

(Do not write above this line.)

**State Bar Court of California
Hearing Department
Los Angeles**

<p>Counsel For The State Bar</p> <p>ELI D. MORGENSTERN DEPUTY TRIAL COUNSEL 1149 S. HILL STREET LOS ANGELES, CA 90015-2299 (213) 765-1334</p>	<p>Case Number (s) 07-O-14966-LMA</p>	<p>(for Court's use)</p> <p align="center">PUBLIC MATTER</p> <p align="center">FILED <i>[Signature]</i></p> <p align="center">JUL 07 2009</p> <p align="center">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Bar # 190560</p> <p>In Pro Per Respondent</p> <p>THOMAS MICHAEL COMPARET 4929 WILSHIRE BOULEVARD., #410 LOS ANGELES, CA 90010 (323) 931-1401</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>Bar # 32103</p> <p>In the Matter Of: THOMAS MICHAEL COMPARET</p> <p>Bar # 32103</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 **January 9, 1962.**
- (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 **10** 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."
- (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."



(Do not write above this line.)

- (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):
- costs added to membership fee for calendar year following effective date of discipline.
 - costs to be paid in equal amounts prior to February 1 for the following : **three billing cycles following the effective date of the Supreme Court Order.**
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - costs entirely waived

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline** [see standard 1.2(f)]
- (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 or a separate attachment entitled "Prior Discipline."
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **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.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances

C. Mitigating Circumstances [see standard 1.2(e)]. 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 deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating 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 in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical 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 Respondent no longer suffers from such difficulties or disabilities.
- (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 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

Although Respondent's conduct cannot be deemed "not serious," Respondent has been a member of the State Bar since January 9, 1962 and has no prior record of discipline.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **one (1) year**.

- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), 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:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is placed on probation for a period of **one (1) year**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court)

E. Additional Conditions of Probation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) 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.
- (3) 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.
- (4) 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.

- (5) 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.

(Do not write above this line.)

- (6) 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.
- (7) 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 State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8) 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.
- (9) 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 within one year. **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 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Thomas M. Comparet

CASE NUMBER(S): ET AL. 07-O-14966-LHA

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes.

Facts

1. On or about June 15, 2007, the Member Services Center of the State Bar of California (the "State Bar"), sent an "MCLE Non-Compliance 60-Day Notice" to Respondent ("60-Day Notice"). Respondent received the 60-Day Notice.

2. The 60-Day Notice stated, in part, that as of June 8, 2007, Respondent was not in compliance with the MCLE Rules and Regulations for the compliance period ending January 31, 2007; and if he failed to comply with his MCLE requirement by August 15, 2007, he would be "enrolled as an inactive member ('Not Eligible' to practice) of the Bar and will not be permitted to practice law until such time as adequate proof of compliance is received by the State Bar."

3. Respondent did not respond to the 60-Day Notice or otherwise respond to the State Bar at any time prior to August 15, 2007.

4. On August 16, 2007, Respondent was enrolled as an inactive member of the State Bar, *i.e.*, Not Eligible to practice, due to his failure to notify the State Bar of his compliance with the MCLE rules and requirements.

5. On or about August 24, 2007 the State Bar sent Respondent a letter notifying Respondent that Respondent was enrolled in Not Eligible Status effective August 16, 2007. The letter stated in bold print:

**"YOU ARE NOT ELIGIBLE TO PRACTICE LAW AS OF THAT DATE AND YOU
WILL NOT BE ELIGIBLE TO PRACTICE UNTIL YOU HAVE BEEN REINSTATED
TO ACTIVE STATUS."**

The letter also stated:

"If you practice law during the period when you are Not Eligible status, you will be subject to disciplinary action by the State Bar." Respondent received the letter.

6. Respondent submitted his MCLE compliance materials and reinstatement fee on November 20, 2007. Respondent was reinstated to active status on that date. Between August 16, 2007, and November 20, 2007, Respondent was not eligible to practice.

