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

**PUBLIC MATTER**

<p>Counsel For The State Bar</p> <p><b>Larry DeSha</b> Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1336</p> <p>Bar # <b>117910</b></p>	<p>Case Number (s)</p> <p><b>08-J-13358-RAH</b></p>	<p>(for Court's use)</p> <p><b>FILED</b></p> <p><b>SEP 16 2009</b></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p><b>Jerry J. Kaufman</b> 433 N. Camden Dr.; Ste. 400 Los Angeles, CA 90210 (310) 734-4065</p> <p>Bar # <b>139584</b></p>	<p>Submitted to: <b>Assigned Judge</b></p>	
<p>In the Matter Of:</p> <p><b>SABBIR AHMED</b></p> <p>Bar # <b>177794</b></p> <p>A Member of the State Bar of California (Respondent)</p>	<p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></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 **October 11, 1995**.
- (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 **11** 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: **2011, 2012, and 2013**  
(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. **See Stipulation Attachment, para 11.**
- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. **See Stipulation Attachment, para 12.**
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.**

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2)  **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ 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**

**D. Discipline:**

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of **two (2) years**.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following:

(b)  The above-referenced suspension is stayed.

(2)  **Probation:**

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

(3)  **Actual Suspension:**

(a)  Respondent must be actually suspended from the practice of law in the State of California for a period of **ninety (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 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 955 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule

within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5)  **Other Conditions:**

Attachment language begins here (if any):

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

**IN THE MATTER OF:     SABBIR AHMED**

**CASE NO.:             08-J-13358-RAH**

**FACTS:**

1.     On November 16, 2007, a debtor hired Respondent to file a Chapter 13 bankruptcy. The debtor paid \$2,000 to a non-attorney working in Respondent's office. The debtor never had any personal contact with Respondent or any other lawyer. The non-attorney had the debtor sign blank forms for the bankruptcy petition, and the debtor never saw the completed forms before they were filed.
2.     On November 19, 2007, Respondent signed the Chapter 13 Petition and related documents. Among the documents was a Rights and Responsibilities Agreement ("RARA"), which required Respondent to personally meet with the debtor to (1) review assets, liabilities, income, and expenses; (2) counsel the debtor regarding selection of Chapter 13 or Chapter 7; (3) review the completed petition and plan; (4) explain the legal services to be provided; (5) explain how attorney fees and trustee fees are determined and paid; and (6) sign and deliver a copy of the RARA to the debtor. Respondent failed to perform any of these services personally, but he signed and filed the RARA stating that he had performed all of them.
3.     The bankruptcy petition was not filed until Wednesday, November 21, 2007. The debtor's house was sold by foreclosure after the petition was signed but before it was filed.
4.     The documents filed by Respondent's office were incomplete. The required statement of the amount of legal fees was not filed.
5.     Respondent failed to appear at the hearing to confirm the Chapter 13 plan, resulting in dismissal of the client's bankruptcy case.
6.     Respondent did not supervise the employees or exercise any control of operations at the office listed on the bankruptcy documents as his law office. That office was controlled by a non-lawyer who was allowed to control the debtor's case from beginning to end, including determination of the fee to charge, the chapter to file, and the date to file the bankruptcy petition, and give any requested legal advice. This lack of supervision was reckless.
7.     On September 28, 2008, the Disciplinary Panel of the U.S. Bankruptcy Court for the Central District of California ("USBC") issued its Order on Disciplinary Proceeding, whereby Respondent was publicly reprimanded for failing to adequately supervise non-attorney agents, failing to perform bankruptcy services with competence, and aiding non attorneys in the unauthorized practice of law.

8. The USBC imposed discipline with the public reproof which included (1) a restriction from practicing before the USBC until an order of reinstatement; (2) any representation of a debtor before the USBC for the next 60 months must be without remuneration, whereby Respondent would charge and collect approved fees, but would donate the entire fee to one of two named charities; and (3) Respondent must disgorge the entire fee of \$2,000 paid by the debtor on November 16, 2007.
9. Respondent promptly disgorged the fee, as ordered, and has remained in full compliance with the USBC Order on Disciplinary Proceeding.
10. Respondent has no prior record of discipline since his admission to the California State Bar on October 11, 1995.
11. Respondent was dishonest by his signing the Rights and Responsibilities Agreement, when he had not personally performed the services listed therein, and by his allowing staff to obtain signatures on blank bankruptcy forms.
12. Respondent's misconduct caused his client's bankruptcy case to be dismissed, required the U.S. Trustee to investigate his performance and file appropriate motions to dismiss the bankruptcy case and refer Respondent for disciplinary action, required a hearing for the case judge to make appropriate findings of fact and a referral to the USBC Disciplinary Panel, and required the Disciplinary Panel of three USBC judges to review the evidence and issue the Order on Disciplinary Proceeding.

