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**State Bar Court of California
Hearing Department
Los Angeles
STAYED SUSPENSION**

<p>Counsel For The State Bar</p> <p>AGUSTIN HERNANDEZ Deputy Trial Counsel State Bar of California 1149 South Hill Street Los Angeles, CA 90015-2299 (213) 765-1713</p> <p>Bar # 161625</p>	<p>Case Number(s): 07-O-13401 08-O-10733 08-O-10880 08-O-13598 09-O-10802</p> <p>(Inv. Case No. 10-O-07517)</p>	<p>For Court use only</p> <p>PUBLIC MATTER</p> <p>FILED</p> <p>MAR 22 2011</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> 
<p>In Pro Per Respondent</p> <p>HAMID TAGHIZADEH 16661 Ventura Blvd., Suite 408 Encino, CA 91436 (818) 995-1234</p> <p>Bar # 194627</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p>	
<p>In the Matter of: HAMID TAGHIZADEH</p> <p>Bar # 194627</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted March 27, 1998.
- (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.



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- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - Costs are added to membership fee for calendar year following effective date of discipline.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: 2012 and 2013. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure). If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline** [see standard 1.2(f)]
 - (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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- (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. Respondent was admitted to the practice of law on March 27, 1998, and has no record of prior discipline.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

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- (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

During the time of the misconduct in this stipulation, Respondent was suffering from serious health issues that affected his practice of law. Respondent has been suffering from heart ailments since 2006, which has included two heart attacks in 2006 and 2007. Respondent underwent triple bypass surgery in July 2007. Respondent has had five angiograms and angioplasties and has had seven stents placed in his coronary arteries. During this time, Respondent suffered from coronary artery disease, hypertension, kidney malfunction, anxiety, depression and anemia.

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D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of one year.

- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is 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.)

E. Additional Conditions of Probation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (3) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (4) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

- (5) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.

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- (6) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (9) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input 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 within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Other Conditions:**
- Within one (1) year of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than three (3) hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management 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.)

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Attachment language (if any):

WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND
STIPULATED FACTS AND CONCLUSIONS OF LAW

The parties waive any variance between the Notice of Disciplinary Charges filed on December 16, 2010, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

See Attachment to Stipulation Re Facts, Conclusions of Law and Disposition.

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In the Matter of: HAMID TAGHIZADEH	Case Number(s): 07-O-13401, 08-O-10733, 08-O-10880, 08-O-13598 & 09-O-10802 (Inv. Case No. 10-O-07517)
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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

- If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

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: HAMID TAGHIZADEH

CASE NUMBERS: 07-O-13401, 08-O-10733, 08-O-10880, 08-O-13598
 & 09-O-10802 (Inv. Case No. 10-O-07517)

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.

Case No. 07-O-13401 (Complainant: Simon Oliver Pena)

FACTS:

1. In October 2004, Simon Oliver Pena ("Pena") hired Respondent to represent him in a personal injury case pertaining to an automobile accident in which Pena was involved on April 26, 2004.
2. The opposing party in the accident was insured by Empire Fire & Marine Insurance Company, which is a part of Zurich Financial Services Group (collectively, "Zurich").
3. On October 4, 2004, Respondent provided information and documentation to Zurich regarding Pena's medical expenses relating to the accident totaling \$2,572.
4. On April 12, 2005, Respondent notified Zurich that he was no longer handling Pena's case because Pena discharged him, and asserted a lien for his services.
5. Zurich subsequently attempted to settle Pena's case directly with Pena.
6. On May 9, 2005, Zurich sent two letters to Pena. In those letters, Zurich informed Pena that since he was not insured for liability at the time of the accident, he could only recover his medical expenses resulting from the accident and offered to settle the case for \$2,572.
7. On April 24, 2006, Pena signed a release to settle his claim with Zurich for \$2,572.
8. On April 25, 2006, Zurich issued a settlement check in the amount of \$2,572, payable to Respondent and Pena (the "Zurich check"), and mailed the check to Respondent.
9. On May 5, 2006, Respondent deposited the Zurich check into his client trust account at Wells Fargo Bank.
10. Subsequently, Pena contacted Respondent on multiple occasions to request disbursement of his share of the settlement funds.

11. On August 23, 2007, Pena submitted a complaint against Respondent to the State Bar, complaining that Respondent had not disbursed Pena's share of the settlement proceeds.

