


**ORIGINAL**

Counsel for the State Bar THE STATE BAR OF CALIFORNIA BROOKE A. SCHAFFER, # 194824 1149 S. Hill Street Los Angeles, CA 90015-2299	Case Number(s) 03-0-950-RAH	(for Court use)
Counsel for Respondent JOANNE EARLS ROBBINS KARPMAN & ASSOCIATES 9200 Sunset Blvd., PH #7 Los Angeles, CA 90069 (310) 887-3900	<p><del>CONFIDENTIAL</del></p> <p><b>PUBLIC MATTER</b></p> <p>kwiktag® 078 540 642</p> 	<p><b>LODGED</b></p> <p>JAN 21 2005</p> <p>STATE BAR COURT CLERK'S OFFICE</p> <p><b>FILED</b></p> <p>JAN 04 2010</p> <p>STATE BAR COURT CLERK'S OFFICE</p>
In the Matter of  IRA COHEN Bar # 79888  A Member of the State Bar of California (Respondent)	Submitted to Pilot Program Judge  STIPULATION RE FACTS AND CONCLUSIONS OF LAW  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted June 23, 1978  
 (Date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on Respondent or the State Bar.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." This stipulation consists of 8 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts".
- (5) Conclusions of law, drawn from and specifically referring to the facts, are also included under "Conclusions of Law."
- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§ 6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

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

B. Aggravating Circumstances (Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b).) Facts supporting aggravating circumstances are required.

- (1)  Prior Record of Discipline [see standard 1.2(f)]
- (a)  State Bar Court Case # of prior case \_\_\_\_\_
- (b)  Date prior discipline effective \_\_\_\_\_
- (c)  Rules of Professional Conduct/State Bar Action violations \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (d)  Degree of prior discipline \_\_\_\_\_
- (e)  If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline"
- (2)  Dishonesty: Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  Trust violation: Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  Harm: Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5)  Indifference: Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  Lack of Cooperation: Respondent displayed a lack of candor and cooperation to the victims of his/her misconduct or the State Bar during disciplinary investigation or proceedings.
- (7)  Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct.
- (8)  No aggravating circumstances are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1)  No Prior Discipline: Respondent has no prior record of discipline over many years of practice, ~~coupled with present misconduct which is not deemed serious.~~
- (2)  No Harm: Respondent did not harm the client or person who was the object of the misconduct.
- (3)  Candor/Cooperation: Respondent displayed spontaneous candor and cooperation to the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  Remorse: Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  Restitution: Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat of force of disciplinary, civil or criminal proceedings.
- (6)  Delay: These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  Good Faith: Respondent acted in good faith.
- (8)  Emotional/Physical Difficulties: At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9)  Severe Financial Stress: At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  Family Problems: At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  Good Character: Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12)  Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  No mitigating circumstances are involved.

Additional mitigating circumstances:

Respondent enters into this stipulation as a condition of his/her participation in the Pilot Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Pilot Program Contract.

If the Respondent is not accepted into the Pilot Program or does not sign the Pilot Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Pilot Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

11.10.04  
Date

  
Respondent's Signature

IRA COHEN  
Print Name

November 16, 2004  
Date

Joanne Robbins  
Respondent's Counsel Signature

JOANNE ROBBINS  
Print Name

Nov. 17, 2004  
Date

Brooke A. Schaffer  
Deputy Trial Counsel's Signature

BROOKE A. SCHAFFER  
Print Name

## ATTACHMENT TO PILOT PROGRAM STIPULATION

IN THE MATTER OF:       IRA COHEN, bar no. 79888

CASE NUMBER:           03-O-00950

### **I.     FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

#### Jurisdiction

1. IRA COHEN ("Respondent") was admitted to the practice of law in the State of California on June 23, 1978, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

#### Facts

2. On May 21, 2001, Varsenik Doudikian ("Doudikian") hired Respondent for legal work. The two executed a retainer agreement in which Respondent agreed to represent Doudikian in an ERISA claim against her employer Sanwa Bank in a dispute of a long-term disability matter. Pursuant to the retainer agreement, Respondent agreed to perform the following services on a contingency basis: "investigation of claims, determining responsible parties, preparation and filing of lawsuit, settlement procedures and negotiations, prosecution of claim by arbitration or legal action until award or judgment is obtained; and if judgment is obtained in Client's favor, opposing a motion for new trial by opposing party."

