

# PUBLIC MATTER

FILED

JUL 20 2016

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

1 STATE BAR OF CALIFORNIA  
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8

9 STATE BAR COURT

10 HEARING DEPARTMENT - LOS ANGELES

11 In the Matter of:

) Case No. 15-O-13576

12 ROBERT E. GENTINO,  
13 No. 93808,

) NOTICE OF DISCIPLINARY CHARGES

14 A Member of the State Bar  
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**NOTICE - FAILURE TO RESPOND!**

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

- 19 (1) YOUR DEFAULT WILL BE ENTERED;
- 20 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU  
WILL NOT BE PERMITTED TO PRACTICE LAW;
- 21 (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;
- 22 (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  
23 ORDER RECOMMENDING YOUR DISBARMENT WITHOUT  
24 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. Robert E. Gentino (“respondent”) was admitted to the practice of law in the State of  
4 California on December 16, 1980, 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-13576  
8 Rules of Professional Conduct, rule 3-110(A)  
9 [Failure to Perform with Competence]

10 2. On or about October 13, 2013, Desiree Galvez employed Respondent to perform legal  
11 services, namely to defend her in an action entitled *Constantina Pair v. Desire Galvez, et al.*,  
12 then pending in Los Angeles County Superior Court under case number BC522902, which  
13 respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful  
14 violation of Rules of Professional Conduct, rule 3-110(A), by:

- 15 A. Failing to attend the hearing on the Case Management Conference scheduled  
16 for March 17, 2015;
- 17 B. Failing to file a timely responsive pleading to the plaintiff’s First Amended  
18 Complaint for Declaratory Relief and Damages, which was filed on March 4,  
19 2014 (hereinafter “FAC”);
- 20 C. Filing a Demurrer to FAC and Motion to Strike Portions of the FAC, over  
21 three months late, on or about July 7, 2014 (hereinafter collectively  
22 “Demurrer”);
- 23 D. Scheduling the hearing on the Demurrer for September 8, 2014, the same day  
24 as the date set for trial in the matter;
- 25 E. Failing to seek an order shortening time and setting an earlier date for hearing  
26 on the Demurrer;
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- 1 F. Failing to prepare for trial by failing to file a trial brief, a witness list or an  
2 exhibit list five days prior to the date set for trial as required by the court's  
3 Case Management and related orders;
- 4 G. Filing an untimely and deficient motion to reconsider and vacate default  
5 judgment on or about December 5, 2014; and
- 6 H. Failing to appear at the hearing on the motion to reconsider and vacate default  
7 judgment on December 31, 2014;

8 COUNT TWO

9 Case No. 15-O-13576  
10 Business and Professions Code, section 6068(m)  
[Failure to Inform Client of Significant Development]

11 3. Respondent failed to keep respondent's client, Desiree Galvez, reasonably informed  
12 of significant developments in an action entitled *Constantina Pair v. Desire Galvez, et al.*, then  
13 pending in Los Angeles County Superior Court under case number BC522902, in which  
14 respondent had agreed to provide legal services, in willful violation of Business and Professions  
15 Code, section 6068(m), by failing to inform the client of the following:

- 16 A. That he did not attend the hearing on Case Management Conference  
17 scheduled for March 17, 2015;
- 18 B. That he failed to file a timely responsive pleading to the plaintiff's FAC, and  
19 that his responsive pleading was over three months late when he filed it on or  
20 about July 7, 2014;
- 21 C. That several days prior to the September 8, 2014 hearing on the Demurrer, the  
22 court issued a Tentative Ruling which was not in Ms. Galvez' favor;
- 23 D. That he did not file a trial brief, a witness list or an exhibit list five days prior  
24 to date set for trial as required by the court's Case Management and related  
25 orders;
- 26 E. That he was not prepared for trial on the scheduled date of September 8, 2014;
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- F. That judgment for \$41,944.93 was entered against Ms. Galvez on or about October 9, 2014 ;
- G. That he had filed an untimely and deficient motion to reconsider and vacate default judgment on or about December 5, 2014;
- H. That the court had issued a tentative ruling denying the motion to reconsider and vacate default judgment;
- I. That he had filed a Notice of Withdrawal of the motion to reconsider and vacate default judgment on December 30, 2014;
- J. That he did not attend the hearing on the motion to reconsider and vacate default judgment as scheduled on December 31, 2014; and
- K. That on December 31, 2014 the court issued a minute order adopting the tentative ruling, denying the Motion, as the final order of the court.

COUNT THREE

Case No. 15-O-13576  
Business and Professions Code, section 6106  
[Moral Turpitude - Misrepresentation]

4. Between on or about September 8, 2014 and on or about June 9, 2015 respondent stated to his client, Desiree Galvez, that the judge in her matter entitled *Constantina Pair v. Desire Galvez, et al.*, then pending in Los Angeles County Superior Court under case number BC522902, made an error, and as a result she lost the case, and that he had reserved the dates of May 29, 2015 and May 31, 2015 for a motion for relief from default on attorney affidavit of fault, when respondent knew or was grossly negligent in not knowing the statements were false, 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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COUNT FOUR

Case No. 15-O-13576  
Business and Professions Code, section 6106  
[Moral Turpitude - Misrepresentation]

5. Between on or about December 5, 2014 and on or about June 9, 2015 respondent concealed from his client, Desiree Galvez, that he had filed a Motion to Reconsider and Vacate Order Striking Demurrer and Motion to Strike and Entry of Default Judgment *et al.* ("Motion") her matter entitled *Constantina Pair v. Desire Galvez, et al.*, then pending in Los Angeles County Superior Court under case number BC522902, that the court had issued a tentative ruling denying the Motion, that he filed a Notice of Withdrawal of the Motion on December 30, 2014, that he failed to appear at the December 31, 2014 scheduled hearing on the Motion, and that on December 31, 2014 the court issued a minute order adopting the tentative ruling denying the Motion as the final order of the court, when respondent knew or was grossly negligent in not knowing that his concealment was dishonest, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

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.**

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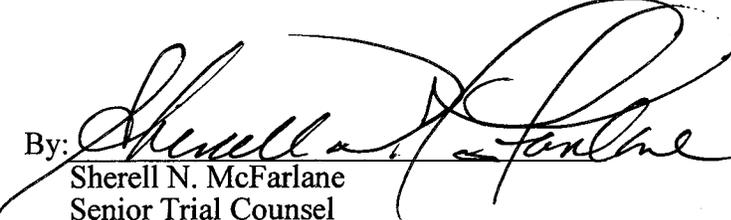
**NOTICE - COST ASSESSMENT!**

**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: July 19, 2016

By:   
Sherell N. McFarlane  
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): 15-O-13576

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.: 7196 9008 9111 1008 3152 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, and Electronic Address. Row 1: Robert E. Gentino, 3330 Cahuenga Blvd. W #303 Los Angeles, CA 90068, Electronic Address.

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 19, 2016

SIGNED: Sandra Reynolds
Sandra Reynolds
Declarant