(Do not write above this line.) ORIGINAL

State Bar Court of California
Hearing Department
Los Angeles

Counsel For The State Bar	Case Number (s)	(for Court's use)
Katherine Kinsey **Deputy Trial Counsel** **State Bar of California** **1149 S. Hill Street** **Los Angeles, CA 90015** **213-765-1000** Bar # **183740**	**06-O-14145; 06-O-14265; 06-O-14860** PUBLIC MATTER	FILED NOV 05 2008 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
Counsel For Respondent **Daniel J. Spielfogel** **Law Offices of Daniel J. Spielfogel** **2660 Townsgate Road, Suite 600** **Westlake Village, CA 91361** **805-373-8907** Bar # **113645**	Submitted to: **Assigned Judge** STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING **ACTUAL SUSPENSION** ☐ PREVIOUS STIPULATION REJECTED	
In the Matter Of: **Tamar Ouzounian** Bar # **225308** 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 **June 3, 2003**.

(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 **15** 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".

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(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: **2010**
(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 $ o n i n 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. **See page 14 attached**

(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 **two 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 **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 **90 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:

☐ Substance Abuse Conditions ☐ Law Office Management Conditions

☐ Medical Conditions ☒ 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: .

(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:**

In the Matter of **Tamar Ouzounian** A Member of the State Bar	Case number(s): **06-O-14145; 06-O-14265; 06-O-14860**

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 reproval), 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:

a. 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.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

In the Matter of: **Tamar Ouzounian**

Case Numbers: **06-O-14145; 06-O-14265; 06-O-14860**

Respondent admits that the following facts are true and that she is culpable of violation of the specified statute and/or Rules of Professional Conduct:

Cronkite matter (06-O-14145)

1. On April 18, 2006, Patricia Cronkite employed Respondent to represent Cronkite in her marital dissolution matter. In or about April 2006, Cronkite paid Respondent $2,000 in advanced fees and $320 in advanced costs.

2. On April 19, 2006, Respondent deposited the $2,320 in funds into her client trust account.

3. On May 2, 2006, Respondent sent Cronkite documents for Cronkite to review, sign and return in order to initiate the dissolution proceedings.

4. On May 4, 2006, Cronkite properly mailed the signed documents to Respondent's office via certified mail. However, the documents were later returned to Cronkite as unclaimed.

5. On May 18, 2006, Cronkite wrote Respondent regarding Respondent's lack of communication, stating that she had left several messages on Respondent's cellphone but received no response. Cronkite asked Respondent to call her back as soon as possible. Cronkite sent the May 18, 2006 letter to Respondent via facsimile.

6. On May 31, 2006, Cronkite went to Respondent's office but found the door locked and the office closed.

7. On May 31, 2006, Cronkite called Respondent and left a message terminating Respondent's services and asked Respondent to return the funds advanced in the dissolution matter.

8. As of May 31, 2006, the balance in Respondent's client trust account had fallen to $303.06, which was below the $320 amount Respondent was required to maintain on Cronkite's behalf.

9. Respondent contends that because she did not have checks for her client trust account, she had transferred the $320 from her client trust account to her general account so that she could issue a check for filing fees in Cronkite's dissolution matter.

10. On June 1, 2006, Respondent called Cronkite and told Cronkite that she had been having family and personal problems, but she still wanted to represent Cronkite.

11. On June 2, 2006, Cronkite wrote Respondent, once again terminating her services and asking Respondent to return the funds advanced in the dissolution matter. On or about June 2, 2006, Cronkite properly mailed the June 2, 2006 letter to Respondent. Respondent received the letter but failed to respond.

12. On June 30, 2006, Cronkite submitted a complaint against Respondent with the State Bar of California regarding Respondent's failure to perform and Respondent's failure to return Cronkite's funds.

13. On March 28, 2007, Cronkite wrote Respondent again asking for a full refund of the $2,320 she advanced in legal fees and costs. On or about March 28, 2007, Cronkite properly mailed the letter to Respondent. Respondent received the March 28, 2007 letter.