12. On February 27, 2008, Respondent issued a check to Pena in the amount of \$1,280, as Pena's share of the settlement proceeds.

CONCLUSIONS OF LAW:

13. By failing to disburse Pena's share of the settlement funds for almost two years after his receipt of the funds, Respondent failed to pay promptly, as requested by a client, any funds in Respondent's possession which the client is entitled to receive, in willful violation of rule 4-100(B)(4), Rules of Professional Conduct.

Case No. 08-O-13598 (Complainant: Scott E. Braybrooke on behalf of Monte Devin Semler)

FACTS:

14. On August 10, 2004, Monte Devin Semler ("Semler") hired Respondent to represent him on a contingency fee basis in a personal injury matter that occurred on July 28, 2004.

15. On July 26, 2006, Respondent filed a civil complaint on behalf of Semler in Los Angeles County Superior Court, Case No. BC355869 entitled *Monte Devin Semler v. Athena Parking, Inc., et al.*, (the "Semler matter").

16. On November 3, 2006, Respondent appeared at a Case Management Conference ("CMC") in the Semler matter, and was present when the court continued the CMC to December 13, 2006. The court ordered Respondent to give notice of the continued hearing date to the defendants.

17. Respondent failed to give notice of the December 13, 2006 CMC to defendants Athena Parking, Inc. ("Athena") and Wilshire Western Condos, LLC ("Wilshire").

18. On December 13, 2006, the court conducted a CMC. Respondent failed to appear and no one appeared on behalf of Semler. The court scheduled an Order to Show Cause re Sanctions on January 4, 2007 regarding Respondent's failure to give notice to all counsel of the December 13, 2006 CMC and failure to appear at that CMC.

19. On December 21, 2006, a notice of ruling setting forth the court's December 13, 2006 orders was served on Respondent. Respondent received the notice of ruling, which was filed with the court on December 22, 2006.

20. On January 4, 2007, the court conducted the OSC. Respondent did not appear but sent a contract attorney on his behalf. The court imposed sanctions against Respondent in the amount of \$507.50 to be paid to counsel for Athena and \$507.50 to be paid to counsel for defendant Wilshire.

21. On January 8, 2007, a notice of ruling setting forth the court's January 4, 2007 orders was served on Respondent. Respondent received the notice of ruling, which was filed with the court on January 9, 2007.

22. On February 20, 2007, the court conducted a further CMC, at which time it referred the case to mediation, which the parties were ordered to complete by September 20, 2007; set a post-mediation status conference for October 4, 2007; set a final status conference for November 9, 2007; and set trial for November 13, 2007.

23. On February 28, 2007, a notice of ruling setting forth the court's February 20, 2007 orders was served on Respondent. Respondent received the notice of ruling, which was filed with the court on March 1, 2007.

24. On August 29, 2007, counsel for defendant Upside Investments, Inc. ("Upside") wrote to Respondent to inquire as to Respondent and Semler's availability to participate in the mediation ordered by the court. Respondent failed to respond to counsel for Upside and the mediation was not completed by September 20, 2007, as ordered by the court.

25. From on July 16, 2007 to on September 10, 2007, counsel for Upside repeatedly attempted to contact Respondent to set a date for Semler's deposition. Respondent failed to cooperate with Upside's counsel to set a date for Semler's deposition.

26. From August 10, 2004 through October 4, 2007, Semler called and left at least messages for Respondent to inquire about the status of his case. Respondent received the messages but failed to respond to the messages.

CONCLUSIONS OF LAW:

27. By failing to appear at the CMC or to arrange for another attorney to appear on behalf of his client, and failing to cooperate with opposing counsel regarding the scheduling of his client's deposition, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in willful violation of rule 3-110(A), Rules of Professional Conduct.

28. By failing to give notice of the CMC as ordered by the court, and failing to timely mediate the Semler matter as ordered by the court, Respondent wilfully 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 willful violation of Business and Professions Code, section 6103.

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

Case No. 09-O-10802 (Complainant: Maria Elma Villa)

FACTS:

30. On June 6, 2008, Maria Elma Villa ("Villa") hired Respondent to represent her on a contingency fee basis in a personal injury matter that occurred on June 4, 2008.

31. On October 6, 2008, Respondent's office settled the bodily injury portion of Villa's case for \$12,000 with Western United Insurance Co. ("Western").