**CONCLUSIONS OF LAW:**

1. By failing to provide the required counseling prior to filing the bankruptcy petition, having the debtor sign blank bankruptcy petition forms, filing completed bankruptcy petition forms without the debtor having ever seen the completed forms, failing to appear at the hearing for confirmation of the debtor's Chapter 13 Plan, causing the debtor's bankruptcy case to be dismissed, and failing to properly supervise his office staff, Respondent recklessly or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).
2. By failing to supervise the non-lawyers in his office, and by allowing one or more of them to control the debtor's case and give the debtor legal advice, Respondent aided a person in the unauthorized practice of law in willful violation of Rules of Professional Conduct, rule 1-300(A).
3. By signing the Rights and Responsibilities Agreement ("RARA") certifying that he had personally provided the debtor with counseling on five matters listed in the RARA, when he had never met nor spoken to the debtor, Respondent committed an act involving moral turpitude, dishonesty, or corruption in willful violation of Business and Professions Code, section 6106.



**WAIVER OF VARIANCE:**

The parties waive any variance between the Notice of Disciplinary Charges filed on November 12, 2008 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.

**SUPPORTING AUTHORITY:**

General Standard 1.6(a) states that when there are multiple acts of misconduct for which two or more different sanctions are prescribed by the standards, the sanction imposed shall be the most severe of the different applicable standards.

Standard 2.3 of the Standards for Attorney Sanctions for Professional Misconduct requires "actual suspension or disbarment" for an act of moral turpitude "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."

Standard 2.4(b) requires "reproval or suspension depending upon the extent of the misconduct and the degree of harm to the client" for willfully failing to perform legal services.

Standard 2.10 similarly requires "reproval or suspension according to the gravity of the offense or the harm, if any, to the victim" for a violation of any Rule of Professional Conduct which is not covered by another Standard. This Standard applies to Rule 1-300(A).

Since the moral turpitude count is the most serious, Standard 2.3 is the applicable standard in this case and requires an actual suspension of at least 30 days.

In *Bach v. State Bar* (1987) 43 Cal.3d 848, attorney Bach received an actual suspension for 60 days, stayed suspension for one year, and probation for three years. He had made one false statement in open court that he had not received a court order to present his client for a child custody mediation. There was no aggravating factor despite a prior discipline of a public reproval, since Standard 2.3 required an actual suspension of at least 30 days. There was mitigation by no harm to the client. Respondent here has no mitigating factors and has the aggravating factor of harm to the client.

**PENDING PROCEEDINGS:**

The disclosure date referred to on page 2, paragraph A.(7), was September 1, 2009.

**COSTS:**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of September 1, 2009, the estimated prosecution costs in this matter are approximately \$3,654. Respondent acknowledges that this figure is an estimate only, and that costs will increase to the next level of \$4,920.00 if this matter is not resolved by stipulation or otherwise before Pretrial Statements are filed.

If Respondent fails to pay any installment within the time provided in paragraph A.(8) above or as modified by the State Bar Court pursuant to section 6068.10 (c), the remaining balance of costs will be due and payable immediately and enforceable as a money judgment unless relief is granted under rule 286 of the Rules of Procedure of the State Bar of California.

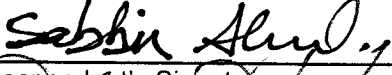
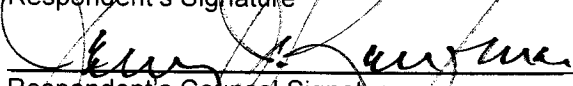
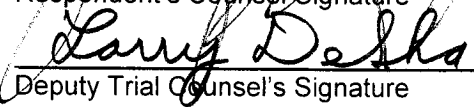
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In the Matter of  SABBIR AHMED	Case number(s):  08-J-13358-RAH
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**SIGNATURE OF THE PARTIES**

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.

September <u>8</u> , 2009 Date	 Respondent's Signature	Sabbir Ahmed Print Name
September <u>8</u> , 2009 Date	 Respondent's Counsel Signature	Jerry J. Kaufman Print Name
September <u>9</u> , 2009 Date	 Deputy Trial Counsel's Signature	Larry DeSha Print Name

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In the Matter Of  <b>SABBIR AHMED</b>	Case Number(s):  <b>08-J-13358-RAH</b>
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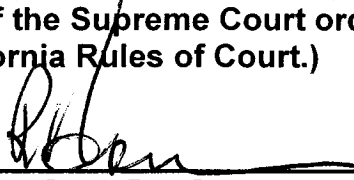
**ORDER**

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.

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.)**

9-16-09  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Judge of the State Bar Court  
**RICHARD A. HONN**

**CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on September 16, 2009, 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:

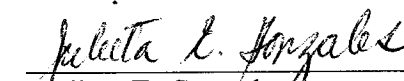
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JERRY J KAUFMAN ESQ  
LAW OFFICE OF JERRY J. KAUFMAN  
433 N CAMDEN DR STE 400  
BEVERLY HILLS, CA 90210

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

Larry DeSha, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 16, 2009.

  
\_\_\_\_\_  
Julieta E. Gonzales  
Case Administrator  
State Bar Court