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<b>State Bar Court of California</b> <b>Hearing Department</b>		
<b>Counsel For The State Bar</b> <b>Eli D. Morgenstern</b> <b>Deputy Trial Counsel</b> <b>1149 South Hill Street</b> <b>Los Angeles, California 90015-2299</b> <b>Bar # 190560</b> <b>Tel. (213) 765-1334</b>	<b>Case Number (s)</b> <b>07-O-12070;</b> <b>07-O-13081; and</b> <b>07-O-14362</b>	<div style="text-align: center;"> <b>(for Court's use)</b>   <div style="font-size: 1.5em; font-weight: bold;">FILED</div>  <div style="font-size: 1.2em;">JUN 30 2010 </div>  <div style="font-size: 0.8em;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div> </div> <div style="text-align: center; font-size: 1.5em; font-weight: bold; margin-top: 20px;">PUBLIC MATTER</div>
<b>Nazareth V. Jansezian</b> <b>Jansezian Law Firm, PC</b> <b>790 E. Colorado Blvd., 9th Floor</b> <b>Pasadena, California 91101</b> <b>Bar # 193159</b> <b>Tel. (626) 240-0640</b>	<b>Submitted to: <u>Assigned Judge</u></b>  <b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</b>  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
<b>In the Matter Of:</b>  <b>NAZARETH VAHAN JANSEZIAN</b>  <b>Bar # 193159</b>  <b>A Member of the State Bar of California</b> <b>(Respondent)</b>	<b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</b>  <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 December 9, 1997.
- (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 (17) 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.

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

- ☐ until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
- ☒ costs to be paid in equal amounts prior to February 1 for the following membership years:\*
- (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 **\*three (3) billing cycles following the effective date of the Supreme Court Order.**

**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. **See page 13 for explanation re: Multiple Acts 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.  
See page 13 for explanation re: Candor / Cooperation.
- (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.  
See page 13 for explanation re: Emotional / Physical Difficulties.
- (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 13 for explanation re: Family Problems.
- (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.  
See page 13 for explanation re: Good Character.
- (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 one (1) year.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:
- (b) ☒ The above-referenced suspension is stayed.
- (2) ☒ Probation:
- Respondent must be placed on probation for a period of one (1) year, 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 thirty (30) 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

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whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input 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 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.

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(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  
**NAZARETH VAHAN JANSEZIAN**  
Member #193159

Case number(s):  
07-O-12070; 07-O-13081; and 07-O-14362

A Member of the State Bar

## **NOLO CONTENDERE PLEA TO STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

Bus. & Prof. Code § 6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a Notice of Disciplinary Charges or other pleading which initiates a disciplinary proceeding against a member:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) **Nolo contendere**, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere shall be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court shall find the member culpable. The legal effect of such a plea shall be the same as that of an admission of culpability for all purposes, except that the plea and any admission required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based. (Added by Stats. 1996, ch. 1104.) (emphasis supplied)

### **Rule 133, Rules of Procedure of the State Bar of California STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

(a) A proposed stipulation as to facts, conclusions of law, and disposition must set forth each of the following:

- (5) a statement that Respondent either
  - (i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or
  - (ii) **pleads nolo contendere to those facts and violations. If the Respondent pleads nolo contendere, the stipulation shall include each of the following:**
    - (a) an acknowledgement that the Respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation; and
    - (b) if requested by the Court, a statement by the Deputy Trial Counsel that the factual stipulations are supported by evidence obtained in the State Bar investigation of the matter (emphasis supplied)

I, the Respondent in this matter, have read the applicable provisions of Bus. & Prof. Code § 6085.5 and rule 133(a)(5) of the Rules of Procedure of the State Bar of California. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea must be considered the same as an admission of culpability except as state in Business and Professions Code section 6085.5(c).

Date: 06/08/2010

Signature: Nazareth Jansezian

Print Name: NAZARETH JANSEZIAN

(Nolo Contendere Plea form approved by SBC Executive Committee 10/22/1997. Revised 12/16/2004; 12/13/2006.)

