

# PUBLIC MATTER

1 STATE BAR OF CALIFORNIA  
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**FILED**

DEC 14 2015

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

9  
10 STATE BAR COURT

11 HEARING DEPARTMENT - LOS ANGELES

12  
13 In the Matter of: ) Case No. 15-O-12570, 15-O-15304  
14 FRANK FRANCIS BARILLA, ) NOTICE OF DISCIPLINARY CHARGES  
No. 103282, )  
15 )  
16 A Member of the State Bar. )

17 **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**  
**WILL NOT BE PERMITTED TO PRACTICE LAW;**  
23 (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;**  
24 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**  
25 **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.,**  
26 **RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Frank Francis Barilla ("respondent") was admitted to the practice of law in the State  
4 of California on June 10, 1982, 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-12570  
8 Rules of Professional Conduct, rule 3-310(C)(1)  
[Potential Conflict - Representing Multiple Clients]

9 2. On or about May 6, 2014, Respondent accepted representation of multiple clients,  
10 Mina Moreland and Victoria Moreland, in joint representation to seek recovery for personal  
11 injuries arising from an auto collision involving both clients. At the time he accepted their  
12 representation, the interests of the clients potentially conflicted in that Mina Moreland was a  
13 driver in the automobile accident, and Victoria Moreland was a passenger. Respondent failed to  
14 inform the clients of the relevant circumstances and of the actual and reasonably foreseeable  
15 adverse consequences to the clients and failed to obtain the informed written consent of each  
16 client, in willful violation of the Rules of Professional Conduct, rule 3-310(C)(1).

17 COUNT TWO

18 Case No. 15-O-12570  
19 Rules of Professional Conduct, rule 3-310(E)  
[Conflict - Representation Adverse to Former Client]

20 3. On or about March 26, 2015, Respondent accepted employment by a client, Dr.  
21 Ming-Hung Nguyen, regarding medical bills owed by Mina Moreland and Victoria Moreland,  
22 where by reason of Respondent's representation of Mina Moreland and Victoria Moreland,  
23 Respondent had obtained confidential information material to the employment, specifically the  
24 terms and settlement amount of the Moreland's settlement with a third-party insurance carrier,  
25 without the informed written consent of Mina Moreland and Victoria Moreland, in willful  
26 violation of Rules of Professional Conduct, rule 3-310(E).

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COUNT THREE

Case No. 15-O-15304  
Business and Professions Code, section 6068(k)  
[Failure to Comply with Conditions of Probation]

4. Respondent failed to comply with conditions attached to Respondent's disciplinary probation in State Bar Case no. 12-O-15090, et al. as follows, in willful violation of Business and Professions Code, section 6068(k):

- A. Respondent failed to submit quarterly reports to the Office of Probation on July 10, 2015 or October 10, 2015;
- B. Respondent failed to complete State Bar Ethics School by July 26, 2015;
- C. Respondent violated Rules of Professional Conduct rule 3-310(E) in March 2015.

COUNT FOUR

Case No.15-O-15304  
Business and Professions Code, section 6106  
[Moral Turpitude - Misrepresentation]

5. On or about April 10, 2015, Respondent filed a State Bar Office of Probation Quarterly Report in Supreme Court case no. S217665 in which Respondent declared, under penalty of perjury, that he had complied with "all provisions of the State Bar Act, the Rules of Professional Conduct, and all conditions of probation" in the quarter ending March 31, 2015 when Respondent knew or was grossly negligent in not knowing that the declaration was false because he violated Rules of Professional Conduct rule 3-310(E) in March 2015, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

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**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: December 14, 2015

By: \_\_\_\_\_  
William Todd  
Senior 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-12570, 15-O-15304

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)) - 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.

[X] By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

[ ] 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)

[X] (for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7194 9008 9111 1007 7892 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: DICK RAYMOND RUNELS, 2122 North Broadway Santa Ana, CA 92706, Electronic Address

[ ] 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: December 14, 2015

SIGNED: [Signature] LAURA JETT Declarant