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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re)	Case No. 20-101
THOMAS O. GILLIS: Chapter 13)	Docket Control No. RHS-1
Fees and Disgorgement)	
_____)	

**This Memorandum Decision is not appropriate for publication.
It may be cited for persuasive value on the matters addressed.**

**MEMORANDUM RE:
ORDER FOR HEARING, PRESENTATION OF INFORMATION AND DOCUMENTS
CONCERNING PENDING SUBSTITUTIONS OF ATTORNEY FILED BY**

**LATINO LAW, INC.,
MARK J. HANNON, dba LATINO LAW, INC.,
AND THOMAS O. GILLIS
TO REPLACE SUSPENDED ATTORNEY
THOMAS O. GILLIS AS ATTORNEY OF RECORD**

The court issues this Memorandum and an Order pursuant hereto in conjunction with the proceedings being jointly conducted by the Hon. Fredrick E. Clement and Hon. Rene Lastreto, II, concerning the suspension of Thomas O. Gillis¹ by the State Bar of California (“the State Bar”) from the practice of law for a period of two years (the “Suspension”). The Suspension was to commence on December 1, 2019. At the request of Mr. Gillis, the commencement date of the Suspension was extended by the State Bar to January 31, 2020, to allow Mr. Gillis to complete substitutions of attorneys into his pending 603 open bankruptcy cases.

The February 1, 2020 Suspension was further retroactively extended by Order of the State

¹ There are two persons named Thomas Gillis licensed by the State Bar of California. The attorney who is the subject of this Order and the ongoing proceedings is Thomas O. Gillis, who the court will refer to in this Order as “Mr. Gillis” or “Thomas Gillis.”

1 Bar filed February 7, 2020, to February 15, 2020, with the State Bar imposing the condition that
2 Mr. Gillis not accept any more clients.

3 As addressed in greater detail in the following sections of this Memorandum, the attempts
4 to substitute new counsel in for Mr. Gillis have not been successful for several reasons. The
5 attempted substitutions involve the actions of Thomas Gillis and Mark J. Hannon, Esq., the
6 California licensed attorney who Mr. Gillis has identified to this court as substituting in for
7 Mr. Gillis, hiring all of Mr. Gillis' staff, and hiring Mr. Gillis as a paralegal.

8 The bankruptcy judges in this District require Thomas Gillis and Mark Hannon to address
9 the following questions and provide copies of documents (the persons to whom the answers or
10 documents required are identified) as part of the process in determining whether substituting Mark
11 Hannon in as counsel in all 603 of Thomas Gillis' open bankruptcy cases is possible and proper.

12 Thomas Gillis and Mark Hannon Shall Provide Information Under Penalty of Perjury and
13 Properly Authenticated Information or Documents Concerning:

14 A. Mark Hannon is identified as the "shareholder" of a corporation identified as "Latino
15 Law, Inc." In the registration documents filed with the State Bar for Latino Law,
16 Inc. as a professional corporation for whose employees provide legal services,² the
17 100% shareholder is identified as Todd Whiteley, another California licensed
18 attorney.

- 19 1. Is Mark Hannon a shareholder of Latino Law, Inc.?
- 20 2. Identify all shareholders of Latino Law, Inc.
- 21 3. When did Mark Hannon acquire his shares of stock and the number of
22 shares?
- 23 4. What is/was Todd Whiteley's interest(s) in Latino Law, Inc.?
- 24 5. When did Mark Hannon become the president, treasurer, secretary and sole
25 director of Latino Law, Inc.?
- 26 6. When did Todd Whiteley cease being the president, treasurer, secretary, and
27 sole shareholder of Latino Law, Inc.?"

28 ² State Bar Law Corporation Application - Attachment A, ADDENDUM "A," p. 5-7.

1 B. Thomas Gillis and Mark Hannon filed substitutions of attorney which purported to
2 substitute the corporation Latino Law, Inc. as the new attorney for some of Thomas
3 Gillis' clients. The Local Rules of both the United States District Court (which
4 admits attorneys to practice in this Federal District) and the United States
5 Bankruptcy Court for the Eastern District of California require that only an
6 individual attorney may initially appear for a party or substitute in as the attorney of
7 record for a party.

8 1. What basis warranted by existing law or by a nonfrivolous argument for the
9 extension, modification, or reversal of existing law or the establishment of
10 new law did Thomas Gillis and Mark Hannon have for:

11 a. Submitting substitutions of attorney purporting to have the
12 corporation Latino Law, Inc. substitute in as counsel of record in
13 place of Thomas Gillis in Mr. Gillis' bankruptcy cases in this
14 District?

15 C. After the substitutions of Latino Law, Inc. were rejected by the bankruptcy judges
16 in this District, a series of new substitutions were filed in which the attorney
17 substituting in as counsel for Mr. Gillis' clients was identified as "Mark J. Hannon,
18 dba Latino Law, Inc."

19 1. What legal basis exists for Mark J. Hannon, an individual to identify himself
20 as doing business as Latino Law, Inc.?

21 2. With such identification, does Mark J. Hannon state that Latino Law, Inc.
22 does not exist as a corporation, but is part of the sole proprietorship of
23 Mark J. Hannon for which he uses that business name alias?

24 3. Has Mark J. Hannon hired all of the employees of Thomas Gillis who were
25 part of his former law practice and Thomas Gillis as a paralegal working for
26 Mark J. Hannon in Mr. Hannon's practice of law as "Mark J. Hannon, DBA
27 Latino Law, Inc.?"

28 D. Thomas Gillis and Mark J. Hannon, jointly or severally, shall provide copies of the
following documents, which may be filed under seal with the court:

1. Executed copy of Purchase Agreement for Mark Hannon to be purchasing
Thomas Gillis' law practice.

2. Executed copy of all agreements stating terms and conditions by which Mark
Hannon is to substitute in for representation of Thomas Gillis' existing
clients.

1 an order thereon, Mr. Gillis continued filing new Chapter 13 cases, the number of which by month
 2 is set forth in the following chart:

Month	Number of Chapter 13 Cases Filed by Mr. Gillis
May 2019	10
June 2019	4
July 2019	11
August 2019	10
September 2019	5
October 2019	29
November 2019	21
December 2019	3
January 2020	1

13 With the recommendation for the stipulated Suspension before the Supreme Court and then
 14 the Chief Justice's Order for the two-year suspension being signed on November 1, 2019, in the
 15 months of October and November 2019, there was a 100%+ increase in the filing of Chapter 13
 16 cases by Mr. Gillis. With the Chapter 13 cases running from at least three and up to five years,
 17 clearly Mr. Gillis could not expect to be providing significant legal services after the end of 2019,
 18 which was only two to three months after he filed many of these Chapter 13 cases.

19 For the fifty-four cases filed in the period October 1, 2019, through and November 2019,
 20 Mr. Gillis accepted \$78,000.00 in a pre-petition retainer that was to be part of the flat fees (discussed
 21 *infra*) in thirty-eight Chapter 13 cases. For these fifty-four cases in which \$78,000.00 pre-petition
 22 retainers have been paid, the status of the case and amount of fees for pre-petition retainer paid to
 23 Mr. Gillis are:

Status of Chapter 13 Case	Amount Paid to Mr. Gillis in Pre-Petition Retainer
Four Cases (4) Cases - Confirmed Chapter 13 Plan	\$8,000

Thirty-One (31) Cases - Pending With No Plan Confirmed	\$64,000
6000 Cases - Dismissed	\$6,000

In addition, there are nine (9) Chapter 13 cases in which Mr. Gillis did not receive any pre-petition retainer which have been dismissed.

First Extension of Suspension

Facing the December 1, 2019 Suspension, Thomas Gillis requested a delay of the suspension until April 30, 2020, with his Amended *Ex Parte* Motion to the State Bar being filed on November 18, 2019. The Amended *Ex Parte* Motion to delay the Suspension is one hundred and fifty-eight (158) pages in length, consisting of: [a] The nine (9) page motion; [b] One hundred seventeen (117) page exhibit listing all of Mr. Gillis’ clients; [c] Twenty-three (23) pages of medical records documenting medical conditions presented to show Mr. Gillis’ limited ability to practice law and complete the substitutions by the scheduled December 1, 2019 Suspension, and [d] Thomas Gillis’ six (6) page declaration. A copy of the Amended *Ex Parte* Motion and Mr. Gillis’ declaration are attached to this Memorandum as ADDENDUM “C.” In his Declaration, Mr. Gillis testifies that Todd Whiteley⁵ is the attorney who was taking over Mr. Gillis’ law practice. Additionally, Mr. Whiteley will be hiring Mr. Gillis’ staff of thirteen (13) employees which are spread over five offices that Mr. Gillis maintains.

The State Bar delayed the commencement of the Suspension until January 31, 2020, as

⁵ In the Declaration Mr. Gillis spells the purchaser’s name as Todd “Whitley” and Todd “Whitely.” The attorney identified as purchasing Mr. Gillis’ practice and identified as the 100% shareholder, president, treasurer, secretary, and sole director of Latino Law, Inc. is stated to be Todd “Whiteley.” The State Bar lists a Todd “Whiteley” as an attorney licensed to practice law in California. No Todd “Whitley” is reported by the State Bar as being licensed to practice law in California. It appears that in some of the documents presented by Mr. Gillis, Todd Whiteley’s name is misspelled.

The references in documents presented by Mr. Gillis as referencing a Todd “Whitley” or Todd “Whitely” are read by the court as being a clerical error in the spelling of Mr. Todd Whiteley’s last name and not a reference to some other person.

1 Mr. Gillis requested in his *Ex Parte* Motion. First Extension Order, filed November 27, 2019; a
2 copy of which is attached to this Memorandum as ADDENDUM “D.” The State Bar Court rejected
3 the request to stay the commencement of the Suspension to April 30, 2020, as Mr. Gillis requested
4 in the original *Ex Parte* Motion.

5 **Second Requested Extension**

6 On January 22, 2020, nine days before the Suspension was to take effect, Mr. Gillis filed a
7 second motion to extend the commencement of the Suspension (“Second Extension Motion”). This
8 Second Extension Motion is sixty-four (64) pages in length, consisting of:

9 [a] The nine (9) page Motion,

10 [b] Nine (9) page January 21, 2020 Declaration of Thomas Gillis,

11 [c] Thirty (30) pages of medical records documenting medical conditions presented
12 to show Mr. Gillis’ limited ability to practice law and complete the substitutions by
13 the scheduled December 1, 2019 suspension,

14 [d] Thomas Gillis’ prior six (6) page Declaration filed with the prior Amended *Ex*
Parte Motion to extend the Suspension, and

15 [e] an order of this Bankruptcy Court for Thomas Gillis to attend a hearing on
16 January 24, 2020 to address the proper fees payable to Mr. Gillis under applicable
federal law for legal services provided in the bankruptcy cases before the court.

17 A copy of the Second Motion and January 21, 2020 declaration of Mr. Gillis are attached to this
18 Memorandum as ADDENDUM “E.”

19 In the Second Extension Motion, Mr. Gillis states that the attorney who was to purchase his
20 sole practitioner practice, Todd Whiteley, backed out of the sale because Mr. Whiteley’s wife
21 “insisted he quit.” Mr. Gillis states that in a panic over the loss of Mr. Whiteley as the buyer of his
22 practice, he turned to an old friend, attorney Mark Hannon. The Second Extension Motion states
23 that “Mr. Hannon has agreed to substitute in on [Mr. Gillis’] active cases” and “hire much of
24 member’s staff to assist [Mr. Hannon] with Spanish speaking clients.” Second Extension Motion,
25 ¶ 23. Further, that Mr. Gillis has “agreed to stay on for at least a year to help with office work,
26 research, preliminary preparation of motions and responses for Chapter 13 clients whose cases are
27 pending.” *Id.*

28 The State Bar Court granted a second extension, delaying the commencement of the

1 Suspension until February 15, 2020. Second Extension Order, ADDENDUM “F.”

2 On this last point of Mr. Gillis agreeing to continue for a year to assist Mr. Hannon with all
3 of the existing cases for existing predominately Spanish speaking clients, there has been an unusual
4 increase in case filings by Mr. Hannon. Beginning on January 14, 2020, a week before Mr. Gillis
5 filed the Second Extension Motion, and running through February 5, 2020, Mr. Hannon has filed
6 the forty-seven (47) new Chapter 7 and seven (7) new Chapter 13 cases. A chart of these cases, the
7 case number, debtors’ names, and dates of filing are attached to this Memorandum as
8 ADDENDUM “G.” In reviewing the debtors’ names, almost all, if not all, have Hispanic surnames.

9 Looking at Mark Hannon’s “normal” practice of filing bankruptcy cases in 2019, he filed
10 nineteen (19) Chapter 7 cases, six (6) Chapter 13 cases, and one Chapter 11 case. For his filings in
11 the three week period of January 14, 2020, through February 5, 2020, Mr. Hannon filed 117% more
12 Chapter 13 cases and 2,474% more Chapter 7 cases in all of 2019 and the first two weeks of 2020.

13 It is not clear how Mark Hannon has such a dramatic increase in new cases filed in those
14 three weeks after reportedly coming to an agreement with Mr. Gillis to substitute in on all of his 609
15 existing bankruptcy cases.

16 The case filing data for Mark Hannon for the pre-January 14, 2020 and all of 2019 is:

- 17 January 1through 13, 2020.....No Bankruptcy Cases Filed
- 18 December 2019.....No Bankruptcy Cases Filed
- 19 November 2019.....Five (5) Chapter 7 Cases Filed
- 20 October 2019.....No Bankruptcy Cases Filed
- 21 September 2019.....One (1) Chapter 11 Case Filed
- 22 August 2019.....Two (2) Chapter 7 Cases Filed
23 One (1) Chapter 13 Case Filed
(No Confirmed Plan)
- 24 July 2019.....No Bankruptcy Cases Filed
- 25 June 2019.....Three (3) Chapter 7 Cases Filed
- 26 May 2019.....Two (2) Chapter 13 Cases Filed
27 (Confirmed plans in both cases)
- 28 April 2019.....One (1) Chapter 7 Case Filed

1 judges in this District in addressing the substitutions filed by Thomas Gillis and Mark Hannon for
 2 which the attorney of record was identified as Latino Law, Inc. A copy of the Order is attached to
 3 this Memorandum as ADDENDUM “I.” The Order cites to the long standing Local Rule of the
 4 United States District Court⁶ and the United States Bankruptcy Court in the Eastern District of
 5 California that require the attorney of record for a party be an individual, not a corporate or other
 6 fictitious entity.

7 **Revised Substitution of Attorney Document**

8 After the substitutions sought under the Original Substitution of Attorney Documents had
 9 been denied, a revised Substitution of Attorney Document form (“Revised Substitution of Attorney
 10 Document”) was filed by Thomas Gillis and Mark Hannon in cases in this District.

11 An example of the Revised Substitution of Attorney Document is the one filed on
 12 February 5, 2020, in *In re: Victor Cruz Chavez and Monserrat Olvera*, Chapter 13 Case No. 19-
 13 27416, Dckt. 44; a copy of which is attached to this Memorandum as ADDENDUM “J.” The
 14 information provided in the Revised Substitution of Attorney Document in pertinent part includes:

15 Attorney Substituting Out From
 16 Representation of Debtor.....Thomas O. Gillis

17 Attorney Substituting in to Represent
 18 Debtor.....Mark Hannon, DBA Latino Law, Inc.

19 The signature provided for Mark Hannon,
 20 dba Latino Law, Inc. on the Substitution is.....[illegible signature]
 21 Mark Hannon, Esq.

22 Date Substitution Signed for
 23 Mark Hannon, dba Latino Law, Inc.....February 3, 2020

24 19-27416; Revised Substitution of Attorney Document, Dckt. 44.

25 The judges in the District are reviewing the Revised Substitution of Attorney Document and
 26 no orders have been issued thereon as of the time this Memorandum and Order thereon were being

27 ⁶ The online Attorney Look Up feature of the United States District Court for the Eastern District
 28 of California website reports that Thomas Gillis has been admitted in the Eastern District of California
 since April 22, 1993, and Mark Hannon has been admitted in the Eastern District of California since June
 3, 1983.
<http://www.caed.uscourts.gov/caednew/index.cfm/attorney-info/attorney-admission-search/>

1 issued.

2 While an individual's name, Mark Hannon, has been added to say who the Debtor is
3 substituting as counsel, it is qualified by stating that the individual is doing business as a corporation
4 - "Latino Law, Inc."

5 An initial review of California law concerning individuals attempting to identify themselves
6 as a corporation in doing business turned up California Business and Professions Code § 17901.5,
7 which states (emphasis added) as to the use of fictitious names by an individual:

8 § 17910.5. Fictitious business name; indication of corporate status

9
10 (a) **No person shall adopt any fictitious business name which includes**
11 **"Corporation," "Corp.," "Incorporated," or "Inc." unless that person is a**
12 **corporation** organized pursuant to the laws of this state or some other jurisdiction.

