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OCT 09 2003

STATE BAR COURT
CLERKS OFFICE
LOS ANGELES

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THE STATE BAR COURT
HEARING DEPARTMENT - LOS ANGELES

In the Matter of
REZA PANAHA,
Member No. 179557,
A Member of the State Bar.

Case No. 02-N-14821-RMT
**DECISION INCLUDING DISBARMENT
RECOMMENDATION AND ORDER OF
INVOLUNTARY INACTIVE
ENROLLMENT**

INTRODUCTION

This matter was initiated by the Office of the Chief Trial Counsel of the State Bar of California ("OCTC") alleging that respondent REZA PANAHA failed to comply with rule 955, California Rules of Court ("CRC 955") as ordered by the Supreme Court. OCTC was represented by Shari Sveningson Respondent did not participate either in person or by counsel.

For the reasons stated below, it is recommended that respondent be disbarred.

PROCEDURAL HISTORY

The Notice of Disciplinary Charges ("NDC") was filed and properly served on respondent on October 31, 2002, by certified mail, return receipt requested, at the address shown on the official membership records of the State Bar ("official address"). (Business and Professions Code section 6002.1(c)¹; Rules 60(b) and 583, Rules Proc. of State Bar ("rule(s)").) Service was deemed complete as of the time of mailing. (*Lydon v. State Bar* (1988) 45 Cal.3d 1181, 1186.) This correspondence was not returned as undeliverable.

¹Unless otherwise stated, all future references to "section(s)" are to the California Business and Professions Code.

1 On January 6, 2002, respondent was properly served at his official address with a post-
2 status conference order indicating that another status conference would be held on March 25,
3 2003. It also memorialized that a response would be due in this case on January 27, 2003.
4 Respondent had attended the January 6 status conference.

5 Respondent did not file a response to the NDC. On February 3, 2003, OCTC filed and
6 properly served on respondent a motion for entry of default by certified mail, return receipt
7 requested, at his official addresses. (Rule 200(a), (b).) The motion advised respondent that
8 OCTC would seek his disbarment if he was found culpable. (Rule 200(a)(3).) Respondent did
9 not respond to the default motion.

10 Although he was given proper notice of it, respondent did not participate in the March 25
11 status conference.² An order memorializing the Court's direction that respondent's default would
12 be entered was properly served on him on March 26, 2003, at his official address.

13 Respondent, through his then-counsel Arthur Margolis, was advised of a July 28, 2003,
14 Pilot Program status conference by notice filed and served on April 7, 2003. This notice also
15 indicated that the order for entry of default would be stayed pending said status conference.

16 Respondent, who represented himself, did not appear at the July 28 status conference in
17 which he was found not to be eligible to participate in the Pilot Program Respondents with
18 Substance Abuse or Mental Health Issues. Orders entering respondent's default and involuntarily
19 enrolling him inactive were filed and properly served on him on July 29, 2002, by certified mail,
20 return receipt requested at his official addresses. This document advised respondent, among
21 other things, that he was enrolled inactive pursuant to section 6007(e) effective three days after
22 service of the order.

23 The Court judicially notices its records which indicate that none of the correspondence
24 the Court sent to respondent was not returned as undeliverable. (Evidence Code section 452(d).)

25 The case was submitted for decision on July 29, 2003, after OCTC waived hearing and
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28 ²Respondent may have been in a residential treatment facility on this date and, therefore,
no aggravating effect will be afforded his lack of participation in this status conference.

1 filed a brief regarding culpability and discipline.

2 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

3 The Court's findings are based on the allegations contained in the NDC as they are
4 deemed admitted and no further proof is required to establish the truth of those allegations.
5 (Section 6088; Rule 200(d)(1)(A).) The findings are also based upon matters admitted into
6 evidence or judicially noticed.

7 Respondent was admitted to the practice of law in California on December 6, 1995, and
8 has been a member of the State Bar at all times since.

9 On July 18, 2002, the Review Department of the State Bar Court filed an order ("July 18,
10 2002, order") in State Bar Court case no. 02-C-13150 ordering respondent to comply with CRC
11 955, subdivisions (a) and (c), within 30 and 40 days, respectively, after the effective date of the
12 July 18, 2002, order. The July 18, 2002, order was effective on August 17, 2002. Respondent
13 was to comply with CRC 955(a) no later than September 17, 2002, and with CRC 955(c) no later
14 than September 26, 2002.

15 Upon filing of the July 18, 2002, order, the Review Department sent respondent a copy of
16 the said order directing his compliance with CRC 955.³

17 A copy of the July 18, 2002, order also was attached to the NDC in the instant
18 proceeding.

19 On July 30, 2002, the State Bar Probation Office sent respondent a copy of the CRC 955
20 order and a letter reminding him of the obligation to comply with the order. The letter was sent
21 by first-class mail, postage prepaid, to respondent's State Bar membership records address. It
22 was not returned as undeliverable.

