In the Matter*  
23 *of the Final Compensation and Rescission of Additional Retirement Service Credit of: Teresa*  
24 *Jacobo*), that respondent had been taken to the hospital and would be unable to attend the  
25 hearing scheduled for September 12, 2014 in that matter, when respondent knew or was grossly  
26 negligent in not knowing that statement was false, and thereafter took no steps to rectify the  
27 misrepresentation that had been made to the court, and thereby committed an act involving moral  
28

1 turpitude, dishonesty, or corruption, in willful violation of Business and Professions Code  
2 section 6106.

3 COUNT THREE

4 Case No. 15-O-10406  
5 Business and Professions Code, section 6103  
6 [Failure to Obey a Court Order]

7 4. Respondent disobeyed or violated an order of the court requiring respondent to do  
8 or forbear an act connected with or in the course of respondent's profession, which respondent  
9 ought in good faith to do or forbear, by failing to comply with the court's September 12, 2014  
10 ORDER GRANTING RESPONDENT TERESA JACOBO'S MOTION FOR CONTINUANCE  
11 in Office of Administrative Hearings case number 2014030511 (*In the Matter of the Final*  
12 *Compensation and Rescission of Additional Retirement Service Credit of: Teresa Jacobo*) by  
13 failing to file with the court and serve on opposing counsel documentation which substantiated  
14 the illness/medical emergency that occurred on September 12, 2014 by no later than September  
15 26, 2014, in willful violation of Business and Professions Code section 6103.

16 COUNT FOUR

17 Case No. 15-O-10406  
18 Business and Professions Code, section 6103  
19 [Failure to Obey a Court Order]

20 5. Respondent disobeyed or violated an order of the court requiring respondent to do  
21 or forbear an act connected with or in the course of respondent's profession, which respondent  
22 ought in good faith to do or forbear, by failing to comply with the court's October 21, 2014  
23 ORDER GRANTING RESPONDENT CITY OF BELL'S MOTION FOR SANCTIONS in  
24 Office of Administrative Hearings case number 2014030511 (*In the Matter of the Final*  
25 *Compensation and Rescission of Additional Retirement Service Credit of: Teresa Jacobo*) by  
26 failing to pay a monetary sanction to the City of Bell in the amount of \$1,419.06 within 30 days  
27 of the date of the order, in willful violation of Business and Professions Code section 6103.

28 ///

///

///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COUNT FIVE

Case No. 15-O-10406  
Business and Professions Code, section 6103  
[Failure to Obey a Court Order]

6. Respondent disobeyed or violated an order of the court requiring respondent to do or forbear an act connected with or in the course of respondent's profession, which respondent ought in good faith to do or forbear, by failing to comply with the court's October 21, 2014 ORDER GRANTING CALPERS' MOTION FOR SANCTIONS in Office of Administrative Hearings case number 2014030511 (*In the Matter of the Final Compensation and Rescission of Additional Retirement Service Credit of: Teresa Jacobo*) by failing to pay a monetary sanction to the California Public Employees' Retirement System in the amount of \$2,966.75 within 30 days of the date of the order, in willful violation of Business and Professions Code section 6103.

COUNT SIX

Case No. 15-O-10406  
Business and Professions Code, section 6068(o)(3)  
[Failure to Report Judicial Sanctions]

7. Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time respondent had knowledge of the imposition of judicial sanctions against respondent by failing, to date, to report to the State Bar the \$1,419.06 in sanctions the court imposed on respondent on or about October 21, 2014 in connection with Office of Administrative Hearings case number 2014030511 (*In the Matter of the Final Compensation and Rescission of Additional Retirement Service Credit of: Teresa Jacobo*), in willful violation of Business and Professions Code section 6068(o)(3).

COUNT SEVEN

Case No. 15-O-10406  
Business and Professions Code, section 6068(o)(3)  
[Failure to Report Judicial Sanctions]

8. Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time respondent had knowledge of the imposition of judicial sanctions against respondent by failing, to date, to report to the State Bar the \$2,966.75 in sanctions the court imposed on respondent on or about October 21, 2014 in connection with

1 Office of Administrative Hearings case number 2014030511 (*In the Matter of the Final*  
2 *Compensation and Rescission of Additional Retirement Service Credit of: Teresa Jacobo*), in  
3 willful violation of Business and Professions Code section 6068(o)(3).