13 . . . [limitations on identifying oneself as a limited liability company]

14 (c) A county clerk shall not accept a fictitious business name statement which would
15 be in violation of this section.

16 Thus, it does not appear that Mark Hannon, if substituting in individually as the counsel for
17 Debtor, can identify himself as Mark Hannon, dba Latino Law, Inc.

18
19 **DOCUMENTS FILED BY THOMAS GILLIS AND MARK HANNON**
20 **PURPORTING TO ASSIGN UNEARNED FEES OF THOMAS GILLIS**

21 Being addressed in other joint proceedings being conducted in the District are the attorneys'
22 fees which Thomas Gillis has earned which will be paid in the future through a debtor's performance
23 of a Chapter 13 Plan. Being addressed is the issue that pursuant to the Local Bankruptcy Rules,
24 Thomas Gillis elected to be paid a flat fee of not more than \$4,000.00 in the consumer debt
25 Chapter 13 cases he filed. Local Bankruptcy Rule ("LBR") 2016-1. For the flat fee, debtor counsel
26 must provide the services in filing the case, confirming the plan, review the claims, address issues
27 relating to modification of the plan, assisting the debtor at the completion of the plan to obtain their
28 discharge, and other legal services. These services are described in the Eastern District of California
Rights and Responsibilities of Chapter 13 Debtors and the Attorneys Form EDC 3-096. A copy of
the Rights and Responsibilities Form EDC 3-096 signed and filed by Thomas Gillis in *In re Victor*
Cruz Chavez and Monterrat Olivera, (*In re Chavez/Olivera*) is attached to this Memorandum as

1 ADDENDUM “K.” 19-27416; Rights and Responsibilities Form, filed December 20, 2019,
2 Dckt. 22.

3
4 **Assignment For Payment of Attorney
Fees and Contract Form**

5 Thomas Gillis and Mark Hannon have filed in some of Mr. Gillis’ cases a document titled
6 Assignment for Payment of Attorneys’ Fees and Contract (“Assignment For Payment/Contract”).
7 An example of this document is attached to this Memorandum as ADDENDUM “L,” which was
8 filed in Chapter 13 case *In re Ramon Para*. 19-26476, Assignment For Payment/Contract, Dckt. 27.

9 The Assignment for Payment/Contract filed in *In re Ramon Para* on January 28, 2020,
10 includes the following in pertinent part:

- 11 A. The assignment is stated to be between Thomas and Latino Law, Inc.
12 B. All of the remaining legal work will be done by Latino Law, Inc.
13 C. The remaining fees to be paid in the case of \$6,000.00 will be paid to Latino Law,
14 Inc. in the place of Thomas Gillis.
15 D. Latino Law, Inc. will be substituted in as counsel of record to represent all of
16 Thomas Gillis who have confirmed plan but whose fees have already been paid to
17 Thomas Gillis.
18 E. The Assignment for Payment/Contract is signed by Thomas Gillis and Mark J.
19 Hannon, Latino Law, Inc.

18 *Id.*

19 The judges in this District have provided a uniform response to these Assignment for
20 Payment/Contract forms filed by Thomas Gillis and Mark Hannon. No relief is granted pursuant
21 to such document. In the *Ramon Parra* Chapter 13 case, the court’s order was filed on February 6,
22 2020. *Id.*, Order, Dckt. 32; attached to this Memorandum as ADDENDUM “M.” This order
23 addresses the fee allowance provided under the Bankruptcy Code, that the fees under the fixed fee
24 provision are for services provided throughout the entire case, that Mr. Gillis has not and cannot
25 provide such services due to the Suspension and that the court must determine the portion of the
26 fixed fee that is reasonable for the services that Mr. Gillis did provide prior to the Suspension.

27 In the *Ramon Parra* case, the bankruptcy case was filed on October 17, 2019. No Chapter 13
28

1 Plan has been confirmed.⁷ The \$6,000.00 fees referenced indicate that this was being presented as
2 a business Chapter 13. As stated on the Amended Rights and Responsibilities Form filed by the
3 Debtor and Thomas Gillis states that \$1,500.00 had been paid in advance and \$4,000.00 remained
4 to be paid through a confirmed Chapter 13 Plan. *Id.*, Dckt. 3.

5 A review of the file indicates that there is substantial pre- and post-confirmation work
6 remaining to be done by an attorney for the debtor. Because of the Suspension, Mr. Gillis cannot
7 do such work, cannot be allowed fees for such work, and cannot assign such fees for future work.

8 Whomever substitutes in as counsel for the debtor in the future will make the fee
9 arrangement with his or her new client, which fee arrangement is subject to approval by the court
10 before such counsel can assert the right to be paid such fees.

11 **STATE BAR OF CALIFORNIA**
12 **AND SECRETARY OF STATE DOCUMENTS**
13 **RELATING TO LATINO LAW, INC.**

14 **State Bar Documents**

15 California law requires that professional corporations whose employees practice law must
16 register with the State Bar. Bus & Prof Code §§ 6160 et seq. The State Bar, from its public records,
17 has provided to the court the following documents relating to Latino Law, Inc.:

- 18 A. Certification that Latino Law, Inc. was issued a Certificate of Registration with the
19 State Bar of California on January 23, 2020, and Latino Law, Inc. Certificate is
20 Active. ADDENDUM “A” at 3.
- 21 B. Application for Issuance of Certificate of Registration filed by Latino Law, Inc.,
22 which was received by the State Bar of California on November 26, 2019.
23 ADDENDUM “A” at 4-7. The information in the Application includes:
- 24 1. Contact named for Latino Law, Inc. is Todd Whiteley.
 - 25 2. Attachment A to the Application is the list of attorneys of Latino Law, Inc.,
26 which states:

27 ⁷ Confirmation of a plan is significant when an attorney opts to take a flat fee as provided in
28 L.B.R. 2016-1 because as part of the confirmation order the court will also approve the fees for such
attorney.

- 1 a. The only shareholder of Latino Law, Inc. is Todd Whiteley.
- 2 b. The officers of Latino Law, Inc. are:
- 3 (1) President.....Todd Whiteley
- 4 (2) Treasurer.....Todd Whiteley
- 5 (3) Secretary.....Todd Whiteley
- 6 c. The directors of Latino Law, Inc. are:
- 7 (1) Todd Whiteley
- 8 d. The attorney employees of Latino Law, Inc. are:
- 9 (1) Todd Whiteley
- 10 e. Total number of persons practicing law on behalf of the Law
- 11 Corporation..... 1

12 C. Attachment C-1 Standard Law Corporation Guarantee received by the State Bar of
 13 California on January 23, 2020.

- 14 1. The only shareholder of Latino Law, Inc. is stated to be Todd Whiteley.
- 15 2. The statement that the only shareholder of Latino Law, Inc. is Todd Whiteley
- 16 is:
- 17 a. Signed on January 22, 2020
- 18 b. Has an effective date of January 22, 2020
- 19 c. Is signed by Todd Whiteley
- 20 3. Attachment B is the Declaration of Compliance with Rules 7.1-7.5 of the
- 21 Rules of Professional Conduct, which has a received date of November 26,
- 22 2019.
- 23 a. This Certification is signed by Todd Whiteley
- 24 b. Has an executed on date of November 11, 2019.

25 D. A copy of the Articles of Incorporation with a Secretary of State filed date of
 26 August 22, 2019. ADDENDUM "N." The information included in the Articles of
 27 Incorporation include:

- 28 1. The agent for service of process is Thomas Gillis.
- 2. Latino Law, Inc. is authorized to issue only once class of shares of stock and
 is authorized to issue 1,000 shares of stock.

- 1 3. The Articles are signed by Thomas Gillis.
- 2 4. The Articles contain the certification stamp of the Secretary of State, which
- 3 is dated November 17, 2019.
- 4 5. Attached to the Articles of Incorporation is a two page excerpt of the Latino
- 5 Law, Inc. Articles of Incorporation.
- 6 a. A Certification dated November 21, 2019, signed by Todd Whiteley
- 7 is included with the excerpt. The Certification has a State Bar of
- 8 California received date of November 26, 2019.
- 9 6. The final page of the excerpt is a Stock Certificate for Latino Law, Inc. The
- 10 information on the Stock Certificate includes:
- 11 a. Todd Whiteley is identified as the holder of 1,000 shares of Latino
- 12 Law, Inc.
- 13 b. The Stock Certificate is dated November 21, 2019.
- 14 c. The Stock Certificate is signed by Todd Whiteley as Secretary and
- 15 Todd Whiteley as President.

16 **California Secretary of State**
 17 **Filed Documents**

18 The documents provided by the State Bar of California included documents filed with the

19 California Secretary of State. As is well known, the Secretary of State maintains a website⁸ at which

20 documents filed with the Secretary of State can be reviewed by the public. Going to the Secretary

21 of State website and running a search using the corporation name Latino Law, Inc., the Secretary

22 of State reports two documents filed with the Secretary of State. One is the Articles of Incorporation

23 which is the same as provided by the State Bar of California.

24 The second is the required Statement of Information, a copy of which is attached to this

25 Memorandum as ADDENDUM “O.” This Statement of Information includes the following

26 information:

- 27 1. The Officers of Latino Law, Inc. are:
- 28 a. Chief Executive Officer.....Mark J Hannon
- b. Secretary.....Mark J Hannon
- c. Chief Financial Officer.....Mark J Hannon

⁸ <https://businesssearch.sos.ca.gov/>

- 1 2. The Directors of Latino Law, Inc are:
2 a. Mark H. Hannon
3 3. The Agent for Service of Process is:
4 a. Mark J Hannon
5 4. The addresses for the Officers, Secretary, Chief Financial Officer, Director,
6 and Agent for Service of Process are:
7 a. 1006 H Street #1, Modesto, California.

8 The Statement of Information signature block is dated January 29, 2020, the typed name of
9 the person who completed the form is Thomas Gillis. However, the Statement of Information is not
10 signed.

11 The State Bar of California lists the following address and other information for Mark J.
12 Hannon:⁹

13 Mark J. Hannon #107829
14 License Status: Active

15 Address: 1114 W Fremont St, Stockton, CA 95203
16 County: San Joaquin County

17 Phone Number: (209) 942-2229
18 Fax Number: (209) 942-3973
19 Email: markjhannon@yahoo.com

20 The State Bar of California does not list there being a licensed attorney with the name Mark H
21 Hannon. It appears that the name "Mark H Hannon" on the Statement of Information is a
22 typographical error.

23 The State Bar of California lists the following address and other information for Thomas O
24 Gillis:¹⁰

25 Thomas Oscar Gillis #40186
26 License Status: Not Eligible to Practice Law(Actual Suspension Delayed)

27 Address: Thomas O Gillis, Attorney, 1006 H St Ste 3, Modesto, CA

28 ⁹ <http://members.calbar.ca.gov/fal/Licensee/Detail/107829>

¹⁰ <http://members.calbar.ca.gov/fal/Licensee/Detail/40186>

1 95354-2384
2 County: Stanislaus County

3 Phone Number: (209) 575-1153
4 Fax Number: (866) 750-5566
5 Email: tg341@gillislaw.us

6 **REQUIRED HEARING, PROVIDING OF INFORMATION AND DOCUMENTS**

7 As discussed above, what has been filed with the court raises serious issues and questions
8 concerning who, or what, is attempting to substitute in. Though taking several shots at it, the
9 substitution of attorney forms are not only inconsistent with what is required under Federal law, but
10 inconsistent with California law. These forms may well appear to be carefully crafted documents
11 by which the perceived individual attorney who is purported to be substituting in is not, but there
12 is some “organization” being run that is doing all of the legal work - not the attorney.

13 It also appears that the clients, with a substantial increase in Chapter 13 case filing by
14 Mr. Gillis on the eve of the Suspension have become the justification for getting the commencement
15 of the Suspension extended. Additionally, the attempted substitutions of a corporation, Latino Law,
16 Inc., and then the use of a corporate fictitious name for an individual, “Mark J. Hannon, DBA Latino
17 Law, Inc.,” has worked to delay the substitutions, which then are being used as “justifications” for
18 further delaying the Suspension.

19 To expedite the resolution of these issues, providing not only the individual former debtor
20 clients of Mr. Gillis (who is now suspended), but also Thomas Gillis and Mark J. Hannon a
21 coordinated opportunity to resolve inadvertent missteps, clarify any confusion of the various
22 bankruptcy judges, and coordinate proceedings, the court sets a hearing on these issues for at
23 3:00 p.m. on March 25, 2020, in the United States Bankruptcy Court, 2500 Tulare Street, 5th Floor,
24 Courtroom 13, Fresno, California. This coincides with the hearing being conducted by Judges
25 Clement and Lastreto in determining the methodology for awarding the portions of the fixed fees
26 for legal services provided, and the portion that relates to the legal services that Mr. Gillis cannot
27 provide due to the Suspension.

28 ///

///



The State Bar
of California

OFFICE OF ATTORNEY REGULATION
& CONSUMER RESOURCES

180 Howard Street, San Francisco, CA 94105

888-800-3400

AttorneyRegulation@calbar.ca.gov

THIS IS TO CERTIFY:

The undersigned is employed by the State Bar of California, Attorney Regulation and Consumer Resources. As such, one of my responsibilities is to maintain the records relating to the registration of law corporations and limited liability partnerships by the State Bar of California.

I have this day examined the computer records maintained by the State Bar relating to the registration of law corporation, and I have found that "**Latino Law, Inc.**", was originally issued Certificate of Registration No. **25265**, effective January 23, 2020.

This certificate has remained since that date, and is at date hereof, **ACTIVE**.

Date: February 7, 2020

A handwritten signature in cursive script, appearing to read "Robert McPhail", written over a horizontal line.

Robert McPhail
Attorney Regulation and Consumer Resources

ADDENDUM A



The State Bar
of California

OFFICE OF ATTORNEY REGULATION &
CONSUMER RESOURCES

January 23, 2020

COPY

Todd Whiteley, Esq.
Latino Law, Inc.
P.O. Box 576790
Modesto, CA 95357

RE: Latino Law, Inc.
Certificate of Registration No. **25265**
Verification Code: **0**

Dear Atty. Whiteley:

The Certificate of Registration for the above-entitled professional law corporation has been approved and is enclosed. The Certificate has an effective date of **January 23, 2020**.

Pursuant to Rule VI of the Law Corporation Rules, the above-listed professional corporation must file an annual report on or before March 31 of each year, on a form provided by this office. An annual report form will be mailed to the corporation's address of record (set forth above) in **early March, 2021**. If the corporation does not receive an Annual Report form in the month of March, 2021, please contact our office immediately.

In the meantime, if you wish to report any law corporation changes before next January, please obtain a Special Report form by either accessing The State Bar of California website, www.calbar.ca.gov, or calling Member Service Center at 1-888-800-3400.

Sincerely,

A handwritten signature in black ink, appearing to read "Nina Hester".

Nina Hester
Program Specialist

CERTIFICATE OF REGISTRATION

The State Bar of California

certifies that having complied with the requirements of the statutes of the State of California and applicable rules and regulations pertaining to professional corporations,



Latino Law, Inc.

is registered as a

Law Corporation

Certificate Number: 25265

Date: January 23, 2020

A handwritten signature in cursive script that reads "Leah T. Wilson".

Leah T. Wilson,
Executive Director

AB OK # 004072 Case 20-00101 \$200 mb



The State Bar of California

OFFICE OF ATTORNEY REGULATION & CONSUMER RESOURCES

180 Howard Street, San Francisco, CA 94105

888-800-3400

LawCorp@calbar.ca.gov

Application for Issuance of a Certificate of Registration as a Law Corporation

FOR OFFICIAL STATE BAR USE ONLY RECEIVED MBS NOV 26 2019 \$200 / Check Number 004072 Initials: mb Application #: 25265

1) CORPORATE INFORMATION

Name of Law Corporation including Corporate Designation:

Latino Law, Inc. ✓

Contact Name: Todd Whiteley

E-mail: bkfmhm@gmail.com

Address Line 1: P.O. Box 576790

Address Line 2:

City: Modesto

State: CA

Zip: 95357

Phone: 209.496.2552

2) ATTACHMENTS

Complete and Attach the following:

- Attachment A: Listing all shareholders, officers, directors... Attachment B: Declaration of Compliance... Attachment C: Attachment C-1: the Standard Law Corporation Guarantee OR Attachment C-2: the Standard Law Corporation Guarantee for Law Corporations Practicing in Partnership with Other Law Corporations Secretary of State Certification: California Law Corporation: Attach an ORIGINAL certified copy... OR Out of State Law Corporation: Attach BOTH an ORIGINAL certified copy of Statement of Designation by Foreign Corporation AND an ORIGINAL Certificate of Status of Foreign Corporation Bylaws Excerpts: Please refer to the Law Corporation Rules of the State Bar... Secretary's Certification of Bylaws Excerpts: Certifying that the excerpts attached are a true and correct copy... Specimen Share certificate: Photocopy of both sides... Payment: A \$200 non-refundable fee must accompany this Application.

