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State Bar Court of California Hearing Department Los Angeles		
Counsel For The State Bar Jean H. Cha Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015 (213) 765-1000 Bar # 228137	Case Number (s) 06-O-13843-RAP	(for Court's use) <div style="text-align: center;"> FILED AUG 27 2008 <i>HJC</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
In Pro Per Respondent Kyanoush C. Ghahreman Law Ofc K Christopher Ghahreman 1999 Ave of the Stars Ste 1100 Los Angeles, CA 90067 (310) 356-4671 Bar # 174360	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: Kyanoush Christopher Ghahreman Bar # 174360 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 12, 1994**.
- (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):
- costs added to membership fee for calendar year following effective date of discipline.
 - costs to be paid in equal amounts prior to February 1 for the following membership years:
Two billing cycles following the effective date of the Supreme Court Order.
(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 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 "Other Considerations" at page 10, supra.**
- (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

N/A

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. **Respondent was admitted to the practice of law in California on December 12, 1994.**
- (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. **In March 2003, Respondent was emotionally burdened with a contentious divorce and a heated child custody battle that lasted until March 2008.**
- (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 "Other Conditions" at page 9, supra.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **TWO (2) 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:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is placed on probation for a period of **TWO (2) YEARS**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court)

E. Additional Conditions of Probation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) 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.
- (3) 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.
- (4) 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.

- (5) 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.

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- (6) 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.
- (7) 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 State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8) 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.
- (9) 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 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 within one year. **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:

- (2) **Other Conditions:**

N/A

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Attachment language (if any):

**ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

**IN THE MATTER OF KYANOUSH CHRISTOPHER GHAREMAN
CASE NUMBER: 06-O-13843-RAP**

FACTS.

1. Respondent admits that the following facts are true and that he is culpable of wilfully violating Rules of Professional Conduct rule 3-110(A) as follows:
 2. On February 6, 2003, Suzanne Garcia ("Garcia") and Tammy Dennison a.k.a. Tammy Bishop ("Bishop"), employed Respondent to represent them in a lawsuit for breach of warranty of habitability/breach of contract in the Los Angeles County Superior Court entitled Suzanne Garcia, Tammy Bishop v. Linten Nalini, Brian Abeyratne, LNB Properties, case no. LC 073300 ("the mold case") related to their alleged exposure to (toxic) mold in their apartment at 14618 Rayne Street, No. 118, Panorama City, California 91402.
 3. Respondent immediately hired the services of William D. Koehnlein (Koehnlein), an Investigator associated with Respondent's office, to inspect the premises and take photographs.
 4. Koehnlein performed the inspection on February 13, 2003.
 5. Koehnlein provided Respondent with a confidential report and Respondent paid for samples to be tested.
 6. On February 15, 2003, Garcia and Bishop vacated the premises.
 7. On February 19, 2003, Respondent received a report related to contaminants in the subject property from Environmental Sampling Professionals, Inc. The report identified the presence of contaminants. The report advised that some species of these contaminants were toxic. The report suggested that Respondent review the Guidelines on Assessment and Remediation of Fungi in Indoor Environments as soon as possible with a qualified remediation company to assist in the abatement process.
 8. On March 27, 2003, Respondent sent a request for his clients' return of security deposit to LNB Management Company ("LNB") and alleged that the poor conditions of the apartment had caused his clients' health problems and had forced them to move out.
 9. On May 5, 2003, LNB sent a letter advising that repairs had been made in response to work order requests by Garcia and Bishop, that rent was outstanding for January and February 2003, that a deficit of \$215 was owed, and thus, declined to return any portion of the security deposit.
 10. In April 2005, Garcia and Bishop requested Respondent file a civil action against LNB on their behalf in the mold case.
 11. On December 12, 2005, Respondent filed the suit on behalf of Garcia and Bishop. A proof of service was inadvertently not filed at that time and the civil complaint was not served until July 2006.

12. On February 6, 2006, Respondent followed up with staff to determine the status of the proof of service in the mold case.

13. On March 27, 2006, the court held an initial status conference at which Respondent appeared. The Court scheduled a case management conference for May 1, 2006. At this point, the complaint still had not been served.

14. On May 1, 2006, the court held a case management conference and subsequently set a further status conference and order to show cause regarding dismissal for failure to serve defendants for May 31, 2006. The Respondent was present at that conference.