14. On April 9, 2007, Respondent sent a cashier's check to Cronkite for $2,320.

Conclusions of Law Count One

15. By failing to promptly pursue Cronkite's dissolution matter after May 2, 2006, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A).

Conclusions of Law Count Two

16. By failing to promptly refund the $2,320 in unearned fees and costs to Cronkite, Respondent failed to timely refund unearned fees and costs in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

Conclusions of Law Count Three

17. By transferring the $320 in advanced costs from her client trust account to her general account, Respondent failed to maintain client funds in a trust account in wilful violation of Rules of Professional Conduct, rule 4-100(A).

Steppes Matter (06-O-14265)

18. On October 24, 2005, Allison Steppes employed Respondent to represent her in a post-judgment dissolution matter.

19. On October 24, 2005, Respondent appeared at a hearing in the Steppes dissolution matter. On or about October 24, 2005, the court asked the parties to provide briefs regarding the remaining issues in the dissolution matter.

20. On December 7, 2005, the court made findings regarding child support, child custody and attorney's fees in the dissolution matter.

21. In or about December 2005, Therese Zartman, opposing counsel in the dissolution matter, sent a copy of the Order After Hearing to Respondent review for form and content. Respondent then provided a copy of the Order After Hearing to Steppes for her review and told Steppes to send any corrections to the order to Zartman.

22. On December 23, 2005, with no response from Respondent regarding the Order After Hearing, Zartman submitted the Order to the court for filing without Respondent's signature.

23. On December 28, 2005, the court signed and filed the Order After Hearing in the dissolution matter. Respondent did not tell Steppes that the Order After Hearing had been submitted to the court and filed.

24. On December 30, 2005, Zartman filed a motion to correct an error in the Order After Hearing in dissolution matter. Specifically, Zartman filed a motion to correct the amount of child support Steppes must pay to her ex-husband. On or about December 30, 2005, Zartman's office served Respondent with a copy of the motion, which stated that the hearing regarding the motion would be held on February 15, 2006. Respondent received the December 30, 2005 motion but did not tell Steppes about the motion.

25. As of January 27, 2006, Steppes was unaware that the Order After Hearing had been submitted and filed by the court on December 28, 2005. As a result, on or about January 27, 2006, Steppes sent Zartman her proposed corrections to the Order After Hearing.

26. As of February 15, 2006, Respondent had not filed a response to Zartman's motion to correct the Order After Hearing. However, on or about February 15, 2006, Zartman took the hearing off calendar at the request of her client.

27. On March 9, 2006, Steppes wrote Respondent regarding the ongoing disputes between her and her ex-husband regarding their son. In the March 9, 2006 letter, Steppes asked Respondent about the notes that she sent to Zartman regarding the Order After Hearing. Steppes sent the March 9, 2006 letter to Respondent via facsimile. Respondent received the March 9, 2006 but did not provide a response.

28. In or about June 2006, Steppes's ex-husband informed Steppes that the Order After Hearing had been filed with the court in the family matter.

29. On July 27, 2006, Steppes wrote Respondent terminating her legal services. In the July 27, 2006 letter, Steppes noted that Respondent had not responded to Steppes telephones messages or faxes. In addition, Steppes contended that Respondent had not responded to the opposing counsel in the dissolution matter. On or about July 27, 2006, Steppes properly mailed the letter to Respondent and enclosed a substitution of attorney for Respondent to sign and return. Respondent received the July 27, 2006 letter but failed to respond and failed to sign and return the substitution of attorney.

30. On August 23, 2006, Steppes emailed Respondent regarding her failure to sign and return the substitution of attorney. In the August 23, 2006 email, Steppes asked Respondent to sign a substitution form and return it to Steppes so that she could move forward with the dissolution matter. Respondent received the August 23, 2006 email but failed to respond.