3) DECLARATION

I am Todd Whiteley, President (Name of Officer) (Title of Officer)

of Latino Law, Inc. and as such make this declaration (Complete Name of Corporation)

for and on behalf of said corporation. I have read the foregoing and all attachments thereto and know the contents thereof and the same are true of my own knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing application and all attachments are true and correct and that the applicant is an existing corporation and its organization, bylaws, Articles of Incorporation and general plan of operation are such that its affairs will be conducted in compliance with the State Bar Act, and the applicable provisions of the Corporations Code, The Rules of Professional Conduct of the State Bar, the Law Corporation Rules of the State Bar and such other laws, rule and regulations as may be applicable.

Executed On: 11-21-19

Print Name: Todd Whiteley

Signature:

[Handwritten Signature: Todd A Whiteley]

4) SUBMISSION INFORMATION

Submit completed application with all attachments and payment to:

The State Bar of California Law Corporations 180 Howard Street San Francisco, CA 94105-1617



THE STATE BAR OF CALIFORNIA
LAW CORPORATION
180 Howard Street · San Francisco, CA 94105-1617
(888) 800-3400 · lawcorp@calbar.ca.gov

FOR OFFICIAL STATE BAR USE ONLY

Application #: _____

Law Corporation Application – Attachment A List of Attorneys

Complete Name of Law Corporation: Latino Law, Inc.

1) Shareholders

A) Name	CA Bar Number (if applicable)	Jurisdiction(s) in which admitted
Todd Whiteley	195707	California
_____	_____	_____
_____	_____	_____
_____	_____	_____

B) Are any of the above-listed shareholders:

- Shareholders in another California law corporation? Yes No
- Partners in a limited liability partnership? Yes No

C) If you checked "Yes" for either question in Part B, complete this section: In the third column, indicate which type of law practice relationship with the Applicant applies: C for "of counsel"; P for "in partnership"; A for "in association"; or N for "no law practice relationship".

Name of Law Corporation or LLP	CA State Bar Cert. Of Reg. Number	Law Practice Relationship "C", "P", "A", or "N"
_____	_____	_____
_____	_____	_____
_____	_____	_____

Check here if additional sheets are attached. Attach additional sheets labeled "Att-A: Shareholders" as necessary.

2) Officers

NOTE: In law corporations with more than one shareholder, all officers must be shareholders. See California Corporations Code §13403

Name	CA Bar Number (if applicable)	Jurisdiction(s) in which admitted
Todd Whiteley (President)	195707	California
Todd Whiteley (Treasurer)	195707	California
Todd Whiteley (Secretary)	195707	California

3) Directors

NOTE: Directors of a law corporation must also be shareholders. See California Corporations Code §13403

Name	CA Bar Number (if applicable)	Jurisdiction(s) in which admitted
Todd Whiteley	195707	California
_____	_____	_____
_____	_____	_____

Check here if additional sheets are attached. Attach additional sheets labeled "Att-A: Directors" as necessary.

4) Attorney Employees

Name	CA Bar Number (if applicable)	Jurisdiction(s) in which admitted
Todd Whiteley	195707	California
_____	_____	_____
_____	_____	_____

Check here if additional sheets are attached. Attach additional sheets labeled "Att-A: Attorney Employees" as necessary.

5) Attorneys Practicing Law on Behalf of a Partnership in Which the Law Corporation is a Partner

A) Name	CA Bar Number (if applicable)	Jurisdiction(s) in which admitted
N/A	_____	_____
_____	_____	_____
_____	_____	_____

B) Is the partnership a limited liability partnership (LLP)? Yes No

C) If Yes: LLP Name CA State Bar LLP Cert. of Reg. No.

_____	_____
_____	_____
_____	_____

Check here if additional sheets are attached. Attach additional sheets labeled "Att-A: Law Corp Partnership" as necessary.

6) Attorneys Practicing Law on Behalf of an Association in Which the Law Corporation has Established a Relationship of a Continuous Nature.

Name	CA Bar Number (if applicable)	Jurisdiction(s) in which admitted
N/A	_____	_____
_____	_____	_____
_____	_____	_____

Check here if additional sheets are attached. Attach additional sheets labeled "Att-A: Law Corp Relationship" as necessary.

7) Other Law Corporations Practicing in the Partnership or Association

Name	State of Incorporation	CA State Bar Cert. of Reg. No (If Applicable)
N/A		

Check here if additional sheets are attached. Attach additional sheets labeled "Att-A: Law Corp Association" as necessary.

8) Other Attorneys ("Of Counsel", "Contract Attorneys", Part-Time Attorneys)

Name	CA Bar Number (if applicable)	Jurisdiction(s) in which admitted
N/A		

Check here if additional sheets are attached. Attach additional sheets labeled "Att-A: Law Corp Others" as necessary.

9) Total number of Persons Practicing law on behalf of the Law Corporation: * 1

*Use the total in item #9 to calculate the dollar amounts to be set forth on the Standard Law Corporation Guarantee (Attachment C-1) or Standard Law Corporation Guarantee for Law Corporations Practicing in Partnership with other Law Corporations (Attachment C-2) See the Guarantee Worksheet for how to calculate the correct dollar amounts for the guarantee.

\$50,000.00 (Fifty Thousand Dollars).



The State Bar of California

OFFICE OF ATTORNEY REGULATION & CONSUMER RESOURCES

180 Howard Street, San Francisco, CA 94105

888-800-3400

LawCorp@calbar.ca.gov

Attachment C-1 Standard Law Corporation Guarantee

FOR OFFICIAL STATE BAR USE ONLY

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JAN 23 2020

Application Member Services Center (MSC)
The State Bar of California

1) **NOTES**

See the Law Corporation Guarantee Worksheet, or Section #11 of the Annual Renewal Form for instructions on calculating the correct dollar amount for the guarantee.

This guarantee is not valid without original signatures.

2) **DECLARATION**

The undersigned, being shareholder(s) of
Latino Law, Inc.

(Set forth complete name of corporation including corporate designation)

hereby guarantee(s) payment by the corporation (and, if our corporation shall have more than one shareholder, this obligation shall be joint and several among the shareholder(s) of all claims established against it by its clients for errors or omissions arising out of the practice of law by the corporation in an amount not to exceed \$ 50,000.00 for each claim with an aggregate maximum liability not to exceed \$ 100,000.00 per calendar year; provided that any payment required to be made hereunder shall be offset by the amount paid by any insurance company providing errors or omissions insurance for the corporation or any of its shareholders.

DATE EXECUTED: 1/22/2020

EFFECTIVE DATE: 1/22/2020

SHAREHOLDER(S) SIGNATURE(S)

(ALL Shareholders must sign.
Signatures MUST be original.)

Print Name

Signature

Todd Whiteley

Additional Sheets are Attached

Attach this form to your Annual Renewal if you are executing a new guarantee



The State Bar of California

OFFICE OF ATTORNEY REGULATION & CONSUMER RESOURCES

180 Howard Street, San Francisco, CA 94105

888-800-3400

LawCorp@calbar.ca.gov

Law Corporation – Attachment B

Declaration of Compliance with Rules 7.1 - 7.5, Rules of Professional Conduct of The State Bar of California

FOR OFFICIAL STATE BAR USE ONLY

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NOV 26 2019

Member Services Center (MSC) Application # _____ The State Bar of California

The undersigned, on behalf of

Latino Law, Inc.

(Set forth complete name of corporation and designation)


does hereby certify that the name of this law corporation complies with the Rules of Professional Conduct of the State Bar of California, Rules 7.1 - 7.5.

DECLARATION

I am a person authorized to act on behalf of this law corporation, and do hereby make this declaration on behalf of said corporation. I have read the foregoing and the same is true of my own knowledge. I declare, under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed on: 11-21-2019
Signature: [Handwritten Signature]
Print Name: Todd Whiteley
(Person authorized to act on behalf of the Law Corporation)

4310472

	<p>Secretary of State Articles of Incorporation of a Professional Corporation</p>	<p>ARTS-PC</p>
<p>IMPORTANT — Read instructions before completing this form.</p> <p>Filing Fee - \$100.00</p> <p>Copy Fees - First page \$1.00; each attachment page \$0.50; Certification Fee - \$5.00</p> <p><i>Note:</i> Corporations may have to pay a minimum \$800 tax to the California Franchise Tax Board each year. For more information, go to https://www.ftb.ca.gov.</p>		

FILED *JK*
 Secretary of State
 State of California
 AUG 22 2019 

IPC
 This Space For Office Use Only

1. Corporate Name (Contact the California state board or agency that controls your profession to find out if your profession is authorized to be a corporation in California and if there are any specific corporate name style rules. Go to www.sos.ca.gov/business/be/name-availability for general corporate name requirements and restrictions.)

The name of the professional corporation is Latino Law, Inc.

2. Business Addresses (Enter the complete business addresses. Item 2a cannot be a P.O.Box or "in care of" an individual or entity.)

a. Initial Street Address of Corporation - Do not enter a P.O. Box 1006 H Street	City (no abbreviations) Modesto	State Ca	Zip Code 95354
b. Initial Mailing Address of Corporation, if different than Item 2a	City (no abbreviations)	State	Zip Code

3. Service of Process (Must provide either Individual OR Corporation.)

INDIVIDUAL - Complete Items 3a and 3b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation) Thomas	Middle Name Oscar	Last Name Gillis	Suffix
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box 1006 H Street	City (no abbreviations) Modesto	State CA	Zip Code 95354

CORPORATION - Complete Item 3c. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) - Do not complete Item 3a or 3b

4. Shares (Enter the number of shares the corporation is authorized to issue. Do not leave blank or enter zero (0).)

This corporation is authorized to issue only one class of shares of stock.
 The total number of shares which this corporation is authorized to issue is 1000.

5. Purpose Statement (Contact the California state board or agency that controls your profession to find out if your profession is authorized to be a corporation in California. Go to www.dca.ca.gov/about_dca/entities.shtml for more information.)

The purpose of the corporation is to engage in the profession of practicing law and any other lawful activities (other than the banking or trust company business) not prohibited to a corporation engaging in such profession by applicable laws and regulations. This corporation is a **professional corporation** within the meaning of California Corporations Code section 13400 et seq.

6. Read and Sign Below (This form must be signed by each incorporator. See instructions. Do not include a title.)

Signature 

Thomas O. Gillis
 Type or Print Name



I hereby certify that the foregoing transcript of _____ page(s) is a full, true and correct copy of the original record in the custody of the California Secretary of State's office.

NOV 17 2019

Date: _____ *CPG*

Alex Padilla

ALEX PADILLA, Secretary of State

ARTICLE V
CORPORATE RECORDS AND REPORTS

5.01. Every year, on or before March 31, the corporation shall file an annual report covering the calendar year immediately preceding, on a form provided by the California State Bar, under Business and Professions Code §6163. This report shall be signed and verified by an officer of the corporation.

5.02. In accordance with Law Corporation Rule VI, the corporation shall file a special report on a form provided by the California State Bar within 30 days of any change relating to the requirements of Law Corporation Rule IV, including any change in directors, officers, employees practicing law, share ownership, amendments to the articles of incorporation, and amendments to portions of the bylaws required by the Law Corporation Rules to be filed. A copy of all notices received from an insurance company of termination or cancellation of, or intention to terminate or cancel malpractice insurance required shall be filed immediately with the State Bar.

5.03. For purposes of determining the shareholders entitled to receive payment of dividends or other distributions or allotment of rights, or entitled to exercise any rights in respect of any other lawful action (other than voting at and receiving notice of shareholders' meetings and giving written consent of the shareholders without a meeting), the board of directors may fix in advance a record date, which shall be not more than 60 nor less than 10 days before the date of the dividend payment, distribution, allotment, or other action. If a record date is so fixed, only shareholders of record at the close of business on that date shall be entitled to receive the dividend, distribution, or allotment of rights, or to exercise the other rights, as the case may be, despite any transfer of shares on the corporation's books after the record date, except as otherwise provided by statute.

5.04. If the board of directors does not so fix a record date in advance, the record date shall be at the close of business on the later of (1) the day on which the board of directors adopts the applicable resolution or (2) the 60th day before the date of the dividend payment, distribution, allotment of rights, or other action.

ARTICLE VI
SHAREHOLDER RESTRICTIONS

6.01. The shares of this law corporation are subject to the following restrictions:

- (A) A shareholder of a law corporation must be licensed and entitled to practice law;
- (B) The shares of the law corporation must be owned only by that corporation or a shareholder;
- (C) The shares of a deceased shareholder must be sold or transferred to the law corporation

or its shareholders within six months and one day following the date of death;

(D) The share certificates of the law corporation must set forth the preceding restrictions of this rule regarding ownership, sale, or transfer of shares. These restrictions must also be set forth in the articles of incorporation or bylaws.

(E) The shares of a shareholder who is ineligible to practice law or legally Disqualified to render professional services to the law corporation must be sold or transferred to a qualified shareholder within ninety days after the date of ineligibility or disqualification. The terms of such a sale or transfer of shares must be set forth in the articles, the bylaws, or a written agreement.

(F) The shares of a shareholder disqualified for any reason may be resold to that shareholder upon his or her becoming eligible to practice law.

6.02. Despite any provision to the contrary, income of the corporation attributable to its practice of law while a shareholder is a disqualified person as defined by Corporations Code §13401(e) shall not in any manner accrue to the benefit of that shareholder or his or her shares.

ARTICLE VII
INSURANCE

7.01. In accordance with the requirements set forth in Law Corporation Rule IV(B), the corporation shall provide and maintain security by insurance or otherwise for claims against it by its clients for errors and omissions arising out of the corporation's practice of law.

ARTICLE IIX

8.01. Except when such provisions are in conflict with or inconsistent with the California Moscone-Knox Professional Corporation Act, the provisions of the Law Corporation Rules of the California State Bar shall apply. The construction of these bylaws shall be governed by the general provisions, rules of construction, and definitions in Corporations Code §§100-195. Without limiting the generality of this provision, the singular number includes the plural, the plural includes the singular, and the term "person" includes a corporation and a natural person.

ARTICLE IX
AMENDMENTS OF ARTICLES OF INCORPORATION

9.01. Except as otherwise provided by the articles of incorporation, the law, or the Law Corporation Rules of the California State Bar, amendments to the articles of incorporation may be adopted if approved by the directors and approved by a majority of the outstanding shares entitled to vote, before or after approval by the directors. An amendment to the

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NOV 26 2019

Member Services Center (MSC)
The State Bar of California

CERTIFICATION

I, Todd Whiteley, Secretary of Latino Law, Inc. hereby certify under penalty of perjury, the foregoing is true and correct, that the two page excerpts from the bylaws of Latino Law, Inc. and affixed hereto are true and correct copies of the excerpts of the bylaws of Latino Law, Inc. Executed at Modesto, California.

11-21-19
Date


Todd Whiteley, Esq.

Latino Law, Inc

A PROFESSIONAL LAW CORPORATION

This Certifies that TODD WHITELEY is the registered holder of ONE THOUSAND shares

LATINO LAW, INC

- A shareholder of a law corporation must be licensed and entitled to practice law.
- The shares of a law corporation must be owned only by that corporation or a shareholder.
- The shares of a deceased shareholder must be sold or transferred to the law corporation or its shareholders within six months and one day following the date of death.
- The shares certificate of the law corporation must set forth the preceding restrictions of this rule regarding ownership, sale, or transfer of shares. These restrictions must also be set forth in the articles of incorporation or bylaws.
- The shares of a shareholder who is ineligible to practice law or legally disqualified to render professional services to the law corporation must be sold or transferred to a qualified shareholder within ninety days after the date of ineligibility or disqualification. The terms of such a sale or transfer of shares must be set forth in the articles, the bylaws, or a written agreement.

