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Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL CHARLES A. MURRAY, No. 146069 1149 SOUTH HILL STREET LOS ANGELES, CA 90015-2299	Case number(s) 01-C-05007-RAH	(for Court's use) FILED JUN 20 2003 STATE BAR COURT CLERKS OFFICE LOS ANGELES
Counsel for Respondent R. GERALD MARKLE PANSKY & MARKLE 1114 Fremont Ave. South Pasadena, CA 91030	kwiktag * 152 140 283 	
In the Matter of THOMAS RAY BARNES Bar # 161825 A Member of the State Bar of California (Respondent)	Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING REPROVAL <input type="checkbox"/> PRIVATE <input type="checkbox"/> PUBLIC <input checked="" type="checkbox"/> <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 14, 1992 (date).
- (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 and order consist of 10 pages.
- (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) 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.
- (7) 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 (public reproof)
 - ☐ case ineligible for costs (private reproof)
 - ☐ costs to be paid in equal amounts for the following membership years:
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - ☐ costs waived in part as set forth under "Partial Waiver of Costs"
 - ☐ costs entirely waived

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

(8) The parties understand that:

- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
- (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
- (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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 under "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 to 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:

D. Discipline:

- (1) ☐ Private reproof (check applicable conditions, if any, below)
- (a) ☐ Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) ☐ Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2) ☒ Public reproof (check applicable conditions, if any, below)

E. Conditions Attached to Reproof:

- (1) ☒ Respondent shall comply with the conditions attached to the reproof for a period of three (3) years.
- (2) ☒ During the condition period attached to the reproof, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent shall report to the Membership Records Office and to the Probation Unit, 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.
- (4) ☒ Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the condition period attached to the reproof. Under penalty of perjury, respondent shall state whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of the reproof during the preceding calendar quarter. If the first report would cover less than thirty (30) days, that report shall be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (5) ☐ Respondent shall be assigned a probation monitor. Respondent shall 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 shall furnish such reports as may be requested, in addition to quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the monitor.
- (6) ☒ Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel 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 conditions attached to the reproof.
- (7) ☒ Within one (1) year of the effective date of the discipline herein, respondent shall provide to the Probation Unit satisfactory proof of attendance of the Ethics School and passage of the test given at the end of that session.
- ☐ No Ethics School ordered.
- (8) ☒ Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report required to be filed with the Probation Unit.
- (9) ☐ Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit of the Office of the Chief Trial Counsel within one year of the effective date of the reproof.
- ☐ No MPRE ordered.
- (10) ☒ The following conditions are attached hereto and incorporated:
- | | |
|--|---|
| <input checked="" type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input checked="" type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |
- SEE PAGES 8 & 9
see pages 8 & 9
- (11) ☐ Other conditions negotiated by the parties:

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: **THOMAS RAY BARNES ("Respondent"), #161825**

CASE NUMBER: **01-C-05007-RAH**

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was May 22, 2003.

PARTIES ARE BOUND BY THE STIPULATED FACTS:

The parties intend to be and are hereby bound by the stipulated facts contained in this stipulation. This stipulation as to facts and the facts so stipulated shall independently survive even if the conclusions of law and/or stipulated disposition set forth herein are rejected or changed in any manner whatsoever by the Hearing Department or the Review Department of the State Bar Court, or by the California Supreme Court.

WAIVER OF FINALITY OF CONVICTION (rule 607):

Pursuant to the Rules of Procedure of the State Bar of California, rule 607 the parties stipulate that the Court may decide the issues as to the discipline to be imposed even if the criminal convictions discussed herein are not final.

Respondent waives finality of his conviction and consents to the State Bar Court's acceptance of this Stipulation as to facts, conclusions of law and discipline in all respects as if the conviction was final, including the entry of findings consistent with this Stipulation, imposition of discipline, or entry of a recommendation as to the degree of the discipline to be imposed.