3. During the summer of 2001, Respondent contacted the long-term disability carrier, Liberty Mutual, in connection with Doudikian's long-term disability matter.

4. In October 2001 Liberty Mutual informed Respondent in writing advising him that it was denying Doudikian's claim and closing her case. Respondent never informed Doudikian that the insurance company had denied her claim and closed its file. Instead, Respondent thereafter led Doudikian to believe that everything was going well with her case and that he was still working on it.

5. On at least one occasion after Respondent learned Liberty Mutual had closed her case, Respondent visited Doudikian at her house to prepare her for a purported deposition that was supposedly scheduled for September 27, 2002. In reality, however, Respondent knew at the time there was no pending matter regarding Doudikian's claim. Doudikian asked Respondent for a confirmation in writing of the deposition date, time and place. Respondent never provided Doudikian with a confirmation letter.

6. The day before the purported deposition, September 26, 2002, Respondent called Doudikian to cancel the deposition stating that the insurance lawyers had to move and their offices were not ready to take her deposition. Respondent advised Doudikian that the deposition had been re-scheduled for December 5, 2002. Again Doudikian requested a confirmation letter stating the deposition date, time and place. Respondent did not give her a confirmation letter, but told her that he would pick her up and take her to the deposition on December 5<sup>th</sup>.

7. At no time did Respondent file an action in Doudikian's long-term disability matter after it was initially denied, nor did he take any action to preserve that claim.

8. The morning of December 5, 2002, Respondent called Doudikian and canceled

the purported deposition scheduled for that day, stating that he suddenly had to go to court in Ventura County. On December 6, 2002, Doudikian contacted Liberty Mutual on her own and learned that her claim had been denied and closed as of October 8, 2001.

9. Also on December 6, 2002, Doudikian sent a letter to Respondent requesting, among other things, her documents and the confirmation letter for the deposition that was scheduled on December 5, 2002.

10. Hearing nothing from Respondent, on December 11, 2002, Doudikian again contacted Respondent, requesting her files and documents. On that date, Doudikian spoke to Respondent, who told her to come pick up her file on December 20, 2002.

11. On December 20, 2002, Doudikian went to pick up her client file, but Respondent was not in his office and her file was not ready for her.

12. On December 23, 2002, Respondent told Doudikian that he would mail out her documents by December 26, 2002. However, Respondent failed to mail the client file to Doudikian. Despite several attempts from Doudikian, in writing, by telephone and in person, to obtain her file or have her file mailed to her by Respondent, Respondent failed to provide Doudikian with her file.

13. On January 22, 2003, Doudikian terminated Respondent in writing. The letter, however, was returned to Doudikian by the post office stamped "unclaimed."

14. Subsequently, Doudikian hired a new attorney to handle her matter.

15. On April 22, 2003, State Bar investigator Craig Von Freymann wrote to Respondent regarding the Doudikian matter and requested a response by May 6, 2003. On May 7, 2003, Investigator Von Freymann wrote to Respondent regarding the Doudikian matter and requested a response by May 21, 2003. The investigator's letters requested that Respondent respond in writing to specific allegations of misconduct being investigated by the State Bar in the Doudikian matter. Respondent received both letters, but did not respond to the investigator's letters or otherwise communicate with the investigator in the time provided.

#### Conclusions of Law

- By failing to file a civil action or taking other action to preserve Doudikian's long-term disability case after Liberty Mutual denied it; by failing to inform Doudikian that Liberty Mutual had denied her claim; by misleading his client to believe that her case was going well; by misrepresenting to his client that there were depositions scheduled on September 27, 2002, and December 5, 2002, when he knew there were no depositions scheduled; and by failing to provide Doudikian with her file despite his client's requests for her file upon termination, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in violation of Rules of Professional Conduct, rule 3-110(A).