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

<b>IN THE MATTER OF:</b>	<b>NAZARETH VAHAN JANSEZIAN</b>
<b>CASE NUMBER(s):</b>	07-O-12070; 07-O-13081; 07-O-14362

**FACTS AND CONCLUSIONS OF LAW.**

Respondent pleads nolo contendere to the following facts and violations. Respondent understands that the plea for nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified herein.

**Case No. 07-O-12070**

**Facts**

1. On November 28, 2005, Hasmik Yaghobyan ("Yaghobyan") employed Respondent to represent her in a civil dispute arising from the purchase of residential property in Glendale, California. On the same date, Yaghobyan paid Respondent \$3,000 in advanced attorney's fees. Ultimately, Yaghobyan paid Respondent no less than \$23,000 in attorney's fees.
2. On December 29, 2005, Respondent commenced a civil action on behalf of Yaghobyan by filing a complaint on her behalf against nine individual and corporate defendants in the Los Angeles County Superior Court in a matter titled, *Hasmik Yaghobyan v. Tuan Tran, Huong Nguyen, Jasmen Vartanian, Masis Moradi, CalStar Realty and Mortgage, Larooca Inspection Associates, Vasrik Bonyadi, Jerry Armen, Titan Termite and Pest Control*, case no. EC 042149 (the "Yaghobyan matter"). All defendants were served with the complaint in the Yaghobyan matter and filed responsive pleadings to it. The complaint alleged, among other things, breach of contract and fraud.
3. On April 14, 2006, the court granted a motion by Larooca Inspection Associates ("Larooca") to compel arbitration and dismissed without prejudice Larooca from the Yaghobyan matter.
4. On June 15, 2006, Titan Termite and Pest Control ("Titan") filed a motion to compel further responses to interrogatories and request for sanctions in the Yaghobyan matter. On June 9, 2006, Respondent was served with a copy of the motion to compel and was provided notice of the hearing date of the motion, which was set for July 14, 2006. Respondent received the motion. Respondent never informed Yaghobyan that Titan had filed the motion to compel. Respondent did not file a response to Titan's motion to compel.



5. On July 14, 2006, the court held a hearing on Titan's motion to compel. Neither Respondent nor Yaghobyan appeared. The court granted Titan's motion to compel and awarded monetary sanctions in the amount of \$1,165 against Yaghobyan and Respondent, jointly and severally, payable within 30 days of the court's ruling.

6. On August 9, 2006, Vazrik Bonyadi ("Bonyadi") and Jerry Armen ("Armen") filed a motion to compel responses to interrogatories, and production of documents, and request for sanctions ("Bonyadi and Armen's motion to compel"). The hearing on Bonyadi and Armen's motion to compel was set for September 22, 2006. On August 8, 2006, Respondent was served with a copy of Bonyadi and Armen's motion to compel and was provided notice of the hearing, which was set for September 22, 2006. Respondent never advised Yaghobyan that Bonyadi and Armen had filed a motion to compel. Respondent did not file a response to Bonyadi and Armen's motion to compel.

7. On September 22, 2006, the court held a hearing on Bonyadi and Armen's motion to compel. Neither Respondent nor Yaghobyan appeared. The court granted Bonyadi and Armen's motion to compel and awarded monetary sanctions in the amount of \$1,240 against Yaghobyan and Respondent, jointly and severally, payable within 30 days of the court's ruling. On September 22, 2006, Respondent received notice of the court's ruling on Bonyadi and Armen's motion to compel. Respondent did not inform Yaghobyan of the court's ruling on the motion to compel and the imposition of sanctions.

8. On November 8, 2006, Jasmin Vartanian ("Vartanina"), Masis Moradi ("Moradi"), and CalStar Realty and Mortgage ("CalStar") filed a motion for summary judgment in the Yaghobyan matter. On November 10, 2006, Respondent was served with a copy of Vartanina, Moradi, and Calstar's motion for summary judgment and was provided notice of the hearing date, which was set for January 26 2007. Respondent never informed Yaghobyan of the summary judgment motion. Respondent did not file an opposition to the motion for summary judgment.