Respondent waives any right to challenge on the basis of a lack of finality of his conviction the State Bar Court's recommendation of discipline, if any, and the actual imposition of discipline, if any, by the State Bar Court or the California Supreme Court.

Respondent further waives any right he may have to seek review of reconsideration on the basis of any relief he may receive as a result of any appeal of, or petition regarding, the criminal conviction underlying any recommendation of and/or actual imposition of discipline by the State Bar Court or the California Supreme Court.

PROCEDURAL BACKGROUND.

This is a proceeding pursuant to Business and Professions code sections 6101 and 6102 and Rule 951 of the California Rules of Court.

On October 17, 2001, Respondent was convicted of misdemeanor violations of California Vehicle Code sections 23152(a), driving under the influence, and 23152(b), driving with a blood alcohol level of 0.08 or higher, a misdemeanor offense, with a prior conviction in 1997 for violating 23152(b).

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On June 11, 2002, the Review Department of the State Bar Court issued an order referring this matter to the Hearing Department on the issue of whether the facts and circumstances surrounding the offense of which Respondent was convicted involved moral turpitude or other misconduct warranting discipline

On July 9, 2002, the Review Department of the State Bar Court issued an augmented order directing the Hearing Department to include a hearing and decision recommending discipline to be imposed in the event the hearing Department finds that the facts and circumstances surrounding the offense of which Respondent was convicted involved moral turpitude or other misconduct warranting discipline

STIPULATION AS TO FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct, or has otherwise committed acts of misconduct warranting discipline:

STIPULATED FACTS:

On September 4, 1997 Respondent was convicted of violating section 23152(b) of the Vehicle Code, driving a motor vehicle with a blood alcohol level of .08% or greater [Docket No. 7BH00620, Court No. 19420].

At approximately 11:30 p.m. on June 14, 2001, at the intersection of Abbot Kinney Boulevard and Westminster Avenue in the City of Los Angeles, Respondent was operating a motor vehicle which rear-ended another vehicle and caused minor physical injuries to its occupants.

At the scene Respondent told an officer that "...I couldn't stop in time, I only had three beers." Respondent displayed strong objective symptoms of being under the influence and was unable to perform field sobriety tests as demonstrated.

Respondent was arrested and booked for felony violation of Vehicle Code section 23153, driving under the influence and causing bodily injury to another. He submitted to a breath test which determined that his blood alcohol level was .30% or greater.

On August 13, 2001, in the Los Angeles City Attorney Office charged Respondent in Los Angeles County Superior Court [case number 1WL02246, *State of California v. Thomas Ray Barnes*] with the following violations:

Count One: Vehicle Code section 23152(a), driving a vehicle while under the influence of an alcoholic beverage and a drug and under the combined influence of an alcoholic beverage and a drug, a misdemeanor. It was further alleged that within the previous seven (7) years Respondent had been convicted of violating section 23152(b) of the Vehicle Code [September 4, 1997], a prior conviction for alcohol-related driving within the meaning of Vehicle Code section 23540; and,

Count Two: Vehicle Code section 23152(b), driving a vehicle with a blood alcohol or 0.08% or more by weight of alcohol in his blood, a misdemeanor. It was further alleged that within the previous seven (7) years Respondent had been convicted of violating section 23152(b) of the Vehicle Code [September 4, 1997], a prior conviction for alcohol-related driving within the meaning of Vehicle Code section 23540.

On October 17, 2001, Respondent pled nolo contendere to and was convicted of both charged counts: Count One, for his violation of California Vehicle Code section 23152(a), misdemeanor driving under the influence, with one prior alcohol-related driving conviction [September 4, 1997]; and, Count Two, for his violation of California Vehicle Code section 23152(b), misdemeanor driving with blood alcohol of 0.08% or more with one prior section 23152(b) conviction [September 4, 1997].