Conclusions of Law Count Four

31. By failing to review and return the Order After Hearing, by failing to tell Steppes that the Order After Hearing had been filed in the dissolution matter, by failing to tell Steppes that a motion to correct the Order After Hearing had been filed and by failing to sign and return the substitution of attorney as requested by Steppes, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A).

Conclusions of Law Count Five

32. By failing to respond to Steppes letters and email, Respondent failed to respond promptly to reasonable status inquiries of a client in which Respondent had agreed to provide legal services in wilful violation of Business and Professions Code section 6068(m).

Gatsby Matter (06-O-14860)

33. On July 25, 2005, Alain Gatsby employed Respondent to pursue modification of a child support order on Gatsby's behalf. As of October 2005, Gatsby had paid Respondent $420.80 in advanced fees and costs.

34. In or about January 2006, Respondent filed an Order to Show Cause (OSC) seeking modification of an existing child support order in the matter entitled Gatsby v. Gatsby, Los Angeles County Superior Court case number GD007094 (the "child support matter"). The court set a hearing regarding the OSC for March 27, 2006. Respondent received proper notice of the March 27, 2006 hearing.

35. In or about January 2006, Gatsby met with Respondent's secretary at Respondent's office. During the meeting, the secretary told Gatsby that a court hearing had been scheduled in his child support matter, but Respondent was going to continue the hearing because of a scheduling conflict.

36. After January 2006, neither Respondent nor anyone from Respondent's office contacted Gatsby regarding his child support matter.

37. Between January 2006 and July 2006, Gatsby telephoned Respondent 13 times and left messages each time inquiring about his child support matter. On each occasion, Gatsby requested that Respondent return his calls. Respondent received Gatsby's messages but failed to return the calls.

38. Between January 2006 and July 2006, Gatsby went to Respondent's office on several occasions to speak with Respondent about his child support matter. Each time Gatsby went to Respondent's office, he found the door locked and the office closed.

39. On March 27, 2006, Respondent appeared telephonically for the OSC in the child support matter. Pursuant to Respondent's request, the court continued the OSC to April 26, 2006. The court ordered Respondent to give notice.

40. On April 26, 2006, the court held the OSC in the child support matter. Both Respondent and the opposing party failed to appear, and the court took the OSC off calendar.

41. As of July 31, 2006, Gatsby was still unable to contact Respondent. Consequently, on or about July 31, 2006, Gatsby employed attorney Paro Astourian to handle his child support matter.

42. On July 31, 2006, Astourian wrote Respondent informing her that he had been hired to handle Gatsby's child support matter. In the July 31, 2006 letter, Astourian asked Respondent to sign a substitution of attorney and transfer Gatsby's client file. On or about July 31, 2006, Astourian properly mailed the letter to Respondent. Respondent received the letter but failed to respond.

43. On August 3, 2006, Astourian called Respondent asking Respondent to respond to Astourian's July 31, 2006 letter. Respondent received Astourian's message but failed to respond.

44. On August 5, 2006, Astourian wrote Respondent again asking Respondent to contact him regarding Gatsby's matter. Astourian sent the August 5, 2006 letter to Respondent via facsimile and US Mail. Respondent received the August 5, 2006 letter.

45. On August 10, 2006, Respondent responded to Astourian's letter. In the August 10, 2006 letter, Respondent asked Astourian to send the substitution of attorney, which Respondent said she would execute and return to Astourian with Gatsby's file. Respondent faxed the August 10, 2006 letter to Astourian.

46. On August 10, 2006, Astourian wrote Respondent acknowledging receipt of Respondent's letter and enclosed a substitution of attorney for Respondent. Respondent received Astourian's letter with the enclosed substitution of attorney but failed to return the substitution of attorney and failed to turn over Gatsby's file.