9. On November 14, 2006, Bonyadi and Armen filed a motion for terminating sanction for abuse of the discovery process, to strike the pleadings, dismiss the case, and monetary sanctions ("Bonyadi and Armen's motion for terminating sanctions") in the Yaghobyan matter. On November 14, 2006, Respondent was served with a copy of Bonyadi and Armen's motion for terminating sanction and was provided notice of the hearing date, which was set for December 22, 2006. Respondent never informed Yaghobyan of the motion. Respondent did not file an opposition to Bonyadi and Armen's motion for terminating sanction.

10. On November 22, 2006, Titan filed a motion for terminating sanctions, or in the alternative, sanctions for disobedience of prior court order ("Titan's motion for terminating sanctions") in the Yaghobyan matter. On November 22, 2006, Respondent was served with a copy of Titan's motion for terminating sanctions and was provided notice of the hearing date, which was set for December 22, 2006. Respondent never informed Yaghobyan of Titan's motion for terminating sanctions. Respondent did not file an opposition to Titan's motion for terminating sanctions.

11. On December 22, 2006, the court held a hearing on Bonyadi and Armen's motion for terminating sanctions. A contract attorney appeared at the hearing on behalf of Respondent. The court

granted the motion, and ordered the complaint in the Yaghobyan matter stricken and the case dismissed as to Bonyadi and Armen. The court also awarded monetary sanctions in the amount of \$1,340 against Respondent and Yaghobyan, jointly and severally, payable within 30 days of the court's ruling. On or about January 3, 2007, Respondent was served notice of the court's ruling. Respondent never informed Yaghobyan of the court's ruling or the imposition of sanctions.

12. On December 22, 2006, the court also held a hearing on Titan's motion for terminating sanctions. A contract attorney appeared at the hearing on behalf of Respondent. The court granted the motion, and ordered the complaint in the Yaghobyan matter stricken and the case dismissed as to Titan. The court also awarded monetary sanctions in the amount of \$855 against Respondent and Yaghobyan, jointly and severally, payable within 30 days of the court's ruling. On January 3, 2007, Respondent was served notice of the court's ruling. Respondent never informed Yaghobyan of the court's ruling or the imposition of sanctions.

13. On January 26, 2007, the court held a hearing on Vartanina, Moradi, and Calstar's motion for summary judgment. Neither Respondent nor Yaghobyan appeared. The court granted the motion. On February 6, 2007, Respondent received notice of the ruling. Respondent did not inform Yaghobyan of it.

14. On February 8, 2007, Yaghobyan mailed Respondent a letter terminating his employment. Respondent received the letter.

15. To date, neither Respondent nor Yaghobyan have paid any of the monetary sanctions awarded to the defendants in the Yaghobyan matter. To date, Respondent has not taken any action to modify or vacate any of the monetary sanctions awarded to the defendants in the Yaghobyan matter.

16. On March 20, 2007, new counsel substituted into the Yaghobyan matter on behalf of Yaghobyan. By the time that new counsel substituted into the Yaghobyan matter, all of the defendants with the exception of Tuan Tran and Huong Nguyen had been dismissed. During the time that Respondent represented Yaghobyan in the Yaghobyan matter, Respondent did not propound timely written discovery or take any depositions.

### **Conclusions of Law**

By failing to propound timely written discovery and take any depositions, respond to written discovery, respond to discovery motions, appear at the hearings for the discovery motions, oppose the motion for summary judgment and the terminating sanctions, appear at the hearings for the summary judgment and terminating sanctions, and by allowing the Yaghobyan matter to be dismissed as to all defendants but two, Respondent failed to perform legal services competently in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

By failing to advise Yaghobyan of Titan's motion to compel, Bonyadi and Armen's motion to compel and the court's ruling on Bonyadi and Armen's motion to compel, Vartanina, Moradi, and Calstar's motion for summary judgment and the court's ruling on the summary judgment, and Titan,

Bonyadi, and Armen's motions for terminating sanction and the court's ruling on the motions for terminating sanction, Respondent failed to keep his client reasonably informed of significant developments in wilful violation of Business and Professions Code section 6068(m).

