

(Do not write above this line.)

**State Bar Court of California
Hearing Department
San Francisco**



<p>Counsel For The State Bar</p> <p>AGUSTIN HERNANDEZ Deputy Trial Counsel Office of the Chief Trial Counsel 1149 South Hill Street Los Angeles, CA 90015-2299 (213) 765-1713</p> <p>Bar # 161625</p>	<p>Case Number (s)</p> <p>05-O-02584 08-O-12590 08-O-13696</p>	<p>(for Court's use)</p> <p align="center">PUBLIC MATTER</p> <p align="center">FILED</p> <p align="center">AUG 19 2010</p> <p align="center">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p>ARTHUR L. MARGOLIS Margolis & Margolis 2000 Riverside Drive Los Angeles, CA 90039-3758 (323) 953-8996</p> <p>Bar # 57703</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: FARIBA K. RAHIMI</p> <p>Bar # 200403</p> <p>A Member of the State Bar of California (Respondent)</p>		

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted February 2, 1999.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 14 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - ☒ until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
 - ☐ costs to be paid in equal amounts prior to February 1 for the following membership years:
(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)]
 - (a) ☐ State Bar Court case # of prior case
 - (b) ☐ Date prior discipline effective
 - (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
 - (d) ☐ Degree of prior discipline
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☒ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (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.
- (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

See Mitigating Circumstances Supporting Deviation from the Standards on page 11.

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law 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:

(b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

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

(3) ☒ **Actual Suspension:**

(a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of sixty (60) days.

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.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☒ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" 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 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- ☐ No MPRE recommended. Reason: .

(Do not write above this line.)

- (2) ☐ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) ☐ **Other Conditions:**

///

Attachment language begins here (if any):

WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY

The parties waive any variance between the Notice of Disciplinary Charges filed on January 8, 2010, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

Case No. 05-O-02584

FACTS:

1. In 2001, the Los Angeles County District Attorney Bureau of Investigation (hereinafter D.A.) conducted an undercover investigation regarding insurance fraud. The investigation involved Respondent as well as several other defendants, including but not limited to capper Masood Yazarlou (hereinafter Yazarlou) and Parviz Berjis, M.D. (hereinafter Dr. Berjis).
2. On May 21, 2001, D.A. Investigator Jimmy Garcia, working undercover as Jimmy Gonzales (hereinafter Gonzales), told Yazarlou that he had been involved in an automobile accident. Yazarlou told Gonzales that he could handle Gonzales's uninsured motorist claim against his insurance company. On this date, Yazarlou told Gonzales to go to Dr. Berjis's office on May 22, 2001. Yazarlou told Gonzales that he would only have to see Dr. Berjis on one occasion and that Dr. Berjis would submit a bill for medical services to Gonzales's insurance company.
3. As directed by Yazarlou, on May 22, 2001, Gonzales went to Dr. Berjis's office and was examined by one of Dr. Berjis's employees. Other than this first visit to Dr. Berjis' office on May 22, 2001, Gonzales never went to Dr. Berjis's office or received any other treatment from his office.
4. Thereafter, Yazarlou referred this case to Respondent for legal representation.
5. On September 19, 2001, Dr. Berjis created a false bill for \$3,799 and a medical report reflecting medical treatment allegedly rendered to Gonzales during eighteen (18) visits on different dates for physical therapy and examinations from May 22, 2001 through July 17, 2001. On this date, Dr. Berjis sent this bill and a medical report to Respondent's office. Respondent received the bill and report.
6. On April 18, 2002, Respondent sent a demand letter to Gonzales's insurance company and attached a copy of Dr. Berjis's false medical bill and report.
7. On August 14, 2002, Respondent met with Gonzales at his insurance company's office to prepare Gonzales for an examination under oath. During this conversation, Gonzales told Respondent that he had only gone to Dr. Berjis's office one time but that he had previously lied to the insurance company and told them that he had gone to Dr. Berjis approximately fifteen times. Respondent told Gonzales that she would be cancelling the examination because he would be lying under oath and she could not represent him if she knew he was lying. Gonzales then told Respondent that he would lie again and testify consistent with the

false medical bill. Respondent told Gonzales that he should not commit perjury but if he did not testify consistent with the medical bill, Gonzales would not have a case.

