



ORIGINAL

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State Bar Court of California		
Hearing Department <input checked="" type="checkbox"/> Los Angeles <input type="checkbox"/> San Francisco		
Counsel for the State Bar Diane J. Meyers Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015-2299 Telephone: (213) 765-1496 Bar # 146643	Case number(s) 04-O-13094 06-O-10684	(for Court's use) FILED SEP 12 2006 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
<input type="checkbox"/> Counsel for Respondent <input checked="" type="checkbox"/> In Pro Per, Respondent Dmitry D. Krayevsky Bar # 192548	Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of Dmitry D. Krayevsky Bar # 192548 A Member of the State Bar of California (Respondent)		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 9, 1997
(date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation, are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consist of 21 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) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.

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(8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- ☐ until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
- ☒ costs to be paid in equal amounts prior to February 1 for the following membership years:
2007 and 2008
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- ☐ costs entirely waived

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

(1) ☒ Prior record of discipline [see standard 1.2(f)]

03-05164; 04-0-11256; 04-0-11618; 04-0-11709;

(a) ☒ State Bar Court case # of prior case 04-0-11710; and 04-0-12001.

(b) ☒ Date prior discipline effective December 24, 2004

(c) ☒ Rules of Professional Conduct/ State Bar Act violations: Business and Professions

Code Sections 6068(a), 6125 and 6126(b).

(d) ☒ Degree of prior discipline two year stayed suspension and two years probation.

(e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "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. (See attachment to stipulation at p. 18.)

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- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. (See attachment to stipulation at p. 18)
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☒ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. (See attachment to stipulation at p. 18.)
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.

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- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

D. Discipline:

(1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of three years
- i. ☒ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following: _____
- (b) ☐ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of four years which will commence upon the effective date of the Supreme Court order in this matter.
(See rule 953, Calif. Rules of Ct.)

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(3) ☒ **Actual Suspension:**

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

i. ☒ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. ☐ and until Respondent does the following: _____

E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) ☒ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.

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- (8) ☐ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- Respondent completed Ethics School on July 20,
- ☒ No Ethics School recommended. Reason: in connection with case nos. 03-0-05164, et al.
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☒ The following conditions are attached hereto and incorporated:
- | | |
|--|--|
| <input checked="" type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input checked="" type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☐ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- Respondent passed the MPRE given on March 11, 2006
- ☒ No MPRE recommended. Reason: in connection with case nos. 03-0-05164, et al.
- (2) ☒ **Rule 955, California Rules of Court:** Respondent must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 955, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: _____
- (5) ☐ **Other Conditions:**

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In the Matter of DMITRY D. KRAYEVSKY	Case Number(s): 04-0-13094; 06-0-10684
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Substance Abuse Conditions

- a. ☒ Respondent must abstain from use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.
- b. ☒ Respondent must attend at least 12 meetings per month of:
- ☒ Alcoholics Anonymous
 - ☐ Narcotics Anonymous
 - ☐ The Other Bar
 - ☐ Other program _____

As a separate reporting requirement, Respondent must provide to the Office of Probation satisfactory proof of attendance during each month, on or before the tenth (10th) day of the following month, during the condition or probation period.

- c. ☒ Respondent must select a licensed medical laboratory approved by the Office of Probation. Respondent must furnish to the laboratory blood and/or urine samples as may be required to show that Respondent has abstained from alcohol and/or drugs. The samples must be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent must cause the laboratory to provide to the Office of Probation, at Respondent's expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of Respondent's blood and/or urine obtained not more than ten (10) days previously.
- d. ☒ Respondent must maintain with the Office of Probation a current address and a current telephone number at which Respondent can be reached. Respondent must return any call from the Office of Probation concerning testing of Respondent's blood or urine within twelve (12) hours. For good cause, the Office of Probation may require Respondent to deliver Respondent's urine and/or blood sample(s) for additional reports to the laboratory described above no later than six hours after actual notice to respondent that the Office of Probation requires an additional screening report.
- e. ☒ Upon the request of the Office of Probation, Respondent must provide the Office of Probation with medical waivers and access to all of Respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.