By failing to pay any of the court-ordered monetary sanctions in the Yaghobyan matter, Respondent disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear in wilful violation of Business and Professions Code section 6103.

**Case No. 07-O-13081**

**Facts**

1. On July 31, 2006, Yolanda Mirzaian ("Mirzaian") employed Respondent to represent her in a personal injury matter arising out of an automobile accident that occurred on July 30, 2006. Respondent agreed to represent Mirzaian pursuant to a contingency fee agreement. According to the police report, Francisco Alvarez ("Alvarez"), the other driver in the accident, admitted that he drove through a red light and that the collision was his fault.

2. On August 3, 2006, Respondent advised Starnet Insurance Company ("Starnet"), Alvarez's insurance company, that Mirzaian had employed him to represent her in her personal injury claim arising out of the July 30, 2006, automobile accident with Alvarez.

3. On August 17, 2006, Respondent provided Starnet with a statement of claim and a diagram of the July 30, 2006, accident. After August 17, 2006, Respondent did not provide any other services to Mirzaian.

4. On September 18, 2006, a claims adjuster for Starnet mailed a letter to Respondent advising him that Starnet had determined that Alvarez was not legally liable for the July 30, 2006, accident. The letter also invited Respondent to provide Starnet with additional information that might lead them to a different conclusion. Respondent received the letter; however, he did not take any action on behalf of Mirzaian in response to it. At no time did Respondent provide Starnet with the police report of the accident. At no time did Respondent file a lawsuit against Alvarez on behalf of Mirzaian.

5. Between October 2006 and April 2007, Mirzaian spoke with Respondent several times about her claim, and each time Respondent stated that he would get the claim settled.

6. On April 21, 2007, Mirzaian met with Respondent. Respondent stated that he would have her personal injury claim settled within two weeks. After April 21, 2007, Respondent did not communicate with Mirzaian again.

7. Between May 5, 2007, and May 14, 2007, Mirzaian left messages with Respondent's secretaries and on his cellphone inquiring about the status of her claim. Respondent received the messages; however, he did not respond to them.

8. On May 14, 2007, Mirzaian mailed via certified mail a letter to Respondent stating that if he did not settle her case by May 18, 2007, she would file a complaint with the State Bar. Mirzaian also sent a copy of the May 14, 2007, letter to Respondent via facsimile. The post office returned the letter to Mirzaian as unclaimed. Respondent received the facsimile copy of the letter; however, he did not respond to it.

9. On November 1, 2007, Mirzaian sent a letter via facsimile to Respondent terminating his employment and requesting a copy of her file. Respondent received the letter; however, he did not respond to it, or otherwise provide Mirzaian with the client file.

### **Conclusions of Law**

By failing to take any legal action on behalf of Mirzaian after August 17, 2006, Respondent failed to perform legal services with competence in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

By failing to respond to Mirzaian's telephone messages after May 5, 2007, and her May 14, 2007, letter, Respondent failed to respond promptly to reasonable status inquiries of a client in wilful violation of Business and Professions Code section 6068(m).

By failing to provide Mirzaian with the client file, Respondent failed to release to the client, at the request of the client, all client papers in wilful violation of rule 3-700(D)(1).

### **Case No. 07-O-14362**

### **Facts**

1. On January 16, 2006, Angelique Musicant ("Musicant") employed Respondent to represent her in a personal injury claim arising out of an automobile accident that occurred on November 22, 2005. Tom McWilliams ("McWilliams"), Musicant's acquaintance, was driving Musicant's car when the accident occurred. Musicant was a passenger in the car at the time of the accident. No other automobile was involved in the accident. Respondent agreed to represent Musicant pursuant to a contingency fee agreement.

2. At no time during his representation of Musicant did Respondent communicate with State Farm Insurance ("State Farm"), McWilliams' insurance company. At no time during his representation of Musicant did Respondent perform any legal services of value on her behalf.

