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

<p>Counsel For The State Bar</p> <p>Suzan J. Anderson Supervising Trial Counsel 1149 S. Hill Street Los Angeles, California 90015 (213) 765-1209</p> <p>Bar # 160559</p>	<p>Case Number(s): 10-O-00321, et al.</p> <p>(Please see Attachment, page 12 for full list of case numbers)</p> <p>PUBLIC MATTER</p>	<p>For Court use only</p> <p align="center">FILED JUN 20 2011</p> <p align="center">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Susan L. Margolis MARGOLIS & MARGOLIS,LLP 2000 Riverside Drive Los Angeles, California 90039 (323) 953-8996</p> <p>Bar # 104629</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: THOMAS DAMIEN PAMILLA</p> <p>Bar # 259931</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 December 4, 2008.
- (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 18 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."
- (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):
 - ☐ Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: 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. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - ☐ Costs are 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.
- (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. Please see Attachment, page 15.

- (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. Please see Attachment, pages 14 and 15.
- (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. Please see Attachment, pages 14 and 15.
- (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. Please see Attachment, pages 14 and 15.
- (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. Please see Attachment, pages 14 and 15.
- (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:

Please see Attachment, pages 14 and 15.

D. Discipline:

(1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of two years.
- 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:
- (b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of two years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) ☒ **Actual Suspension:**

- (a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of one 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:

E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ 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.
- (4) ☒ 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.
- (5) ☒ 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.

- (6) ☐ 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.
- (7) ☒ 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.
- (8) ☒ 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 Ethics School, and passage of the test given at the end of that session.

☐ No Ethics School recommended. Reason: .

- (9) ☐ 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.

- (10) ☒ The following conditions are attached hereto and incorporated:

☐ Substance Abuse Conditions

☒ Law Office Management Conditions

☐ Medical Conditions

☒ 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 during the period of actual suspension or within one year, whichever period is longer. **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 5.162(A) & (E), Rules of Procedure.**
- ☐ No MPRE recommended. Reason:
- (2) ☒ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) ☐ **Other Conditions:**

(Do not write above this line.)

Attachment language (if any):

Please see Attachment, pages 12 through 17.

(Do not write above this line.)

In the Matter of:
THOMAS DAMIEN PAMILLA, 259931

Case Number(s):
10-O-00321, et al.

Nolo Contendere Plea Stipulations to Facts, Conclusions of Law, and Disposition

The terms of pleading nolo contendere are set forth in the Business and Professions Code and the Rules of Procedures of the State Bar. The applicable provisions are set forth below:

Business and Professions Code § 6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a notice of disciplinary charges or other pleading which initiates a disciplinary proceeding against a member:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere will be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court will find the member culpable. The legal effect of such a plea will be the same as that of an admission of culpability for all purposes, except that the plea and any admissions required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based.

Rules of Procedure of the State Bar, rule 5.56. Stipulations to Facts, Conclusions of Law, and Disposition

“(A) **Contents.** A proposed stipulation to facts, conclusions of law, and disposition must comprise:

[¶] . . . [¶]

(5) a statement that the member either:

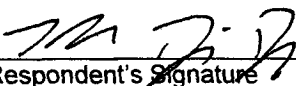
- (a) admits the truth of the facts comprising the stipulation and admits culpability for misconduct; or
- (b) pleads nolo contendere to those facts and misconduct;

[¶] . . . [¶]

(B) **Plea of Nolo Contendere.** If the member pleads nolo contendere, the stipulation must also show that the member understands that the plea is treated as an admission of the stipulated facts and an admission of culpability.”

I, the Respondent in this matter, have read the applicable provisions of Business and Professions Code section 6085.5 and rule 5.56 of the Rules of Procedure of the State Bar. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea will be considered the same as an admission of culpability except as stated in Business and Professions Code section 6085.5(c).

5/29/11
Date


Respondent's Signature

THOMAS DAMIEN PAMILLA
Print Name

(Do not write above this line.)

In the Matter of: THOMAS DAMIEN PAMILLA, 259931	Case Number(s): 10-O-00321, et al.
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Financial Conditions

a. Restitution

- ☒ Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
John Roensch	\$100	8/26/09
Phillip & Suzanne Draughon	\$100	9/10/09
Tyrone & Tonika Talton	\$100	8/27/09
Please see Attachment, page 16 for additional required restitution.		