8. After Respondent was informed by Gonzales that the medical bill was false and that Gonzales intended to provide false testimony, Respondent represented Gonzales during the examination. Gonzales gave false testimony under oath in the presence of Respondent.

9. Respondent knew, or was grossly negligent in not knowing, that Dr. Berjis's medical billing for Gonzales was false. At no time did Respondent withdraw the false medical billing as support for Gonzales's claim to the insurance company.

10. On August 29, 2002, Respondent had settlement negotiations with a representative of Gonzales's insurance company based in part upon the false medical billing. During this conversation, Respondent settled Gonzales's personal injury claim with his insurance company for \$8,500 based in part on the false medical billing.

11. On October 10, 2002, Gonzales' insurance company issued and sent to Respondent a settlement check for \$8,500 made payable to Respondent and Gonzales. Respondent received the settlement check. On October 17, 2002, Respondent negotiated and disbursed the settlement proceeds.

12. In August 2001, Gonzales told Yazarlou that his friend Belinda Martinez had been involved in an auto accident. Yazarlou told Gonzales to take her to Dr. Berjis's office on August 13, 2001.

13. On August 13, 2001, D.A. Investigator Belen Jeske, working undercover as Belinda Martinez (hereinafter Martinez), went to Dr. Berjis's office and provided information about her alleged injuries. Other than this first visit to Dr. Berjis's office on August 13, 2001, Martinez never went to Dr. Berjis's office or received any other treatment from his office.

14. Thereafter, Yazarlou referred this case to Respondent for legal representation.

15. On January 7, 2002, Dr. Berjis created a false bill for \$5,405 and a medical report reflecting medical treatment allegedly rendered to Martinez on thirty-four (34) visits on different dates for physical therapy and examinations from August 13, 2001 through November 11, 2001. On this date, Dr. Berjis sent this bill and a medical report to Respondent's office. Respondent received the bill and report.

16. On September 9, 2002, Respondent sent a demand letter to the insurance company that insured the other vehicle involved in the accident with Martinez. This demand letter was based in part upon Dr. Berjis's false medical billing.

17. On October 15, 2002, Respondent met with Martinez at Respondent's office to prepare Martinez for the insurance company to take Martinez's recorded statement under oath. At that time, Martinez told Respondent that she did not go to Dr. Berjis' office as many times as the bill reflected and that Yazarlou told her that she only had to go to Dr. Berjis' office one time. Respondent told Martinez that, as her attorney, Respondent could only advise Martinez to tell the truth, but if she stated that she had not been to the doctor, she would not have a case.

18. After Respondent was informed by Martinez that the medical bill was false and that Martinez intended to provide false testimony, Respondent represented Martinez during the examination. Martinez gave false testimony under oath in the presence of Respondent.

19. Respondent knew, or was grossly negligent in not knowing, that Dr. Berjis's medical report for Martinez was false. At no time did Respondent withdraw the false medical billing as support for Martinez's claim to the insurance company.

20. On January 23, 2003, Respondent settled Martinez's personal injury claim with the insurance company for \$7,500 based in part on the false medical billing.

21. Thereafter, the insurance company issued and sent to Respondent a settlement check for \$7,500 made payable to Respondent and Martinez. Respondent received the settlement check. Thereafter, Respondent negotiated and disbursed the settlement proceeds.

CONCLUSIONS OF LAW:

22. By continuing to represent Gonzales at his examination under oath after Gonzales told her that he intended to testify falsely, Respondent failed to withdraw from employment when Respondent knew or should have known that continued employment would result in violation of the Rules of Professional Conduct or of the State Bar Act, in willful violation of Rules of Professional Conduct, rule 3-700(B)(2).

