

**FILED**

APR 11 2016

STATE BAR COURT  
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**STATE BAR COURT OF CALIFORNIA**

**REVIEW DEPARTMENT**

**IN BANK**

In the Matter of	)	Case No. 15-Q-15523
	)	
DENISE MARIE ZINGALE,	)	RECOMMENDATION ON
	)	RESIGNATION
A Member of the State Bar, No. 190004.	)	
_____	)	

On November 16, 2015, Denise Marie Zingale filed her resignation with disciplinary charges pending. On January 5, 2016, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed its report on the resignation, recommending that the resignation be accepted and filed a stipulation as to facts and conclusions of law. The court ordered OCTC to file a supplemental report adequately explaining why acceptance of Zingale's resignation would be consistent with the need to protect the public, the courts, and the legal profession and to clarify a penciled in notation on the stipulation. OCTC filed its supplemental report on February 23, 2016, renewing its recommendation that the resignation be accepted. In light of the grounds set forth in California Rules of Court, rule 9.21(d),<sup>1</sup> and as set forth in detail below, we recommend that Zingale's resignation be accepted.

**I. BACKGROUND**

Zingale was admitted to practice law in California on October 31, 1997. She has one prior record of discipline.

<sup>1</sup> All further references to rules are to this source unless noted.



On May 7, 2015, (effective June 6, 2015), the Supreme Court ordered Zingale suspended for two years, execution stayed, and placed on probation for two years subject to the conditions of probation, including a one-year actual suspension. (*In re Denise Marie Zingale on Discipline* (S224948), State Bar Court Case No. 14-J-03442.) Zingale's suspension stemmed from her 2014 discipline by the United States Bankruptcy Court for misconduct that amounted to the equivalent of aiding in the unauthorized practice of law (Rules of Prof. Conduct, rule 1-300(A)), presenting a claim in litigation that was not warranted (Rules of Prof. Conduct, rule 3-200(B)), violating a court order (Bus. & Prof. Code, § 6103), failing to perform legal services with competence (Rules of Prof. Conduct, rule 3-110(A)), failing to keep clients reasonably informed of significant developments (Rules of Prof. Conduct, rule 3-500), and failing to support the laws of the United States (Bus. & Prof. Code, § 6068, subd.(a)). In mitigation, Zingale had no prior record of discipline and was suffering emotional difficulties and family problems at the time of her misconduct. She also expressed remorse for her wrongdoing, presented evidence of her good character and entered into a pretrial stipulation with the State Bar.

State Bar Court Case No. 15-N-13922 is pending against Zingale. On January 5, 2016, she entered into a stipulation as to facts and conclusions of law with OCTC and stipulated to a violation of California Rules of Court, rule 9.20 because she failed to file a timely compliance declaration with the State Bar Court by July 16, 2105, as ordered by the Supreme Court in State Bar Court Case No. 14-J-03442. She filed the compliance declaration on November 24, 2015. The parties further stipulated in mitigation that Zingale was "medically unable to comply with the 9.20 compliance" and in aggravation that Zingale has a prior record of discipline.

In its supplemental report, OCTC further explained the mitigation. Namely, Zingale is 68, and she suffers from diabetes and anxiety, which impacts her ability to control her diabetes. At the same time, her husband suffers from dementia and cannot care for himself. His health has

negatively impacted her health. OCTC states that these problems “were directly responsible” for Zingale’s failure to timely file her compliance statement.

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

We have considered Zingale’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 there is no need for perpetuation of the evidence.

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

OCTC reports that it is not aware that Zingale has practiced law or held herself out as entitled to practice law since she tendered her resignation on November 16, 2015.

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

OCTC reports that Zingale performed the acts specified in rule 9.20(a)-(b).

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

Zingale’s rule 9.20 compliance declaration was filed on November 16, 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 disbarment.

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

Zingale has not previously resigned or been disbarred in California.

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

Zingale and OCTC entered into a stipulation as to facts and conclusions of law, which was filed on January 5, 2016.

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

We recommend accepting Zingale's resignation for the reasons OCTC presented in its filings in this matter. Zingale: (1) submitted a rule 9.20 compliance declaration; (2) submitted a stipulation to facts and conclusions of law; (3) has no pending Client Security Fund claims; and (4) both she and her husband have serious health problems. Further, acceptance of the resignation will save State Bar Court time and resources, and respondent's prior discipline is public. Under these circumstances, we do not believe that public confidence in the discipline system will be undermined by accepting the resignation, and we believe that acceptance would be consistent with the need to protect the public, the courts, and the legal profession.

**III. RECOMMENDATION**

We recommend that the Supreme Court accept the resignation Denise Marie Zingale, State Bar number 190004. We further recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6068.10, and that such costs be enforceable both as provided in section 6140.7 and as a money judgment.

**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 April 11, 2016, I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED APRIL 11, 2016

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

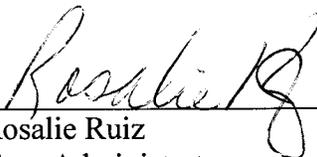
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DENISE M. ZINGALE, ESQ.  
2419 CHERRY HILLS DR  
DISCOVERY BAY, CA 94505

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

SUSAN I. KAGAN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 11, 2016.



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Rosalie Ruiz  
Case Administrator  
State Bar Court