3. On September 16, 2007, Respondent sent Musicant an e-mail inviting her to set up a meeting with him. On or about September 16, 2007, Musicant sent Respondent an e-mail advising him that she would be able to meet with him the following week. Respondent received the e-mail. Respondent did not respond to it.

4. On September 27, 2007, Musicant sent Respondent an e-mail terminating his services and requesting a copy of her file. Respondent received the e-mail. Respondent did not respond to it.

5. On October 10, 2007, Musicant mailed a letter to Respondent terminating his services and requesting that he release her file to attorney Renee J. Nordstrand ("Nordstrand"). Respondent received the letter. Respondent he did not provide the file to either Musicant or Nordstrand.

### **Conclusions of Law**

By failing to take any action to pursue Musicant's clam against McWilliams, Respondent failed to perform legal services with competence in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

By failing to provide Musicant or Nordstrand with Musicant's file, Respondent failed to release to the client, at the request of the client, all client papers in wilful violation of rule 3-700(D)(1) of the Rules of Professional Conduct.

### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was June 8, 2010.

### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that as of June 8, 2010, the prosecution costs in this matter are \$3,279.44. The costs are to be paid in equal amounts prior to February 1 for the following two billing cycles following the effective date of the Supreme Court Order.

If Respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment unless relief has been granted under the Rules of Procedure of the State Bar of California. (Rules Proc. of State Bar, rule 286.)

Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

## **AGGRAVATING CIRCUMSTANCES.**

### **1. Multiple Acts of Misconduct**

Multiple acts of wrongdoing are an aggravating circumstance. (Std. 1.2(b)(ii). In the instant matter, Respondent committed multiple statutory and rule violations.

## **MITIGATING CIRCUMSTANCES.**

### **1. Candor and Cooperation.**

Respondent's agreement to enter into this stipulation is a mitigating circumstance. (Std. 1.2(e)(v).)

### **2. Emotional Difficulties and Family Problems.**

Respondent experienced significant family, personal, and health issues from mid-2006 to mid-2007 that negatively impacted his work and formed a nexus with his misconduct. He has, however, successfully addressed all of these issues and has taken effective measures to assure that similar incidents do not occur again. (Std. 1.2(e)(iv).)

Further, on his own initiative, Mr. Jansezian restructured the administration of his office, decreasing the likelihood of the reoccurrence of the misconduct herein.

### **3. Good Character**

Mr. Jansezian engages in extensive pro bono activity. During the past fourteen months alone, for example, he has provided representation in ten pro bono consumer bankruptcy cases. He remains committed to serving those in the community with limited access to legal services. In so doing, he has demonstrated a commitment to the legal profession. (Std. 1.2(e)(vi).)

## **AUTHORITIES SUPPORTING DISCIPLINE.**

### **1. Standards**

Standards 2.4(b) and 2.6(a) of the Standards for Attorney Sanctions for Professional Misconduct ("Standards") apply to this proceeding.

Standard 2.4(b) provides, in pertinent part, that: "Culpability of a member of willfully failing to perform services in an individual matter . . . shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.

Standard 2.6(b) provides, in pertinent part, that culpability of a member of a violation of Business and Professions Code section 6068(m) shall result in disbarment or suspension depending upon the gravity of the offense or the harm, if any, to the victim.

There is no standard specifically applicable to violations of rules 3-700(D)(1) of the Rules of Professional Conduct. Accordingly, Standard 2.10 also applies to these proceedings. Standard 2.10 provides, in pertinent part, that: "Culpability of a member . . . of a wilful violation of any Rule of Professional Conduct not specified in these standards shall result in reproof or suspension according to the gravity of offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3."

## **2. Case Law**

In *Stuart v. State Bar* (1985) 40 Cal.3d 838, the attorney failed to answer interrogatories which caused his client's personal injury matter to be dismissed. The attorney also was found to have lost his client's file, and inadequately communicated with the client. The attorney had a prior private reproof. The Supreme Court ordered that the attorney be actually suspended for 30 days as part of a one year probation.