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In the Matter of DMITRY D. KRAYEVSKY	Case Number(s): 04-0-13094; 06-0-10684
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Medical Conditions

- a. ☒ Respondent must obtain psychiatric or psychological help/ treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at respondent's own expense a minimum of four times per month and must furnish evidence to the Office of Probation that Respondent is so complying with each quarterly report. Help/treatment should commence immediately, and in any event, no later than thirty (30) days after the effective date of the discipline in this matter. Treatment must continue for ____ days or ____ months or ____ years or, the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If the treating psychiatrist, psychologist, or clinical social worker determines that there has been a substantial change in Respondent's condition, Respondent or Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 550 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist, or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.

- b. ☒ Upon the request of the Office of Probation, Respondent must provide the Office of Probation with medical waivers and access to all of Respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition.

(Do not write above this line.)

In the Matter of

DMITRY D. KRAYEVSKY

Case Number(s):

04-0-13094; 06-0-10684

Law Office Management Conditions

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

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: DMITRY D. KRAYEVSKY

CASE NUMBER(S): 04-O-13094, ET AL.

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:

Case No. 04-O-13094

A. Facts

1. On May 23, 2000, Arshaluis Kazarova ("Kazarova") employed Respondent to represent her in a personal injury matter resulting from a slip and fall accident that occurred at Los Angeles County Medical Center on May 17, 2000. Respondent entered into a contingency fee agreement with Kazarova. Kazarova paid no money to Respondent at the start of the attorney-client relationship.
2. On June 19, 2001, Respondent filed a complaint on behalf of Kazarova in the Los Angeles Superior Court, in the matter entitled *Kazarova v. Los Angeles County Medical Center*, case no. BC252655.
3. Respondent attempted to have the complaint served on the County of Los Angeles ("County") on August 22, 2001. However, this service was defective. Nevertheless, that same day, August 22, 2001, Respondent filed the summons reflecting service on the County with the court.
4. On January 7, 2002, Respondent appeared at the first status conference. At that time, he admitted that he failed to give the County proper notice of the status conference, so the court continued the status conference to March 25, 2002, and ordered Respondent to give proper notice of the continued status conference and file a proof of service of the notice with the court.
5. On January 7, 2002, Respondent filed a first amended complaint on behalf of Kazarova. He did not serve the first amended complaint on the County at that time.
6. On March 25, 2002, Respondent appeared at the continued status conference in Kazarova's matter. He failed to give notice of the status conference to the County, as ordered by the court on January 7, 2002. He had not yet served the first amended complaint on the County. He also failed to file any proof of service as ordered by the court. At the hearing at which only

Respondent appeared, the court continued the status conference to May 24, 2002. The court again ordered Respondent to give notice to the County.

7. On April 24, 2002, Respondent caused the first amended complaint to be served on the County. However, Respondent failed to serve notice of the upcoming May 24, 2002 status conference at that time, or any other time, as ordered by the court.

8. On May 17, 2002, the County filed an answer to the first amended complaint and properly served Respondent at his address of record in the Kazarova matter, which was also his State Bar membership records address. Respondent received the answer prior to the May 24, 2002 hearing date, but still failed to give the County's counsel notice of the status conference.

9. On May 24, 2002, Respondent appeared at the continued status conference in Kazarova's matter. He failed to give notice of the status conference to the County, as ordered by the court on March 25, 2002. At the hearing at which only Respondent appeared, the court continued the status conference to July 8, 2002. The court again ordered Respondent to give notice to the County.

10. On July 8, 2002, Respondent appeared in court and an attorney for the County, Neal Moore appeared by telephone. The court set the final status conference for January 14, 2003, and the jury trial for January 20, 2003. The court specifically ordered all parties to comply with Los Angeles Superior Court Local Rule 7.9(d), which provides that the parties must participate in a settlement conference if ordered by the court. The court ordered Respondent to give notice.

11. Respondent failed to notify Kazarova of the trial date of January 20, 2003.

12. Respondent never filed a proof of service reflecting service of the court's July 8, 2002 order, as ordered by the court.

13. Respondent conducted no discovery in the Kazarova matter to prepare the case for trial.

14. On January 14, 2003, Respondent appeared at the final status conference. No attorney appeared on behalf of the County. The court ordered the final status conference off calendar, vacated the trial date scheduled for January 20, 2003, and set a trial setting conference for January 23, 2003. Respondent was ordered to give notice.

