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**State Bar Court of California
Hearing Department
San Francisco
ACTUAL SUSPENSION**

<p>Counsel For The State Bar</p> <p>Sherrie B. McLetchie Senior Trial Counsel State Bar of California 180 Howard Street San Francisco, California 94105 Telephone: (415) 538-2297</p> <p>Bar # 85447</p>	<p>Case Number(s): 15-O-15269</p>	<p>For Court use only</p> <p>PUBLIC MATTER FILED</p> <p>MAY 23 2017</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p>Samuel C. Bellicini, Lawyer 1005 Northgate Dr., #240 San Rafael, CA 94903 Telephone: (415) 298-7284</p> <p>Bar # 152191</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: ROBERTA ANN DIPRETE</p> <p>Bar # 118940</p> <p>A Member of the State Bar of California (Respondent)</p>		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **July 15, 1985**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 12 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."



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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent 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.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.
- (4) **Concealment:** Respondent's misconduct was surrounded by, or followed by, concealment.
- (5) **Overreaching:** Respondent's misconduct was surrounded by, or followed by, overreaching.
- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

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- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See attachment page 9.
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) **Restitution:** Respondent failed to make restitution.
- (14) **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(i) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

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- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

No prior discipline -- See attachment page 9.

Good Character/Community Service -- See attachment page 9.

Prefiling Stipulation -- See attachment page 9.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **one year**.

- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

(b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of **one year**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of **30 days**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct

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- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and present learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.

No Ethics School recommended. Reason: .

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- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, 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 the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ROBERTA ANN DIPRETE
CASE NUMBER: 15-O-15269

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that she is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 15-O-14110 (Complainant: Andromeda Zurth)

FACTS:

1. On July 15, 1985, respondent was admitted to the practice of law in the State of California and has since that time remained a member of the State Bar of California.
2. On July 7, 2008, respondent's license to practice law was suspended by the State Bar for failure to pay annual membership fees. Respondent has remained on inactive status and has not been entitled to practice law since July 7, 2008.
3. On October 5, 2015, knowing she was not entitled to practice law in the State of California, respondent, via email, contacted Andromeda Zurth on behalf of Joseph Sozzi, in connection with a small claims court action Sozzi had filed against Zurth and another defendant, Peggy Vaughn (*Jospeh Sozzi III v. Andromeda Zurth and Peggy Vaughn*, Marin County Superior Court Small Claims case no. SMC-1510507). Respondent titled the email "CEASE AND DESIST", and therein identified herself as a friend of the plaintiff, a witness, and an attorney. Respondent offered to facilitate "dialogue" between the parties "as a colleague" should Zurth wish to "mediate the dispute." Respondent further instructed Zurth not to contact Sozzi directly, but instead through respondent as an "intermediary."
4. On October 7, 2015, respondent responded to an earlier email sent to her by Vaughn. In her response, respondent advised Vaughn that "subpoenas may be issued for defendants' phone and phone records," and that "damages continue to accrue." In closing, respondent advised Vaughn that she had "two more days to remediate or the matter will remain set for hearing."
5. On March 1, 2016, the State Bar sent a letter to respondent at her official membership address: 18 Garaventa Ct., Novato CA 94947. The letter requested respondent's response by March 11, 2016. Respondent did not reply to the letter, but the letter was not returned to the State Bar as undeliverable.

6. On June 2, 2016, State Bar Investigator Wesley Hester contacted respondent by telephone regarding her failure to respond to the March 1, 2016 letter. In that call, respondent denied practicing law. Respondent also stated that she had not been at 18 Garaventa Ct., Novato CA 94947 for eight to nine years, and declined to provide the investigator with her then-current address. Respondent additionally denied that she was familiar with either the complaining witness, Andromeda Zurth, or the plaintiff in the small claims matter, Joseph Sozzi.

7. On June 2, 2016, Hester delivered an electronic copy of the March 1, 2016 letter to respondent at respondent's e-mail address on file with the State Bar. Hester also sent respondent a letter stating that his June 2, 2016 letter was the State Bar's final attempt to contact her, and that if her response was not received by June 10, 2016, respondent's failure to cooperate with the State Bar investigation could be considered a separate violation of Business and Professions Code, section 6068(i). Respondent did not reply to Hester's June 2, 2016 e-mail, and the June 2, 2016 e-mail did not bounce back to Hester. The e-mail address to which Hester directed his June 2, 2016 e-mail to respondent was the one respondent used to communicate with Vaughn and Zurth, and thereafter used by respondent in communicating with the State Bar.