- ☒ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than 30 days prior to the expiration of Respondent's probationary period.

b. Installment Restitution Payments

- ☐ Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- ☐ If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

c. Client Funds Certificate

- ☐ 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- ☒ Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

(Do not write above this line.)

In the Matter of: THOMAS DAMIEN PAMILLA, 259931	Case Number(s): 10-O-00321, et al.
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Law Office Management Conditions

- a. ☐ Within days/ months/ years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b. ☒ Within days/SIX months/ years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than SIX hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. ☐ Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

Other:

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: THOMAS DAMIEN PAMILLA

This Stipulation includes the following case numbers:

CASE NUMBER(S): 10-O-00321, 10-O-01782, 10-O-02043, 10-O-02345, 10-O-02945,
10-O-03211, 10-O-03884, 10-O-05194, 10-O-05255, 10-O-05985,
10-O-06287, 10-O-06290, 10-O-06442, 10-O-06444, 10-O-06446,
10-O-06650, 10-O-07582, 10-O-07629, 10-O-09236, 10-O-09375.

FACTS AND CONCLUSIONS OF LAW.

Respondent pleads nolo contendere to the following facts and violations. Respondent completely understands that the plea for nolo contendere shall be considered the same as an admission of the stipulated facts and of his culpability of the statutes and/or Rules of Professional Conduct specified herein.

STATEMENT OF FACTS

1. On August 1, 2009, Respondent became the principal attorney for a loan modification company entitled Waypoint Law Group ("Waypoint"). Waypoint was owned and operated by non-attorneys. Respondent ended his association with Waypoint on September 23, 2009, when another attorney took over the company.

2. Waypoint advertised on radio and television throughout various markets in the United States, and advertised on the internet.

3. Respondent and Waypoint were employed by the following clients to represent them in order to negotiate with their home mortgage lender and obtain a modification of their home mortgage loans:

Case Number	Client	Date Client Employed Respondent	Advanced Fees Client Paid to Waypoint	Client's State of Residency and Location of Property
10-O-00321	John Roensch	8/26/09	\$ 3,450 (check to Waypoint)	Hawaii
10-O-01782	Phillip & Suzanne Draughon	9/10/09	5,295 (check to Waypoint)	Hawaii
10-O-02043	Tyrone & Tonika Talton	8/27/09	1,475 (check to Waypoint)	Arizona

10-O-02345	Harold & Judith Richmond	8/25/09	3,450 (checks and credit card payment to Waypoint)	Tennessee
10-O-02925	Marie Celestin	9/9/09	1,500 (check to Waypoint)	New York
10-O-03211	Alonso Robinson	8/09	2,006 (paid to Waypoint)	Washington DC
10-O-03884	Sophia Peele	8/24/09	3,450 (paid to Waypoint)	New Jersey
10-O-05194	Torrence Chapman & Dewey Keaton	9/14/09	3,450 (paid to Waypoint)	North Carolina
10-O-05255	Brad Ingram	9/27/09	1,725 (paid to Waypoint)	Hawaii
10-O-05985	John & Maria Koyama	9/14/09	6,000 (paid to Waypoint)	Nevada
10-O-06287	Russell & Tammy Brayfield	8/17/09	1,500 (paid to Waypoint)	Indiana
10-O-06290	Solomon Cox	9/8/09	3,450 (paid to Waypoint)	Hawaii
10-O-06442	Darlene Butay	9/19/09	5,000 (paid to Waypoint)	Hawaii
10-O-06444	Melvin & Carol Revilla	8/21/09	3,000 (paid to Waypoint)	Hawaii
10-O-06446	Sam & Rosemarie Ahia	8/20/09	3,450 (paid to Waypoint)	Hawaii
10-O-06650	Dale Littlefield	8/28/09	4,650 (paid to Waypoint)	Hawaii
10-O-07582	Klemer & Jean Prieto	9/14/09	4,650 (paid to Waypoint)	Hawaii
10-O-07629	Ji Won Keeley	9/15/09	2,000 (paid to Waypoint)	Hawaii
10-O-09236	Anthony & Carolyn Bethel	8/30/09	4,650 (paid to Waypoint)	Hawaii
10-O-09375	Edward Trevino	8/3/09	3,400 (paid to Waypoint)	Hawaii
		Total paid to Waypoint	\$67,551.00	