15. Respondent never filed a proof of service reflecting service of the court's January 14, 2003 order, as ordered by the court.

16. On January 23, 2003, Respondent appeared at the trial setting conference. No one appeared on behalf of the County, and Respondent never gave proper notice to the County of the January 23, 2003 Trial Setting Conference. The Court set the matter for a final status conference on May 13, 2003, and for jury trial on May 18, 2003. The court specifically ordered Respondent to give written notice of the court's January 23, 2003 order to the County.

17. Respondent failed to file a proof of service reflecting service of the court's January 23, 2003 order, as ordered by the court.

18. Respondent did not notify Kazarova of the continued trial date of May 18, 2003.

19. On March 10, 2003, the County properly served a timely demand for exchange of expert witness information on Respondent at his address of record. Respondent received the demand. Respondent failed to serve a designation of experts as required under Code of Civil Procedure section 2034. Respondent failed to notify Kazarova of the receipt of the demand, and his decision not to retain a medical expert in her case to establish Kazarova's damages.

20. On May 13, 2003, Respondent appeared at the final status conference. Charles McKenna, the attorney for the County, also appeared. The trial date was re-set for May 19, 2003, and notice was waived.

21. On May 13, 2003, the County filed and properly served a motion *in limine* to exclude any expert opinion, since Respondent failed to designate any experts, proposed jury instructions, a witness list, an exhibit list, and statement of the case. Respondent received all of the County's pretrial papers. He never notified Kazarova of the new trial date of May 19, 2003 or his receipt of the County's pretrial papers.

22. Respondent also failed to comply with Los Angeles Superior Court Local Rule 7.9(h) by failing to file any of the pretrial papers required by the rule, which provides as follows:

Final Trial Preparation. The court shall require counsel to attend a final status conference, which shall be held not more than 10 days prior to the trial date. . . . At least 5 days prior to this conference, counsel must have exchanged and filed lists of pre-marked exhibits . . . to be used at trial, jury instruction requests, trial witness lists, and a proposed short statement of the case to be read to the jury panel explaining the case. . . .

23. Respondent undertook no trial preparation in the Kazarova matter.

24. On May 16, 2003, Respondent called the court and notified the court that a settlement had been reached, and requested that the trial date be vacated and that an order to show cause re dismissal date be set. Prior to that time, but after the May 13, 2003 final status conference, Respondent contacted the County's attorney, and offered to dismiss the case for a waiver of costs. Before contacting the attorney for the County, Respondent did not notify Kazarova that he intended to dismiss the case. The County's attorney agreed to the waiver of costs.

25. On May 19, 2003, the trial date, no attorney appeared. The court took the trial date off calendar and set an OSC regarding Dismissal after Settlement for July 11, 2003. The court gave Respondent proper notice of its May 19, 2003 minute order. Respondent received the

court's minute order, but failed to notify Kazarova of the vacated trial date or the OSC re: dismissal set for July.

26. On July 11, 2003, Respondent failed to appear at the OSC, and failed to file a request for dismissal. The court dismissed the entire action at the hearing. The court gave Respondent proper notice of the court's order dismissing the action, and Respondent received the minute order. However Respondent never notified Kazarova that her case had been dismissed.

27. Respondent failed to notify Kazarova of important decisions which adversely affected her case including the decision not to conduct discovery, his decision not to designate an expert, and his decision not to prepare for trial. He also failed to notify Kazarova of the trial dates set by the court, and his decision to dismiss the case for a waiver of costs.

B. Conclusions of Law

1. By failing to first properly serve the complaint, failing to conduct discovery, failing to designate an expert witness which was necessary to establish damages, failing to conduct any trial preparation, allowing Kazarova's case to be dismissed, and failing to perform the legal services for which he was hired, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A).

2. By failing to inform Kazarova of his important decisions which adversely affected her case, Respondent failed to keep Kazarova reasonably informed of significant developments in a matter in which Respondent agreed to provide legal services in wilful violation of Business and Professions Code section 6068(m).

Case No. 04-O-13094

C. Facts

1. Paragraphs A.1. through A. 27. are incorporated by reference.

2. On July 15, 2004, the State Bar opened an investigation, case number 04-O-13094, pursuant to a complaint filed by Kazarova (the "Kazarova matter").