In *Bach v. State Bar* (1991) 52 Cal.3d 1201, the attorney, who had practiced 27 years without a prior record of discipline, failed to perform legal services in an uncontested marital dissolution proceeding, failed to communicate, improperly withdrew, failed to refund the \$3,000 unearned, advanced fee and failed to cooperate in the State Bar's investigation. The Supreme Court ordered that the attorney be actually suspended for 30 days.

## **STATE BAR ETHICS SCHOOL.**

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

## **OTHER CONDITIONS NEGOTIATED BY THE PARTIES.**

Within nine months of the effective date of the discipline herein, Respondent must pay:

(1) \$1,165 to Gary P. Jacobs ("Jacobs"), the attorney for Titan Termite and Pest Control ("Titan"), in satisfaction of the monetary sanction awarded in the Yaghobyan matter against Respondent and Hasmik Yaghobyan ("Yaghobyan"), jointly and severally, on July 14, 2006 (this condition relates to paragraph 5 in Case No. 07-O-12070);

(2) \$1,240 to Jilbert Tahmazian ("Tahmazian"), the attorney for Vazrik Bonyadi ("Bonyadi") and Jerry Armen ("Armen"), in satisfaction of the monetary sanction awarded in the

Yaghobyan matter against Respondent and Yaghobyan, jointly and severally, on September 22, 2006 (this condition relates to paragraph 7 in Case No. 07-O-12070);

(3) \$1,340 to Tahmazian, the attorney for Bonyadi and Armen, in satisfaction of the the monetary sanction awarded in the Yaghobyan matter against Respondent and Yaghobyan, jointly and severally, on December 22, 2006 (this condition relates to paragraph 11 in Case No. 07-O-12070); and

(4) \$855 to Jacobs, the attorney for Titan, in in satisfaction of the the monetary sanction awarded in the Yaghobyan matter against Respondent and Yaghobyan, jointly and severally, on December 22, 2006 (this condition relates to paragraph 12 in Case No. 07-O-12070).


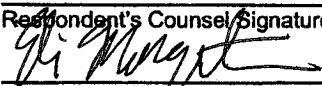


(Do not write above this line.)

In the Matter of <b>NAZARETH VAHAN JANSEZIAN</b> Member #193159	Case number(s): <b>07-O-12070; 07-O-13081; and 07-O-14362</b>
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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>06/08/2010</u> Date	<u></u> Respondent's Signature	<u>NAZARETH V. JANSEZIAN</u> Print Name
<u>6/14/10</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>ELI D. MORGENSTERN</u> Print Name

(Do not write above this line.)

In the Matter Of <b>NAZARETH VAHAN JANSEZIN</b> Member #193159	Case Number(s): <b>07-O-12070; 07-O-13081; and 07-O-14362</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.

1. In paragraph A(8) on page 2 of the stipulation, the words, "**three (3)**," which appear following the asterisk (\*) and prior to the words "**billing cycles following the effective date of the Supreme Court Order**" are deleted; and, in their place the words "**two (2)**" are inserted."
2. On page 5 of the stipulation, insert an "X" in the box next to paragraph E(10) and prior to the words, "The following conditions are attached hereto and incorporated." Also, insert an "X" in the box next to the words "Financial Conditions," in that same paragraph.

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.)**

06-29-10  
Date

  
Richard A. Platel  
Judge of the State Bar Court

## CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on June 30, 2010, I deposited a true copy of the following document(s):

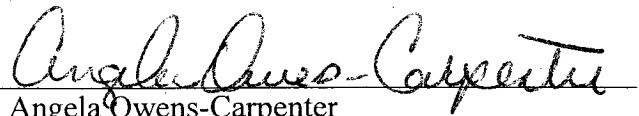
### STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

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

- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:
- NAZARETH V JANSEZIAN  
JANSEZIAN LAW FIRM PC  
790 E COLORADO BLVD 9<sup>TH</sup> FL  
PASADENA CA 91101
- ☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- ☐ by overnight mail at , California, addressed as follows:
- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.
- ☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

ELI MORGENSTERN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 30, 2010.

  
Angela Owens-Carpenter  
Case Administrator  
State Bar Court