32. On October 22, 2008, Villa signed a Full Release of Bodily Injury Claims, as required by Western.

33. In October 2008, Respondent received a settlement check from Western in the amount of \$12,000, payable to Villa and Respondent.

34. In October 2008, Respondent negotiated the settlement check that he had received from Western.

35. In October 2008 and November 2008, Respondent received checks from Allstate Insurance Company ("Allstate") totaling \$5,000, payable to Villa and Respondent, for Villa's medical payment coverage.

36. In November 2008, Respondent negotiated the medical payment checks that he had received from Allstate.

37. By November 2008, Respondent had received funds on behalf of Villa totaling \$17,000.

38. From December 2008 through October 2009, Villa called Respondent's office and left messages for him on numerous occasions, in order to determine the status of her case. Respondent received the messages but did not return Villa's calls.

39. On January 7, 2009, Villa submitted a complaint against Respondent to the State Bar, alleging that she had not received any settlement funds from Respondent and that she could not reach Respondent to request the status of the settlement.

40. On March 5, 2009 and March 24, 2009, State Bar Investigator Susan Kim sent letters to Respondent requesting that he respond to the allegations of the complaint in writing. Inv. Kim also requested, among other things, documentation of all funds received on behalf of Villa and of all disbursements issued by Respondent to Villa or on her behalf. Respondent received the letters.

41. In April 2009, Villa received a check from Respondent in the amount of \$4,000, as her alleged share of the settlement. However, Respondent failed to provide an accounting to Villa describing the distribution of the funds received on her behalf.

42. On November 17, 2010, at the request of the State Bar, Respondent for the first time provided an accounting of the funds he received on behalf of Villa.

CONCLUSIONS OF LAW:

43. By failing to return Villa's calls, Respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

44. By failing to disburse settlement funds to Villa for over five months after his receipt of the funds and delaying such payment until he was contacted and questioned by the State Bar, Respondent failed to pay promptly, as requested by a client, any funds in Respondent's possession which the client is entitled to receive, in willful violation of rule 4-100(B)(4), Rules of Professional Conduct.

45. By failing to provide an accounting regarding the Villa matter for two years after receipt of settlement funds on behalf of Villa, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession, in willful violation of rule 4-100(B)(3), Rules of Professional Conduct.

Case No. 10-O-07517 (Complainant: Balwinder Singh Sumra)

FACTS:

46. On June 2, 2008, Balwinder Singh Sumra ("Sumra") employed Respondent to represent him in a personal injury matter on a contingency fee basis of 33 1/3%.

47. Sumra had incurred healthcare expenses from a chiropractor, an orthopedist and for an MRI, which Respondent was to negotiate upon settlement.

48. On February 4, 2009, Respondent settled Sumra's case for \$5,000.

49. On February 5, 2009, the insurance carrier for the adverse party sent the \$5,000 settlement check to Respondent, which he received.

50. On March 16, 2009, Respondent forwarded a check for \$1,666.67 to Sumra which represented his share of the settlement proceeds.

51. By the end of March 2009, Respondent had negotiated the chiropractic bill to \$666.67, the orthopedist's bill to \$500, and the MRI bill to \$500. However, thereafter, Respondent only paid the chiropractic bill.

52. After receiving demands for payment from the MRI facility, on June 29, 2010, Sumra paid the negotiated amount of \$500 to the MRI facility.

53. On December 29, 2010, Respondent disbursed \$1,000 to Sumra to pay for the MRI and orthopedist's bills.

CONCLUSIONS OF LAW:

54. By failing to disburse settlement funds to the MRI facility and to the orthopedist, and by failing to disburse the settlement funds allocated to the MRI facility and the orthopedist until December 29, 2010, which is about 21 months after he negotiated these bills, Respondent failed to pay promptly, as requested by a client, any funds in Respondent's possession which the client is entitled to receive, in willful violation of rule 4-100(B)(4), Rules of Professional Conduct

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was March 1, 2011.

AUTHORITIES SUPPORTING DISCIPLINE.

Standards

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

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

Standard 1.6(a) states that "[i]f two or more acts of professional misconduct are found or acknowledged in a single disciplinary proceeding, and different sanctions are prescribed by these standards for said acts, the sanction imposed shall be the more or most severe of the different applicable sanctions."