3. On August 26, 2004, September 20, 2004, February 3, 2005 and February 24, 2005, State Bar Investigator Laurie Collier wrote to Respondent regarding the Kazarova matter. The investigator's letters were placed in sealed envelopes correctly addressed to Respondent at his State Bar membership records address, 19725 Sherman Way, Suite 390, Canoga Park, CA 91306. The letters were properly mailed by first-class mail, postage prepaid, by depositing for collection by the United States Postal Service in the ordinary course of business. The United States Postal Service did not return the investigator's letters as undeliverable or for any other reason.

4. On February 3, 2005 and February 24, 2005, the investigator faxed letters to Respondent at his membership records fax number (818) 998-0330. The fax transmittal printout indicated that the faxes were transmitted without any problems.

5. All of the investigator's letters requested that Respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in the Kazarova matter. Respondent did not respond to the investigator's letters or otherwise communicate with the investigator.

D. Conclusion of Law

By failing to provide a written response to the allegations in the Kazarova matter or otherwise participating in or cooperating in the investigation of the Kazarova matter, Respondent failed to cooperate in a disciplinary investigation pending against him in wilful violation of Business and Professions Code section 6068(i).

Case No. 06-O-10684

A. Facts

1. On or about June 14, 2004, Respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition ("Stipulation") with the State Bar of California ("State Bar") in case numbers 03-O-05164; 04-O-11256; 04-O-11618; 04-O-11709; 04-O-11710; and 04-O-12001.

2. On July 19, 2004, the Hearing Department of the State Bar Court filed an Order approving the stipulation and recommending the disposition set forth in the Stipulation to the California Supreme Court.

3. On July 19, 2004, the Order approving the Stipulation and a copy of the Stipulation were properly served by mail upon Respondent at his membership records address of 19725 Sherman Way, #390, Canoga Park, CA 91306 ("Respondent's membership records address").

4. On November 24, 2004, the California Supreme Court filed an Order number S127704 in connection with the Stipulation in State Bar Court case numbers 03-O-05164; 04-O-11256; 04-O-11618; 04-O-11709; 04-O-11710; and 04-O-12001. The California Supreme Court ordered that Respondent be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct; that execution of suspension be stayed, and that Respondent be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department in its July 19, 2004 order approving the Stipulation.

5. Pursuant to the November 24, 2004 Supreme Court Order, Respondent was ordered to comply with the following terms and conditions of probation, among others:

- a. to comply with the State Bar Act and Rules of Professional Conduct during the probation period;
- b. to report within ten (10) days to the Membership Records Office of the State Bar and to the Office of Probation, all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code;
- c. to submit written quarterly reports to the Office of Probation each January 10, April 10, July 10 and October 10 of the period of probation, certifying under penalty of perjury whether he has complied with the State Bar Act, Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter and to file a final report containing the same information no earlier than twenty days prior to the expiration of the probation period and no later than the last day of the probation period;
- d. to attend State Bar Ethics School, pass the test given at the end, and provide satisfactory proof of same to the Office of Probation within one (1) year of the effective date of the disciplinary order; and,
- e. to answer fully, promptly and truthfully any inquiries of the Office of Probation which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.

6. On or about November 24, 2004, the Clerk of the California Supreme Court properly served upon Respondent a copy of the November 24, 2004 Supreme Court Order.

7. The November 24, 2004 Supreme Court Order became effective on December 24, 2004.

8. On or about December 10, 2004, Probation Deputy Lydia Dineros ("Dineros") of the Office of Probation of the State Bar of California ("Office of Probation") sent a letter to Respondent via the United States Postal Service ("USPS"), first class postage prepaid, in a sealed envelope properly addressed to Respondent at Respondent's membership records address. Dineros's letter was not returned as undeliverable or for any other reason by the USPS. In the December 10, 2004 letter, Dineros set forth the terms and conditions of his suspension and probation imposed pursuant to the November 24, 2004 Supreme Court Order. In the December 10, 2004 letter, Dineros specifically advised Respondent regarding his obligations to file quarterly probation reports, with the first due on April 10, 2005, and to complete State Bar Ethics School by December 24, 2005. Enclosed with Dineros's December 10, 2004 letter to Respondent were, among other things, copies of the November 24, 2004 Supreme Court Order;

the relevant portion of the Stipulation setting for the conditions of Respondent's probation; a Quarterly Report Instructions sheet; a Quarterly Report form specially tailored for Respondent to use in submitting his quarterly reports; and information regarding, and an enrollment form for, State Bar Ethics School.

