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State Bar Court of California Hearing Department Los Angeles		
Counsel For The State Bar  Timothy G. Byer, DTC  Bar # 172472	Case Number (s) 06-O-14657 06-O-14037 07-O-11979	(for Court's use)
Counsel For Respondent  Haig P. Ashikian, Esq., in pro per  Bar # 183083	<div style="text-align: center;"><b>PUBLIC MATTER</b></div> <div style="text-align: right;"> <b>FILED</b>   <b>MAY 30 2008</b>            STATE BAR COURT            CLERK'S OFFICE            LOS ANGELES         </div>	
In the Matter Of: Haig P. Ashikian  Bar # 183083  A Member of the State Bar of California (Respondent)	Submitted to: <b>Settlement Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

**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 11, 1996**.
- (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 **16** 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. **Respondent displayed spontaneous candor and cooperation with the State Bar during its disciplinary investigation.**
- (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**

**Respondent has no prior record of discipline in his nearly 12 years of practice.**

**D. Discipline:**

(1) ☒ **Stayed Suspension:**

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

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

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of **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)

(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:
- |   |  |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" 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: .
- (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

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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):

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

IN THE MATTER OF:        HAIG P. ASHIKIAN

CASE NUMBER(S):06-O-14657  
                          06-O-14037  
                          07-O-11979

**A.    FACTS AND CONCLUSIONS OF LAW:**

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

**WAIVER OF RIGHT TO FILING OF NOTICE OF DISCIPLINARY CHARGES:**

The parties 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.

06-O-14657

Facts:

In approximately May, 2001, Aida Oganezova ("Oganezova") hired Respondent to represent her in an uninsured motorist arbitration case concerning an automobile accident that occurred on May 14, 2001.

On or about May 13, 2002 (almost a year to the day after the accident), Respondent served an Uninsured Motorist Arbitration Demand on Oganezova's automobile insurance carrier, Viking Insurance ("Carrier").

On or about August 26, 2002, Michael Riley ("Riley"), counsel for Carrier, sent correspondence to Respondent informing him that Carrier had not received discovery responses, and proposing a list of potential arbitrators for the case.

On or about November 15, 2002, Respondent provided Oganezova's discovery responses, along with payment of the defense attorney's costs incurred in preparing four motions to compel those responses.

On or about September 16, 2003, Riley again sent a letter to Respondent, reminding him that he had not responded to Riley's previously proposed list of potential arbitrators, which Riley had sent ten months earlier. Respondent received the letter.

On or about April 14, 2004, Riley again sent Respondent a letter, reminding him that he had still not responded to Riley's list of potential arbitrators. Respondent received the letter.

On or about August 4, 2004, Riley sent Respondent a letter, confirming that the parties had agreed to the selection of an arbitrator for the case. Respondent received the letter.

In approximately October 2004, Oganezova began calling Respondent to inquire of the status of her case, and left a voice mail message each time asking for Respondent to return her call. Respondent did not return any of Oganezova's calls.

On or about April 18, 2006, Riley sent correspondence to Respondent again reminding him of the urgency in selecting another arbitrator, and informing him that Oganezova's claims would be barred unless the arbitration occurred by May 13, 2007.

On or about September 8, 2006, Oganezova mailed a letter to Respondent asking him to advise her as to the status of her matter. Respondent received the letter, but did not reply to it in writing. Instead, Respondent left a voice mail message for Oganezova that provided no substantive information in response to her status inquiry.

On or about October 5, 2006, the State Bar opened an investigation, Case No. 06-O-14657, pursuant to a complaint filed by Oganezova (the "Oganezova Matter").

On or about February 12, 2007, Oganezova's uninsured motorist arbitration took place at Respondent's office. The arbitrator issued his ruling on February 23, 2007, in which he found that Oganezova had not established liability on the part of the uninsured motorist.

On or about March 14, 2007, State Bar Investigator Podina C. Brown ("Investigator") spoke by telephone with Respondent. In that conversation, Respondent confirmed that he had received the arbitrator's written decision but had neither reviewed it nor advised Oganezova of the result.

On or about May 3, 2007, the Investigator spoke by telephone with Oganezova, who on that date had still not been advised by Respondent of the result of her arbitration.

#### Legal Conclusions:

By failing to communicate with Oganezova (other than in a single non-substantive voice mail message) between approximately October 2004 and the February 12, 2007 arbitration of her matter, despite Oganezova's numerous telephone messages and her letter of September 8, 2006, Respondent failed to respond promptly to reasonable status inquiries of a client, *IN VIOLATION OF BUSINESS AND PROFESSIONS CODE, § 6068(C).*

By failing to communicate to Oganezova the results of her arbitration, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, *IN VIOLATION OF RULE 3-110(A), Rules of Professional Conduct*  
06-O-14037

#### Facts:



On or about May 17, 2006, Respondent issued or caused to be issued from his client trust account, no. 095-495025-2, at Washington Mutual Bank ("CTA"), check no. 1314, payable to his client Juan Meza ("Meza") in the sum of \$3,320. On or about May 23, 2006, Respondent deposited into CTA a settlement draft issued by Hudson Insurance Company on Meza's behalf, in the sum of \$5,730. On that same date, check No. 1314, was returned due to insufficient or uncollected funds.