15. On May 15, 2006, Respondent again followed up with office staff to confirm that a proof of service had been filed in the mold case.

16. On May 31, 2006, the court held a Case Management Conference. Respondent appeared. At Respondent's request, a further case management conference and order to show cause in re: dismissal for failure to serve, file proof of service and for failure to file case management statement was continued to June 30, 2006.

17. In early June 2006, Respondent used an attorney service, which he had used and hired in the past few years, to serve defendants with the summons and complaint. Generally, the service took two weeks.

18. On June 23, 2006, the court advanced the case management conference scheduled for June 30, 2006 for hearing to June 28, 2006. On that date, the court sent notice to Respondent.

19. On June 28, 2006, Respondent did not appear at the order to show cause. As a result, the court dismissed the case for failure to prosecute. On that same date, the court served notice of dismissal on Respondent.

20. On July 12, 2006, after it had been dismissed, Respondent caused the complaint to be served on the defendant. No motion had been made by Respondent to set aside the dismissal prior to his serving the complaint.

21. On July 26, 2006, defendants' counsel sent a letter to the Respondent. In part, defendants' counsel advised that Respondent's service of the complaint was improper and ineffective since the case had been dismissed on June 28, 2006. Defendants' counsel advised that once Respondent set aside the dismissal, he was authorized to accept service.

22. On December 26, 2006, Respondent filed a Notice for Order to Vacate. In the notice, Respondent included his declaration in which he admitted that he missed the June 28, 2006 case management conference and stated the following: "On June 23, 2006 the court mailed my office written notice that the hearing of June 30, 2006 was "reset" for hearing on June 28, 2006 at 8:30 a.m. I did not receive this notice until June 28, 2006! As of the morning of June 28, 2006, I was still under the impression that the CMC was set for June 30, 2006. Because I did not receive notice of the advanced hearing date for the CMC until the day of the Case Management Conference, I did not appear at the CMC on June 28, 2006."

23. In August 2007, Respondent received an offer from defendants to settle the matter in which they agreed to waive costs and indicated an unspecified sum of less than \$3,000 in aggregate. Respondent communicated this offer to his clients and advised him to accept the offer. Although Respondent recommended that he would take the settlement offer as being fair and reasonable, his clients declined. Respondent advised his clients that he believed that they would not prevail at trial. However, Respondent did not seek to withdraw nor did he take action to prepare the case for trial.

24. On February 6, 2007, the Court granted the motion and reinstated the case.

25. On February 20, 2007, the defendants propounded multiple sets of written discovery upon Respondent on behalf of his clients. The responses to which were due on March 27, 2007. Respondent obtained an extension until May 3rd, but he did not forward the discovery to his clients until April 22nd, and requested his clients have them back by April 29th. Respondent's secretary assisted Respondent's clients in their responses.

26. On May 3, 2007, Respondent advised defendants' counsel that he did not have the responses and that he could not estimate when they would be provided.

27. On May 4, 2007, Garcia and Bishop sent a letter to Respondent. They advised him in part, that per Respondent's letter of April 22, 2007, they could not return the responses by his deadline of April 29. They had only received the photocopy of their file on May 2, 2007 (with the intervention of the State Bar). They complained about their confusion in the mold matter and were unclear about how to respond to discovery even after being assisted by Respondent's staff.

28. On May 23, 2007, defendants' counsel filed motions to compel without objection, motions to have the requests for admissions deemed admitted, and a motion to strike certain portions of the amended complaint related to special damages.

29. On June 8, 2007, Respondent prepared and filed oppositions to the motion to strike and the motion to deem the admissions admitted, served June 11, by mail, although it was required to be sent by overnight. In that opposition, Respondent acknowledged that his office had delayed in sending the discovery to the clients and that the "entire fault and responsibility" lay with him and not with the plaintiffs.

30. On June 14, 2007, defendants' counsel filed and served a reply.

31. On June 21, 2007, the court heard the defendants' motions. The motion to strike was granted. The court noted that the response to the request for admissions was provided prior to the hearing of the motion and was taken off calendar. As to the balance of the discovery, Respondent was to provide responses without objection. There was a sanction of \$750.00 assessed jointly against Garcia and Bishop and Respondent. The responses were now due on or before July 10, 2007.

32. The responses were not completed prior to July 10, 2007.

33. On July 19, 2007, the defendants filed a motion for terminating sanctions for failure to comply with the order regarding the discovery, to wit, providing the responses without objection and paying the sanctions. They further requested monetary sanctions.