- By misrepresenting to Doudikian that a deposition had been scheduled in her matter for September 27, 2002, and December 5, 2002, when he knew that the insurance company had closed Doudikian's case and denied coverage; and by generally misleading his client to believe for over a year that her case was going well during a time when he knew there was no longer a pending claim or case, Respondent committed acts involving dishonesty, in wilful violation of Business and Professions Code, section 6106.

- By not providing a written response to the allegations in the Doudikian matter or otherwise cooperating in the investigation of the Doudikian matter, Respondent failed to cooperate in a disciplinary investigation, in wilful violation of Business and Professions Code, section 6068(i).

## II. DISMISSALS

The parties respectfully request the court dismiss the following counts, in the furtherance of justice:

- Count Two: failure to inform client of significant development
- Count Four: failure to release file
- Count Five: improper withdrawal from representation

## III. RULE 133 NOTICE:

Respondent was notified by writing dated and mailed Oct. 29, 2004, of any matters not included in this stipulation.

## IV. APOLOGY TO FORMER CLIENT

Within thirty (30) days of being accepted into the Pilot Program (the date Respondent signs the Pilot Program Contract) he shall deliver a written apology to his former client, Varsenik Doudikian. Said written apology shall contain, at minimum, a description of his failures to perform as outlined above. Respondent shall lodge with the Court a copy of said apology concurrent with delivery to Ms. Doudikian.

//// end of attachment ////

ORDER

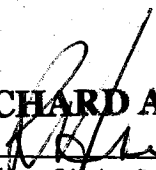
Finding this stipulation to be fair to the parties, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Pilot Program or does not sign the Pilot Program Contract. (See rules 135(b) and 802(b), Rules of Procedure.)

The effective date of the disposition is the effective date of the Supreme Court order herein, normally 30 days after the file date of the Supreme Court Order. (See rule 953(a), California Rules of Court.)

1/21/05  
\_\_\_\_\_  
Date

**RICHARD A. HONN**  
  
\_\_\_\_\_  
Judge of the State Bar Court



**CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on January 24, 2005, I deposited a true copy of the following document(s):

**DECISION RE ALTERNATIVE RECOMMENDATIONS FOR DEGREE OF DISCIPLINE;**

**STIPULATION RE FACTS AND CONCLUSIONS OF LAW; and**

**CONTRACT AND WAIVER FOR PARTICIPATION IN THE STATE BAR COURT'S PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES, all lodged January 21, 2005**

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

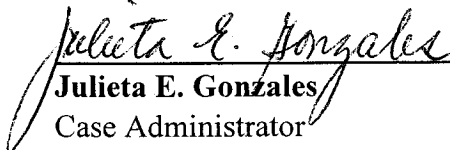
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**JOANNE E ROBBINS ATTORNEY AT LAW  
KARPMAN & ASSOCIATES  
9200 SUNSET BLVD PH #7  
LOS ANGELES CA 90069**

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

**Brooke Schafer, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **January 24, 2005**.

  
\_\_\_\_\_  
**Julieta E. Gonzales**  
Case Administrator  
State Bar Court

**CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court 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 April 1, 2010, I deposited a true copy of the following document(s):

DECISION AND ORDER FILING AND SEALING CERTAIN DOCUMENTS;  
STIPULATION RE FACTS AND CONCLUSIONS OF LAW, CASE NO. 03-O-00950;  
STIPULATION RE FACTS AND CONCLUSIONS OF LAW, CASE NOS. 05-O-04634  
and 06-O-10677; and  
STIPULATION RE FACTS AND CONCLUSIONS OF LAW, Inv. #07-O-12539

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

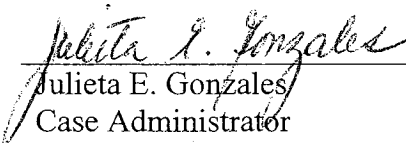
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

IRA COHEN ESQ  
LAW OFC IRA COHEN  
28030 DOROTHY DR STE 301  
AGOURA HILLS, CA 91301

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

Monique T. Miller, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 1, 2010.

  
\_\_\_\_\_  
Julieta E. Gonzales  
Case Administrator  
State Bar Court