4 COUNT EIGHT

5 Case No. 15-O-10406  
6 Business and Professions Code, section 6068(d)  
7 [Seeking to Mislead a Judge]

8 9. On or about September 22, 2014, respondent stated in writing to the court, or  
9 caused to be stated in writing to the court, in Office of Administrative Hearings case number  
10 2014030479 (*In the Matter of the Final Compensation and Rescission of Additional Retirement*  
11 *Service Credit of: George Mirabal*), that “[respondent] is today at the hospital, receiving an  
12 Angiogram and possibly another Angioplasty [sic] for a new Stent implant,” when in fact  
13 respondent had not been to the hospital and had not received any medical treatment, knew that  
14 statement was false, and thereafter took no steps to rectify the misrepresentation that had been  
15 made to the court, and thereby sought to mislead the judge or judicial officer by an artifice or  
16 false statement of fact or law, in willful violation of Business and Professions Code section  
17 6068(d).

18 COUNT NINE

19 Case No. 15-O-10406  
20 Business and Professions Code, section 6106  
21 [Moral Turpitude]

22 10. On or about September 22, 2014, respondent stated in writing to the court, or  
23 caused to be stated in writing to the court, in Office of Administrative Hearings case number  
24 2014030479 (*In the Matter of the Final Compensation and Rescission of Additional Retirement*  
25 *Service Credit of: George Mirabal*), that “[respondent] is today at the hospital, receiving an  
26 Angiogram and possibly another Angioplasty [sic] for a new Stent implant,” when respondent  
27 knew or was grossly negligent in not knowing that statement was false, and thereafter took no  
28 steps to rectify the misrepresentation that had been made to the court, and thereby committed an  
act involving moral turpitude, dishonesty, or corruption, in willful violation of Business and  
Professions Code section 6106.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COUNT TEN

Case No. 15-O-10406  
Business and Professions Code, section 6103  
[Failure to Obey a Court Order]

11. Respondent disobeyed or violated an order of the court requiring respondent to do or forbear an act connected with or in the course of respondent's profession, which respondent ought in good faith to do or forbear, by failing to comply with the court's October 8, 2014 ORDER GRANTING CONTINUANCE in Office of Administrative Hearings case number 2014030479 (*In the Matter of the Final Compensation and Rescission of Additional Retirement Service Credit of: George Mirabal*) by failing to file and serve, by no later than October 17, 2014, documentation signed by a competent medical professional confirming respondent's hospitalization on September 22, 2014 and his inability to proceed with the hearing on September 23, 2014, in willful violation of Business and Professions Code section 6103.

NOTICE - INACTIVE ENROLLMENT!

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

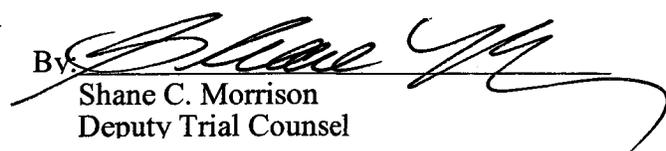
NOTICE - COST ASSESSMENT!

**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 CHIEF TRIAL COUNSEL

Dated: Oct. 13, 2015

By:   
Shane C. Morrison  
Deputy Trial Counsel

DECLARATION OF SERVICE

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

CASE NUMBER(s): 15-O-10406

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, 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 0881 89 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 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy to. Row 1: LEO JOSEPH MORIARTY, Leo J. Moriarty Jr Law Office of Leo J. Moriarty 3020 Old Ranch Pkwy Ste 300 Seal Beach, CA 90740, Electronic Address ljmlegal@aol.com, Leo J. Moriarty Jr Law Office of Leo J. Moriarty 3020 Old Ranch Pkwy Ste 300 Seal Beach, CA 90740

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").

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: October 13, 2015

SIGNED: Genelle De Luca-Suarez
Declarant