In Witness Whereof, *the said Corporation has caused this Certificate to be signed by its duly authorized officers*

this 21st day of November A.D. 2019

Todd A Whiteley
TODD WHITELEY, SECRETARY

Todd A Whiteley
TODD WHITELEY, PRESIDENT

(State Bar Court Nos. 16-O-10780 (17-O-02624; 17-O-04790))

S256770

IN THE SUPREME COURT OF CALIFORNIA SUPREME COURT

FILED

En Banc

NOV 01 2019

In re THOMAS OSCAR GILLIS on Discipline

Jorge Navarrete Clerk

The court orders that Thomas Oscar Gillis (Respondent), State Bar Number 40186, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and Respondent is placed on probation for four years subject to the following conditions:

1. Respondent is suspended from the practice of law for a minimum of the first two years of probation, and Respondent will remain suspended until the following requirements are satisfied:
 - i. Respondent makes restitution to Teena and Ramiro Gutierrez, in the amount of \$5,113 plus 10 percent interest per year from August 14, 2015 (or reimburses the Client Security Fund, to the extent of any payment from the Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
 - ii. Respondent provides proof to the State Bar Court of rehabilitation, fitness to practice and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. Respondent must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 7, 2019.
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

ADDENDUM B

Respondent must provide to the State Bar’s Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on June 7, 2019. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Respondent must also comply with California Rules of Court, rule 9.20, 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 this order. Failure to do so may result in disbarment or suspension. Respondent must also maintain the records of compliance as required by the conditions of probation.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

CANTIL-SAKAUYE

Chief Justice

Jorge Navarrete, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

_____ day of **NOV 04 2019** 20____

By _____
Month
Deputy

ORIGINAL

1 THOMAS O. GILLIS, SBN 40186
2 ATTORNEY AT LAW
3 1006 H STREET, SUITE 3
4 MODESTO, CALIFORNIA 95354
5 TEL (209)575-1153
6 FAX (866)750-5566
7 EMAIL: TG341@gillislaw.us

FILED

NOV 18 2019

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

8 Attorneys for Member
9 THOMAS O. GILLIS, In pro per

10 STATE BAR COURT
11 HEARING DEPARTMENT – SAN FRANCISCO

12 In the Matter of:

Case Nos. 16-O-10780

17-O-02624

13 THOMAS OSCAR GILLIS
14 No. 40186,

17-O-04790

15 A Member of the State Bar.

**AMENDED MOTION OF
MEMBER FOR AN ORDER OF
THE STATE BAR SETTING OR
EXTENDING THE TIME WHEN
THE ACTUAL TWO YEAR
SUSPENSION OF THE
MEMBER'S LICENSE SHALL
COMMENCE AND FOR AN
EXTENSION OF OTHER
DEADLINES (CALIFORNIA
RULES OF COURT 9.10(d) AND
9.10(e)**

16 Thomas O. Gillis* moves the State Bar Court as follows:

17 **I. ORDER REQUESTED**

18 The Member moves the Court to extend compliance to April 30, 2020 on the following
19 orders:

20
21
22
23
24
25
26
27
28

*Thomas O. Gillis is referred herein as "Member (please excuse the third person references to "Member).

1. The two year suspension extended to begin April 30, 2020.
2. The State Bar California Rules of Court 9.20 compliance be completed by Member on April 30, 2020.
3. The initial meeting to the Probation Department be completed by May 15, 2020 and scheduled by the Member by April 15, 2020.
4. The deadline for the first report to probation be extended to May 10, 2020 and cover the period of January 1, 2020 through April 30, 2020.

II. BACKGROUND OF MEMBER AND HIS PRESENT LAW PRACTICE

(A) The Member

1. Member is 79 years old. Member was graduated from Hastings in 1967 has been continually practicing for 52 years, except for 5 years when he was a Workers Compensation Judge. His only prior discipline was a six month suspension as a result of an ill advised sale of Member's home to a client in 1993, 26 years ago. The Member did not cheat the client, but the client didn't hire an attorney to protect her and the Bar maintained that the Member should have made sure she had an attorney to review the sale.
2. The present suspension is largely a result of the member not sufficiently supervising an employee who defrauded clients. That employee has been charged with fraud and is pending trial. The Member was not implicated by the police in any malfeasance. A detective of the Modesto Police Department devoted a year to the fraud of Member's employee.

1 **(B) The Member's Practice**

- 2 3. The member, a sole practitioner operates 5 offices. The Member's main office is in
3 Modesto, California. Smaller offices are in Sacramento, Yuba City, Fresno and
4 Visalia.
- 5
- 6 4. The Member only handles bankruptcy cases. At least 95% of his clients are Hispanic.
7 All but one of Member's employees is Hispanic.
- 8
- 9 5. The Member has filed over 13,400 bankruptcy cases and may be the largest
10 bankruptcy filer in California.
- 11 6. The Member currently has 517 active cases that are pending before the Bankruptcy
12 Courts (see List, Exhibit A).
- 13 7. A substitution of attorney needs to be executed in those 517 cases, also Rule 9.20
14 compliance documents need to be processed. In almost all of the 517 pending cases,
15 clients are Spanish speaking. Many are unsophisticated field workers who need to be
16 brought into the office to explain their choices and the transition required. They need
17 personal handling, not a letter. Most will not understand, even if written in Spanish,
18 unless they can have their questions answered in Spanish by the Member and his
19 staff.
- 20
- 21 8. The Member has thirteen very skilled employees who have serviced Hispanic
22 bankruptcy cases for 10 years. The Member also speaks Spanish.
- 23
- 24 9. All pending cases are in good standing and are being serviced by Member.
- 25
- 26 10. The law practice is solvent and current with all tax obligations and employee salaries.
- 27
- 28

1 **III. THE MEMBER HAS BEEN DILIGENT IS TRYING TO TRANSFER OR**
2 **SELL HIS PRACTICE**

3 Anticipating the Supreme Court Ruling, Member wanted to retire, but desired to pass on
4 his successful business to an attorney who would continue to service the Hispanic community.
5 Toward that end, Member sought a buyer who would retain his highly skilled Hispanic staff who
6 have been loyal helpers through the years. A large sale price or down payment was not
7 demanded by Member. Although Member's practice is the envy of many practitioners, other
8 bankruptcy attorneys were reluctant to buy the business because of various concerns:
9

- 10 (a) Possible liability from cases where Member's employee stole from clients.
11 (b) It's too big of a practice.
12 (c) They wanted to discharge my staff and rehire, which was a non starter for Member.
13

14 **IV. THE MEMBER HAS LOCATED AN ATTORNEY TO BUY THE PRACTICE**
15 **AND IS IN THE PROCESS OF DRAWING PURCHASE CONTRACTS SO THAT**
16 **SUBSTITUTION OF ATTORNEY FORMS CAN BE PROCESSED**

17 11. Member has located a purchaser of this practice. His name is Todd Whitley, a
18 member in good standing. Mr. Whitley is a bankruptcy attorney, and he plans to hire
19 the Member's highly skilled staff. There is no down payment on the purchase price,
20 only payments which will allow Member to retire.

21 12. Contracts are being prepared and examined. However, the Member and Mr. Whitley
22 want to have the purchase documents examined by an attorney who practices before
23 the State Bar to avoid any improprieties. The Member expects the final sale will take
24 about 100 days because of the Rules of Personal Conduct, Rule 1.17 which require
25 the clients get notice of transfer of not less than 90 days.
26
27
28

1 **V. AN ORDERLY COMPLIANCE WITH RULE 9.20 WILL TAKE A**
2 **REASONABLE AMOUNT OF TIME BECAUSE OF THE NUMBER OF CASES**
3 **AND THE NATURE OF THE CLIENTS**

4 13. The Member has a good reputation in the bankruptcy community because he services
5 Hispanics and is very careful to address their cases in person and in Spanish. Most
6 clients are unsophisticated. Many are Fresno, Visalia and Delano field workers or
7 other low income workers. They are not the kind of clients where the Member can
8 send a letter and trust the clients to take appropriate action to finish their case. They
9 are honest people, but many of them don't read well or understand the difficult
10 concepts of bankruptcy.
11

12 14. The Member wants to bring each client into the office to explain the Rule 9.20
13 requirements, offer a substitution of attorney and allow the clients to meet the new
14 owner of the business, unless the clients want to go elsewhere for completion of their
15 case. The name of the new business is Latino Law, a professional corporation.
16

17 15. Traditionally, many of the Hispanic community go to Mexico for Christmas.
18 Appointments for to them need to be scheduled soon and probably arranged for
19 January or February.
20

21 16. For an orderly transition that will protect the clients, the suspension needs to go out
22 past the holidays and to April 30, 2020.
23

24 17. The Member estimates he can accomplish the substitutions and compliance with Rule
25 9.20 by April 30, 2020.

26 **IV. DESCRIPTION OF MEMBER'S FILED CASES THAT ARE**
27 **PRESENTLY PENDING BEFORE THE BANKRUPTCY COURT**

28 Member's practice is limited to bankruptcy cases.

1 Since the Court may not be familiar with bankruptcy cases, below is a brief general
2 explanation of the different types of bankruptcy filings:

- 3 1. *“Chapter 7” is a bankruptcy where debtor discharges all unsecured bills and retains*
4 *only certain “grub stake” assets. That code allows a debtor to retain property and make*
5 *a fresh start. The debtor goes to one “meeting of creditors” and receives a final*
6 *discharge of his/her debt. Case closure is 90 days after filing.*
- 7 2. *“Chapter 13” is another kind of bankruptcy usually called “bill payer’s plan”. In*
8 *Chapter 13, the debtor discharges his/her unsecured bills and keeps his/her “grub stake”*
9 *property, i.e. property like a car, clothes and furniture needed to start over. Debtor pays*
10 *only a percentage of their bills in monthly payments over 3 to 5 years. The Chapter 13*
11 *case can stay open for 3 to 5 years. Many times, debtor is saving his/her home by paying*
12 *an arrearage over five years, in monthly payments.*
- 13 3. *There are other bankruptcies, but the Member is not presently doing Chapter 9, 11 or 12.*

14 With this explanation of bankruptcy in mind, Member informs the Court that he has 517
15 pending cases (see listing of pending cases, Exhibit A). Of the list, there are 359 cases of
16 Chapter 13 where payment plans have been approved, but the cases are open for 3 to 5 years
17 while payments are being made. The attorney on the Chapter 13 case has to continue to service
18 those cases until the case closes. Sometimes motions or responses are needed after the plan is
19 confirmed. For example, if debtor is delinquent with post petition plan payments, the attorney
20 must file an opposition and appear in Court to oppose a motion by the Trustee to dismiss the
21 case.

22 Additionally there are 48 Chapter 13 cases that have been filed and are set for confirmation
23 hearings requesting an order approving a proposed Chapter 13 repayment plan. These cases each
24 need considerable legal work in the nature of motions, oppositions and amendments in order to
25 achieve confirmation of their plan of payment. These cases require time sensitive legal work.
26
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1 Finally, there are 110 Chapter 7 cases that are filed and need little servicing unless the “first
2 meeting of creditors” has not yet been held; in which case, the attorney must appear and guide
3 the client through that hearing.
4

5 In summary, Member can adequately service these cases if allowed until April 30, 2020 to
6 transition these cases to purchaser of Member’s firm, or is allowed time for Member to refer the
7 clients to other attorneys.

8 Member’s suspension is presently set for December 2019. To transition these clients by that
9 date and comply with Rule 9.20 is virtually impossible.
10

11 **V. IT WOULD BE DIFFICULT OR IMPOSSIBLE FOR THE STATE BAR TO**
12 **SUCCESSFULLY TAKE OVER THIS BANKRUPTCY PRACTICE IF MEMBER**
13 **IS NOT GIVEN TIME TO COMPLY WITH HIS RULE 9.20 OBLIGATIONS**
14 **AND HAS TO CLOSE BUSINESS ON NOVEMBER 30, 2019**

15 18. The member has been rushing to service all of the cases in progress. For example, on
16 11/12/19, Member appeared for first Meeting of Creditors on 21 cases in Fresno.

17 19. If the Member is rushed and cannot get the new owner in place before his suspension,
18 the State Bar will not be able to find attorneys to take over this large practice in time
19 to protect clients with the pending cases with no income to pay staff, the workers will
20 go elsewhere. There are no skilled local bankruptcy attorneys who can handle
21 Member’s practice and keep their own practice going. The Bankruptcy Bar is very
22 small, in number of members. All are busy with their own cases.

23 20. In the twelve months since the suspension stipulation was signed, the member has
24 maintained and serviced existing clients without complaints from Court or from
25 clients. There is no risk of danger to the public in extending the suspension to April
26 30, 2020. The Member intends to continue to diligently protect his clients pending
27
28

1 the transition. The Member is now working six days a week and has hired another
2 attorney to help.

3
4 **VI. THE MEMBER HAS SUFFERED RECENT SERIOUS HEALTH PROBLEMS**
5 **THAT MAKES IT DIFFICULT TO WORK THE EXTRA HOURS REQUIRED**
6 **TO COMPLY WITH THE SUSPENSION ORDER**

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21. The Member is now 79 years old and mentally, still a competent Bankruptcy Attorney. He was near the top of his class at Hastings. He received the second highest grade out of 500 students from Dean William Prosser who taught torts as one of the “65 Club” of retired legal giants that taught at Hastings in the late 60’s.
22. In the 13,400 bankruptcy cases handled by Member, not one has been denied a discharge in bankruptcy. The member is very proud of his career and has helped countless poor Hispanic families escape foreclosure and debt they could not pay. He has successfully handled the most difficult of cases.
23. Member had been in reasonably good health before he signed the stipulation for suspension. This suspension, after 52 years of practice, caused Member great stress.
24. After signing the stipulation for suspension in December 2018, in the early part of 2019, Member had a stroke and had to be transported by ambulance for a three day hospitalization (see Exhibit B, medical records). Member consulted a heart specialist and after testing, found he also had a heart attack (see Exhibit C).
25. To compound the stroke and heart attack, Member’s chronic lung problem worsened. Member has a chronic lung problem called “Hypersensitive pneumonitis” that has dropped his lung capacity to dangerous levels and resulted in episodes of coughing.

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- (1) Delay the effective date of Member’s suspension from practice so the active suspension shall commence on April 30, 2020, Rule 9.10(e).
- (2) Extend the time within which the member must comply with Rule 9.20 of the California Rules of Court.
- (3) Extend the time for Member to call to and schedule an initial meeting with his probation officer at the State Bar to April 15, 2020.
- (4) Extend the time for Member’s initial report to the Office of Probation to April 30, 2020.
- (5) And for such other modifications as the Court deems just.

Dated: November 15, 2019

Respectfully Submitted,


Thomas O. Gillis, In Pro Per

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 2 ATTORNEY AT LAW
 3 1006 H STREET, SUITE 3
 4 MODESTO, CALIFORNIA 95354
 5 TEL (209)575-1153
 6 FAX (866)750-5566
 7 EMAIL: TG341@gillislaw.us

8 Attorneys for Member
 9 THOMAS O. GILLIS, In pro per

10 STATE BAR COURT
 11 HEARING DEPARTMENT – SAN FRANCISCO

12 In the Matter of:

13 THOMAS OSCAR GILLIS
 14 No. 40186,

15 A Member of the State Bar

Case Nos. 16-O-10780

17-O-02624

17-O-04790

**SUPPORTING
 EXHIBITS**

18
 19
 20
 21 Exhibit F: Declaration of Member supporting the Motion
 22
 23
 24
 25
 26
 27
 28

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 9 THOMAS O. GILLIS, In pro per

10 STATE BAR COURT
 11 HEARING DEPARTMENT – SAN FRANCISCO

12 In the Matter of:

Case Nos. 16-O-10780

17-O-02624

13 THOMAS OSCAR GILLIS
 14 No. 40186,

17-O-04790

15 A Member of the State Bar.

**DECLARATION OF MEMBER
 IN SUPPORT OF AMENDED
 MOTION OF MEMBER FOR AN
 ORDER OF THE STATE BAR
 SETTING OR EXTENDING THE
 TIME WHEN THE ACTUAL
 TWO YEAR SUSPENSION OF
 THE MEMBER'S LICENSE
 SHALL COMMENCE**

16 I, Thomas O. Gillis, hereby declare as follows:

- 17 1. I am 79 years old. I graduated from Hastings in 1967 have been continually
- 18 practicing for 52 years, except for 5 years when I was a Workers Compensation
- 19 Judge. My only prior discipline was a six month suspension from the ill advised sale
- 20 of my home to a client in 1993, 26 years ago. I did not cheat the client, but the client

1 didn't hire an attorney to protect her and the Bar through I should have made sure she
2 had an attorney to review the sale.

- 3
4 2. The present suspension is largely a result of me not sufficiently supervising an
5 employee who defrauded clients. That employee has been charged with fraud and is
6 pending trial. I was not implicated by the police in any malfeasance. A detective of
7 the Modesto Police Department devoted a year to the fraud of my employee.
- 8
9 3. I am a sole practitioner who operates 5 offices. The main office is in Modesto,
10 California. Smaller offices are in Sacramento, Yuba City, Fresno and Visalia.
- 11
12 4. I only handle bankruptcy cases and at least 95% of my clients are Hispanic. All but
13 one of my employees is Hispanic.
- 14
15 5. I have filed over 13,400 bankruptcy cases and may be the largest bankruptcy filer in
16 California.
- 17
18 6. I currently have 517 active cases that are pending before the Bankruptcy Courts (see
19 List, Exhibit A).
- 20
21 7. A substitution of attorney needs to be executed in those 517 cases. Rule 9.20
22 compliance documents need to be processed. In almost all of the 517 pending cases,
23 clients are Spanish speaking. Many are unsophisticated field workers who need to be
24 brought into the office to explain their choices and the transition. They need personal
25 handling, not a letter. Most will not understand, even if written in Spanish unless
26 they can have their questions answered in Spanish by me and my staff.
- 27
28 8. I have thirteen very skilled employees who have serviced bankruptcy cases for 10
years. I also speak Spanish.
9. All pending cases are in good standing and are being serviced by me.