34. Respondent opposed the motion for terminating sanctions and provided a declaration, which said, in part: "I am a sole practitioner and have been in practice as such since about 1998. Because of the number of discovery requests as well as the press of other business, I simply require more time to prepare complete discovery responses to the outstanding discovery. The delay in providing responses was not 'willful'. I did not willfully fail to comply with the court order."

35. Defendants' counsel replied stating, in relevant part, that the discovery was originally served in February 2007, six months before, that trial was set in a few months and they still did not have responses to evaluate.

36. On August 23, 2007, the court heard the motion. Although it did not grant terminating sanctions, the court found that there was a wilful failure to provide discovery responses and imposed monetary sanctions jointly against Garcia and Bishop and Respondent for \$1,390.00.

37. On February 19, 2008, the trial commenced and concluded the same day.

38. On April 10, 2008, the Superior Court Judge entered judgment in favor of defendants and the plaintiffs were nonsuited.

CONCLUSION OF LAW.

By his conduct, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence in wilful violation of rule 3-110(A) of the Rules of Professional Conduct by failing to properly and timely act in his clients' interests in the mold case.

OTHER CONSIDERATIONS.

The fact that Respondent had been in practice eleven years by the time the misconduct began constitutes a mitigating circumstance. (Std. 1.2(e)(i).)

Respondent has no prior record of discipline. (Std. 1.2 (e)(i).)

Respondent has experienced extreme emotional difficulties during the time and course of representing his clients in the mold case, which was a causative factor in his neglect and failure to perform. (Std. 1.2(e)(iv).)

In March 2003, Respondent filed for divorce and his then-wife also filed for divorce. The divorce was bitter and contentious. The divorce and ensuing property battle was costly. The separation also entailed a prolonged custody battle over their only child from mid-2003 to March 2008. In mid-2004 through the end of 2005, Respondent's ex-wife falsely accused Respondent of molesting their son on 8 separate occasions. Each time the Department of Children and Family Services had to investigate the allegations. Each time DCFS determined that the allegations were completely unfounded. Nevertheless, the intrusive process and traumatic tactics in the ex-wife's attempts to gain legal and physical custody of the child were extremely burdensome.

In October 2005, Respondent was awarded full legal custody and physical custody of his son. Respondent then had to adjust to being a full-time single parent while balancing work and the daily demands of

maintaining a solo practice. From October 2005 to September 2006, Respondent shifted almost all of his focus on the welfare of his son.

After several requests for modification of custody, the court permitted Respondent's ex-wife supervised visitation rights every other day in 2007. Respondent had to transport his child to and from visitations at various locations in Los Angeles. Respondent was also financially burdened because of the attorney's fees and costs related to the divorce and child dependency matter.

The custody dispute was time consuming, financially burdensome and extremely distressful from March 2003 through March 2008 because Respondent's ex-wife continued to raise false allegations of abuse to their child and numerous motions to reevaluate physical custody of their son. The demands of appearances in dependency court were extensive and overwhelming. The constant drain on Respondent's finances, energy, focus, and time distracted Respondent from his ability to address the mold case. Respondent was able to maintain his other client matters. Respondent had limited prior experience in the specialized area of toxic mold and had difficulty dealing with Garcia and Bishop.

Since March 2008, the custody battle has stabilized with a 50:50 physical custody split between the parents and legal custody still with Respondent. Respondent's ex-wife is no longer raising false accusations of inappropriate conduct towards their child. Respondent is no longer consumed with defending his rights to see his young child. The emotional distress, mental preoccupation, high consumption of time and energy have subsided with the present child custody modifications.

Respondent has had limited prior experience with toxic mold matters. Respondent was not entirely familiar and focused on the area of practice and because of his emotionally draining divorce and child custody proceedings; Respondent was unable to focus the appropriate levels of time and research to adequately represent his clients in the mold case. Respondent will not take another toxic mold case in the future unless he obtains the appropriate resources and training to competently perform on such a specialized matter.

Respondent has implemented a support system in his practice so that future negative impact or serious disruption to his practice caused by his personal affairs will be avoided. Respondent will rely on a safety net of colleagues who will be able to assist on any lagging client matters or Respondent is prepared to decline matters where his experience is lacking.

Respondent did also experience a 6-month delay in the mold case because the file was inadvertently misfiled during an office move in April 2005.