9. Respondent faxed a copy of his first quarterly report due on April 10, 2005 to the Office of Probation on August 9, 2005. Respondent mailed the original first quarterly report to the Office of Probation, which was received by that office on August 11, 2005. The Office of Probation deemed that Respondent's first quarterly report was filed on August 9, 2005.

10. Respondent faxed a copy of his second quarterly report due on July 10, 2005 to the Office of Probation on August 9, 2005. Respondent mailed the original second quarterly report to the Office of Probation, which was received by that office on August 11, 2005. The Office of Probation deemed that Respondent's second quarterly report was filed on August 9, 2005.

11. Respondent did not submit his third quarterly report to the Office of Probation by October 10, 2005.

12. On December 5, 2005, Dineros called Respondent at his membership records telephone number of (818) 998-0303 and left a message for Respondent on his voice mail. In Dineros's message, she identified herself as Lydia Dineros of the Office of Probation and requested Respondent to call her back as soon as possible. Respondent did not return Dineros's call.

13. Respondent did not attend State Bar Ethics School by December 24, 2005, and consequently, he did not pass the test given at the end of a State Bar Ethics School session or provide satisfactory proof of his attendance at State Bar Ethics School or passage of the State Bar Ethics School test to the Office of Probation within one year of the effective date of the disciplinary order, or by December 24, 2005.

14. On December 27, 2005, Dineros called Respondent at his membership records telephone number of (818) 998-0303. Dineros left a message with a man who identified himself as "John". In Dineros's message, she identified herself as Lydia Dineros of the Office of Probation and requested Respondent to call her back as soon as possible. Respondent did not return Dineros's call.

15. On or about December 27, 2005, Dineros sent a letter to Respondent via the USPS, first class postage prepaid, in a sealed envelope properly addressed to Respondent at Respondent's membership records address. Dineros's letter was not returned undeliverable or for any other reason by the USPS. In the December 27, 2005 letter, Dineros informed Respondent that the Office of Probation did not receive his quarterly report due by October 10, 2005, and requested that Respondent provide the report immediately. Also, in the December 27, 2005 letter, Dineros informed Respondent that he had not submitted proof of his completion of State Bar Ethics School that was due on December 24, 2005, and requested that Respondent submit such documentation immediately.

16. Respondent did not submit his fourth quarterly report to the Office of Probation by January 10, 2006.

17. Respondent did not submit his fifth quarterly report to the Office of Probation by April 10, 2006.

18. On June 7, 2006, the State Bar sent a letter to Respondent to his membership records address, notifying Respondent of its intention of filing a disciplinary charges against him due to his failure to comply with his probation conditions. Respondent received the letter.

19. Respondent did not submit his sixth quarterly report to the Office of Probation by July 10, 2006.

20. Respondent successfully completed Ethics School on July 20, 2006 and provided proof of his completion of Ethics School to the Office of Probation on August 8, 2006.

21. Respondent filed his third, fourth, fifth and sixth quarterly reports on August 8, 2006, after receiving notice that the State Bar intended on filing charges against Respondent for his failure to comply with his probation conditions.

B. Conclusions of Law

By not timely filing quarterly reports with the Office of Probation due on April 10, July 10, October 10, 2005, and January 10, April 10, and July 10, 2006; and by not attending State Bar Ethics School by December 24, 2005; by not passing the test given at the end of a State Bar Ethics School session by December 24, 2005; and by not providing satisfactory proof of his attendance at State Bar Ethics School and passage of the State Bar Ethics School test to the Office of Probation within one year of the effective date of the disciplinary order, or by December 24, 2005, Respondent failed to comply with all conditions attached to his disciplinary probation in wilful violation of Business and Professions Code section 6068(k).

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was August 18, 2006.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of August 9, 2006, the estimated prosecution costs in this matter are approximately \$4,289.17. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AGGRAVATING CIRCUMSTANCES.

FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.

Harm

Kazarova was denied the opportunity to further pursue civil remedies for her injuries.

Multiple Acts of Misconduct

Respondent's misconduct includes failing to perform, failing to communicate significant developments to a client; failing to cooperate in the State Bar's investigation, and seven violations of probation conditions.

MITIGATING CIRCUMSTANCES.

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

Candor and Cooperation

While Respondent did not cooperate in the State Bar's investigation of the Kazarova matter, since that time, Respondent was candid and cooperative with the State Bar.

OTHER FACTORS CONSIDERED.

At the time that Respondent was handling Kazarova's case, he was battling an ongoing substance abuse (cocaine) problem. Respondent attributes his failure to respond and cooperate with the State Bar investigation of the Kazarova matter to his substance abuse problem. In early 2006, Respondent sought professional treatment at a rehabilitation facility for his substance abuse problem, but suffered a relapse shortly after being discharged from the facility. Beginning June 22, 2006, Respondent voluntarily commenced treatment with a psychologist in an effort to rehabilitate himself from his substance abuse problem. Respondent also regularly attends Alcoholics Anonymous meetings as attested to by his sponsor of three months.

AUTHORITIES SUPPORTING DISCIPLINE.

Standards for Attorney Sanctions for Professional Misconduct

Where a member has a record of one prior imposition of discipline as defined by standard 1.2(f), standard 1.7(a) provides that the degree of discipline imposed shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust.

Standard 2.4(b) provides that culpability of a member of wilfully failing to perform services in an individual matter or of wilfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.

Standard 2.6(a) provides that culpability of a member of a violation of section 6068 of the Business and Professions Code shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, with due regard to the purposes of imposing discipline set forth in standard 1.3.

Standard 1.7(a) supports that an actual suspension is appropriate here as Respondent received a stayed suspension in his prior discipline case which was neither remote in time nor minimal in severity.

The recommendation of one year actual suspension and until Respondent complies with Standard 1.4(c) (ii) is consistent with Standards 2.4(b) and 2.6(a), given the level of harm suffered by Respondent's client. The parties agree that requiring Respondent to comply with Standard 1.4(c)(ii), including demonstrating his rehabilitation from his substance abuse problem before he can return to the practice of law, will serve the purposes of public protection, maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession.

WAIVER OF RIGHT TO REVIEW.


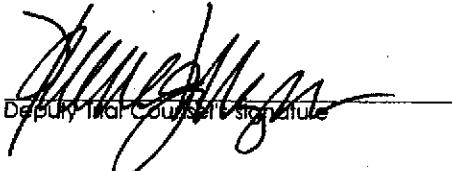
Pursuant to rule 251 of the Rules of Procedure of the State Bar, the parties waive review of this stipulation by the Review Department and request that the disciplinary recommendation be transmitted to the Supreme Court without delay.

(Do not write above this line.)

In the Matter of DMITRY D. KRAYEVSKY	Case number(s): 04-0-13094; 06-0-10684
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law and Disposition.

9-7-06 Date	 Respondent's signature	Dmitry D. Krayevsky Print name
 Date	 Respondent's Counsel's signature	 Print name
9/7/06 Date	 Deputy Trial Counsel's signature	Diane J. Meyers Print name

(Do not write above this line.)

In the Matter of DMITRY D. KRAYEVSKY	Case number(s): 04-0-13094; 06-0-10684
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ORDER

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

- ☒ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953(a), California Rules of Court.)

Date

9-8-06

Judge of the State Bar Court

ROBERT M. TALCOTT

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 September 12, 2006, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING**

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

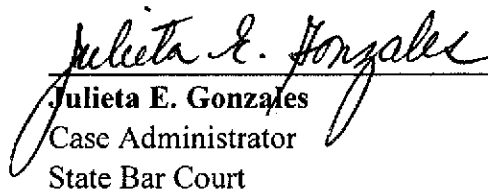
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**DMITRY D KRAYEVSKY ESQ
19725 SHERMAN WAY #390
CANOGA PARK, CA 91306**

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

Diane J. Meyers, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **September 12, 2006**.



Julieta E. Gonzales
Case Administrator
State Bar Court