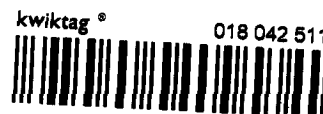


PUBLIC MATTER



FILED

FEB 01 2011

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR OF CALIFORNIA
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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:

Case No. 10-O-04837, 10-O-04843

ARMEN EARVIN GEKCHYAN,
No. 220324,

NOTICE OF DISCIPLINARY CHARGES

A Member of the State Bar.

NOTICE - FAILURE TO RESPOND!

**IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
THE STATE BAR COURT TRIAL:**

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
AND THE DEFAULT IS SET ASIDE, AND;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

The State Bar of California alleges:

JURISDICTION

1. Armen Earvin Gekchyan ("Respondent") was admitted to the practice of law in the
State of California on July 1, 2002, was a member at all times pertinent to these charges, and is

1 currently a member of the State Bar of California.

2 COUNT ONE

3 Case No. 10-O-04837
4 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

5 2. Respondent willfully violated Rules of Professional Conduct, rule 3-110(A), by
6 intentionally, recklessly, or repeatedly failing to perform legal services with competence, as
7 follows:

8 3. On or about July 23, 2007 John and Charlene Adams ("Adamses") employed the
9 Collins law firm to represent them in a lawsuit against Empire West Funding ("Empire"). The
10 Collins law firm assigned Respondent to work on the Adamses' case.

11 4. On or about October 5, 2007, the Collins law firm sued Empire in San Bernadino
12 Superior Court, case no. CIVRS705242, entitled *John Adams and Charlene Adams v. Empire*
13 *West Funding et al.* ("*Adams v. Empire*").

14 5. On or about December 19, 2007, the superior court entered a default against Empire.

15 6. On or about July 7, 2008, Empire filed a Motion to Set Aside the Default.

16 7. On or about July 8, 2008, Respondent left the Collins law firm. The Adamses agreed
17 that Respondent would continue to represent them in *Adams v. Empire*. In or about July 2008,
18 Respondent substituted into *Adams v. Empire* in place of the Collins law firm.

19 8. On or about July 29, 2008, the Superior Court denied Empire's Motion to Set Aside
20 the Default.

21 9. On or about October 30, 2008, the Superior Court ordered Respondent to proceed
22 with the default prove up against Empire.

23 10. On or about January 16, 2009, the Superior again ordered Respondent to proceed with
24 the default prove up by filing a default judgment packet, and scheduled an Order to Show Cause
25 re: Dismissal of the Default Judgment ("OSC re: Dismissal") to be held on March 6, 2009.
26 Respondent was present in court and had actual notice of the court's order.

27 11. On or about March 6, 2009, Respondent moved to continue the OSC re: Dismissal.
28

1 The court granted Respondent's motion and continued the OSC re: Dismissal until March 20,
2 2009. The court ordered that there would be no further continuances of the OSC re: Dismissal.
3 Respondent was present in court and had actual notice of the court's order.

4 12. On or about March 20, 2009, the court ordered Respondent to file the default
5 judgment packet forthwith, and reset the OSC re: Dismissal for April 17, 2009. Respondent was
6 present in court and had actual notice of the court's order.

7 13. On or about March 20, 2009, Respondent filed the default judgment packet.

8 14. On or about March 23, 2009, the court sent a Notice of Return of Documents to
9 Respondent, returning the default judgment packet that Respondent had filed, citing various
10 errors. The court asked Respondent to make the necessary corrections and resubmit the packet.
11 The Notice of Return of Documents was served upon Respondent. Respondent received the
12 Notice of Return of Documents. Respondent failed to notify the Adamses that the court
13 returned the default judgment packet.

14 15. On or about April 17, 2009, Respondent moved to continue the OSC re: Dismissal.
15 The Court continued the OSC re: Dismissal to April 24, 2009 and notified Respondent of the
16 new date by phone.

