

FILED

SEP - 9 2013

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STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

5 **STATE BAR COURT**
6 **HEARING DEPARTMENT – SAN FRANCISCO**

7 In the Matter of)	Case No. 13-0-13580
)	
8 RICHARD JAMES CHIOZZA)	RESPONSE TO NOTICE OF
9 No. 142575)	DISCIPLINARY CHARGES
)	PURSUANT TO RULE 103 OF THE
10)	RULES OF PROCEDURE OF THE
11 A Member of the State Bar)	STATE BAR OF CALIFORNIA
)	

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14 COMES NOW, Respondent, RICHARD JAMES CHIOZZA (hereinafter "Respondent"),
15 who responds to the State Bar's Notice of Disciplinary Charges herein, as specifically admitted,
16 specifically denied or by way of plea of nolo contendere with the approval of the State Bar Court, as
17 follows:

18 GENERAL ALLEGATIONS

19 1. Respondent does not have sufficient information or belief to enable him to respond to the
20 statement at pages 1 and 2 of the Notice of Disciplinary Charges entitled "NOTICE – FAILURE TO
21 RESPOND" (hereinafter "Notice").

22 JURISDICTION

23 2. Respondent, herein, specifically admits the allegations contained in Paragraph 1, of the
24 Notice.

25 COUNT ONE

26 3. Respondent does not have sufficient information or belief to enable him to respond to the
27 statement in Paragraph 2 of the Notice that he wilfully violated Business and Professions Code, section
28

1 6068 (k) by failing to comply with all conditions attached to any disciplinary probation.

2 a. This Respondent notes that he has undergone major surgeries beginning
3 September 7, 2011 and each surgery has required a lengthy rehabilitation and recovery period. Each
4 surgery, save one, required at least four to five (4-5) hours of operation and general anesthesia. The
5 dates of those surgeries were, as follows: September 7, 2011; September 10, 2011 (five (5) hour
6 emergency surgery to remove "Sepsis" infection and gangrene which settled into Respondent's
7 abdomen as a result of the first surgery. Thereafter Respondent spent the following two and one-half
8 (2 ½) months in a full service hospital and rehabilitation facility); May 24, 2012; December 5, 2012;
9 and, January 10, 2013.

10 4. Respondent admits the allegations in paragraph 3 of the "Notice".

11 5. Respondent admits the allegations in paragraph 4 of the "Notice".

12 6. Respondent admits the allegations in paragraph 5 of the "Notice".

13 7. Respondent admits the allegation in paragraph 6 of the "Notice".

14 8. Respondent admits the allegations in paragraph 7. a), of the "Notice".

15 9. In response to the allegations contained in paragraph 7. b), of the "Notice", Respondent
16 states that he submitted Quarterly Reports for January 10, 2012 and April 10, 2012; however, in so
17 stating this Respondent admits that these Quarterly Reports were not timely submitted.

18 10. In response to the further allegations contained in paragraph 7. b), of the "Notice",
19 Respondent states that on September 4, 2013 he submitted his Quarterly Reports for January 13, 2013,
20 April 10, 2013 and July 10, 2013 by U.S. Mail to the "State Bar Office of Probation" located at 1149
21 South Hill Street, Los Angeles, California, 90015-2299.

22 a. However, in so stating that this Respondent submitted his Quarterly Reports for
23 January 13, 2013, April 10, 2013 and July 10, 2013 to the "State Bar Office of Probation" by U.S. Mail
24 on September 4, 2013 he admits that these Quarterly Reports were not timely submitted.

25 11. Respondent admits the allegations in paragraph 8. a), of the "Notice" regarding the
26 STATE BAR ETHICS SCHOOL CONDITION.

27 12. Respondent admits the allegations in paragraph 8. b), of the "Notice" that he was
28 required to provide proof of attendance to the Office of Probation of a session of State Bar Ethics

1 School by February 17, 2013.

2 13. Respondent admits the allegations in paragraph 8. c), of the "Notice" that, to date,
3 Respondent has neither provided proof of attendance to the Office of Probation, nor has he attended State
4 Bar Ethics School.

5 a. However, in so admitting the allegations contained in paragraph 8. c), this
6 Respondent states that he was previously enrolled to attend a State Bar Ethics School scheduled on
7 October 6, 2011 in San Francisco.

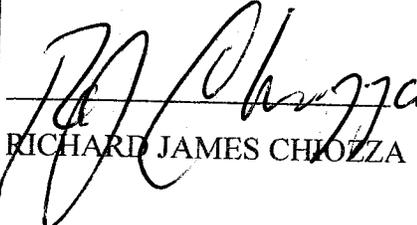
8 b. This Respondent states that on October 6, 2011, he was physically incapable of
9 attending the State Bar Ethics School on that date because he was a patient at "Golden Living
10 Rehabilitation and Vocational Hospital" in Napa, California.

11 i. Respondent further states that on October 6, 2011 and thereafter, he was
12 unable to walk following and due to complications from the September 10, 2011 emergency "Sepsis"
13 Infection operation performed at Kaiser Permanente Hospital in Vallejo, California.

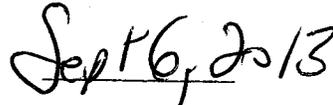
14 ii. Respondent further states that as a result of the complications from the
15 September 10, 2011 emergency "Sepsis" Infection operation he was medically required to wear an
16 aeration "Wound Vac/Vacuum" to aid in the healing process of the deep and open wound/cavity in his
17 abdomen.

18 iii. Respondent further states that he was medically required to wear this
19 "Wound Vac/Vacuum" from September 10, 2011 until September of 2012. During this time the
20 Respondent's mobility was extremely limited.

21 14. Respondent admits the allegations contained in paragraph 9., of the "Notice"

22
23 
24 RICHARD JAMES CHIOZZA

DATED:


September 6, 2013

1 RICHARD JAMES CHIOZZA, Esq. (SBC # 142575)
2 1300 Southampton Road, #67
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4 Tel: (707) 750-5262

5 STATE BAR COURT
6 HEARING DEPARTMENT – SAN FRANCISCO

7 In the Matter of) Case No. 13-0-13580
8 RICHARD JAMES CHIOZZA)
9 No. 142575) PROOF OF SERVICE
10 A Member of the State Bar)
11)

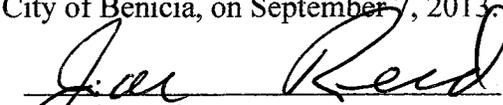
12 My name is Joseph Reed. I am over the age of 18 years, not a party to the action herein. I reside
13 in Benicia, California. On September 7, 2013, I served the following document:

14 **RESPONSE TO NOTICE OF DISCIPLINARY CHARGES PURSUANT TO RULE 103 OF THE**
15 **RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA**

16 by enclosing the original document thereof in a prepaid postage sealed envelope and placing it for
17 collection and mailing, in the United States Mail, Certified Mail Return Receipt Requested, in Benicia,
18 California on the above date, addressed as follows:

19 CHRISTOPHER J. VERGARA
20 ATTORNEY FOR THE STATE BAR
21 180 HOWARD STREET
22 SAN FRANCISCO, CA 94105-1639

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
24 and correct. This Declaration was executed in the City of Benicia, on September 7, 2013.

25 
26 _____
27 Joseph Reed
28