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

Standard 2.4(b) provides that "[c]ulpability of a member of wilfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of wilfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client."

Standard 2.6(a) provides that Respondent's violation of Business and Professions Code, section 6068(m) and (i) shall result in suspension or disbarment "depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3."

Standard 2.6(b) also provides that Respondent's violation of Business and Professions Code, section 6103 shall result in suspension or disbarment depending on the gravity of the offense and the harm to the victim.

Case Law

A respondent received a one year stayed suspension and 90 days of actual suspension for failing to pay medical liens and other misconduct in twelve separate client matters. (*In the Matter of John Stephen Riley* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 91.) The misconduct in *Riley* was more egregious than Respondent's misconduct in this stipulation. In *Riley*, the respondent failed to pay medical liens in six client matters (culpability was found as three counts of Business and Professions Code §6068(a) and three counts of rule 4-100(B)(4)). *Riley* was also found culpable of one count of collecting an illegal fee, eight counts of failing to perform legal services with competence, and two counts of improper withdrawal. In aggravation, *Riley's* misconduct caused harm to clients and to the administration of justice. In mitigation, *Riley* had taken steps to remedy office problems that led to the misconduct and also received limited mitigation for having no prior record of discipline in 16 years of practice.

In this case, Respondent's most serious misconduct is his three violations of rule 4-100(B)(4). Pursuant to Standard 2.2(b), these violations require a minimum of a three-month actual suspension. However, Respondent is entitled to sufficient mitigation to warrant a deviation from the standards. As indicated above, during the period of misconduct, Respondent was suffering from serious heart ailments which affected his practice of law. Respondent also has no record of prior discipline since being admitted to the practice of law in 1998. Furthermore, the misconduct in Riley was much more egregious and Riley received a 90-day actual suspension.

DISMISSALS.

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

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
08-O-10733	Two	Rules of Professional Conduct, rule 3-700(A)(2)
08-O-10880	Three	Rules of Professional Conduct, rule 3-700(D)(1)
09-O-10802	Nine	Business and Professions Code, section 6068(i)

The parties acknowledge that by dismissing Counts Two and Three, Case Nos. 08-O-10733 and 08-O-10880 are dismissed in their entirety.

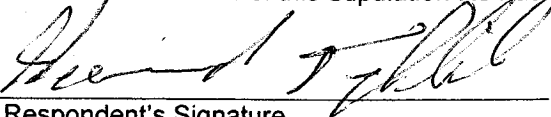
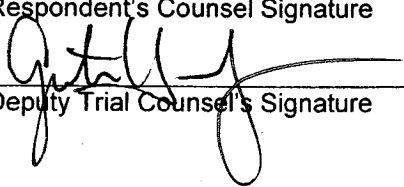
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In the Matter of: HAMID TAGHIZADEH	Case number(s): 07-O-13401, 08-O-10733, 08-O-10880, 08-O-13598 & 09-O-10802 (Inv. Case No. 10-O-07517)
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SIGNATURE OF THE PARTIES

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 Facts, Conclusions of Law, and Disposition.

<u>3-16-11</u> Date	<u></u> Respondent's Signature	<u>HAMID TAGHIZADEH</u> Print Name
<u>March 16, 2011</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>AGUSTIN HERNANDEZ</u> Print Name

(Do not write above this line.)

In the Matter of:	Case Number(s): 07-O-13401, 08-O-10733, 08-O-10880, 08-O-13598 & 09-O-10802 (Inv. Case No. 10-O-07517)
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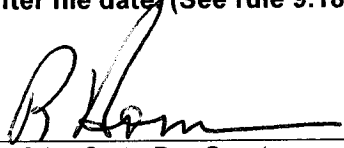
STAYED SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), 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.)**

3-18-11
Date



Judge of the State Bar Court
RICHARD A. HONN

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); 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 <select city>, on March 22, 2011, 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:

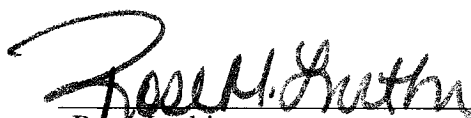
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

HAMID TAGHIZADEH, ESQ.
LAW OFC HAMID TAGHIZADEH
16661 VENTURA BLVD STE 408
ENCINO, CA 91436

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

AGUSTIN HERNANDEZ, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 22, 2011.



Rose Luthi
Case Administrator
State Bar Court