

# PUBLIC MATTER

FILED

FEB 02 2016

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

1 STATE BAR OF CALIFORNIA  
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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of: ) Case No. 15-O-13824, 16-N-10169  
 FRANK FRANCIS BARILLA, )  
 No. 103282, ) NOTICE OF DISCIPLINARY CHARGES  
 A Member of the State Bar. )

**NOTICE - FAILURE TO RESPOND!**

**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:**

- (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. 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-13824  
8 Business and Professions Code, section 6068(a)  
9 [Failure to Comply With Laws – Unauthorized Practice of Law]

10 2. Between on or about July 28, 2015 and July 30, 2015, Respondent held himself out as  
11 entitled to practice law and actually practiced law when Respondent was not an active member  
12 of the State Bar by sending a letter to opposing counsel regarding case scheduling, potential  
13 sanctions and a pending settlement offer on behalf of a client in a matter entitled *Coachella*  
14 *Valley Collection Services v. Castro*, Riverside County Superior Court case no. PSC1403445, in  
15 violation of Business and Professions Code, sections 6125 and 6126, and thereby willfully  
16 violated Business and Professions Code, section 6068(a).

16 COUNT TWO

17 Case No. 15-O-13824  
18 Business and Professions Code, section 6106  
19 [Moral Turpitude]

20 3. Between on or about July 28, 2015 and July 30, 2015, Respondent held himself out as  
21 entitled to practice law and actually practiced law when Respondent knew, or was grossly  
22 negligent in not knowing, Respondent was not an active member of the State Bar by sending a  
23 letter to opposing counsel regarding case scheduling, potential sanctions and a pending  
24 settlement offer on behalf of a client in a matter entitled *Coachella Valley Collection Services v.*  
25 *Castro*, Riverside County Superior Court case no. PSC1403445, and thereby committed an act  
26 involving moral turpitude, dishonesty or corruption in willful violation of Business and  
27 Professions Code, section 6106.

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COUNT THREE

Case No. 16-N-10169  
California Rules of Court, rule 9.20  
[Failure to Obey Rule 9.20]

4. Respondent failed to file a declaration of compliance with California Rules of Court, rule 9.20 in conformity with the requirements of rule 9.20(c) with the clerk of the State Bar Court by December 2, 2015, as required by Supreme Court order no. S227351, in willful violation of California Rules of Court, rule 9.20. (A true and correct copy of the rule 9.20 order is attached hereto as Exhibit 1 and is incorporated by reference.)

NOTICE - INACTIVE ENROLLMENT!

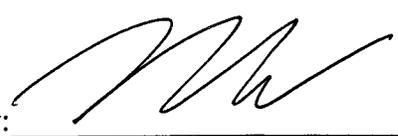
**YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE 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: February 2, 2016

By: \_\_\_\_\_  
William Todd  
Senior Trial Counsel

SUPREME COURT  
FILED

SEP 23 2015

Frank A. McGuire Clerk

Deputy

(State Bar Court Nos. 14-O-03663; 14-O-04211)

S227351

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

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In re FRANK FRANCIS BARILLA on Discipline

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The court orders that Frank Francis Barilla, State Bar Number 103282, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. Frank Francis Barilla is suspended from the practice of law for a minimum of the first 90 days of probation, and he will remain suspended until the following conditions are satisfied:
  - i. He makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles:
    - (1) Jose Argueta in the amount of \$3,990 plus 10 percent interest per year from April 2, 2012; and
    - (2) Jamilya Jones in the amount of \$4,500 plus 10 percent interest per year from October 15, 2012.
  - ii. If he remains suspended for two years or more as a result of not satisfying the preceding condition, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before the suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

2. Frank Francis Barilla must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 29, 2015.
3. At the expiration of the period of probation, if Frank Francis Barilla has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Frank Francis Barilla must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2016 and 2017. If Frank Francis Barilla fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

I, Frank A. McGuire, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

\_\_\_\_\_ day of SEP 23 2015 20\_\_\_\_\_

Clerk

By: \_\_\_\_\_

Deputy

**CANTIL-SAKAUYE**

\_\_\_\_\_  
*Chief Justice*

DECLARATION OF SERVICE

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

CASE NUMBER(s): 15-O-13824, 16-N-10169

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 1007 8723 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").

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: February 2, 2016

SIGNED: LAURA JETT
Declarant