



charged Sarro with violating Business and Professions Code section 6106 for falsely reporting that he had fully complied with his minimum continuing legal education (MCLE) requirements. The parties attempted to reach an agreement to enter into a stipulation as to facts and conclusions of law but were unable to do so because Sarro was unwilling to stipulate that he was culpable as charged.

## **II. CONSIDERATION OF THE GROUNDS SET FORTH IN RULE 9.21(d)**

We have considered Sarro's resignation under the grounds set forth in rule 9.21(d). We summarize below the relevant information for each ground:

### **1. Whether the preservation of testimony is complete.**

OCTC reports that preservation of testimony is not necessary as prosecution for Sarro's MCLE violation, which relies on documentary evidence.

### **2. Whether after transfer to inactive status, Sarro has practiced law or has advertised or held himself out as entitled to practice law.**

OCTC reports that Sarro has communicated with it on several occasions using letterhead that read "James V. Sarro, Attorney at Law" since he was transferred to inactive status on September 14, 2015. Sarro states that he only used this letterhead in communicating with OCTC.

### **3. Whether Sarro performed the acts specified in rule 9.20(a)-(b).**

Sarro filed two rule 9.20 compliance declarations stating that he had no clients, no client papers or other property to return, no unearned fees, and no pending client matters.

### **4. Whether Sarro provided proof of compliance with rule 9.20(c).**

In its November 25, 2015 supplemental report, OCTC reported that as of November 25, 2015, Sarro had not filed a rule 9.20 compliance declaration. Upon review of our court records,

we note that Sarro subsequently filed rule 9.20 compliance declarations on November 25, 2015 and November 30, 2015.

**5. Whether the Supreme Court has filed a disbarment order.**

The Supreme Court has not filed a disbarment order.

**6. Whether the State Bar Court has filed a decision recommending disbarment.**

The State Bar Court has not filed a decision recommending Sarro's disbarment.

**7. Whether Sarro previously resigned or has been disbarred and reinstated to the practice of law.**

Sarro has not previously resigned or been disbarred.

**8. Whether Sarro entered a stipulation with OCTC as to facts and conclusions of law regarding pending disciplinary matters.**

Sarro and OCTC have not reached an agreement on a written stipulation as to the facts and conclusions of law regarding Sarro's pending disciplinary proceeding. The parties entered into a partial stipulation as to facts in case number 15-O-11172, however, the parties do not agree on all the facts and the conclusions of law.

**9. Whether accepting Sarro's resignation will reasonably be inconsistent with the need to protect the public, the courts, or the legal profession.**

Acceptance of Sarro's resignation would be inconsistent with the need to protect the public, the courts, and the legal profession. Sarro is charged with a moral turpitude violation for falsely reporting his MCLE compliance. He has refused to admit culpability for the charged misconduct. Further, OCTC recommends against acceptance of Sarro's resignation. Under these circumstances, Sarro should not be allowed the benefit of resigning because it would undermine public confidence in the disciplinary system and the legal profession.

### III. RECOMMENDATION

We recommend that the Supreme Court decline to accept the resignation of James Victor Sarro, State Bar number 54491.

**PURCELL**

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Presiding Judge

**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 Los Angeles, on January 12, 2016 I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED JANUARY 12, 2016

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

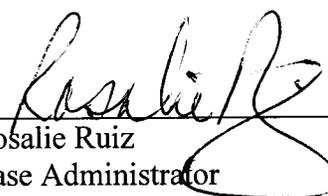
- X by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JAMES V. SARRO  
916 2ND ST  
SACRAMENTO, CA 95814

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

Robin B. Brune, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 12, 2016.

  
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Rosalie Ruiz  
Case Administrator  
State Bar Court