Respondent has reduced his client pool to accommodate for his time commitments to raising his son and heightened his intake evaluation process to reduce the kinds of cases and types of clients that are handled by his office.

Respondent has stipulated to facts and culpability. (Std. 1.2(e)(v); *In the Matter of Respondent E*, at p. 730.)

Respondent takes full responsibility for the delays he has caused in the toxic mold case and his failure to perform in relation to the discovery and failure to prosecute. (Std. 1.2(e)(vii).)

In 2006, Respondent volunteered as a CRASH Settlement officer in Department "D" of the Los Angeles County Superior Court in Glendale. Respondent is scheduled to resume as a CRASH settlement officer at the beginning of this October 2008. Respondent has represented numerous criminal clients at reduced costs and has waived fees and worked on a pro bono basis for the past decade on several client matters.

Community service and pro bono activities are a mitigating circumstance. (*Rose v. State Bar* (1989) 49 Cal.3d 646, 667; *In the Matter of Respondent E* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 716, 729.)

Furthermore, Respondent advised his clients to settle their matter on several different occasions. The clients refused to settle thinking that they could get more at trial against Respondent's advice. When his clients declined to heed his advice, Respondent acknowledges that he should have properly withdrawn as counsel at that time. Instead, Respondent understands that the matter was prolonged unnecessarily and that the clients were ultimately left with no options by the way he handled the mold case. Ultimately, Respondent represented his clients through the conclusion of the case. The trial was held on February 19, 2008 and was concluded the same day. Evidence, both oral and documentary, was presented. On April 10, 2008, the Superior Court Judge entered judgment in favor of the defendants and the plaintiffs were nonsuited.

AUTHORITIES SUPPORTING DISCIPLINE.

The starting point for determining the appropriate discipline in this matter is the Standards for Attorney Sanctions for Professional Misconduct. (Rules Proc. of State Bar, Tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct *In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 580.) Standard 2.4(b) defines a range from reproof to suspension depending upon the extent of the misconduct and the degree of harm to the client for a wilful failure to perform services in an individual matter. In imposing discipline we must consider the underlying conduct and review all relevant circumstances. (*Warner v. State Bar* (1983) 34 Cal.3d 36, 43.) Here, Respondent has failed to perform services in accordance with the duties and responsibilities of counsel on behalf of his clients from May 2005 to March 2008.

The purpose of discipline is not punitive; rather it is to inquire into the fitness of an attorney to continue in that capacity for the protection of the public, the courts and the legal profession. (Std. 1.3; *In re Morse* (1995) 11 Cal.4th 184, 205; *Marcus v. State Bar* (1980) 27 Cal.3d 199, 202.) Here, stayed suspension is adequate to deter future misconduct and protect the public. (*Maltaman v. State Bar* (1987) 43 Cal.3d 924, 958; Cf. *Rimel v. State Bar* (1983) 34 Cal.3d 128, 131-132; see also *Friedman v. State Bar* (1990) 50 Cal.3d 235, 244-245 and *Rodgers v. State Bar* (1989) 48 Cal.3d 300, 316-318.)

We may consider case law for guidance. (*Beery v. State Bar* (1987) 43 Cal.3d 802, 816.)

In *Van Sloten v. State Bar* (1989) 48 Cal.3d 921, an attorney with no prior discipline received a six-month stayed suspension with one-year probation for a failure to perform services in a single client dissolution matter where his actions or lack thereof demonstrated a consistent refusal to acknowledge his obligation to his client without serious consequences or harm to the client who was able to successfully conclude the matter through subsequent counsel. Here, Respondent's misconduct is more serious than that in *Van Sloten*. Furthermore, Respondent was required to protect the interests of his clients and failed to do so over an extended period of time. Thus, the term of stayed suspension should be lengthier than in *Van Sloten*.