1 10. The law practice is solvent and current with all tax obligations and employee salaries.

2 11. I wanted to retire but desired to pass on my successful business to an attorney who
3 will continue to service the Hispanic community. Toward that end, I sought a buyer
4 who would retain my highly skilled Hispanic staff who have been loyal helpers
5 through the years. A large sale price or down payment was not demanded by me.
6 Although my practice is the envy of many practitioners, other bankruptcy attorneys
7 were reluctant to buy the business because of various concerns:
8

- 9 a. Possible liability from cases where my employee stole from clients.
10 b. It's too big of a practice.
11 c. They wanted to discharge my staff and rehire, which was a non starter for me.
12

13 12. I have located a purchaser for my practice. His name is Todd Whitley, a member in
14 good standing. Mr. Whitley is a bankruptcy attorney, and he plans to hire my highly
15 skilled staff. There is no down payment on the purchase price, only payments which
16 will allow me to retire.
17

18 13. Contracts are being prepared and examined. However, Mr. Whitley and I want to
19 have the purchase documents examined by an attorney who practices before the State
20 Bar. I expect the final sale will take about 100 days because of the Rules of personal
21 conduct, Rule 1.17 which requires the clients to get notice of transfer not less than 90
22 days.
23

24 14. I have a good reputation in the bankruptcy community because I service Hispanics
25 and I am very careful to address their cases in person and in Spanish. Most clients are
26 unsophisticated. Many are Fresno, Visalia and Delano field workers or other low
27 income workers. They are not the kind of clients where I can send a letter and trust
28

1 the clients to take appropriate action to finish their case Many of them don't read well
2 or understand the difficult concepts of bankruptcy.

3 15. I want to bring each client into the office to explain the Rule 9.20 requirements, offer
4 a substitution of attorney and allow the clients to meet the new owner of the business
5 unless the clients want to go elsewhere for completion of their case. The name of the
6 new business is Latino Law, a professional corporation.

7
8 16. Traditionally, many of the Hispanic community go to Mexico for Christmas.
9 Appointments for them need to be scheduled soon and probably arranged for January
10 or February.

11
12 17. I estimate I can accomplish the substitutions and compliance with Rule 9.20 by April
13 30, 2020.

14 18. I have been rushing to service all of the cases in progress. For example on 11/12/19 I
15 appeared for hearings on 21 cases in Fresno.

16
17 19. If I am rushed and cannot get the new owner in place before my suspension the State
18 Bar will not be able to find attorneys to take over this large practice in time to protect
19 the pending cases with no income to pay staff, the workers will go elsewhere. There
20 are no skilled local bankruptcy attorneys who can handle my practice and keep their
21 own practice going. The Bankruptcy Bar is very small, in number of members. All
22 are busy with their own cases.

23
24 20. In the twelve months since the suspension stipulation was signed, I have maintained
25 and serviced existing clients without complaints from Court or clients. There is no
26 risk of danger to the public in extending the suspension to April 30, 2020. I intend to
27
28

1 continue to diligently protect my clients pending the transition. I am now working six
2 days a week and I have hired another attorney to help.

3
4 21. I am now 79 years old but mentally still a competent Bankruptcy Attorney. I was
5 near the top of my class at Hastings. I received the second highest grade out of 500
6 students from Dean William Prosser who taught torts as one of the "65 Club" of
7 retired legal giants that taught at Hastings in the late 60's.

8
9 22. In the 13,400 bankruptcy cases handled by me, not one has been denied a discharge in
10 bankruptcy. I am very proud of my career and I have helped countless poor Hispanic
11 families escape foreclosure and debt they could not pay. I have successfully handled
12 the most difficult of bankruptcy cases.

13
14 23. I have been in reasonably good health before I signed the stipulation for suspension.
15 This suspension, after 52 years of practice, has caused me great stress.

16
17 24. After signing the stipulation for suspension in December 2018, in the early part of
18 2019, I had a stroke and had to be transported by ambulance for a three day
19 hospitalization (see Exhibit B, medical records). I consulted a heart specialist and
20 after testing and found I had also had a heart attack (see Exhibit C).

21
22 25. To compound the stroke and heart attack, my chronic lung problem worsened. I had
23 a chronic lung problem called "Hypersensitive pneumonitis" that dropped my lung
24 capacity to dangerous levels and resulted in episodes of coughing.

25
26 26. On September 6, 2019, my lungs were tested and had fallen to 34% capacity (see
27 Medical Record, Exhibit D). I was coughing on any exertion, even walking 50 feet.
28

1 27. Dr. Tanaka put me on a heavy dose of Cortizone pills and an immunity suppressor to
2 slow down further lung scarring. The Cortizone is a miracle drug, but causes weight
3 gain, loss of sleep, loss of bone mass and other seriously side effects.
4

5 28. A recent test on October 7, 2019, showed improvement to my lung capacity and
6 indicated I may recover. I am being tapered off of Cortizone in the following months
7 (See Exhibit D).
8

9 29. As if this isn't enough, about three weeks ago I sustained a compression fracture of a
10 Thoracic Vertebrae (see Exhibit E). That compression fracture is painful and makes
11 sleep difficult.

12 30. Because of these recent medical problems, I need extra time to accomplish the things
13 that need to be done to protect the clients during my suspension and to comply with
14 Rule 9.20. I also request the initial meeting and reporting, provided for in the
15 stipulation, be rescheduled so that I can arrange a meeting with probation on or before
16 April 15, 2020.
17

18
19 I declare under penalty of perjury of the laws of the State of California that the foregoing
20 is true and correct.
21

22
23 Dated: November 15, 2019
24 At Modesto, California.


Thomas O. Gillis

FILED

NOV 27 2019



STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

En Banc

In the Matter of)	16-O-10780
)	
THOMAS OSCAR GILLIS,)	ORDER
)	
State Bar No. 40186.)	
_____)	

On November 1, 2019, the California Supreme Court issued its order of discipline in this case, including that respondent Thomas Oscar Gillis be actually suspended for at least two years, effective December 1, 2019.

On November 13, 2019, respondent filed a motion to delay or stay the actual suspension until January 31, 2020, asserting he has multiple cases pending in the bankruptcy court. On November 18, 2019, respondent filed an amended motion seeking to delay or stay the actual suspension until April 30, 2020.

On November 20, 2019, the Office of Chief Trial Counsel of the State Bar (OCTC) filed a response to respondent's motions indicating that they did not oppose a short delay of respondent's suspension, but that an extension to April 30, 2020 was too long.

For good cause appearing, and in view of OCTC's non-opposition to a short delay of respondent's suspension, respondent's motion to delay his suspension is granted. (Rules Proc. of State Bar, rule 5.162 (D).) His suspension is hereby stayed effective upon the filing of this order and until January 31, 2020. Respondent must notify his clients and the tribunals within 5 days of

ADDENDUM D

this order of his impending suspension, and also inform OCTC within 10 days thereafter that he has completed these notifications.

In light of the above order, respondent's ex parte motion to advance the hearing of the motion for an extension is denied as moot.

HONN

Acting Presiding Judge

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist 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 November 27, 2019, I deposited a true copy of the following document(s):

ORDER FILED NOVEMBER 27, 2019

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:

THOMAS OSCAR GILLIS
THOMAS O. GILLIS, ATTORNEY
1006 H ST., STE. 3
MODESTO, CA 95354-2384

- courtesy copy, by email, addressed as follows:

THOMAS OSCAR GILLIS at tg341@gillislaw.us

DANIELLE A. LEE at Danielle.Lee@calbar.ca.gov

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

Danielle A. Lee, Office of Chief Trial Counsel, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 27, 2019.



Mel Zavala
Court Specialist
State Bar Court

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STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

Attorneys for Member
THOMAS O. GILLIS, In pro per

STATE BAR OF CALIFORNIA
REVIEW DEPARTMENT

In the Matter of:

Case Nos. 16-O-10780

17-O-02624

THOMAS OSCAR GILLIS
No. 40186,

17-O-04790

A Member of the State Bar

**MOTION OF MEMBER THOMAS O. GILLIS FOR MODIFICATION
OF THE ORDER OF ACTUAL SUSPENSION NOW SET FOR JANUARY 31ST, 2020**

I. PROCEDURAL BACKGROUND

1. The Supreme Court approved the stipulation of the parties on November 1st, 2019. In relevant part it ordered a two-year active suspension.
2. The member* on November 18th, 2019 filed a motion to extend the active suspension effective date due to the illness of the member and the number of active cases (over 500) that had to be handed off to another attorney to protect the client's case.

**Please excuse the refence to member as a third party. Member is Thomas O. Gillis.*

- 1 3. The State Bar filed a limited response agreeing to an extension but requested that it
- 2 not be 90 days as requested.
- 3
- 4 4. On November 27th, 2019, the Review Department granted the motion but shortened
- 5 the 90 days requested to 60 days and required that all clients and courts be noticed of
- 6 the new date of suspension. The active suspension is now to commence January 31st,
- 7 2020.
- 8
- 9 5. The member sent the notices to clients and courts as ordered by the Review Court.
- 10
- 11 6. On or before December 31st, 2019, the member complied with the provision of Rule
- 12 9.20, sending certified mail to clients, counsel and the courts, and filed the required
- 13 Proof of Compliance by January 10th, 2020 with the State Bar Court. Also, the
- 14 member filed a timely status report with his probation officer.
- 15
- 16 7. Member has complied with all requirements of probation to the present date. The
- 17 member is in good standing with his probation and has registered to take the ethics
- 18 examination and plans to successfully complete his probation as ordered.
- 19
- 20 8. Member plans to close his office after the suspension date.
- 21
- 22 9. Member has protected his clients to date by appearing on motions in their cases as
- 23 needed.

24 **II. UNFORESEEN CIRCUMSTANCES DICTATE THAT MEMBER**
25 **RELUCTANTLY AGAIN REQUEST RELIEF FROM THE REVIEW**
26 **COURT TO FULLY PROTECT THE CLIENTS**

27 **a. A Brief Description of Member's Law Practice, Historically**

- 28 10. Member was graduated from University of California, San Francisco (Hastings Law
School) in 1966 near the top of his class. He was admitted to practice in 1967, 53

1 years ago. He has practiced all kinds of civil and criminal law and was a Workers'
2 Compensation Judge.

3
4 11. During the 2008 downturn, member, who speaks Spanish, began taking only Hispanic
5 bankruptcy clients because no other bankruptcy attorney had the inclination or
6 capacity to handle Hispanic clients, most of who did not speak English. Member's
7 practice grew and at one time he had forty employees, mostly all Hispanic.

8
9 12. Member advertised on Hispanic radio and television. He handled cases in Central and
10 Northern California from Bakersfield to Redding. He is proud to have filed over
11 13,000 cases. He is well known and respected by the Hispanic Community in
12 northern California. Very few firms handle Hispanic clients who do not speak
13 English. Member believes he may be the top filer of bankruptcy cases in California.
14 Of the 13,000 cases filed, member does not recall a case where a client was denied a
15 discharge of their debts due to the malfeasance of the client or member.

16
17 **b. Member's Present Practice**

18 13. Presently, member's practice is active but only employs 12 workers, all but one
19 Hispanic. All have been with member doing only bankruptcy for 12 years. The staff is
20 special and not replaceable.

21
22 14. Bankruptcy is a small community of lawyers; most are elderly and only have a
23 secretary. Some of the best attorneys do not even have a secretary or any employees.

24 **III. WHY WAS MEMBER SUSPENDED**

25 15. Member serviced all his cases. Unfortunately, a key employee began stealing from
26 and defrauding vulnerable Hispanic clients. Member did not catch him until he quit.
27 Clients who were defrauded came to the office with stories of the fraud by this
28

1 employee. Member turned the employee into the police and the U.S. Trustee urging
2 the FBI to investigate. Finally, 22 felony counts have been filed against the employee
3 in Stanislaus County.
4

5 16. Member was suspended for not adequately supervising the employee. The employee
6 was very sly meeting vulnerable clients at their homes and at members office at 5
7 a.m. Member does feel foolish for not catching him sooner. A detective investigated
8 the employee daily with the help of member's office for a year. Member was not
9 implicated in any theft or dishonesty.
10

11 **IV. MEMBER TRIED TO TAKE STEPS TO HAND OFF HIS PRACTICE**
12 **BEFORE HIS SUSPENSION, BUT HAD ACUTE AND SERIOUS HEALTH**
13 **PROBLEMS THAT LIMITED HIS EFFORTS**

14 17. Shortly after agreeing to the suspension, possibly from stress, Member had a stroke
15 and a heart attack and was hospitalized. He also had a thoracic compression fracture
16 on the spine about six weeks ago (see Exhibits B-E).

17 18. After partially recovering, Member contacted many local attorneys attempting to get
18 someone to take over the practice. Some were interested but were too small to handle
19 the volume.

20 19. Member tried to get someone to take over the profitable practice and to keep his
21 employees, who are needed to process the volume.
22

23 20. Most attorneys were too small, too old, or wary of State Bar problems that might arise
24 from cases that were previously filed by member.

25 21. Finally, about two months ago, member found a bankruptcy lawyer, Todd Whitely,
26 willing to take the practice. Member paid the lawyer a large salary for four weeks and
27
28

- 1 trained him. Member and the replacement attorney began working on substitutions of
2 attorney to protect ongoing cases.
- 3
- 4 22. Unfortunately, the replacement attorney's new wife insisted he quit. He abruptly quit.
5 He now wants to be a realtor.
- 6 23. In a panic, member contacted an old friend who is an established bankruptcy attorney,
7 Mark Hannon. Mr. Hannon has agreed to substitute in on member's active cases and
8 hire much of member's staff to assist him with Spanish speaking clients. As a n
9 inducement, Member agreed to stay on for at least a year to help with office work,
10 research, preliminary preparation of motions and responses for chapter 13 clients
11 whose cases are pending.
- 12
- 13 24. As soon as member recovered from pneumonia and the compression fracture,
14 member and his staff started calling his clients to get substitutions of attorney
15 processed to let Mark Hannon take over the cases. However, there are about 481
16 cases and many of the clients were gone to Mexico at Christmas. To date, Member
17 has executed substitutions of attorney in 120 cases. Member has four Hispanic
18 workers devoted just to contacting clients to get them to sign substitutions of attorney.
19 It takes time. Many clients are field workers and only speak Spanish.
- 20
- 21
- 22 25. It took six employees, long hours and weekends to get out the certified letters
23 required by Rule 9.20. This delayed the substitution process.
- 24
- 25 26. Contacting the clients and processing the substitutions of attorney for 481 clients to
26 sign is a time-consuming task, even for multiple employees.
- 27
- 28 27. Member realizes that it cannot be finished by his suspension date of January 31st,
2020. There are only nine working days left, as of the date of this motion.

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VI. IT WOULD BE DIFFICULT OR IMPOSSIBLE FOR THE STATE BAR TO SUCCESSFULLY TAKE OVER THIS BANKRUPTCY PRACTICE IF MEMBER IS NOT GIVEN TIME TO GET THE NEW ATTORNEY IN PLACE AND HAS TO CLOSE BUSINESS ON JANUARY 31ST, 2020

35. The member has been rushing to service all of the cases in progress. For example, on 11/12/19, Member appeared for first Meeting of Creditors on 21 cases in Fresno and Sacramento; 10 cases on November 19th; 13 cases on November 20th; 8 cases on December 10th; 13 cases on December 19th; 9 cases on December 23rd; 18 cases on January 6th; and 7 cases on January 16th.

36. If the Member is rushed and cannot get the new owner in place before his suspension, the State Bar will not be able to find a bankruptcy attorney to take over this large practice in time to protect clients with the pending cases. There are no skilled local bankruptcy attorneys who can handle Member's practice and keep their own practice going. The Bankruptcy Bar is very small, in number of members. All are busy with their own cases.

37. In the last ten years, the member has maintained and serviced existing clients without complaints from Court or from clients. There is no risk of danger to the public in extending the suspension to March 15th, 2020. The Member intends to continue to diligently protect his clients pending the transition. The Member is now working six days a week and has hired an extra Hispanic worker to process substitutions of attorney for Mark Hannon.

1 **VII. THE BANKRUPTCY COURT HAS BECOME AWARE OF THE**
2 **PROBLEM FOR CLIENTS AND HAS SET A SPECIAL,**
3 **UNPRECEDENTED, IN BLANC HEARING TO ADDRESS THE**
4 **PROBLEM OF PROTECTING THE CLIENTS WITH CASES IN**
5 **PROGRESS**

6 38. Member has been contacting the standing Chapter 13 U.S. Trustee trying to arrive at a
7 plan to service the 481 confirmed plans. The trustees have only experienced
8 suspensions involving few cases. Those cases were handed over to a local attorney
9 without incident.