On November 28, 2001, Respondent was sentenced to five years probation with terms and conditions including, among others, payment of fines and fees, 10 days CalTrans service, enrollment in and completion of an 18-month second offender treatment program, restricted driving privileges for 18 months, 90 days incarceration in the county jail (less credit for 90 days; 96 hours were actually served), attendance at 90 meetings of Alcoholics Anonymous at the minimum rate of 3 meetings per week, and other standard probationary conditions.

CONCLUSIONS OF LAW:

By driving while under the influence of an alcoholic beverage, Respondent wilfully violated California Vehicle Code section 23152, subsections (a) and (b), his second DUI offense in less than four years. The facts and circumstances surrounding Respondent's offenses do not involve moral turpitude but do involve other misconduct warranting discipline.

AUTHORITIES SUPPORTING DISCIPLINE:

Standards 1.2, 1.3, 1.4(b), 1.5, 1.6, and 3.4 of the Standards of Attorney Sanctions for Professional Misconduct, Title IV, of the Rules of Procedure of the State Bar of California.

In re Kelly (1990) 52 Cal.3d 487. Attorney convicted of second DUI found culpable of other misconduct warranting discipline. No finding of moral turpitude. Discipline recommended by the Review Department of the State Bar Court and affirmed by the Supreme Court was a public reproof for 3 years with conditions which included a referral to the State Bar's then existing Program on Alcohol Abuse on the condition that the attorney comply with all terms of that program.

SUBSTANCE ABUSE AND MENTAL HEALTH CONDITIONS:

The following conditions are derived from recommendations of a psychiatrist, experienced in addiction psychiatry, after her evaluation of the Respondent. Her diagnosis of Respondent included Alcohol Dependence, in remission, and depression.

ABSTINENCE: Respondent shall abstain from the use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.

12 STEP MEETINGS: Respondent shall attend a twelve-step program or cognitive behavioral relapse prevention program at least three (3) times per week. Respondent has been advised that he may choose one of any acceptable sobriety maintenance programs, including any self-help maintenance program which includes (i) a subculture to support recovery (meetings); and (ii) a process of personal development that does not have financial barriers. Alcoholics Anonymous is
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only one such program and any appropriate Abstinence Support Group meeting the criteria is acceptable.

Respondent shall provide to the Probation Unit satisfactory proof of attendance during each month, on or before the tenth (10th) day of the following month, during the reprobation period. Proof of attendance shall include submission of a writing which clearly provides for each meeting he attends the date and time of the meeting, name of the meeting, location of the meeting, and which bears the signature of the secretary of the meeting verifying Respondent's attendance at that meeting.

INDIVIDUAL THERAPY (first 2 years):

At least one (1) time each month during the first two (2) years of this reprobation period, Respondent shall obtain individual treatment from a medical professional duly qualified in psychotherapy and psychotropic medication. Respondent is currently in such treatment with Dr. Carol J. Spar, a duly licensed psychiatrist, and his continuation of treatment with her is indicated in Dr. Miotto's recommendations. In addition to monthly therapy, treatment is to include medication treatment and monitoring for the first two (2) years of this reprobation period.

Respondent shall authorize and instruct this medical professional to prepare and submit a report each calendar quarter to the Probation Unit describing Respondent's treatment status regarding alcohol, drugs and mental health issues and Respondent's compliance with the medical professional recommendations. Respondent shall provide this medical professional with a release waiving rights of privacy and privilege to the extent it authorizes this medical professional to submit this report to the Probation Unit.

Respondent shall comply with all treatment recommendations of this medical professional and provide the Probation Unit a written report on his compliance with these treatment recommendations in each quarterly report required pursuant to this reprobation.

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MAY-22-2003 10:31

FROM STATE BAR OF CALIF.

TO 9 36267330

P.12

Date 5/30/03

Respondent's signature

THOMAS RAY BARNES

print name

Parsky & Maile

R. GERALD MARLKE

print name

Date 6-10-03

Respondent's Counsel's signature

Date 6/18/03

Deputy Trial Counsel's signature

CHARLES A. MURRAY

print name

ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproval, 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 REPROVAL IMPOSED.