CONCLUSIONS OF LAW:

8. By her October 5, 2016, and October 7, 2015 e-mails, respondent held herself out as entitled to practice law and actually practiced law when she was not an active member of the State Bar by identifying herself as an attorney and attempting to negotiate with the defendants on behalf of the plaintiff in *Sozzi v. Zurth and Vaughn*, in violation of Business and Professions Code, sections 6125 and 6126, and Code of Civil Procedure, section 116.530, and thereby willfully violated Business and Professions Code, section 6068(a).

9. By her October 5, 2016 and October 7, 2016 e-mails, respondent held herself out as entitled to practice law, and actually practiced law, when respondent knew that she was not an active member of the State Bar, by attempting to negotiate with the defendants on behalf of the plaintiff in *Sozzi v. Zurth and Vaughn*, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

10. By not providing any response to the State Bar's letters of March 1, 2016, and June 2, 2016, which respondent received, respondent failed to cooperate and participate in a disciplinary investigation pending against respondent, in willful violation of Business and Professions Code, section 6068(i).

11. By stating to Investigator Hester on June 2, 2016, that she was not familiar with the names "Joseph Sozzi" or "Andromeda Zurth," when respondent knew that her statement was false as she had sent an e-mail to Zurth identifying herself as an attorney and friend of Sozzi, respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

12. By not notifying the State Bar within 30 days that 18 Garaventa Court, Novato CA 94947, was no longer the address to be used for State Bar purposes, respondent failed to comply with the requirements of Business and Professions Code, section 6002.1, in willful violation of Business and Professions Code, section 6068(j).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct (Std. 1.5(b)): Standard 1.5(b) provides that “multiple acts of wrongdoing” is an aggravating circumstance. As stated above, respondent committed five acts of professional misconduct (holding herself out as eligible to practice law and actually practicing while suspended, knowingly practicing law when she knew or should have known that she was suspended amounting to an act of dishonesty, not cooperating in the State Bar’s investigation, making a material misrepresentation to a State Bar investigator, and not notifying the State Bar of her address change).

MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent was admitted to practice in California on July 15, 1985, and, thus, was admitted more than 30 years prior to this misconduct. However, because respondent has been suspended from practice since July 1, 2008, she should be credited with 23 years of blemish-free practice. (Cf. *In the Matter of Loftus* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 80, 88 [mitigation for no prior discipline limited to discipline-free years in California, although attorney claimed no prior discipline in Nebraska where he had practiced previously, but offered no evidence as to the scope or continuing nature of his practice there].) (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41 [attorney who had practiced for 17 years without discipline given mitigating credit].)

Good Character/Community Service: Respondent provided evidence of her good character through a letter attesting to her community service and other documentation of her community service: volunteer service for seven years as a Court Appointed Special Advocate (CASA) in the Marin County juvenile court; volunteer service to Lighthouse, which serves the developmentally disabled; participation in fundraisers for Matrix Parent Network & Resource Center, which serves the families of children with special needs; volunteer service to the Marin Foster Care Association; and volunteer support to the U.S. Marine Corps. (*Porter v. State Bar* (1990) 52 Cal.3d 518, 529 [community service evidence of good character and given mitigating credit].)

Prefiling Stipulation: By entering into this stipulation before the filing of a Notice of Disciplinary Charges, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney’s stipulation to facts and culpability was held to be a mitigating circumstance].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct “set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances.” (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the

standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member’s willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In this matter, respondent admits to committing five acts of misconduct. Standard 1.5(b) provides that “multiple acts of wrongdoing” is an aggravating circumstance. Standard 1.7(a) requires that where a respondent “commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed.”

The most severe sanction applicable to respondent’s misconduct is found in Standard 2.11. Standard 2.11 provides that “Disbarment or actual suspension is the presumed sanction for an act of moral turpitude, dishonesty, fraud, corruption, intentional or grossly negligent misrepresentation, or concealment of a material fact. The degree of sanction depends on the magnitude of the misconduct; the extent to which the misconduct harmed or misled the victim, which may include the adjudicator; the impact on the administration of justice, if any; and the extent to which the misconduct related to the member’s practice of law.” Standard 2.11 applies to respondent’s acts of moral turpitude in violation of Business and Professions Code, section 6106 (intentionally holding herself out as eligible to practice law and actually practicing law when she knew that she was ineligible to do so; and making a material misrepresentation to a State Bar investigator).