In *Bach v. State Bar* (1991) 52 Cal.3d 1201, an attorney with no prior discipline received a one year stayed suspension, one year probation, and 30 days actual suspension with a condition of \$2,000 in restitution where he repeatedly and with reckless disregard failed to perform legal services competently for one of his clients in an uncontested marital dissolution proceeding by failing over a period of two and a half years to pursue the case to a conclusion, failed to communicate with his client, withdrew without his client's consent or court approval, and failed to refund unearned fees paid to him in advance. Like the misconduct in *Bach*, Respondent has engaged in acts which arose to several instances of failing to perform and included conduct where the clients were not made aware of the full understanding of the status of their matter in breach of his good faith and fiduciary duty owed to his clients. (*Gassman v. State Bar* (1976) 18 Cal.3d 125, 130.) Unlike the attorney in *Bach*, Respondent has accepted responsibility for his inordinate delay and substantial anxiety and inconvenience he caused to his clients for his nonperformance. Since there is no restitution obligation in the present matter, a two-year stayed suspension will suffice rather than a 30-day actual suspension as in *Bach*.

In *Harris v. State Bar* (1990) 51 Cal.3d 1082, an attorney with no prior discipline received a three-year suspension, three-year probation with conditions including 90-days actual suspension for failing to perform diligently over a 4-year period and showed lack of candor, indifference and harm to his client. In mitigation, the attorney had experienced extreme illness, but it did not extend the full 4-year period of habitually failing to perform nor did it excuse the time period of neglect. (Cf. *Layton v. State Bar* (1990) 50 Cal.3d 889, 904.) Here, Respondent's distressful personal demands existed during the entire span of the representation of his clients. Respondent is remorseful and accepts full responsibility for his lack of performance in the mold case. Respondent also has less aggravation than the attorney in *Harris*. Thus, actual suspension is not necessary to further the purposes of attorney discipline and to protect the public.

An attorney must use his best efforts to accomplish with reasonable speed the purpose for which he was employed. (*Van Sloten v. State Bar* (1989) 48 Cal.3d 921, 931.) Here, Respondent did not take the reasonable steps necessary to adequately perform services for his clients and this inattention and lack of performance is grounds for discipline. (*Butler v. State Bar* (1986) 42 Cal.3d 323, 328; *Kapelus v. State Bar* (1987) 44 Cal.3d 179, 188.) The degree of discipline is tempered with Respondent's extensive mitigation.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was July 31, 2008.

DISMISSALS.

The parties respectfully request the Court dismiss two alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
06-O-13843	Two	Section 6068(m), Business and Professions Code
06-O-13843	Three	Rule 3-700(A)(2), Rules of Professional Conduct
06-O-13843	Four	Section 6106, Business and Professions Code

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of July 31, 2008, the estimated prosecution costs in this matter are approximately \$3,654.00. 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.

STATE BAR ETHICS SCHOOL.

Because Respondent has agreed to attend State Bar Ethics School as part of this stipulation, Respondent will receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

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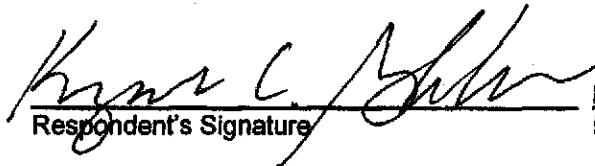
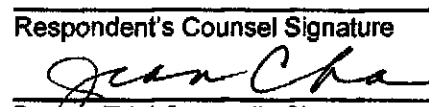
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In the Matter of Kyanoush C. Ghahreman	Case number(s): 06-O-13843-RAP
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SIGNATURE OF THE PARTIES

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 Fact, Conclusions of Law and Disposition.

<u>8-19-2008</u> Date	 Respondent's Signature	<u>Kyanoush C. Ghahreman</u> Print Name
<u>8-25-2008</u> Date	 Deputy Trial Counsel's Signature	<u>Jean H. Cha</u> Print Name

(Do not write above this line.)

In the Matter Of Kyanoush C. Ghahreman	Case Number(s): 06-O-13843-RAP
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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 9.18(a), California Rules of Court.)**

08-26-08
Date


Judge of the State Bar Court

RICHARD A. PLATEL

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 August 27, 2008, 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:

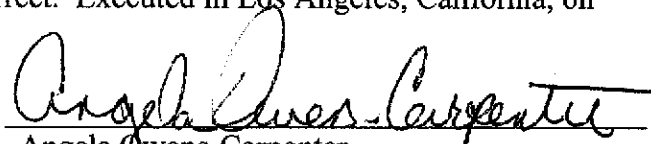
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

KYANOUSH C GHAREMAN
LAW OFC K CHRISTOPHER GHAREMAN
1999 AVE OF THE STARS STE 1100
LOS ANGELES CA 90067

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

JEAN CHA, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 27, 2008.



Angela Owens-Carpenter
Case Administrator
State Bar Court