4. Each of these clients entered into a contract for legal services with Waypoint and Respondent whereby Respondent agreed to modify their home mortgage loans on properties in the states where they resided. Respondent is not presently, and has never been, licensed to practice law in any state other than California. Respondent knew that the clients and their properties were located in jurisdictions in which he was not entitled to practice law. Respondent failed, prior to undertaking to represent the aforementioned individuals, to adequately research the applicable Rules of Professional Conduct and state statutes governing the practice of law and defining the unauthorized practice of law in those jurisdictions.

5. Respondent received a fee of \$100 from Waypoint for each of the clients listed above.

6. To date, no refunds have been provided to any of the clients listed above.

CONCLUSIONS OF LAW

1. By failing, prior to undertaking to represent the aforementioned clients to adequately research the applicable rules of professional conduct and state statutes governing the practice of law and defining the unauthorized practice of law in those jurisdictions, Respondent was grossly negligent in holding himself out as entitled to practice law in those jurisdictions, in willful violation of rule 1-300(B) of the Rules of Professional Conduct.

2. By entering into agreements for, charging, and collecting legal fees for services from the clients listed above in jurisdictions where Respondent was not admitted and was not entitled to practice law, Respondent was grossly negligent in entering into agreements for, charging and collecting, illegal fees in willful violation of rule 4-200(A) of the Rules of Professional Conduct.

3. By receiving funds from the advanced fees paid to Waypoint for the above listed clients, for Respondent's legal services, Respondent indirectly shared legal fees with a person who is not a lawyer in willful violation of rule 1-320(A) of the Rules of Professional Conduct.

FACTORS IN MITIGATION

Respondent displayed candor and cooperation with the State Bar throughout these investigations.

Respondent has fully recognized his wrongdoing and by entering into this Stipulation has fully demonstrated his remorse.

Respondent provided character letters from a range of the community.

Respondent was employed by Waypoint as their principal attorney for a very short period of time, August 1, 2009 to September 23, 2009.

IF RESPONDENT WERE TO TESTIFY TO MITIGATION, RESPONDENT WOULD SO STATE:

I was admitted to practice in December 2008. My first job after admission was working for a law center that did loan modification work. I was advised by my employer that assisting clients with loan modifications did not constitute the practice of law. As a result, I held the good faith, but mistaken belief, that I could do loan modification work in other jurisdictions without being admitted to practice in those jurisdictions.

I entered into the arrangement at Waypoint intending to supervise all aspects of the work performed by the non-attorney staff. I soon became concerned about the conduct of certain staff members, their treatment of clients and handling of firm finances. When I realized that, despite

my best efforts, I would not be able to adequately supervise or control the behavior of those staff members, I left Waypoint after only two months because of these concerns. I took steps to find another attorney to take over the practice before I left, and believed I had adequately safeguarded my clients' interests before disassociating from Waypoint.

I was not motivated by personal enrichment by my association with Waypoint. Other than the nominal \$100 fee I received per case, I received no other profit.

I have performed significant charitable and volunteer work in the community.

I have volunteered significant amounts of time at the Stevenson House in Palo Alto, a non-profit independent living community for low-income seniors, programming community events for the tenants.

I also volunteer 4-5 hours a day for a non-profit foreign exchange program, "NACEL Open Door," a world-wide federation of organizations that provide tutorials, home stays, and touring programs for students seeking to study abroad and to learn other cultures. I serve as a coordinator, as well as an English-as-a-second-language teacher. My aunt is a nun who serves at a church in Argentina. I have visited her in past years and volunteered at her church, helping homeless children living in the shelters overseen by her church.

I am also the primary caregiver and financial support of my younger sister who suffers from emotional and physical disabilities.

FACTORS IN AGGRAVATION

Respondent's clients, most of whom, hired Waypoint and Respondent to assist them with their home loan modifications did so because they were financially distressed and the loss of their money caused them harm.

DISCUSSION RE STIPULATED DISCIPLINE

Standard 1.3 of the *Standards For Attorney Sanctions For Professional Misconduct* provides that the primary purpose of discipline is the protection of the public, the courts and legal profession; maintenance of high professional standards; and the preservation of public confidence in the legal profession.