The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.

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.) Otherwise the stipulation shall be effective 15 days after service of this order.

Failure to comply with any conditions attached to this reproval may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

Date 6/19/03

RICHARD A. HONN

Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. 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 June 20, 2003, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING, filed June 20, 2003**

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:

**R GERALD MARKLE ESQ
PANSKY & MARKLE
1114 FREMONT AVE
SOUTH PASADENA, CA 91030**

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

Charles A. Murray, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **June 20, 2003**.



Julieta E. Gonzales
Case Administrator
State Bar Court

1 RICHARD T. SYKES, No. 24675
2 Attorney for Thomas R. Barnes
3 7625 Hayvenhurst Avenue #5
4 Van Nuys, California 91406
5 Telephone : (818) 786-4267
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STATE BAR COURT
CLERKS OFFICE
LOS ANGELES

THE STATE BAR COURT
HEARING DEPARTMENT-LOS ANGELES

11 In the Matter of)
12 Thomas R. Barnes,)
13 No. 161825,)
14 A Member of the State Bar,)

Case No. 01-C-05007-PAB

ANSWER TO NOTICE OF
HEARING ON CONVICTION

15 Thomas R. Barnes, through his attorney, Richard T. Sykes,
16 hereby answers the allegation in the aforesaid Notice as follows:

17 1. Admits that he was convicted of driving under the influence
18 under Section 23152(a)(b) of the Vehicle Code on November 28, 2001
19 in the Los Angeles Superior Court, Docket #102246.

20 2. Denies that the facts and circumstances of his DUI
21 offenses involve moral turpitude or any other misconduct warranting
22 discipline.

23 3. Requests the opportunity to submit evidence in mitigation
24 and explanation at the Initial Status Conference presently scheduled
25 for Wednesday, July 17, 2002 at 2:00 p.m. in Courtroom D.

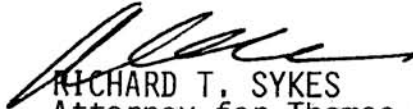
26 4. Except as expressly admitted hereinabove, denies all

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1 pleaded or implied allegations of matter warranting discipline.
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5 Dated: July 10, 2002
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9 RICHARD T. SYKES
10 Attorney for Thomas R. Barnes
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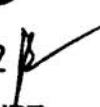
RICHARD T. SYKES, NO. 24675
ATTORNEY FOR THOMAS R. BARNES
7625 Hayvenhurst Avenue #5
Van Nuys, California 91406
Telephone: (818)-786-4267

CERTIFICATE OF SERVICE

I am an adult person over the age of 18 and not a party to the attached action. I declare and certify under penalty of perjury that a copy of the attached Answer To Notice Of Hearing On Conviction was served on Cecelia M. Horton-Billard, Deputy Trial Counsel, by personal delivery to her office at 1149 S. Hill Street, Los Angeles, CA. on July 10, 2002.



RICHARD T. SYKES

<p>THE STATE BAR COURT</p> <p style="text-align: center;">PUBLIC MATTER</p> <p>HEARING DEPARTMENT</p> <p>1149 S. Hill St., 5th Fl., Los Angeles, CA 90015-2299</p>	<p>FOR CLERK'S USE ONLY:</p> <p style="text-align: right;">FILED</p> <p style="text-align: right;">JUN 21 2002 </p> <p style="text-align: right;">STATE BAR COURT CLERKS OFFICE LOS ANGELES</p>
<p>In the Matter of:</p> <p>THOMAS RAY BARNES,</p> <p>Member No. 161825,</p> <p>A Member of the State Bar.</p>	<p>Case No(s): 01-C-05007-PAB</p> <p>NOTICE OF HEARING ON CONVICTION (Business and Professions Code §§ 6101 and 6102)</p>

NOTICE TO RESPONDENT RE: DEFAULT AND INACTIVE ENROLLMENT

If you fail to file an answer to this notice within the time allowed by State Bar Rules, including extensions, or if you fail to appear at the State Bar Court trial, (1) your default shall be entered; (2) you shall be enrolled as an involuntary inactive member of the State Bar and will not be permitted to practice law unless the default is set aside on motion timely made under the Rules of Procedure of the State Bar; (3) you shall not be permitted to participate further in these proceedings unless your default is set aside; and (4) you shall be subject to additional discipline.