23 As of September 26, 2002, respondent had not filed with the State Bar Court the affidavit
24 required by CRC 955(c). He still has not done so.⁴ He has offered no explanation to this Court
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26 ³See Evidence Code section 664.

27 ⁴Pursuant to Evidence Code section 452(d), the Court judicially notices that its records
28 still do not contain a CRC 955(c) affidavit from respondent.

1 for his failure to comply with CRC 955(c).

2 Based on the foregoing, it has been proved by clear and convincing evidence that
3 respondent wilfully violated the July 18, 2002, order directing his compliance with CRC 955.⁵
4 This constitutes a violation of section 6103, which requires attorneys to obey court orders.

5 **FINDINGS AND CONCLUSIONS AS TO MITIGATING CIRCUMSTANCES**

6 Respondent did not participate in these proceedings or present any mitigating
7 circumstances pursuant to standard 1.2(e), Rules of Procedure of the State Bar of California, Title
8 IV, Standards for Attorney Sanctions for Professional Misconduct, ("standards").

9 **FINDINGS AND CONCLUSIONS AS TO AGGRAVATING CIRCUMSTANCES**

10 Respondent demonstrated indifference toward rectification of or atonement for the
11 consequences of his misconduct by failing to comply with CRC 955(c) even after the NDC in the
12 instant proceeding was filed. (Standard 1.2(b)(v).)

13 **LEVEL OF DISCIPLINE**

14 The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to
15 protect the public, to preserve public confidence in the profession, and to maintain the highest
16 possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111;
17 *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1025; standard 1.3.)

18 Respondent's wilful failure to comply with CRC 955(c) is extremely serious misconduct
19 for which disbarment is generally considered the appropriate sanction. *Bercovich v. State Bar*
20 (1990) 50 Cal.3d 116,131; rule 955(d), Cal. Rules of Court.) Disbarment has been consistently
21 imposed by the Supreme Court as the sanction for noncompliance with CRC 955. *Bercovich v.*
22 *State Bar* (1990) 50 Cal.3d at p. 131; *Lydon v. State Bar* (1988) 45 Cal.3d at p. 1188; *Powers v.*
23 *State Bar* (1988) 44 Cal.3d at p. 342.)

24 Respondent has demonstrated an unwillingness to comply with the professional
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26 ⁵"Wilfulness" in the context of CRC 955 does not require actual knowledge of the
27 provision which is violated. The Supreme Court has disbarred an attorney whose failure to keep
28 his official address current prevented him from learning that he had been ordered to comply with
CRC 955. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.)

1 obligations and rules of court imposed on California attorneys although he has been given several
2 opportunities to do so. He failed to participate in this proceeding and did not comply with CRC
3 955(c). More importantly, respondent's failure to comply with CRC 955 undermines its
4 prophylactic function in ensuring that all concerned parties learn about an attorney's suspension
5 from the practice of law. (*Lydon v. State Bar* (1988) 45 Cal.3d at p. 1187.)

6 Respondent's disbarment is necessary to protect the public, the courts and the legal
7 community, to maintain high professional standards and to preserve public confidence in the
8 legal profession. It would undermine the integrity of the disciplinary system and damage public
9 confidence in the legal profession if respondent were not disbarred for his unexplained wilful
10 disobedience of the Review Department's order.

11 **DISCIPLINE RECOMMENDATION**

12 IT IS HEREBY RECOMMENDED that respondent REZA PANAHA be DISBARRED
13 from the practice of law in the State of California and that his name be stricken from the rolls of
14 attorneys in this state.

15 It is also recommended that the Supreme Court order respondent to comply with rule 955,
16 paragraph (a), of the California Rules of Court within 30 calendar days of the effective date of
17 the Supreme Court order in the present proceeding, and to file the affidavit provided for in
18 paragraph (c) within 40 days of the effective date of the order showing his compliance with said
19 order.

20 **COSTS**

21 The Court recommends that costs be awarded to the State Bar pursuant to Business and
22 Professions Code section 6086.10, and that those costs be payable in accordance with section
23 6140.7.

24 **ORDER REGARDING INACTIVE ENROLLMENT**

25 It is ordered that respondent be transferred to involuntary inactive enrollment status
26 pursuant to section 6007(c)(4). The inactive enrollment shall become effective three days from
27 the date of service of this order and shall terminate upon the effective date of the Supreme
28 Court's order imposing discipline herein or as otherwise ordered by the Supreme Court pursuant

1 to its plenary jurisdiction.

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4 Dated: October 9, 2003


ROBERT M. TALCOTT
Judge of the State Bar Court

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

I am a Case Administrator of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on October 9, 2003, I deposited a true copy of the following document(s):

**DECISION INCLUDING DISBARMENT RECOMMENDATION AND
ORDER OF INVOLUNTARY INACTIVE ENROLLMENT, filed October 9,
2003**

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:

**REZA PANAH
P O BOX 6414
BEVERLY HILLS CA 90212**

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

SHARI SVENINGSON, A/L, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 9, 2003.



Rose M. Luthi
Case Administrator
State Bar Court