23. By negotiating and settling Gonzales's claim based in part upon a false medical billing when she knew or was grossly negligent in not knowing that the medical billing was false, Respondent committed acts involving moral turpitude, dishonesty or corruption, in willful violation of Business and Professions Code, section 6106.

24. By continuing to represent Martinez at her examination when Martinez testified falsely, Respondent failed to withdraw from employment when Respondent knew or should have known that continued employment would result in violation of the Rules of Professional Conduct or of the State Bar Act, in willful violation of rule Rules of Professional Conduct, 3-700(B)(2).

25. By negotiating and settling Martinez's claim based in part upon a false medical billing when she knew or was grossly negligent in not knowing that the medical billing was false, Respondent committed acts involving moral turpitude, dishonesty or corruption, in willful violation of Business and Professions Code, section 6106.

Case No. 08-O-13696

FACTS:

26. At all times relevant to the events alleged herein, Respondent maintained a client trust account at First Bank, account number xxxxxx1759 ("CTA").

27. In June 2008, Respondent represented Evelyn Barillas in a legal matter. On June 11, 2008, Respondent received a settlement check in the amount of \$710.63 on behalf of Evalyn Barillas. On June 13,

2008, Respondent deposited Evelyn Barillas's settlement check into Respondent's business account instead of her CTA.

28. In November 2008, Respondent represented Luis Madera in a legal matter. On November 14, 2008, Respondent received a check in the amount of \$86.57 on behalf of Luis Madera. On November 26, 2008, Respondent deposited Luis Madera's check into Respondent's business account instead of her CTA.

CONCLUSIONS OF LAW:

29. By failing to deposit checks that were received on behalf of clients in her CTA, Respondent failed to deposit client funds in trust, in willful violation of Rules of Professional Conduct, rule 4-100(A).

DISMISSALS:

Count Five of the Notice of Disciplinary Charges is dismissed. Count Five pertains to Case Nos. 08-O-12590 and 08-O-13696.

Count Six of the Notice of Disciplinary Charges is dismissed. Count Six pertains to Case No. 08-O-12590.

By dismissing Counts Five and Six, Case No. 08-O-12590 is dismissed in its entirety.

SUPPORTING AUTHORITY:

The discipline imposed on attorneys who commit acts of moral turpitude by making misrepresentations varies significantly. Although there are various factual distinctions between the cases cited below, they all support the imposition of actual suspension on Respondent.

Standards:

Standard 1.3, Title IV, Standards for Attorney Sanctions for Professional Misconduct, provides that the primary purposes of the disciplinary system are: "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession."

Recently, the Supreme Court emphasized the importance of the standards and held that great weight should be given to the application of the standards in determining the appropriate level of discipline. The Court indicated that unless it has "grave doubts as to the propriety of the recommended discipline," it will uphold the application of the standards. *In re Silverton* (2005) 36 Cal. 4th 81, 91-92.

Standard 2.2(b) states that "[c]ulpability of a member of commingling of entrusted funds or property with personal property or the commission of another violation of rule 4-100, Rules of Professional Conduct, none of which offenses result in the willful misappropriation of entrusted funds or property shall result in at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances."

Standard 2.3 provides that "[c]ulpability of a member of an act of moral turpitude, fraud, or intentional dishonesty toward a court, client or another person or of concealment of a material fact to the court, client or

another person shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law."

Cases:

In *Garlow v. State Bar*, the Supreme Court imposed a six month actual suspension on an attorney for signing declarations on behalf of clients in a motion to set aside a default. During a hearing on a motion to strike the declarations, the respondent admitted to signing one of the declarations with the client's consent but did not admit to having signed the other declarations. The respondent also tried to have one of the clients falsely testify that the client had signed the declaration. The respondent was found culpable of wrongfully signing the declarations and that he willfully misrepresented to the court the authenticity of the declarations. *Garlow* had two prior private reprovls and one public reprovl. *Garlow v. State Bar* (1982) 30 Cal.3d 912.