On or about May 17, 2006, Respondent issued or caused to be issued from his CTA, check no. 1313, payable to his client Arnold Garcia ("Garcia") in the sum of \$3,500. On or about May 23, 2006, Respondent deposited into his CTA a settlement draft issued by Hudson Insurance Company on Garcia's behalf, in the sum of \$6,000. On that same date, Respondent's CTA check no. 1313 was returned due to insufficient or uncollected funds.

On or about May 18, 2006, Respondent issued or caused to be issued from his CTA check no. 1315, payable to his client Maral Biberian ("Biberian") in the sum of \$623.49. On or about May 23, 2006, Respondent deposited into his CTA a settlement draft issued by Interinsurance Exchange of the Automobile Club on Biberian's behalf in the sum of \$623.49. On that same date, check no. 1315 was returned due to insufficient or uncollected funds.

On or about May 15, 2006, Respondent issued or caused to be issued from his CTA check no. 1286, payable to Dr. Nosrat Javidan in the sum of \$600 as full payment for Dr. Javidan's medical lien for treatment of Respondent's client Dora Ramirez ("Ramirez"). On or about May 16, 2006, Respondent deposited into his CTA a settlement draft issued by Mercury Insurance Company on Ramirez's behalf in the sum of \$4,800. On May 23, 2006, check no. 1286 was returned due to insufficient or uncollected funds.

On or about May 15, 2006, Respondent issued or caused to be issued from his CTA check no. 1289, payable to Crenshaw LA Medical Group in the sum of \$2,636 for that entity's medical treatment of Respondent's clients Justin Lucas ("Lucas") and Andre Dickens ("Dickens"). On or about May 16, 2006, Respondent deposited into his CTA two settlement drafts issued by Fireman's Fund: one, in the sum of \$6,000 on Lucas's behalf, another, in the sum of \$1,910 on Dickens's behalf. On May 23, 2006, check no. 1289 was returned due to insufficient or uncollected funds.

On or about May 15, 2006, Respondent issued or caused to be issued from his CTA check no. 1287, in the sum of \$1,000, payable to Dr. Manijeh Ezatvar for Dr. Ezatvar's medical lien for treatment of Respondent's client Dora Ramirez ("Ramirez"). On or about May 16, 2006, Respondent deposited into his CTA a settlement draft issued by Mercury Insurance Company in the sum of \$4,800 on Ramirez's behalf. On May 23, 2006, Respondent's check no. 1287 was returned due to insufficient or uncollected funds.

On or about May 15, 2006, Respondent issued or caused to be issued from his CTA check no. 1301, in the sum of \$1,324, payable to Crenshaw LA Medical Group for that entity's medical treatment of Respondent's client Kevin Bell ("Bell"). On or about May 16, 2006, Respondent deposited into his CTA a settlement draft issued by Progressive Choice Insurance Company in the

sum of \$3970 on Bell's on behalf. On May 23, 2006, check no. 1301 was returned due to insufficient or uncollected funds.

On or about May 11, 2006, Respondent issued or caused to be issued from his CTA check no. 1280, in the sum of \$2,533, payable to Respondent's client Carlos Colocho ("Colocho"). On that same date, Respondent deposited into his CTA a settlement draft issued by Cambridge Integrated Services Group in the sum of \$7,600 on Colocho's behalf. On May 23, 2006, check no. 1280 was returned due to insufficient or uncollected funds.

On or about April 24, 2006, Respondent issued or caused to be issued from his CTA check no. 1189, in the sum of \$1,568, payable to Respondent's client Jorge Medrano ("Medrano"). On or about April 25, 2006, Respondent deposited into his CTA a settlement draft issued by 21<sup>st</sup> Century Insurance in the sum of \$4,700 on Medrano's behalf. On May 23, 2006, check no. 1189 was returned due to insufficient or uncollected funds.

On May 18, 2006, Respondent issued or caused to be issued from his CTA check no. 1321, in the sum of \$2,834, payable to Respondent's client Juan Mayen ("Mayen"). On or about May 23, 2006, Respondent deposited into his CTA a settlement draft issued by Mercury Insurance Group in the sum of \$5,000 on Mayen's behalf. Also on May 23, 2006, check no. 1321 was returned due to insufficient or uncollected funds.

Legal Conclusions:

By not maintaining in his CTA the funds required to pay CTA check nos. 1313, 1314, 1315, 1286, 1289, 1287, 1301, 1280, 1189, and 1321, Respondent failed to maintain client funds in trust, in willful violation of Rules of Professional Conduct, rule 4-100(A).

By repeatedly issuing checks drawn upon his CTA when he knew, or was grossly negligent in not knowing, that the checks were issued against insufficient funds, Respondent committed acts involving moral turpitude, dishonesty, or corruption, in willful violation of Business and Professions Code section 6106.