State Bar Rules require you to file your written response to this notice within twenty days after service.

If your default is entered: (1) evidence that would otherwise be inadmissible may be used against you in this proceeding; and (2) you will lose the opportunity to participate further in these proceedings, including presenting evidence in mitigation, countering evidence in aggravation, and moving for reconsideration, unless and until your default is set aside on motion timely made under the prescribed grounds. See rules 200 et seq., and rules 602, 603 and 604, Rules of Procedure for State Bar Court Proceedings; Business and Professions Code section 6102(g).

If your default is entered and the discipline imposed by the Supreme Court in this proceeding includes a period of actual suspension, you will remain suspended from the practice of law for at least the period of time specified by the Supreme Court. In addition, the actual suspension will continue until you have requested, and the State Bar Court has granted, a motion for termination of the actual suspension. As a condition for terminating the actual suspension, the State Bar Court may place you on probation and require you to comply with such conditions of probation as the State Bar Court deems appropriate. See rule 205, Rules of Procedure for State Bar Court Proceedings.

Pursuant to the order of the Review Department, filed June 11, 2002, a true and correct copy of which is

attached as an exhibit hereto, your conviction has been referred to the Hearing Department of the State Bar Court.

You are notified to be present in person or by counsel at a status conference to be set pursuant to rule 1210, Rules of Practice of the State Bar Court.

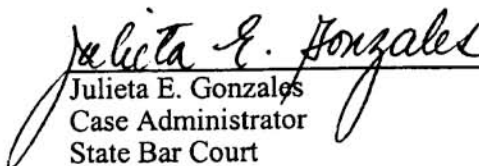
YOU ARE FURTHER NOTIFIED, pursuant to rules 600-607, Rules of Procedure for State Bar Court Proceedings, to be present at such time and place as is set for the first day of trial, in person or by counsel to present evidence on your behalf, to examine and cross-examine witnesses and otherwise participate in the proceedings before the State Bar Court.

Your attention is directed to the Rules of Procedure of the State Bar and Rules of Practice of the State Bar Court, which govern these proceedings. You may locate the Rules of Procedure for State Bar Court Proceedings on the Internet at <http://www.calbar.ca.gov/2bar/3sbct/rules/3r-proc.htm> and the Rules of Practice of the State Bar Court on the Internet at <http://www.calbar.ca.gov/2bar/3sbct/rules/3r-prac.htm>. If you do not have access to the Internet, please contact Linda Cho at (213) 765-1138 to obtain a copy of the rules.

NOTICE - COST ASSESSMENT

In the event these proceedings 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 sections 6086.10 and 6140.7. See also rule 280, et seq., Rules of Procedure of the State Bar.

Dated: June 21, 2002


Julieta E. Gonzalez
Case Administrator
State Bar Court

FILED

JUN 11 2002

STATE BAR COURT
CLERKS OFFICE
LOS ANGELES

01-C-05007

**REVIEW DEPARTMENT OF THE STATE BAR COURT
IN BANK**

**IN THE MATTER OF THOMAS RAY BARNES
A MEMBER OF THE STATE BAR OF CALIFORNIA**

Since the State Bar Court has not yet received evidence that the conviction of respondent **THOMAS RAY BARNES** for the misdemeanor violations of Vehicle Code sections 23152(a) and 23152(b) is final, the Hearing Department shall, after a hearing, file a decision limited to whether the facts and circumstances surrounding the offenses involved moral turpitude or other misconduct warranting discipline. The decision shall not include a recommendation regarding discipline absent a complete waiver of the lack of finality of the conviction. (See rule 607, Rules of Procedure of the State Bar of California.)