10 39. The Bankruptcy Judges are concerned for the clients, as is the member. The
11 Bankruptcy Judges set an unprecedented O.S.C. to set in blanc with the presence of
12 the trustee and member to try to arrive at a solution that will protect the clients (see
13 Exhibit G).

14 40. Member welcomes the input of the parties and will appear. Member plans to propose
15 that Mark Hannon be allowed in sixty days to substitute in on all cases to protect the
16 clients. However, with no funds to pay staff, substitution in 481 cases may not be
17 possible.

18 **VIII. THE CLIENTS CAN BE PROTECTED IF THIS COURT WILL ALLOW**
19 **THE MEMBER TO PROCESS THE SUBSTITUTIONS OF ATTORNEY**

20 41. Member cannot physically get all the substitutions of attorney forms in place by the
21 effective date of his suspension, in nine working days.

22 42. Aggravating the situation, member was diagnosed with pneumonia on January 11,
23 2020 and had to stay in bed for seven days.

24 43. If member has to close his office by January 31st, 2020, there will be no funds to pay
25 employees' salaries of \$12,000 per week.
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44. Because of these urgent and unexpected problems, member prays the Court grant him a 45-day extension to enable him to get a new lawyer in place to serve the clients with pending matters. He will then close his office and help Mr. Hannon protect the clients until he can handle it on his own. No further extensions will be applied for by member.

Dated: January 20, 2020

May it please the Court,



Thomas O. Gillis, In Pro Per

1 THOMAS O. GILLIS, SBN 40186
 2 ATTORNEY AT LAW
 3 1006 H STREET, SUITE 3
 4 MODESTO, CALIFORNIA 95354
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8 Attorneys for Member
 9 THOMAS O. GILLIS, In pro per

10 STATE BAR OF CALIFORNIA
 11 REVIEW DEPARTMENT

12 In the Matter of:

Case Nos. 16-O-10780

17-O-02624

18 THOMAS OSCAR GILLIS
 19 No. 40186,

17-O-04790

20 A Member of the State Bar

21 **DECLARATION OF MEMBER THOMAS O. GILLIS IN SUPPORT OF MOTION FOR**
 22 **MODIFICATION OF THE ORDER OF ACTUAL SUSPENSION NOW SET FOR**
 23 **JANUARY 31ST, 2020**

24 I, Thomas O. Gillis, declare as follows:

25 **I. PROCEDURAL BACKGROUND**

- 26 1. The Supreme Court approved the stipulation of the parties on November 1st, 2019. In
 27 relevant part it ordered a two-year active suspension.
- 28 2. The member* on November 18th, 2019 filed a motion to extend the active suspension
 effective date due to the illness of the member and the number of active cases (over
 500) that had to be handed off to another attorney to protect the client's case.

*Please excuse the refence to member as a third party. Member is Thomas O. Gillis.

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- 2
- 3 3. The State Bar filed a limited response agreeing to an extension but requested that it
- 4 not be 90 days as requested.
- 5
- 6 4. On November 27th, 2019, the Review Department granted the motion but shortened
- 7 the 90 days requested to 60 days and required that all clients and courts be noticed of
- 8 the new date of suspension. The active suspension is now to commence January 31st,
- 9 2020.
- 10
- 11 5. The member sent the notices to clients and courts as ordered by the Review Court.
- 12
- 13 6. On or before December 31st, 2019, the member complied with the provision of Rule
- 14 9.20, sending certified mail to clients, counsel and the courts, and filed the required
- 15 Proof of Compliance by January 10th, 2020 with the State Bar Court. Also, the
- 16 member filed a timely status report with his probation officer.
- 17
- 18 7. Member has complied with all requirements of probation to the present date. The
- 19 member is in good standing with his probation and has registered to take the ethics
- 20 examination and plans to successfully complete his probation as ordered.
- 21
- 22 8. Member plans to close his office after the suspension date.
- 23
- 24 9. Member has protected his clients to date by appearing on motions in their cases as
- 25 needed.

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1 years ago. He has practiced all kinds of civil and criminal law and was a Workers'
2 Compensation Judge.

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4 11. During the 2008 downturn, member, who speaks Spanish, began taking only Hispanic
5 bankruptcy clients because no other bankruptcy attorney had the inclination or
6 capacity to handle Hispanic clients, most of who did not speak English. Member's
7 practice grew and at one time he had forty employees, mostly all Hispanic.

8
9 12. Member advertised on Hispanic radio and television. He handled cases in Central and
10 Northern California from Bakersfield to Redding. He is proud to have filed over
11 13,000 cases. He is well known and respected by the Hispanic Community in
12 northern California. Very few firms handle Hispanic clients who do not speak
13 English. Member believes he may be the top filer of bankruptcy cases in California.
14 Of the 13,000 cases filed, member does not recall a case where a client was denied a
15 discharge of their debts due to the malfeasance of the client or member.
16

17 **b. Member's Present Practice**

18 13. Presently, member's practice is active but only employs 12 workers, all but one
19 Hispanic. All have been with member doing only bankruptcy for 12 years. The staff is
20 special and not replaceable.

21
22 14. Bankruptcy is a small community of lawyers; most are elderly and only have a
23 secretary. Some of the best attorneys do not even have a secretary or any employees.

24 **III. WHY WAS MEMBER SUSPENDED**

25 15. Member serviced all his cases. Unfortunately, a key employee began stealing from
26 and defrauding vulnerable Hispanic clients. Member did not catch him until he quit.
27 Clients who were defrauded came to the office with stories of the fraud by this
28

1 employee. Member turned the employee into the police and the U.S. Trustee urging
2 the FBI to investigate. Finally, 22 felony counts have been filed against the employee
3 in Stanislaus County.
4

5 16. Member was suspended for not adequately supervising the employee. The employee
6 was very sly meeting vulnerable clients at their homes and at members office at 5
7 a.m. Member does feel foolish for not catching him sooner. A detective investigated
8 the employee daily with the help of member's office for a year. Member was not
9 implicated in any theft or dishonesty.
10

11 **IV. MEMBER TRIED TO TAKE STEPS TO HAND OFF HIS PRACTICE**
12 **BEFORE HIS SUSPENSION, BUT HAD ACUTE AND SERIOUS HEALTH**
13 **PROBLEMS THAT LIMITED HIS EFFORTS**

14 17. Shortly after agreeing to the suspension, possibly from stress, Member had a stroke
15 and a heart attack and was hospitalized. He also had a thoracic compression fracture
16 on the spine about six weeks ago (see Exhibits B-E).

17 18. After partially recovering, Member contacted many local attorneys attempting to get
18 someone to take over the practice. Some were interested but were too small to handle
19 the volume.

20 19. Member tried to get someone to take over the profitable practice and to keep his
21 employees, who are needed to process the volume.
22

23 20. Most attorneys were too small, too old, or wary of State Bar problems that might arise
24 from cases that were previously filed by member.

25 21. Finally, about two months ago, member found a bankruptcy lawyer, Todd Whitely,
26 willing to take the practice. Member paid the lawyer a large salary for four weeks and
27
28

1 trained him. Member and the replacement attorney began working on substitutions of
2 attorney to protect ongoing cases.

3
4 22. Unfortunately, the replacement attorney's new wife insisted he quit. He abruptly quit.
5 He now wants to be a realtor.

6 23. In a panic, member contacted an old friend who is an established bankruptcy attorney,
7 Mark Hannon. Mr. Hannon has agreed to substitute in on member's active cases and
8 hire much of member's staff to assist him with Spanish speaking clients. As a n
9 inducement, Member agreed to stay on for at least a year to help with office work,
10 research, preliminary preparation of motions and responses for chapter 13 clients
11 whose cases are pending.

12
13 24. As soon as member recovered from pneumonia and the compression fracture,
14 member and his staff started calling his clients to get substitutions of attorney
15 processed to let Mark Hannon take over the cases. However, there are about 481
16 cases and many of the clients were gone to Mexico at Christmas. To date, Member
17 has executed substitutions of attorney in 120 cases. Member has four Hispanic
18 workers devoted just to contacting clients to get them to sign substitutions of attorney.
19 It takes time. Many clients are field workers and only speak Spanish.

20
21
22 25. It took six employees, long hours and weekends to get out the certified letters
23 required by Rule 9.20. This delayed the substitution process.

24 26. Contacting the clients and processing the substitutions of attorney for 481 clients to
25 sign is a time-consuming task, even for multiple employees.

26
27 27. Member realizes that it cannot be finished by his suspension date of January 31st,
28 2020. There are only nine working days left, as of the date of this motion.

V. **WHY MEMBER HAS TO SUBSTITUTE A NEW LAWYER IN HIS
CHAPTER 13 CASES**

- 1
2
3 28. Upon a member's suspension, the State Bar does not require the member to find a
4 new lawyer for pending cases. However, the Chapter 13 pending cases are different
5 and need an attorney to protect the client for the duration of the plan, up to 60
6 months. Member feels responsible for the clients and while he will close his office,
7 member wants to make sure that the clients that trusted him are served, not
8 abandoned.
9
- 10 29. Chapter 13 is commonly called a "bill payers" plan. A debtor proposes a "plan" to
11 repay part or all of his debts over a 36 to 60 month monthly payment. Many debtors
12 save their house or automobile by making monthly payments, protected from
13 creditors by a federal restraining order.
14
- 15 30. The main job of the lawyer is to prepare bankruptcy schedules, propose an
16 appropriate plan and follow the case through confirmation of the plan by the Court.
17
- 18 31. However, after confirmation, an attorney needs to be available in case the plan needs
19 modifying, or the debtor gets a motion to dismiss for missing payments. The attorney
20 opposes the motion and confers with the clients to arrive at a legal solution to this
21 post confirmation problem.
22
- 23 32. Most of the time, the confirmed plans proceed to final discharge without a problem,
24 but some require legal work.
25
- 26 33. In the case at bar, member presently is representing clients in 481 cases where a plan
27 has been confirmed and the client is making plan payments for 36 to 60 months.
28
34. Accordingly, member needs to hand over these 481 cases to a new attorney so those
clients can be protected until discharge is reached.

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VI. IT WOULD BE DIFFICULT OR IMPOSSIBLE FOR THE STATE BAR TO SUCCESSFULLY TAKE OVER THIS BANKRUPTCY PRACTICE IF MEMBER IS NOT GIVEN TIME TO GET THE NEW ATTORNEY IN PLACE AND HAS TO CLOSE BUSINESS ON JANUARY 31ST, 2020

35. The member has been rushing to service all of the cases in progress. For example, on 11/12/19, Member appeared for first Meeting of Creditors on 21 cases in Fresno and Sacramento; 10 cases on November 19th; 13 cases on November 20th; 8 cases on December 10th; 13 cases on December 19th; 9 cases on December 23rd; 18 cases on January 6th; and 7 cases on January 16th.

36. If the Member is rushed and cannot get the new owner in place before his suspension, the State Bar will not be able to find a bankruptcy attorney to take over this large practice in time to protect clients with the pending cases. There are no skilled local bankruptcy attorneys who can handle Member's practice and keep their own practice going. The Bankruptcy Bar is very small, in number of members. All are busy with their own cases.

37. In the last ten years, the member has maintained and serviced existing clients without complaints from Court or from clients. There is no risk of danger to the public in extending the suspension to March 15th, 2020. The Member intends to continue to diligently protect his clients pending the transition. The Member is now working six days a week and has hired an extra Hispanic worker to process substitutions of attorney for Mark Hannon. See Exhibit H for work to be done as scheduled by member's secretary.

1 **VII. THE BANKRUPTCY COURT HAS BECOME AWARE OF THE**
2 **PROBLEM FOR CLIENTS AND HAS SET A SPECIAL,**
3 **UNPRECEDENTED, IN BLANC HEARING TO ADDRESS THE**
4 **PROBLEM OF PROTECTING THE CLIENTS WITH CASES IN**
5 **PROGRESS**

6 38. Member has been contacting the standing Chapter 13 U.S. Trustee trying to arrive at a
7 plan to service the 481 confirmed plans. The trustees have only experienced
8 suspensions involving few cases. Those cases were handed over to a local attorney
9 without incident.

10 39. The Bankruptcy Judges are concerned for the clients, as is the member. The
11 Bankruptcy Judges set an unprecedented O.S.C. to set in blanc with the presence of
12 the trustee and member to try to arrive at a solution that will protect the clients (see
13 Exhibit G).

14 40. Member welcomes the input of the parties and will appear. Member plans to propose
15 that Mark Hannon be allowed in sixty days to substitute in on all cases to protect the
16 clients. However, with no funds to pay staff, substitution in 481 cases may not be
17 possible.

18 **VIII. THE CLIENTS CAN BE PROTECTED IF THIS COURT WILL ALLOW**
19 **THE MEMBER TO PROCESS THE SUBSTITUTIONS OF ATTORNEY**

20 41. Member cannot physically get all the substitutions of attorney forms in place by the
21 effective date of his suspension, in nine working days.

22 42. Aggravating the situation, member was diagnosed with pneumonia on January 11,
23 2020 and had to stay in bed for seven days.

24 43. If member has to close his office by January 31st, 2020, there will be no funds to pay
25 employees' salaries of \$12,000 per week.
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44. Because of these urgent and unexpected problems, member prays the Court grant him a 45-day extension to enable him to get a new lawyer in place to serve the clients with pending matters. He will then close his office and help Mr. Hannon protect the clients until he can handle it on his own. No further extensions will be applied for by member.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 21, 2020

At Modesto, Ca


Thomas O. Gillis,

FILED

FEB - 7 2020



STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

En Banc

In the Matter of)	16-O-10780
)	
THOMAS OSCAR GILLIS,)	ORDER
)	
State Bar No. 40186.)	
_____)	

On November 1, 2019, the California Supreme Court issued its order of discipline in this case, including that respondent Thomas Oscar Gillis be actually suspended for at least two years, effective December 1, 2019.

On November 13, 2019, respondent filed a motion to delay or stay the actual suspension until January 31, 2020, asserting he has multiple cases pending in the bankruptcy court. On November 18, 2019, respondent filed an amended motion seeking to delay or stay the actual suspension until April 30, 2020. On November 20, 2019, the Office of Chief Trial Counsel of the State Bar (OCTC) filed a response to respondent's motions indicating that they did not oppose a short delay of respondent's suspension, but that an extension to April 30, 2020 was too long. Finding good cause, on November 27, 2019, we ordered respondent's suspension stayed until January 31, 2020.

On January 22, 2020, respondent filed a motion for modification of our order, stating that he still has multiple pending cases and has had health issues, and seeking a further extension of his suspension to March 15, 2020. On January 28, 2020, respondent filed a motion to advance

ADDENDUM F

the matter. On January 30, 2020, OCTC filed an opposition to respondent's motion, stating that any additional extension would not be fruitful but providing that if the court granted respondent's motion, it should grant an extension to no later than February 28, 2020, and order respondent not to take on additional clients. On February 3, 2020, respondent filed a reply indicating he would comply with requests made by OCTC to file all substitutions of attorney by February 15, 2020, and not accept any new clients.

For good cause appearing, respondent's motion to delay his suspension is granted in part. (Rules Proc. of State Bar, rule 5.162 (D).) His suspension is hereby stayed effective upon filing of this order and until February 15, 2020. Respondent is ordered not to accept new clients during this period of stayed suspension. No further extensions are contemplated.

PURCELL

Presiding Judge

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist 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 February 7, 2020, I deposited a true copy of the following document(s):

ORDER FILED FEBRUARY 7, 2020

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:

THOMAS OSCAR GILLIS
THOMAS O. GILLIS, ATTORNEY
1006 H ST., STE. 3
MODESTO, CA 95354-2384

- courtesy copy, by email, addressed as follows:

THOMAS OSCAR GILLIS at tg341@gillislaw.us

DANIELLE ADORACION LEE at Danielle.Lee@calbar.ca.gov

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

Danielle A. Lee, Office of Chief Trial Counsel, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 7, 2020.