In *In re Farrell*, a respondent was actually suspended for six months for making a misrepresentation to the superior court. The respondent told the trial judge that he had subpoenaed a witness to testify at trial when he had not. In mitigation, the respondent believed that the witness had been served with the subpoena. The respondent also failed to cooperate with the State Bar during the investigation. In aggravation, the respondent had a prior record of discipline. *In re Farrell* (Review Dept. 1991) 1 State Bar Ct. Rptr. 490.

Mitigating Circumstances Supporting Deviation from the Standards:

Although Respondent's misconduct is quite serious and involves moral turpitude, there are some mitigating circumstances that justify deviating from the standards. The standards seem to require at least three months of actual suspension, irrespective of mitigating circumstances. (Standards 2.2(b) and 2.3.)

Respondent was not involved in the orchestration of the fraudulent medical bills prepared on behalf of Gonzales and Martinez. Yazarlou and Dr. Berjis were responsible for causing the fraudulent medical bills to be created before Respondent came to represent Gonzales and Martinez.

Respondent first learned that the medical bills may be fraudulent immediately before Gonzales's and Martinez's examination under oath and recorded statement under oath, respectively, were about to commence. Respondent's initial response to Gonzales was to cancel his examination and to notify him that she could not represent him if he lied under oath. Respondent then advised Gonzales of the repercussions of perjury and ultimately, the examination proceeded. Similarly, Respondent advised Martinez that she had to tell the truth.

With respect to the CTA violations, Respondent did not misappropriate any client funds. Respondent's misconduct was caused by her inadequate record keeping which amounted to gross negligence. Her inability to manage her CTA lead to CTA checks being issued against insufficient funds.

PENDING PROCEEDINGS:

The disclosure date referred to on page 2, section A.(7) was on August 10, 2010.

///

In the Matter of
FARIBA K. RAHIMI

Case number(s):
05-O-02584, 08-O-12590 & 08-O-13696

A Member of the State Bar

Financial Conditions

a. Restitution

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

Payee	Principal Amount	Interest Accrues From

- ☐ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

b. Installment Restitution Payments

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

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

c. Client Funds Certificate

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

b. Respondent has kept and maintained the following:

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

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

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

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

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

(Do not write above this line.)

In the Matter of FARIBA K. RAHIMI	Case number(s): 05-O-02584, 08-O-12590 & 08-O-13696
--------------------------------------	--

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 Fact, Conclusions of Law and Disposition.

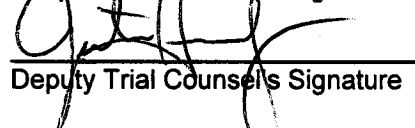
7/27/10
Date

8/11/10
Date

8/16/10
Date


Respondent's Signature


Respondent's Counsel Signature


Deputy Trial Counsel's Signature

FARIBA RAHIMI
Print Name

ARTHUR MARGOLIS
Print Name

AGUSTIN HERNANDEZ
Print Name

1514 ^{att}

(Do not write above this line.)

In the Matter Of
FARIBA K. RAHIMI

Case Number(s):
05-O-02584, 08-O-12590 & 08-O-13696

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 9.18(a), California Rules of Court.)**

August 19, 2010

Date

Pat McElroy

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 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 San Francisco, on August 19, 2010, I deposited a true copy of the following document(s):

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

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

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

ARTHUR LEWIS MARGOLIS
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DR
LOS ANGELES, CA 90039

- ☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

- ☐ by overnight mail at , California, addressed as follows:

- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.

- ☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Agustin Hernandez, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on August 19, 2010.


George Hue
Case Administrator
State Bar Court