47. On August 24, 2006, Astourian wrote Respondent regarding Respondent's failure to provide an executed substitution of attorney and her failure to turn over Gatsby's file. Astourian sent the August 24, 2006 letter to Respondent via facsimile and U.S. mail. Respondent received the August 24, 2006 letter but failed to return the substitution of attorney and failed to turn over Gatsby's file.

48. By failing to appear on Gatsby's behalf at the April 26, 2006 OSC, by ceasing all contact with Gatsby and by failing to pursue Gatsby's child support matter, Respondent effectively withdrew from representing Gatsby. At no time did Respondent notify Gatsby that she would be ceasing work on the child support matter.

49. On or about October 1, 2008, Respondent issued a check to Gatsby for $420.80 as full reimbursement of the funds paid to Respondent.

Conclusions of Law Count Six

50. By failing to take steps to properly withdraw from Gatsby's matter, Respondent wilfully violated Rules of Professional Conduct, rule 3-700(A)(2).

Conclusions of Law Count Seven

51. By failing to respond to Gatsby's telephone messages, Respondent failed to respond promptly to reasonable status inquiries of a client in which Respondent had agreed to provide legal services in wilful violation of Business and Professions Code section 6068(m).

Conclusions of Law Count Eight

52. By not returning the client file to Gatsby as requested by Astourian and by failing to turn over the file after ceasing her representation of Gatsby, Respondent failed to release, upon termination of employment, to her client, at the request of the client, all client papers and property in wilful violation of Rules of Professional Conduct, rule 3-700(D)(1).

Supporting Authority

Standard 2.2(b) provides that a member's culpability for wilfully violating rule 4-100, Rules of Professional Conduct, none of which offenses result in the wilful misappropriation of entrusted funds shall result in at least a three-month actual suspension irrespective of mititgating circumstances.

Standard 2.4(b) provides that a member's culpability for wilfully failing to perform services in a individual matter or matters not demonstrating a pattern of misconduct shall result in reproval or suspension depending upon the extent of the misconduct and the degree of harm, if any, to the victim.

Mitigating Circumstances - Family Problems

During the period of misconduct, both of Respondent's parents became ill. Speficially, in late 2005, Respondent's father suffered a stroke and was hospitalized. According to Respondent's father, he was unable to care for himself, and Respondent provided him with care, including taking him to medical appointments, feeding him, etc. During this period of time, Respondent's mother also became ill.

In October 2005, Respondent's close friend, Susan Moore, was admitted to the hospital because of complications arising out of her pregnancy. Ms. Moore was placesd on bed rest, and Respondent provided aid during this time, including taking Ms. Moore to doctor's appointments and grocery shopping. Ms. Moore experienced complications during the baby's birth and afterwords, was unable to walk. She states that Respondent helped care for her during the several months it took her to recover.

Pending Proceedings

The disclosure date referred to on Page 2, paragraph A.(7), was made on October 10, 2008.

Costs of Disciplinary Proceedings

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of October 10, 2008, the costs in this matter are approximately $3,311. 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 costs of further proceedings.

(Do not write above this line.)

In the Matter of **Tamar Ouzounian**	Case number(s): **06-O-14145; 06-O-14265; 06-O-14860**

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.

10-20-08 Date	Respondent's Signature	Tamar Ouzounian Print Name
10-21-08 Date	Respondent's Counsel Signature	Daniel J. Spielfogel Print Name
10/27/08 Date	Deputy Trial Counsel's Signature	Katherine Kinsey Print Name

(Do not write above this line.)

In the Matter Of **Tamar Ouzounian**	Case Number(s): **06-O-14145; 06-O-14265; 06-O-14860**

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:

- [X] 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.)**

11-5-08
Date

Judge of the State Bar Court

RICHARD A. HONN

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 November 5, 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:

DANIEL JEFFREY SPIELFOGEL
2660 TOWNSGATE RD #600
WESTLAKE VILLAGE, CA 91361

☐ 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 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:

Katherine Kinsey, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 5, 2008.

Cristina Potter
Case Administrator
State Bar Court