

# PUBLIC MATTER

1 STATE BAR OF CALIFORNIA  
 2 OFFICE OF THE CHIEF TRIAL COUNSEL  
 3 GREGORY P. DRESSER, 136532  
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 6 ASSISTANT CHIEF TRIAL COUNSEL  
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 12 Los Angeles, California 90017-2515  
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**FILED**

**SEP 01 2016**

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of: ) Case No. 15-O-15431  
 13 MICHAEL ARTHUR PINA, ) NOTICE OF DISCIPLINARY CHARGES  
 14 No. 157116, )  
 15 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:**

- 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 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. Michael Arthur Pina ("Respondent") was admitted to the practice of law in the State  
4 of California on December 17, 1991, 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-15431  
8 Business and Professions Code, section 6068(d)  
[Seeking to Mislead a Judge]

9 2. On or about August 21, 2015, Respondent filed or caused to be filed with the court, a  
10 declaration in *Vasek v. Vasek*, Santa Barbara Superior Court case no. 1130595, in which  
11 Respondent knew the signature on the declaration was forged, and thereby sought to mislead the  
12 judge or judicial officer by an artifice or false statement of fact or law, in willful violation of  
13 Business and Professions Code, section 6068(d).

14 COUNT TWO

15 Case No. 15-O-15431  
16 Business and Professions Code, section 6106  
[Moral Turpitude]

17 3. On or about August 21, 2015, Respondent submitted to the Court and opposing  
18 counsel the Declaration of Petitioner, Michelle Holland, re Status when Respondent knew or was  
19 grossly negligent in not knowing the declaration was forged, and thereby committed an act  
20 involving moral turpitude, dishonesty or corruption in willful violation of Business and  
21 Professions Code, section 6106.

22 COUNT THREE

23 Case No. 15-O-15431  
24 Business and Professions Code, section 6106  
[Moral Turpitude – Misrepresentation to the State Bar]

25 4. On or about June 9, 2016, Respondent provided a copy of the Declaration of  
26 Petitioner, Michelle Holland, re Status filed with the court on August 21, 2015 to the State Bar  
27 when Respondent knew or was grossly negligent in not knowing that the document he provided  
28 was not a true and correct copy of the document filed with the court and was altered before he

1 provided it to the State Bar, and thereby committed an act involving moral turpitude, dishonesty  
2 or corruption in willful violation of Business and Professions Code, section 6106.

3 COUNT FOUR

4 Case No. 15-O-15431  
5 Business and Professions Code, section 6106  
6 [Moral Turpitude – Misrepresentation to the State Bar]

7 5. On or about August 11, 2016, Respondent stated to the State Bar that he received the  
8 signed declaration dated August 18, 2015, from his client, Michelle Holland, by fax or scan  
9 when Respondent knew or was grossly negligent in not knowing the statement was false and that  
10 his client did not sign the declaration dated August 18, 2015 and filed on August 21, 2015 in  
11 *Vasek v. Vasek*, Santa Barbara Superior Court case no. 1130595, and thereby committed an act  
12 involving moral turpitude, dishonesty or corruption in willful violation of Business and  
13 Professions Code, section 6106.

14 COUNT FIVE

15 Case No. 15-O-15431  
16 Business and Professions Code, section 6068(m)  
17 [Failure to Inform Client of Significant Development]

18 6. Respondent failed to keep Respondent's client, Michelle Holland, reasonably  
19 informed of significant developments in a matter in which Respondent had agreed to provide  
20 legal services, in willful violation of Business and Professions Code, section 6068(m), by failing  
21 to inform the client of the following:

22 A) That Respondent signed or caused her name to be signed to a declaration on or about  
23 August 21, 2015;

24 B) That Respondent filed or caused the forged declaration to be filed with the Court on  
25 August 21, 2015; and

26 C) That Respondent altered the content of the draft declaration provided by the client on  
27 or about August 20, 2015.  
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COUNT SIX

Case No. 15-O-15431  
Rules of Professional Conduct, rule 4-100(B)(3)  
[Failure to Render Accounts of Client Funds]

7. Between in or about December 2014 and August 2015, Respondent received from Respondent's client, Michelle Holland the sum of \$8,900.00 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds following the client's request for such accounting on or about August 28, 2015, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

**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 THE CHIEF TRIAL COUNSEL

DATED: 9/1/16

By:   
Shataka Shores-Brooks  
Deputy Trial Counsel

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**DECLARATION OF SERVICE BY CERTIFIED MAIL**

**CASE NUMBER: 15-O-15431**

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, declare that I am not a party to the within action; that 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; that 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; that I am aware that on motion of 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; and that 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, on the date shown below, a true copy of the within

**NOTICE OF DISCIPLINARY CHARGES**

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414 7266 9904 2010 0650 29, at Los Angeles, on the date shown below, addressed to:

**Michael A. Pina  
Law Ofc Michael A Pina  
621 W Micheltorena St Ste A  
Santa Barbara, CA 93101**

**via regular US mail to:**

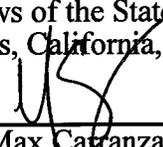
**Michael A. Pina  
Law Ofc Michael A Pina  
621 W Micheltorena St Ste A  
Santa Barbara, CA 93101**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

**N/A**

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: September 1, 2016**

Signed:   
\_\_\_\_\_  
Max Caranza  
Declarant