Mel Zavala
Court Specialist
State Bar Court

Case Number	Chapter	Debtors	Date Filed
2020-10498	13	Marcelino Elizanadro Hernandez and Natalie Carbajal Hernandez	2/12/2020
2020-10340	13	Arturo Garcia Chavez and Mayra Hernandez Moreno	1/31/2020
2020-10314	13	Sergio Carrillo Madrid and Elizabeth Rodriguez Magana	1/30/2020
2020-10318	13	Jose De Jesus Gonzalez and Italia E De Loza	1/30/2020
2020-10298	13	Napoleon Vazquez	1/29/2020
2020-10299	13	Manuel Adrian Dicochea	1/29/2020
2020-10265	13	Erica Alejandra Gomez	1/27/2020
2020-10110	13	Angel Ramon Diaz	1/14/2020

2020-90112	7	Sati Santoshi Sen	2/10/2020
2020-10405	7	Andrea Magdaleno Avila	2/5/2020
2020-10406	7	Jeremias Dolores Lozano	2/5/2020
2020-10407	7	Jose Rosas Ochoa	2/5/2020
2020-10408	7	Carlos Antonio Hernandez	2/5/2020
2020-10409	7	Arturo Zepeta Perez and Berdine Louise Reyes	2/5/2020
2020-10410	7	Hilario Beltran Vasquez and Cecilia Vasquez	2/5/2020
2020-10411	7	Francisco G Gonzalez and Rosalva R Ramos	2/5/2020
2020-10412	7	Abel De La Trinidad Canales	2/5/2020
2020-10413	7	Juan Jose Nunez and Virginia Nunez	2/5/2020
2020-10414	7	Jose Rodriguez Robles	2/5/2020
2020-10415	7	Uriel Ramirez Ramirez and Veronica Ivonne Ramirez	2/5/2020
2020-10416	7	Nicolas Madrigal	2/5/2020
2020-10417	7	Jaime Ramirez Rivera and Maria Refugio De Rivera	2/5/2020
2020-10418	7	Luis Rosas Anzaldua and Rosie Esparza Anzaldua	2/5/2020
2020-10419	7	Shinder Kaur	2/5/2020
2020-10420	7	Angel Rodriguez Cruz	2/5/2020
2020-10421	7	Jesus Medina Haro and Norma A Medina	2/5/2020
2020-10422	7	David Guzman Serrano and Rita Vejar De Guzman	2/5/2020

ADDENDUM G

2020-10423	7	Gricelda Sanchez Del Rio	2/5/2020
2020-10424	7	Elias Perez	2/5/2020
2020-10425	7	Maria Del Carmen Vazquez	2/5/2020
2020-10426	7	Nancy Elizabeth Cardenas	2/5/2020
2020-10427	7	Arnulfo Barrera Arteaga	2/5/2020
2020-10428	7	Carlos Romero Zarate and Norma Leticia Romero	2/5/2020
2020-10429	7	Jose Gustavo Piceno	2/5/2020
2020-20618	7	Ireneo Antonio Roman and Agustina Catalan	2/4/2020
2020-20619	7	Fernando Gallardo	2/4/2020
2020-20620	7	Gerardo Huerta Perez	2/4/2020
2020-20621	7	Jose Javier Aguilar	2/4/2020
2020-20622	7	Francisco Humberto Inzunza and Elsie Inzunza	2/4/2020
2020-20623	7	Manuel Antonio Bermudez	2/4/2020
2020-20624	7	Samuel Guzman Covarrubias and Cecilia Aguirre Villalobos	2/4/2020
2020-20625	7	Jorge Munoz	2/4/2020
2020-20626	7	Victor Manuel Martin	2/4/2020
2020-20627	7	Dario Castro Fernandez and Laura Elizabeth Castro	2/4/2020
2020-20628	7	Daisy Franco	2/4/2020
2020-20629	7	Victor Manuel Saavedra	2/4/2020
2020-20630	7	Crystal Caudillo	2/4/2020
2020-20631	7	Miguel Angel Sotelo and Araceli Sotelo	2/4/2020
2020-20632	7	Alicia Chavarrias Guzman	2/4/2020
2020-20587	7	Shawn Cole Martin	2/3/2020
2020-20588	7	Ronnie William Marengo	2/3/2020
2020-20589	7	Rufino Najera Uriza	2/3/2020
2020-20590	7	Hector Francisco Pereda and Laurie Jean Ramirez	2/3/2020
2020-90086	7	Jose I Paz and Yadira Jazmine Alvarez	2/3/2020
2020-90087	7	Jesus Ramirez and Lorena Ramirez	2/3/2020
2020-90088	7	Jaime Mejia Cortes	2/3/2020

THOMAS O. GILLIS, SBN 40186
1006 H Street, Suite One
Modesto, CA 95354
Off: 209-575-1153
Fax: 866-750-5566

Attorney for Debtors
JUVENAL ZAMORANO

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

In Re: CASE NO. 15-20659

JUVENAL ZAMORANO

Chapter 13

Debtors.

JUDGE: Hon. Ronald H. Sargis

SUBSTITUTION OF ATTORNEY

Debtor(s) herein, substitute(s):

LATINO LAW, INC.

1006 H Street
Modesto, CA
(209)575-1153
latinolawecf@yahoo.com

in place and stead of:

THOMAS O. GILLIS

1006 H Street
Modesto, CA
(209)518-8631

I consent to the substitution of attorney:

Dated: January 12th, 2020

/s/ Juvenal Zamorano
Debtor

See attorney signatures on page 2

ADDENDUM H

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I, Thomas O. Gillis, consent to the substitution:

THOMAS O. GILLIS

Dated: January 25, 2020

/s/ Thomas O. Gillis
Thomas O. Gillis,
Present Attorney for Debtor(s)

LATINO LAW, INC. accepts the substitution:

LATINO LAW, INC.

Dated: January 25, 2020

/s/ Mark J. Hannon, SBN 107829
by Mark J. Hannon, Esq.
as Shareholder

See attorney signatures on page 2

THOMAS O. GILLIS, SBN 40186
1006 H Street, Suite One
Modesto, CA 95354
Off: 209-575-1153
Fax: 866-750-5566

Attorney for Debtors
JUVENAL ZAMORANO

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

In Re: CASE NO. 15-20659

JUVENAL ZAMORANO

Chapter 13

Debtors.

JUDGE: Hon. Ronald H. Sargis

SUBSTITUTION OF ATTORNEY

Debtor(s) herein, substitute(s):

LATINO LAW, INC.

1006 H Street
Modesto, CA
(209)575-1153
latinolawecf@yahoo.com

in place and stead of:

THOMAS O. GILLIS

1006 H Street
Modesto, CA
(209)518-8631

I consent to the substitution of attorney:

Dated: January 12th, 2020

/s/ Juvenal Zamorano
Debtor

See attorney signatures on page 2

ADDENDUM I

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I, Thomas O. Gillis, consent to the substitution:

THOMAS O. GILLIS

Dated: January 25, 2020

/s/ Thomas O. Gillis
Thomas O. Gillis,
Present Attorney for Debtor(s)

LATINO LAW, INC. accepts the substitution:

LATINO LAW, INC.

Dated: January 25, 2020

/s/ Mark J. Hannon, SBN 107829
by Mark J. Hannon, Esq.
as Shareholder

See attorney signatures on page 2

1 MARK J. HANNON, SBN 107829
 2 DBA **LATINO LAW, INC.**
 3 1006 H STREET, SUITE 1
 4 MODESTO, CALIFORNIA 95354
 5 TEL (209)575-1153
 6 FAX (866)750-5566
 7 Attorney for Debtors
 8 VICTOR CRUZ CHAVEZ and MONSERRAT OLVERA

9 **UNITED STATES BANKRUPTCY COURT**
 10 **EASTERN DISTRICT OF CALIFORNIA**

11 In Re:
 12 VICTOR CRUZ CHAVEZ and
 13 MONSERRAT OLVERA,
 14
 15 Debtors.

16 CASE NO. 19-27416
 17
 18 Chapter 13

19 JUDGE: Hon. Ronald H. Sargis

20 **SUBSTITUTION OF ATTORNEY**

21 Debtor(s) herein, substitute(s):

22 **MARK HANNON**
 23 DBA Latino Law, Inc.
 24 1006 H Street, Suite 1
 25 (209)575-1153
 26 email: Latinolawecf@yahoo.com

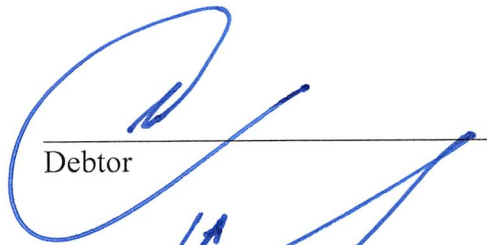

27 in place and stead of:

28 **THOMAS O. GILLIS**
 1006 H Street
 Modesto, CA
 (209)518-18631

I consent to the substitution of attorney:

Dated: 1/31/20

Dated: 1/31/20


 Debtor

 Co-Debtor

See attorney signatures on page 2

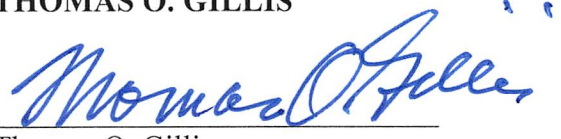
ADDENDUM J

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I, Thomas O. Gillis, consent to the substitution:


THOMAS O. GILLIS

Dated: 2/3/20


Thomas O. Gillis,
Present Attorney for Debtor(s)

I, Mark Hannon, accept the substitution:

Dated: 2/3/20


Mark Hannon, Esq.

See attorney signatures on page 2

Thomas O. Gillis 40186; 40186 CA [Name; State Bar ID no.]
 1006 H. Street Ste. 1 [Address]
 Modesto, CA 95354
 209-575-1153 [Telephone]

Attorney for Debtor(s)

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

In re)	
)	
Victor Cruz Chavez)	Case No. 2019-27416
Montserrat Olvera)	
)	
Debtor(s).)	

RIGHTS AND RESPONSIBILITIES OF CHAPTER 13 DEBTORS AND THEIR ATTORNEYS

It is important for Debtors who file a chapter 13 bankruptcy case to understand their rights and responsibilities. It is also important for Debtors to know what their attorney's responsibilities are, and to understand the importance of communicating with their attorney to make the case successful. Debtors should also know that they may expect their attorney to perform certain services.

Unless otherwise ordered by the Court, an attorney retained to represent a Debtor in a bankruptcy case is responsible for representing the Debtor for all purposes in the case other than adversary proceedings. When appropriate, the attorney may apply to the court for compensation additional to the maximum initial fees set forth below.

In order to assure that Debtors and their attorneys understand their rights and responsibilities in the bankruptcy process, absent a contrary court order, Debtors and their attorneys agree as set forth below.

BEFORE THE CASE IS FILED, THE DEBTOR AGREES TO:

1. Discuss with the attorney the Debtor's objectives in filing the case.
2. Timely provide the attorney with accurate information, financial and otherwise, and all documentation requested by the attorney.

BEFORE THE CASE IS FILED, THE ATTORNEY AGREES TO:

1. Meet with the Debtor to review the Debtor's debts, assets, liabilities, income, and expenses.
2. Counsel the Debtor regarding the advisability of filing either a chapter 13 or a chapter 7 case, discuss both procedures with the Debtor, and answer the Debtor's questions.
3. Timely prepare and file the Debtor's petition, plan, lists, statements, schedules, required documents and certificates.
4. Review with the Debtor the completed petition, plan, lists, statements, schedules, required documents and certifications, as well as all amendments thereto, whether filed with petition or later.
5. Explain which payments will be made directly to creditors by the Debtor and which payments will be made through the Debtor's chapter 13 plan, with particular attention to mortgage and vehicle loan or lease payments.
6. Explain to the Debtor how, when, and where to make the chapter 13 plan payments.

7. Explain to the Debtor how, when, and where to make post-petition mortgage and vehicle loan or lease payments.
8. Explain to the Debtor that the attorney is being engaged to represent the Debtor for all purposes in the case, except adversary proceedings, pursuant to Local Bankruptcy Rule 2017-1(a)(1).
9. Explain to the Debtor how and when the attorney's fees and chapter 13 trustee's fees are determined and paid, and provide an executed copy of this document to the Debtor.
10. Advise the Debtor of the necessity to maintain appropriate insurance including homeowner's insurance and liability, collision, and comprehensive insurance on vehicles securing loans or leases.

AFTER THE CASE IS FILED, THE DEBTOR AGREES TO:

1. Keep the chapter 13 trustee and attorney informed of the Debtor's current address and telephone number, and the Debtor's employment status.
2. Inform the attorney of any change in the Debtor's marital status, the commencement of any child or spousal support obligation, or a change in any existing child support or spousal support obligation.
3. Inform the attorney of any wage garnishments or liens or levies on assets that occur or continue after the filing of the case.
4. Contact the attorney promptly if the Debtor loses his/her job, encounters new or unexpected financial problems, if the Debtor's income increases, or if the Debtor receives, or learns of the right to receive, money or other proceeds of an inheritance or legal action.
5. Contact the attorney promptly if the Debtor is sued during the case, or if the Debtor commences a lawsuit or intends to settle any dispute.
6. Inform the attorney if any tax refunds to which the Debtor is entitled are seized or not received when expected from the IRS or Franchise Tax Board.
7. Contact the attorney before transferring, selling, encumbering, refinancing, or otherwise disposing of any personal or real property with a value of \$1,000 or more.
8. Contact the attorney before incurring new debt exceeding \$1,000.
9. Pay directly to the attorney any filing fees.

AFTER THE CASE IS FILED, THE ATTORNEY AGREES TO:

1. Advise the Debtor of the requirement to attend the §341(a) meeting of the creditors and instruct the Debtor as to the date, time and place of the meeting. In joint cases, inform the Debtor that both spouses must appear.
2. Appear at the §341(a) meeting of creditors with the Debtor.
3. Timely serve the Debtor's plan on the chapter 13 trustee.
4. Timely provide to the chapter 13 trustee the *Domestic Support Obligation Checklist* (form EDC 3-088), *Class 1 Checklist* (form EDC 3-086), and *Authorization to Release Information to Trustee Regarding Secured Claims Being Paid By the Trustee* (form EDC 3-087) required by Local Bankruptcy Rule 3015-1(b)(6).
5. Timely respond to objections to plan confirmation and, where necessary, prepare, file, and serve an amended plan.
6. Prepare, file, and serve necessary modifications to the plan which may include suspending, lowering, or increasing plan payments.
7. Prepare, file and serve any necessary amended statements and schedules and any change of address, in accordance with information provided by the Debtor.
8. Object to improper or invalid claims, if necessary, based upon documentation provided by the Debtor.

9. Prepare and file a proof of claim, when appropriate, if a creditor fails to do so.
10. Prepare, file, and serve motions to modify the plan after confirmation, when necessary.
11. Prepare, file, and serve motions to buy, sell, or refinance property, when appropriate.
12. Prepare, file, and serve any other motion that may be necessary to appropriately represent the Debtor in the case.
13. Timely respond to all motions filed by the chapter 13 trustee, and represent the Debtor in response to other motions filed in the case including, but not limited to, motions for relief from stay.
14. Where appropriate, prepare, file, serve, and set for hearing motions to avoid liens on real or personal property and motions to value the collateral of secured creditors as required by Local Bankruptcy Rule 3015-1(j).
15. Provide such other legal services as are necessary for the administration of the Debtor's case before the Bankruptcy Court.

The fee charged for a chapter 13 bankruptcy is a matter for negotiation between the attorney and the Debtor. While Local Bankruptcy Rule 2016-1(c)(1) permits an initial fee of up to \$4,000.00 in non-business cases, and \$6,000.00 in business cases, lesser fees may be negotiated. These initial fees may be paid, in whole or in part, directly by the Debtor prior to the filing of the petition. To the extent not paid by the Debtor before the filing of the petition, the fees must be paid through the plan by the chapter 13 trustee.

Initial fees charged in this case are \$ 4,000.00 , and of this amount, \$ 2,000.00 was paid by the Debtor before the filing of the petition. While this initial fee should be sufficient to fully and fairly compensate counsel for all pre-confirmation services and most post-confirmation services rendered in the case, where substantial and unanticipated post-confirmation work is necessary, the attorney may request that the court approve additional fees. If additional fees are approved, they shall be paid through the plan by the chapter 13 trustee unless otherwise ordered. The attorney may not receive fees directly from the Debtor.

DATED:	<u>December 19, 2019</u>	<u>/s/ Victor Cruz Chavez</u> Victor Cruz Chavez Debtor
DATED:	<u>December 19, 2019</u>	<u>/s/ Montserrat Olvera</u> Montserrat Olvera Joint Debtor
DATED:	<u>December 19, 2019</u>	<u>/s/ Thomas O. Gillis</u> Thomas O. Gillis 40186 Attorney for Debtor(s)

1 THOMAS O. GILLIS, SBN 40186
 2 ATTORNEY AT LAW
 3 1006 H STREET, SUITE 1
 4 MODESTO, CALIFORNIA 95354
 5 TEL (209)575-1153

5 Attorney for Debtor
 6 RAMON PARA

7 UNITED STATES BANKRUPTCY COURT
 8 EASTERN DISTRICT OF CALIFORNIA
 9 SACRAMENTO

10 In Re: CASE NO. 19-26476
 11 RAMON PARA, CHAPTER 13
 12 TOG-15
 13 Debtor. JUDGE: HON. Ronald H. Sargis
 14 _____/

16 **ASSIGNMENT FOR PAYMENT OF ATTORNEY FEES AND CONTRACT**

18 The assignment between Thomas O. Gillis, Debtor’s prior counsel, and Latino
 19 Law, Inc., Debtor’s proposed current counsel, is as follows:
 20

- 21 1. This case was filed on behalf of the Debtor(s) by attorney Thomas O. Gillis.
- 22 2. In that all of the remainder legal work to be done to complete this case will be
 23 done by Latino Law, Inc. It is agreed that all remaining unpaid attorney fees in the
 24 amount of \$6,000 shall be paid to Latino Law Inc., in place of Thomas O. Gillis.
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ADDENDUM L

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3. For a valuable consideration, it is further agreed that Latino Law, Inc., without further compensation, will substitute in and represent all of the clients of Thomas O. Gillis who presently have confirmed plans but whose fees have been paid in full.