17 16. On or about April 24, 2009, Respondent moved the court to continue the OSC re:
18 Dismissal. The court continued the OSC re: Dismissal to May 22, 2009. Respondent was present
19 in court and had actual notice of the court's order.

20 17. On or about May 22, 2009, Respondent, through appearance counsel, moved the court
21 to continue the OSC re: Dismissal. The court continued the OSC re: Dismissal to May 29, 2009.
22 It stated that this was the last time that the court was going to continue the OSC re: Dismissal and
23 that it would dismiss the Adamses' case if the default judgment packet was not submitted to the
24 court. Respondent's agent was present in court and Respondent had constructive notice of the
25 court's order.

26 18. On or about May 28, 2009, Respondent filed the default judgment packet with the
27 court.

1 19. On or about May 29, 2009, the court continued the OSC re: Dismissal because
2 Respondent filed the default judgment packet. The court continued the OSC re: Dismissal to
3 July 6, 2009. Respondent's agent was present in court and Respondent had constructive notice
4 of the court's order.

5 20. On or about June 5, 2009, the court sent a Notice of Return of Documents to
6 Respondent, returning the default judgment packet that Respondent had filed, stating that his
7 request for attorney fees was excessive and citing other errors. The Notice of Return of
8 Documents was served upon Respondent. Respondent received the Notice of Return of
9 Documents. Respondent failed to notify the Adamses that the court returned the default
10 judgment packet.

11 21. On or about July 6, 2009, Respondent failed to appear at the OSC re: Dismissal. The
12 court continued the hearing to July 28, 2009. The court mailed notice of the hearing to
13 Respondent at his membership records address. Respondent received the notice.

14 22. On or about July 28, 2009, Respondent failed to appear at the OSC re: Dismissal.
15 The court dismissed *Adams v. Empire* without prejudice. Respondent did not notify the Adamses
16 that their case had been dismissed.

17 23. From in or about July 2009 through November 2009, the Adamses tried to contact
18 Respondent on multiple occasions by telephone, office visits, and e-mail. Each time they tried to
19 contact Respondent, the Adamses left a message asking him to contact them and give them an
20 update on their lawsuit. Respondent never responded to these attempts by the Adamses to contact
21 him.

22 24. On or about November 12, 2009, the Adamses learned the court had dismissed the
23 Adamses' lawsuit, without prejudice, due to Respondent's repeated failure file a default
24 judgment packet acceptable to the court.

25 25. In or about December 2009, Respondent met with the Adamses and acknowledged
26 his errors, but promised to re-file the Adamses' lawsuit. To date, Respondent has not re-filed the
27 Adamses' lawsuit and has not communicated with the Adamses.

26. By failing to file a default judgment packet acceptable to the court, and by not taking any steps to re-file the Adamses' lawsuit, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence.

COUNT TWO

Case No. 10-O-04837
Business and Professions Code, section 6068(m)
[Failure to Communicate With Client]

27. Respondent willfully violated Business and Professions Code, section 6068(m), by failing to respond promptly to reasonable status inquiries of a client, and by failing to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, as follows:

28. The allegations of count one are incorporated by reference.

29. By not responding to the Adamses multiple phone 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, and by not telling the Adamses that he had failed to file a default judgment packet acceptable to the court, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services.

COUNT THREE

Case No. 10-O-04843
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

30. Respondent willfully violated Rules of Professional Conduct, rule 3-110(A), by intentionally, recklessly, or repeatedly failing to perform legal services with competence, as follows:

31. On or about September 2, 2009, Mark Shamim employed Respondent to represent him in a construction defect matter. Shamim employed Respondent to sue various home building contractors for breach of contract. Shamim and Respondent agreed that Respondent would collect a contingent fee for his legal services.

32. Between on or about September 2, 2009, and December 16, 2009, Shamim called Respondent's office on multiple occasions. Each time he called, Shamim left a message for Respondent asking him to call Shamim back with an update on the status of Shamim's case. Respondent did not return Shamim's calls, and never updated him on the status of his case.