As stated above, disbarment or actual suspension is the presumptive discipline under standard 2.11. Respondent’s misconduct does not require disbarment, the high end of standard 2.11. Respondent’s knowing unauthorized practice of law (“UPL”) and related misrepresentation to the State Bar investigator occurred in an otherwise unblemished legal career. Regarding “the extent to which the misconduct related to the member’s practice of law” (std. 2.11), UPL is the practice of law, and the misrepresentation to a State Bar investigator in the course of an investigation is closely related to the practice of law. The recommended 30-day actual suspension is not a deviation from the Standards, although it is at the low end of the sanctions provided for in standard 2.11.

In the Matter of Carver (Review Dept. 2016) 5 State Bar Ct. Rptr. 427, is a recent published case on UPL. Unlike respondent, Carver was suspended pursuant to Business and Professions Code section 6007(e) due to default in a disciplinary proceeding. Most significantly, unlike respondent, Carver had two prior incidents of discipline (public reproof and a 90-day actual suspension) and was disbarred. The most recent Supreme Court case addressing misrepresentations to a State Bar investigator is *Borré v. State Bar* (1991) 52 Cal.3d 1047. Borré, who had no prior disciplinary history, had failed to pursue a criminal appeal on behalf of a client, misled his client about the dismissal of the appeal, and provided a State Bar investigator with a letter purporting to notify the client’s mother that Borré would not handle the appeal. Borré was actually suspended for two years. Here, respondent’s misconduct other than her one instance of knowing UPL in a small claims court action and misrepresentation to the investigator

was not as serious as the abandonment of an appeal of an incarcerated client.

In light of the totality of the facts and circumstances surrounding respondent's misconduct, balancing mitigating credit for respondent's 23-year discipline-free record, evidence of good character, and cooperation in entering into a pre-filing stipulation against the aggravation of multiple acts of wrongdoing, a 30-day actual suspension is appropriate to protect the public, the courts and the legal profession, to maintain high professional standards by attorneys, and to preserve public confidence in the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of May 5, 2017, the prosecution costs in this matter are \$3,215. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT

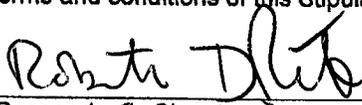
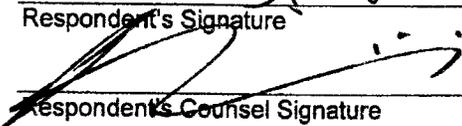
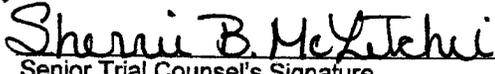
Respondent may not receive MCLE credit for completion of State Bar Ethics School or passage of the Multi-State Professional Responsibility Examination. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: ROBERTA ANN DIPRETE	Case number(s): 15-O-15269
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

<u>5/12/17</u> Date	<u></u> Respondent's Signature	<u>Roberta Ann DiPrete</u> Print Name
<u>MAY 12 2017</u> Date	<u></u> Respondent's Counsel Signature	<u>Samuel C. Bellicini</u> Print Name
<u>5/15/17</u> Date	<u></u> Senior Trial Counsel's Signature	<u>Sherrie B. McLetchie</u> Print Name

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In the Matter of: ROBERTA ANN DIPRETE	Case Number(s): 15-O-15269
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ACTUAL SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

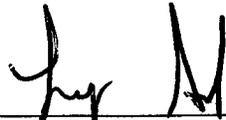
1. On page 7 of the stipulation, under the subheading "Facts," paragraph number 2 is MODIFIED to read in its entirety as follows:

On July 1, 2008, the Supreme Court suspended respondent from the practice of law because she failed to pay her annual State Bar membership fees. Since that time, respondent has been suspended and not entitled to practice law.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date

Mar 23, 2017


LUCY ARMENDARIZ

Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on May 23, 2017, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

SAMUEL C. BELLICINI
SAMUEL C. BELLICINI, LAWYER
1005 NORTHGATE DR # 240
SAN RAFAEL, CA 94903

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

SHERRIE B. McLETCHE, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on May 23, 2017.



Bernadette Molina
Case Administrator
State Bar Court