7. On August 24, 2007, Respondent filed a Substitution of Counsel with the Second Appellate District of the Court of Appeal of California on behalf of his client, Stephan Sperling ("Sperling"), in the matter entitled *In Re the Matter of the Samuel J. And Beatrice Sperling Family Trust*, an appeal from Superior Court Case No. BP 100209 (the "Sperling Family Trust Appeal"). Sperling was the respondent in the Sperling Family Trust Appeal.

8. On or about August 31, 2007, Respondent filed the Respondent's Brief in the Sperling Family Trust Appeal.

9. On September 12, 2007, the Second Appellate District of the Court of Appeal of California ("Court of Appeal") sent notice to the parties in the Sperling Family Trust Appeal that oral argument was scheduled for October 2, 2007. Respondent received the notice.

10. On September 14, 2007, Respondent filed the Respondent's Notice of Errata in the Sperling Family Trust Appeal.

11. On October 2, 2007, Respondent telephoned the Court of Appeal and requested that the oral argument in the Sperling Family Trust Appeal be continued because he was ill. The Court of Appeal continued the oral argument to November 6, 2007.

12. On November 6, 2007, Respondent appeared for oral argument; but the Court of Appeal directed him to sit behind the bar.

13. Respondent knew that he was not entitled to practice law when he prepared and filed the Substitution of Counsel, the Respondent's Brief, and the Notice of Errata in the Sperling Family Trust Appeal; and Respondent knew that he was not entitled to practice law when he requested the continuance on October 2, 2007, and appeared for the oral argument on November 6, 2007.

14. On December 3, 2007, the Appellate Court affirmed the Probate Court's orders.

Conclusions of Law

By preparing and filing the Substitution of Counsel, the Respondent's Brief, and the Notice of Errata in the Sperling Family Trust Appeal, requesting the continuance of the oral argument in the Sperling Family Trust Appeal, and appearing for oral argument on behalf of his client in the Sperling Family Trust Appeal, Respondent held himself out as entitled to practice law, and practiced law, when he was not an active member of the State Bar, in willful violation of Business and Professions Code sections 6125 and 6126, and thereby failed to support the laws of the State of California in willful violation of Business and Professions Code section 6068(a).

By knowingly holding himself out as entitled to practice law, and by knowingly practicing law, when he knew that he was not entitled to do so, Respondent committed acts involving moral turpitude, dishonesty, or corruption in violation of Business and Professions Code section 6106.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was June 12, 2009.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of June 12, 2009, the prosecution costs in this matter are approximately \$2,296. The costs are to be paid in equal amounts prior to February 1 for the following three billing cycles following the effective date of the Supreme Court Order. Respondent 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.

If Respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment unless relief has been granted under the Rules of Procedure of the State Bar of California. (Rules Proc. of State Bar, rule 286.)

AUTHORITIES SUPPORTING DISCIPLINE.

Standards

Standard 2.3 of the Standards For Attorney Sanctions For Professional Misconduct ("Standards") provides that culpability of a member of an act of moral turpitude shall result in actual suspension or disbarment depending upon the extent of harm involved, the magnitude of the act of misconduct and the degree to which the misconduct relates to the member's practice of law.

Standard 2.6 provides that a violation of Business and Professions Code, section 6068(a) shall result in disbarment or suspension depending upon the gravity of the offense and the harm, if any, to the victim of the misconduct.

Standard 1.3 provides guidance as to the imposition of discipline and interpretation of specific Standards. That Standard states that the primary purpose of discipline is the protection of the public, the courts and the legal profession.

Here, Respondent inherently harmed the administration of justice by practicing law in the Sperling Family Trust Appeal when he was not entitled to do so. However, as discussed below, Respondent does not have a prior record of discipline in 47 years of practice, furnished evidence of his good moral character and commitment to the legal profession, and was suffering from a severe depression at the time of the misconduct. Further, the Appellate Court ruled in favor of Respondent's client.