Assignment agreed to:

Dated: January 25, 2020

/s/ Thomas O. Gillis
Thomas O. Gillis

Dated: January 25, 2020

/s/ Mark J. Hannon
Mark J. Hannon, SBN 107829
Latino Law, Inc.

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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

In re)	Case No. 19-26476-E-13
)	Docket Control No. TOG-15
RAMON PARRA,)	
)	
Debtor.)	

**ORDER NOT GRANTING RELIEF PURSUANT TO
ASSIGNMENT OF ATTORNEYS' FEES DOCUMENT**

Thomas O. Gillis, the attorney of record for the Debtor in this Chapter 13 case, will be suspended from the practice of law in the State of California for a period of two years commencing February 1, 2020. With that suspension, Mr. Gillis will not be able to serve as the attorney for the Chapter 13 Debtor(s) in this case and will not be able to provide the necessary legal services for the services the Chapter 13 Debtor(s) after February 1, 2020. Mr. Gillis has pending before this court more than six hundred (600) cases, the majority of which are Chapter 13 cases, four hundred and seventy-nine (479), and the remainder being one hundred twenty-four (124) Chapter 7 cases.

The Chief Justice of the Supreme Court issued the *En Banc* Order imposing the two-year suspension on November 1, 2019.¹

The suspension was pursuant to a Stipulation between Mr. Gillis and the State Bar executed on April 30, 2019 by Mr. Gillis. In this April 30, 2019 signed Stipulation, Mr. Gillis agrees to the two-year suspension from the practice of law.

¹ In re *Thomas Oscar Gillis*, State Bar Court Nos 16-O-10780 (17-O-02624; 17-O-04790) (“State Bar Court Action”).

1 Following the April 2019 signing of the Stipulation for a two-year suspension from practicing
 2 law in California, Mr. Gillis filed the following Chapter 13 cases:

Month	Number of Chapter 13 Cases Filed by Mr. Gillis
May 2019	10
June 2019	4
July 2019	11
August 2019	10
September 2019	5
October 2019	29
November 2019	21
December 2019	3
January 2020	1

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 13 With the recommendation before the court and the Chief Justice's Order for the two-year
 14 suspension being signed on November 1, 2019, the months of October and November showed a
 15 100%+ up tick in filing of Chapter 13 cases by Mr. Gillis. With these cases running a period of at
 16 least three and up to five years, clearly Mr. Gillis did not expect to be providing any significant time
 17 providing legal services after the first of 2020. With those cases, it is possible that plans could have
 18 been confirmed before year-end, with Mr. Gillis having earned fees for services after that time.

19 It appears from these cases, that in the majority of them, Mr. Gillis was paid \$2,000.00 in fees
 20 up front, with the balance to be paid through the monthly plan payments after confirmation. For the
 21 period of September through December 2019, when Mr. Gillis knew his suspension was imminent,
 22 this represents approximately \$186,000.00 in monies received in those four months (93 Chapter 13
 23 cases x \$2,000.00 per case).

24 On November 27, 2019, Acting Presiding Judge Honn of the State Bar Court, issued an order
 25 in the State Court Bar Action extending the December 1, 2019 commencement of the two-year
 26 suspension to January 31, 2020. In issuing the extension, Presiding Judge Honn stated that a short
 27 extension would be granted in light of the non-opposition by the Office of the Chief Trial Counsel
 28 of the State Bar.

1 It has been represented to this court that attorney Mark J. Hannon would be substituting in
2 on all of Mr. Gillis' open cases in this District. Several substitutions have been filed with this court
3 in which the attorney to be substituted in as counsel of record is "Latino Law, Inc.," a California
4 professional corporation. Mr. Hannon has signed the substitution forms as a "shareholder" of Latino
5 Law, Inc. This court has issued an order denying such substitutions based upon the Local Bankruptcy
6 Court Rules and the Local District Court Rules for the Eastern District of California that require an
7 individual attorney be the attorney of record, not a corporation or other fictitious entity.²

8
9 **Assignment of Payment of Attorneys' Fees and
Contract with Debtor Client**

10 In this bankruptcy case, Mr. Gillis has filed a document titled Assignment of Payment of
11 Attorney Fees and Contract ("Fee Assignment Document").³ The Fee Assignment Document states
12 (identified by paragraph number of the document):

- 13 1. The bankruptcy case was filed "on behalf of" the Debtor by attorney Thomas O.
14 Gillis.
- 15 2. Latino Law, Inc. will provide all of the future legal services to Debtor in this case
16 required under Mr. Gillis' contract with Debtor, and will provide such services for
whatever remaining unpaid fees there are for the future services to be provided.
- 17 3. It is agreed that all remaining attorneys' fees to be paid in this case will be paid to
18 Latino Law, Inc.

19 This Fee Assignment document is signed by Thomas O. Gillis and Mark J. Hannon (for the
20 Latino Law, Inc. signature block, without designation of his status to sign for Latino Law, Inc.).

21 ² E.D. Cal. Local Bankr. Rule 2017-1(c); E.D. Cal. Local District Court Rule 182.

22 ³ In addition to filing the Fee Assignment Document, Mr. Gillis lodged with the court a
23 proposed order titled "Order Approving Assignment for Payment of Attorney Fees." The
24 proposed order provides that:

25 The Court approves the assignment which is attached. All attorney
26 fees paid by the Trustee henceforth shall be paid to Latino Law,
Inc. only. Counsel shall serve the Trustee with this Order.

27 Federal Rule of Bankruptcy Procedure 9013 requires that when an order of the court is sought by
28 a party, such must be requested by motion or application (when the Bankruptcy Rules provide
for the use of an application). No motion has been filed.

1 **Allowance of and Right to Be Paid Fees For**
2 **Representing a Chapter 13 Debtor**

3 Federal and state law govern fee agreements between Chapter 13 debtors and attorneys.
4 11 U.S.C. §§ 329(b), 330, 526-528; Cal. Business & Prof. Code § 6148. Among the subjects
5 regulated are the amount of the fees charged, as well as how reasonableness of the fee is determined,
6 and the relationship between attorneys and non-attorneys.

7 As pertinent here, three rules are central to the attorney-client relationship and the fee
8 charged. First, attorney-client fee agreements in Chapter 13 cases may not be assigned. 11
9 U.S.C. §§ 101(12A), 526(c)(1), 528(a)(1)(B) (governing fee disclosures of "debt relief agencies");
10 *La Rue v. Groezinger*, 84 Cal. 281, 285; Rest.2d Contracts § 318, Comment c (personal service
11 contracts). Fee agreements in violation of the debt relief provisions of the bankruptcy code are void.
12 11 U.S.C. § 526(c)(1).

13 Second, fees charged by Chapter 13 attorneys must be reasonable in amount as compared to
14 the service rendered. 11 U.S.C. § 330(a)(1), (4)(B) (debtor's counsel is allowed reasonable
15 compensation "for representing the interests of the debtor in connection with the bankruptcy case
16 based on a consideration of the benefit and necessity of such services . . .").

17 The Eastern District of California has implemented § 330 by Local Bankruptcy Rule
18 2016-1(c), which allows debtor's counsel to either be paid (1) a flat fee of \$4,000 or \$6,000, without
19 court approval; or (2) hourly or other fee computation methodology, with court approval. In
20 exchange for accepting the flat fee, debtor's counsel agrees to perform "all pre-confirmation services"
21 and "most post-confirmation services." *Id.*

22 Third, an attorney may not share fees, directly or indirectly, with a non-lawyer. Cal. Rule
23 Prof. Conduct 5.4(a). Attorneys seeking compensation must be licensed at the time services are
24 performed. *Z.A. v. San Bruno Park School District*, 165 F.3d 1273 (9th Cir. 1999); *Birbrower,*
25 *Montalbano, Condon & Frank v. Superior Court*, 17 Cal. 4th 119 (1998). But fees actually earned
26 by a member of the bar may be paid to that attorney, or his estate, after that attorney's disability or
27 death. *Estate of Linnick*, 171 Cal.App.3d 752, 761 (1985) (agreement that firm would pay deceased
28 attorney's estate for a reasonable period of time is unlawful fee splitting); Former Rule of Prof.

1 Conduct 1-320(A)(2).

2 **Denial of Assignment of Future Service Fees**

3 Thomas O. Gillis is counsel of record for the debtor in 481 Chapter 13 cases now pending in
4 the Eastern District of California. For every Chapter 13 pending before the Eastern District of
5 California, attorney Gillis has opted to be paid the flat fee as provided in Local Bankruptcy Rule
6 2016-1(c).

7 Those cases are at differing stages of completion, some with a plan filed but not confirmed
8 (61 cases) and others with a plan confirmed (420 cases).

9 Effective February 1, 2020, the State Bar of California has imposed a two-year suspension
10 on Thomas O. Gillis, attorney at law. That suspension precludes attorney Gillis from practicing law
11 in the Eastern District of California. E.D. Dist. Ct. L.R. 180(a); E.D. Bankr. Ct. LBR 1001-1(c). As
12 of February 1, 2020, Thomas O. Gillis will be deemed a non-lawyer for application of this order. As
13 such, Mr. Gillis has not earned, and cannot be paid amounts due for future legal services he cannot
14 provide to Debtor. The California licensed attorney who substitutes in as counsel for Debtor will be
15 entitled to seek, have allowed and paid such reasonable fees for the future services.

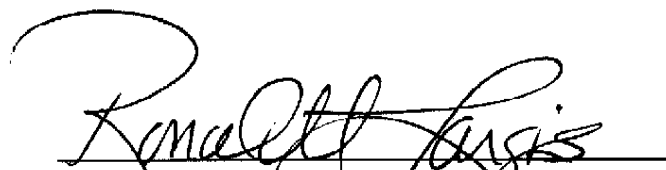
16 Therefore, upon review of the Fee Assignment Document, the Bankruptcy Code, Professional
17 Rules of Responsibility, California Law, and the Local Bankruptcy Rules of this Court, the two-year
18 suspension of Thomas O. Gillis from the practice of law in California, and good cause appearing;

19 **IT IS ORDERED** that the Fee Assignment Document does not effectuate or constitute a
20 transfer of any attorneys' fees or right to receive attorneys' fees in this bankruptcy case that relate to
21 any services to be provided to Debtor, and any relief pursuant thereto is denied without prejudice.

22 The Eastern District of California has commenced, but has not concluded, review of attorney
23 Gillis' Chapter 13 cases to ascertain the amount of the flat rate fee he earned prior to the effective date
24 of his suspension and whether some, or all, of the flat fees received by attorney Gillis have not yet
25 been earned.

26 **Dated:** February 06, 2020

By the Court

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Ronald H. Sargis, Judge
United States Bankruptcy Court

Instructions to Clerk of Court

Service List - Not Part of Order/Judgment

The Clerk of Court is instructed to send the Order/Judgment or other court generated document transmitted herewith *to the parties below*. The Clerk of Court will send the document via the BNC or, if checked _____, via the U.S. mail.

Debtor(s)	Attorney for the Debtor(s) (if any)
Bankruptcy Trustee (if appointed in the case)	Office of the U.S. Trustee Robert T. Matsui United States Courthouse 501 I Street, Room 7-500 Sacramento, CA 95814
Thomas O. Gillis 1006 H Street, Ste. 1 Modesto, CA 95354	Latino Law, Inc. Attn: Mark J. Hannon, Esq. 1006 H Street Modesto, CA 95354

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Secretary of State
Articles of Incorporation of a
Professional Corporation

ARTS-PC

FILED

Secretary of State
State of California

AUG 22 2019

IMPORTANT — Read Instructions before completing this form.

Filing Fee - \$100.00

Copy Fees - First page \$1.00; each attachment page \$0.50;
Certification Fee - \$5.00

Note: Corporations may have to pay a minimum \$800 tax to the California
Franchise Tax Board each year. For more information, go to https://www.ftb.ca.gov.

This Space For Office Use Only

1. Corporate Name (Contact the California state board or agency that controls your profession to find out if your profession is
authorized to be a corporation in California and if there are any specific corporate name style rules. Go to
www.sos.ca.gov/business/be/name-availability for general corporate name requirements and restrictions.)

The name of the professional corporation is Latino Law, Inc.

2. Business Addresses (Enter the complete business addresses. Item 2a cannot be a P.O.Box or "in care of" an individual or entity.)

Table with 4 columns: Address, City, State, Zip Code. Row 1: 1006 H Street, Modesto, Ca, 95354. Row 2: (blank), (blank), (blank), (blank).

3. Service of Process (Must provide either Individual OR Corporation.)

INDIVIDUAL - Complete Items 3a and 3b only. Must include agent's full name and California street address.

Table with 4 columns: Name, Middle Name, Last Name, Suffix, City, State, Zip Code. Row 1: Thomas, Oscar, Gillis, (blank), Modesto, CA, 95354. Row 2: (blank), (blank), (blank), (blank), (blank), (blank), (blank).

CORPORATION - Complete Item 3c. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) - Do not complete Item 3a or 3b

4. Shares (Enter the number of shares the corporation is authorized to issue. Do not leave blank or enter zero (0).)

This corporation is authorized to issue only one class of shares of stock.
The total number of shares which this corporation is authorized to issue is 1000.

5. Purpose Statement (Contact the California state board or agency that controls your profession to find out if your profession is authorized
to be a corporation in California. Go to www.dca.ca.gov/about_dca/entities.shtml for more information.)

The purpose of the corporation is to engage in the profession of practicing law
and any other lawful activities (other than the banking or trust company business) not prohibited to a corporation
engaging in such profession by applicable laws and regulations. This corporation is a professional corporation within
the meaning of California Corporations Code section 13400 et seq.

6. Read and Sign Below (This form must be signed by each Incorporator. See Instructions. Do not include a title.)

Signature [Handwritten Signature]

Thomas O. Gillis
Type or Print Name



**State of California
Secretary of State**

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Statement of Information

(Domestic Stock and Agricultural Cooperative Corporations)

FEES (Filing and Disclosure): \$25.00.

If this is an amendment, see instructions.

IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

1. CORPORATE NAME

2. CALIFORNIA CORPORATE NUMBER

This Space for Filing Use Only

No Change Statement (Not applicable if agent address of record is a P.O. Box address. See instructions.)

3. **If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement of information has been previously filed, this form must be completed in its entirety.**

If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to **Item 17**.

Complete Addresses for the Following (Do not abbreviate the name of the city. Items 4 and 5 cannot be P.O. Boxes.)

4. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE	CITY	STATE	ZIP CODE
5. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
6. MAILING ADDRESS OF CORPORATION, IF DIFFERENT THAN ITEM 4	CITY	STATE	ZIP CODE

Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

7. CHIEF EXECUTIVE OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
8. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
9. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE

Names and Complete Addresses of All Directors, Including Directors Who are Also Officers (The corporation must have at least one director. Attach additional pages, if necessary.)

10. NAME	ADDRESS	CITY	STATE	ZIP CODE
11. NAME	ADDRESS	CITY	STATE	ZIP CODE
12. NAME	ADDRESS	CITY	STATE	ZIP CODE

13. NUMBER OF VACANCIES ON THE BOARD OF DIRECTORS, IF ANY:

Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 15 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 15 must be left blank.

14. NAME OF AGENT FOR SERVICE OF PROCESS				
15. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE	

Type of Business

16. DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION

17. BY SUBMITTING THIS STATEMENT OF INFORMATION TO THE CALIFORNIA SECRETARY OF STATE, THE CORPORATION CERTIFIES THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT.

DATE TYPE/PRINT NAME OF PERSON COMPLETING FORM TITLE SIGNATURE

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Instructions to Clerk of Court
Service List - Not Part of Order/Judgment

The Clerk of Court is instructed to send the Order/Judgment or other court generated document transmitted herewith *to the parties below*. The Clerk of Court will send the document via the BNC or, if checked , via the U.S. mail.

Thomas O. Gillis
1006 H Street, Ste. 1
Modesto, CA 95354

Request for Special Notice:

Office of the U.S. Trustee
Attn: Jason Blumberg, Esq.
501 I Street, Ste. 7-500
Sacramento, CA 95814

Office of the U.S. Trustee
Attn: Edmund Gee, Asst. U.S. Trustee
501 I Street, Ste. 7-500
Sacramento, CA 95814

Michael H. Meyer
Chapter 13 Trustee
Attn: Deanna K. Hazelton
7550 N. Palm, Ste. 204
Fresno, CA 93711

Russell D. Greer, Chapter 13 Trustee
P.O. Box 3051
Modesto, CA 95353-3051

David Cusick, Chapter 13 Trustee
P.O. Box 1858
Sacramento, CA 95812-1858