Standard 2.7 states that a violation of rule 4-200 of the Rules of Professional Conduct shall result in at least a six-month actual suspension, irrespective of mitigating circumstances.

The parties submit that the stipulated discipline in this matter complies with the Standards both specifically and with regard to the general purposes and goals of the disciplinary process.

Respondent's misconduct is aggravated by the fact that it harmed his clients and deprived them of funds they could have used for their mortgages for a substantial period of time. Given the aggravating and mitigating circumstances present in this case, a one year suspension, along with the probationary conditions set forth herein, is consistent with the Standards.

Finally, the parties submit that given Respondent's recognition of wrongdoing, along with his conduct in attempting to rectify the harm he caused, the stipulated discipline and probationary conditions in this matter are sufficient to assure that Respondent will conform himself in future conduct to ethical standards and, therefore, protect the public, courts, and profession. This is consistent with Standard 1.3.

PENDING PROCEEDINGS

The disclosure date referred to, on page 2, paragraph A(6) was May 4, 2011.

FINANCIAL CONDITIONS, RESTITUTION (continued from page 8)

Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payees listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payees for all or any portion of the principal amounts listed below, Respondent must also pay restitution to CSF in the amounts paid, plus applicable interest and costs.

PAYEE	PRINCIPAL AMOUNT	INTEREST ACCRUES FROM
Harold & Judith Richmond	\$100	8/25/09
Marie Celestin	100	9/9/09
Alonso Robinson	100	8/09
Sophia Peele	100	8/24/09
Torrence Chapman & Dewey Keaton	100	9/14/09
Brad Ingram	100	9/27/09
John & Maria Koyama	100	9/14/09
Russell & Tammy Brayfield	100	8/17/09
Solomon Cox	100	9/8/09
Darlene Butay	100	9/19/09
Melvin & Carol Revilla	100	9/21/09
Sam & Rosemarie Ahia	100	8/20/09
Dale Littefield	100	8/28/09
Klemer & Jean Prieto	100	9/14/09
Ji Won Keeley	100	9/15/09
Anthony & Carolyn Bethel	100	8/30/09
Edward Trevino	100	8/3/09

Respondent must pay the above-referenced restitution and provide satisfactory proof of payment to the Office of Probation no later than 30 days prior to the expiration of Respondent's probationary period.

Respondent waives any objection to payment by the State Bar Client Security fund upon a claim for the principal amount of restitution set forth herein.

ESTIMATE OF COSTS OF DISCIPLINARY PROCEEDINGS

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of May 4, 2011, the estimated prosecution costs in this matter are approximately \$19,745. Respondent acknowledges that this figure is an estimate only. Respondent further 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 costs of further proceedings.

STATE BAR ETHICS AND CLIENT TRUST ACCOUNT SCHOOLS

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

(Do not write above this line.)

In the Matter of:
THOMAS DAMIEN PAMILLA, 259931

Case number(s):
10-O-00321, et al.

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 Facts, Conclusions of Law, and Disposition.

5/12/2011
Date


Respondent's Signature


THOMAS DAMIEN PAMILLA
Print Name

5/23/2011
Date


Respondent's Counsel Signature

SUSAN L. MARGOLIS
Print Name

5/24/2011
Date


Deputy Trial Counsel's Signature

SUZAN J. ANDERSON
Print Name

(Do not write above this line.)

In the Matter Of
THOMAS DAMIEN PAMILLA

Case Number(s):
10-O-00321, et al.

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.
1. On page 4 of the stipulation, the "X" in the box next to paragraph D.(1)(a)(i) is deleted; and
 2. On page 12 of the stipulation, in the list of case numbers near the top of the page, "10-O-02945" is deleted, and in its place is inserted "10-O-02925".

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.)**

6-15-11

Date



Richard A. Honn
Judge of the State Bar Court

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 June 20, 2011, 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 Los Angeles, California, addressed as follows:
- SUSAN LYNN MARGOLIS
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DR
LOS ANGELES, CA 90039
- ☐ 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:

Suzan J. Anderson, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 20, 2011.


Cristina Potter
Case Administrator
State Bar Court