For these reasons, the State Bar submits that the discipline described here in satisfies the purposes of discipline.

Case Law

In *In the Matter of Jeffers* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 211, the attorney was culpable of failing to appear as ordered at a mandatory settlement conference and intentionally misleading the settlement judge regarding his client's death. In mitigation, the attorney practiced 30 years without discipline; and demonstrated his good character through his many civic and professional pro bono activities. The Review Department recommended a one year stayed suspension, and two years probation.

FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.

By practicing law when he was not entitled to do so, Respondent harmed the administration of justice. (See, *In the Matter of Mason* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 639, 642; see also *In the Matter of Trousil* (Review Dept. (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 229, 240 (harm to the public and administration of justice is inherent in UPL cases).)

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

Although the instant misconduct cannot be deemed "not serious", Respondent has been a member of the State Bar since January 9, 1962, and has no prior record of discipline.

Respondent's psychologist provided the State Bar with a letter stating that Respondent was experiencing a severe depression during the period that he engaged in the unauthorized practice of law in the Sperling Family Trust Appeal. One of the initial symptoms of the depression was a lack of energy, making it difficult to follow through on projects, particularly in regard to Respondent's personal life. According to the doctor, Respondent was aware of this problem and attempted to utilize what energy he had to fulfill his professional responsibilities to his clients.

The doctor indicated that Respondent is still in therapy with him, but that the sessions have been reduced because Respondent has utilized their work together and is functioning well.

Respondent also furnished evidence of his good character and his commitment to the legal profession through his professional pro bono activities during his 47 years as a member of the State Bar of California.

For instance, Respondent was a member of the federal indigent defense panel, representing, without compensation, accused criminals in the Central District of California. Also without compensation, Respondent has delivered lectures to students concerning federal and state securities laws and regulations. Further, Respondent has provided legal services to several public, charitable foundations whose activities were focused in the San Diego area and concerned scientific research, and the care and housing of the elderly.

STATE BAR ETHICS SCHOOL.

Because Respondent has agreed to attend State Bar Ethics School as part of this stipulation, he may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

(Do not write above this line.)

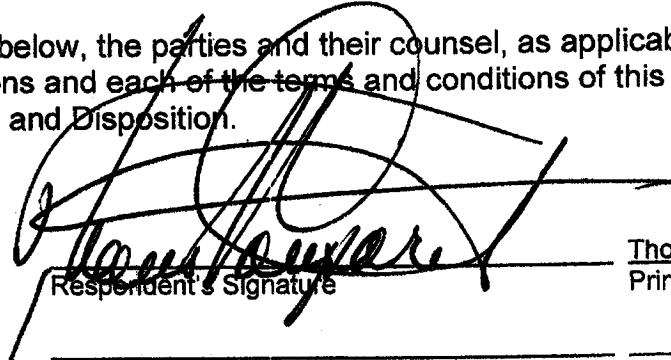
In the Matter of
THOMAS MICHAEL COMPARET

Case number(s):
07-O-14966-LHA

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 Fact, Conclusions of Law and Disposition.

6/18/09.
Date



Respondent's Signature

Thomas Michael Comparet
Print Name

6/25/09
Date

Eli Morgenstern
Deputy Trial Counsel's Signature

Eli D. Morgenstern
Print Name

(Do not write above this line.)

In the Matter Of THOMAS MICHAEL COMPARET	Case Number(s): 07-O-14966-LHA
--	--

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.

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 135(b), 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.)**

July 7, 2009
Date

[Signature]
Judge of the State Bar Court
Wesley Armenta

CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; 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 July 7, 2009, 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:

**THOMAS MICHAEL COMPARET
4929 WILSHIRE BLVD #410
LOS ANGELES, CA 90010**

by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

by overnight mail at , California, addressed as follows:

by fax transmission, at fax number . No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

ELI D. MORGENSTERN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on July 7, 2009.



Bernadette C.O. Molina
Case Administrator
State Bar Court