33. On or about December 16, 2009, Respondent sent an e-mail to Shamim, apologizing for his previous unavailability and asking Shamim to call Respondent at Respondent's office the following day.

34. Between on or about December 17, 2009 and February 24, 2010, Shamim called Respondent's office on multiple occasions. Each time he called, Shamim left a message for Respondent asking him to call Shamim back with an update on the status of Shamim's case. Respondent did not return Shamim's calls, and never updated him on the status of his case.

35. Between in or about September 2009 and February 24, 2010, Respondent never sent demand letters to the contractors who caused Shamim's damages, never filed a lawsuit on Shamim's behalf, and never took any other action on Shamim's case.

36. On or about February 24, 2010, Shamim sent a letter to Respondent demanding that Respondent return Shamim's file to him, effectively terminating Respondent's employment.

37. By not sending demand letters on Shamim's behalf, filing a lawsuit on his behalf or taking any other action on Shamim's case, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence.

COUNT FOUR

Case No. 10-O-04843
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

38. Respondent willfully violated Business and Professions Code, section 6068(m), by failing to respond promptly to reasonable status inquiries of a client, in a matter in which Respondent had agreed to provide legal services, as follows:

39. The allegations of count three are incorporated by reference.

40. By never calling Shamim back to give him an update on the status of his legal matter,

1 Respondent failed to respond promptly to reasonable status inquiries of a client in a matter in
2 which Respondent had agreed to provide legal services.

3 **NOTICE - INACTIVE ENROLLMENT!**

4 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
5 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**
6 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**
7 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**
8 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**
9 **INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**
10 **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**
11 **RECOMMENDED BY THE COURT.**

12 **NOTICE - COST ASSESSMENT!**

13 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC**
14 **DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS**
15 **INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING**
16 **AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND**
17 **PROFESSIONS CODE SECTION 6086.10.**

18 Respectfully submitted,

19 THE STATE BAR OF CALIFORNIA
20 OFFICE OF THE CHIEF TRIAL COUNSEL

21 DATED: Februaary 1, 2011

22 By: _____

23 Anthony Garcia
24 Deputy Trial Counsel

1 **DECLARATION OF SERVICE BY CERTIFIED MAIL**

2 **CASE NUMBER: 10-0-04837, 10-0-04843**

3 I, the undersigned, over the age of eighteen (18) years, whose business address and place
4 of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California
5 90015, declare that I am not a party to the within action; that I am readily familiar with the State
6 Bar of California's practice for collection and processing of correspondence for mailing with the
7 United States Postal Service; that in the ordinary course of the State Bar of California's practice,
8 correspondence collected and processed by the State Bar of California would be deposited with
9 the United States Postal Service that same day; that I am aware that on motion of party served,
10 service is presumed invalid if postal cancellation date or postage meter date on the envelope or
11 package is more than one day after date of deposit for mailing contained in the affidavit; and that
12 in accordance with the practice of the State Bar of California for collection and processing of
13 mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on
14 the date shown below, a true copy of the within

10 **NOTICE OF DISCIPLINARY CHARGES**

11 in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,
12 Article No.: 7160 3901 9848 5951 5575, at Los Angeles, on the date shown below, addressed to:

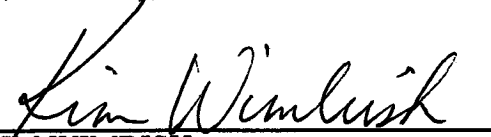
13 **Armen E. Gekchyan**
14 **Law Offices of Armen E Gekchyan**
15 **100 W Broadway Ste 1250**
16 **Glendale, CA 91210**

16 in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

17 **N/A**

18 I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

20 DATED: February 1, 2011

Signed: 

KIM WIMBISH
Declarant