07-O-11979

Facts:

In July 2004, Cyrus Omead ("Omead") hired Respondent to represent him a civil matter (adv. "Zuniga"), which settled upon Omead's agreement to accept \$16,000 in settlement from Zuniga, to be paid in installments. In December 2006, Respondent notified Omead that he was holding \$8,000 in settlement funds forwarded by Zuniga. Omead did not respond to that letter. Thereafter, Zuniga forwarded an additional \$4,000 in settlement funds to Respondent on Omead's behalf, which Respondent deposited into his trust account, but of which Respondent failed to notify Omead. In March 2008, after Omead complained to the State Bar, Respondent sent Omead \$12,000 (the remaining settlement payments from Zuniga).

Legal Conclusions:

By not notifying Omead that he had received \$4,000 in settlement funds from Zuniga on Omead's behalf, Respondent failed to promptly notify a client of receipt of the client's funds, in willful violation of Rules of Professional Conduct, rule 4-100(B)(1).

## AUTHORITIES SUPPORTING RECOMMENDED DISCIPLINE

### Standards:

Standard 1.6(a) provides that where two or more acts of misconduct are found, and different sanctions are prescribed, the sanction imposed shall be the more or most severe of the different applicable sanctions.

Standard 1.6(b) provides that the appropriate sanction shall be the sanction imposed unless aggravating circumstances are found to surround the particular act of misconduct found or acknowledged, and the net effect of those aggravating circumstances, by themselves and in balance with any mitigating circumstances found, demonstrates that a greater degree of sanction is required to fulfill the proposed of imposing sanctions set forth in standard 1.3. In that case, a greater degree of discipline than the appropriate sanction shall be imposed.

Standard 2.2(b) provides that discipline for commingling of entrusted funds or the commission of any other violation of rule 4-100 of the Rules of Professional Conduct, none of which offenses result in willful misappropriation, shall result in at least a three month actual suspension, irrespective of mitigating circumstances.

Standard 2.3 provides that culpability of a member of an act of moral turpitude, fraud, or intentional dishonesty toward a 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.

### **Caselaw:**

In the Matter of Lais, 3 Cal. State Bar Ct. Rptr. 907: The court found that Respondent was culpable, among 5 separate client matters, of failing to return advanced unearned fees (Rule 3-700(d)(2)), failing to return client's reasonable status inquiries and failing to keep a client informed of significant developments (B&P 6068(m)), recklessly and repeatedly failing to perform with competence (Rule 3-110(a)), withdrawing from representation without obtaining leave of court (3-700(a)(1)), withdrawing from representation without first taking steps to protect the client's interests from foreseeable harm (3-700(a)(2)), failing to promptly return a client's papers and property upon termination (3-700(d)(1)), failing to return client's entrusted funds upon demand therefore (Rule 4-100(b)(4)), and conditioning a client's refund on the withdrawal of a disciplinary complaint (B&P 6106). Respondent's misconduct was aggravated by his attempt to interfere with a disciplinary investigation, and by his committing multiple acts of misconduct. Mitigation was found in Respondent's 15 years of practice without prior discipline, substantial and extensive pro bono contributions, and wide ranging testimony as to his good character. The

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court imposed 3 years probation, 2 years stayed suspension, and 90 days actual suspension and until Respondent paid restitution.

In the Matter of <b>Haig P. Ashikian</b>	Case number(s): <b>06-O-14657</b> <b>06-O-14037</b> <b>07-O-11979</b>
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.

In the Matter of  
Haig P. Ashikian

Case number(s):  
06-O-14657  
06-O-14037  
07-O-11979

A Member of the State Bar

### Law Office Management Conditions

- a. ☐ Within        days/        months/        years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b. ☒ Within        days/        months/1 years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than 6.0 hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. ☐ Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for        year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

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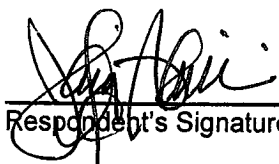
In the Matter of Haig P. Ashikian	Case number(s): 06-O-14657 06-O-14037 07-O-11979
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### SIGNATURE OF THE PARTIES

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.

5-9-08

Date



Respondent's Signature

Haig P. Ashikian

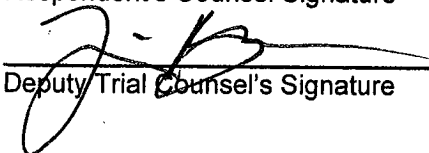
Print Name

Date

5.20.08

Date

Respondent's Counsel Signature



Deputy Trial Counsel's Signature

Print Name

Timothy G. Byer

Print Name



(Do not write above this line.)

In the Matter Of <b>Haig P. Ashikian, in pro per</b>	Case Number(s): <b>06-O-14657</b> <b>06-O-14037</b> <b>07-O-11979</b>
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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.

*SEE MODIFICATIONS TO LEGAL CONCLUSIONS ON PAGE 8.*

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.)**

Date

*MAY 29, 2008*

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 May 30, 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:

**HAIG P ASHIKIAN  
LAW OFFICES OF HAIG ASHIKIAN  
3250 WILSHIRE BLVD STE 2100  
LOS ANGELES CA 90010-1611**

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

**TIMOTHY BYER, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **May 30, 2008**.

  
**Angela Owens-Carpenter**  
Case Administrator  
State Bar Court