If respondent timely objects to a hearing on this issue before the conviction is final, the Hearing Department shall, after a hearing, file its finding, based only on the record of conviction, whether there is probable cause to believe that the facts and circumstances surrounding the offenses involved moral turpitude. If the Hearing Department finds probable cause, the Review Department will consider placing respondent on interim suspension. (See *In Re Strick* (1983) 34 Cal. 3d 891.)



Presiding Judge

THE STATE BAR COURT HEARING DEPARTMENT 1149 S. Hill St., 5 th Fl., Los Angeles, CA 90015-2299	FOR CLERK'S USE ONLY: <div style="text-align: center;"> FILED JUN 21 2002 ✓ STATE BAR COURT CLERKS OFFICE LOS ANGELES </div>
In the Matter of: THOMAS RAY BARNES, Member No. 161825, A Member of the State Bar.	Case No(s): 01-C-05007-PAB NOTICE OF ASSIGNMENT AND NOTICE OF INITIAL STATUS CONFERENCE

TO ALL PARTIES AND COUNSEL IN THE ABOVE ENTITLED MATTER:

PLEASE TAKE NOTICE that the above-entitled matter has been assigned to the **Honorable Paul A. Bacigalupo**, pursuant to Business and Professions Code §6079.1(f). Effective immediately, all pleadings directed to the State Bar Court through first-class, certified or interoffice mail **must** be specifically addressed to the assigned judge's case administrator. The assigned case administrator to this case is Julie Gonzales, telephone number (213) 765-1425.

PARTICIPATION OF ALL COUNSEL IS REQUIRED FOR THE STATUS CONFERENCE! Unless otherwise ordered, **all counsel must appear in person** at the initial status conference which has been calendared to take place on **Wednesday, July 17, 2002, at 2:00 p.m.**, at the State Bar Court, Courtroom D, 1149 S. Hill Street, 5th Floor, Los Angeles, California 90015-2299 and will be audio recorded. The date set for a conference is firm and must be regarded by counsel as a definite court appointment.

These proceedings are governed by the Rules of Procedure and Rules of Practice of the State Bar of California. You may locate the Rules of Procedure for State Bar Court Proceedings on the Internet at <http://www.calbar.ca.gov/2bar/3sbct/rules/3r-proc.htm> and the Rules of Practice of the State Bar Court on the Internet at <http://www.calbar.ca.gov/2bar/3sbct/rules/3r-prac.htm>. If you do not have access to the Internet, please contact Linda Cho at (213) 765-1138 to obtain a copy of the rules.

Dated: June 21, 2002


 Julieta E. Gonzales
 Case Administrator
 State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. 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 June 21, 2002, I deposited a true copy of the following document(s):

**NOTICE OF HEARING ON CONVICTION and
NOTICE OF ASSIGNMENT AND NOTICE OF INITIAL STATUS CONFERENCE,
filed June 21, 2002**

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

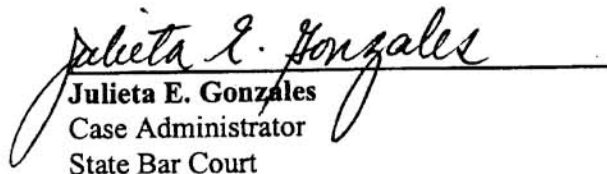
- [X] by certified mail, No. 7106 4575 1294 0225 7610, with return receipt requested, through the United States Postal Service at Los Angeles, California, addressed as follows:

**THOMAS R BARNES ESQ
LEGAL AID FOUNDATION
1640 5TH ST #124
SANTA MONICA, CA 90401**

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

Cecilia M. Horton-Billard, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **June 21, 2002**.


Julieta E. Gonzales
Case Administrator
State Bar Court



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST November 29, 2012

State Bar Court, State Bar of California,
Los Angeles

By 
Clerk Alina E. Mihaila