

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES

In the Matter of)	Case Nos.: 11-O-10856 (11-O-13886;
)	11-O-14980) – RAP
GHASSAN G. BRIDI,)	
)	DECISION AND ORDER OF
Member No. 188070,)	INVOLUNTARY INACTIVE
)	ENROLLMENT
A Member of the State Bar.)	

Respondent Ghassan G. Bridi (respondent) was charged with 14 counts of violations of the Rules of Professional Conduct and the Business and Professions Code.¹ He failed to participate either in person or through counsel, and his default was entered. The Office of the Chief Trial Counsel (State Bar) filed a petition for disbarment under rule 5.85 of the Rules of Procedure of the State Bar.²

Rule 5.85 provides the procedure to follow when an attorney fails to participate in a disciplinary proceeding after receiving adequate notice and opportunity. The rule provides that if an attorney's default is entered for failing to respond to the notice of disciplinary charges (NDC),

¹ Unless otherwise indicated, all further references to section(s) refer to provisions of the Business and Professions Code.

² Unless otherwise indicated, all references to rules are to this source.

and the attorney fails to have the default set aside or vacated within 180 days, the State Bar will file a petition requesting the court to recommend the attorney's disbarment.³

In the instant case, the court concludes that the requirements of rule 5.85 have been satisfied, and therefore, grants the petition and recommends that respondent be disbarred from the practice of law.

FINDINGS AND CONCLUSIONS

Respondent was admitted to practice law in this state on June 2, 1997, and has been a member since then.⁴

Procedural Requirements Have Been Satisfied

On December 13, 2011, the State Bar filed and properly served the NDC on respondent by certified mail, return receipt requested, at his membership records address. The return receipt reflects that it was received by R. Miller on December 15, 2011. The NDC notified respondent that his failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.)

Thereafter, State Bar Deputy Trial Counsel Ross E. Viselman (DTC Viselman) called the Bridi Firm at the telephone number listed on respondent's membership records. A woman answered and announced that the number called was for "the Bridi Firm."⁵ DTC Viselman confirmed with the woman that the address of the Bridi Firm was the same as that listed on respondent's membership records. DTC Viselman asked to speak with respondent and was

³ If the court determines that any due process requirements are not satisfied, including adequate notice to the attorney, it must deny the petition for disbarment and take other appropriate action to ensure that the matter is promptly resolved. (Rule 5.85(E)(2).)

⁴ Although the NDC alleges that respondent's date of admission is June 2, 1977, that date is incorrect. The court takes judicial notice pursuant to Evidence Code section 452, subdivision (h), that the State Bar membership records reflect that respondent was admitted to practice law in California on June 2, 1997.

⁵ Declaration of DTC Viselman.

transferred to respondent's voicemail. DTC Viselman left a message, but did not receive a response. That same day, DTC Viselman followed up his voicemail message with an email to respondent at the email address listed on the official membership records, but it was returned as undeliverable.⁶

Respondent failed to file a response to the NDC. On January 30, 2012, the State Bar properly filed and properly served on respondent at his membership records address, a motion for entry of respondent's default. The motion complied with all the requirements for a default, including a supporting declaration of reasonable diligence by the State Bar deputy trial counsel declaring the additional steps taken to provide notice to respondent. (Rule 5.80.) The motion also notified respondent that if he did not timely move to set aside his default, the court would recommend his disbarment. Respondent did not file a response to the motion, and his default was entered on February 15, 2012. The order entering the default was served on respondent at his membership records address by certified mail, return receipt requested.⁷ The court also ordered respondent's involuntary inactive enrollment as a member of the State Bar under Business and Professions Code section 6007, subdivision (e), effective three days after service of the order, and he has remained inactively enrolled since that time.

Respondent also did not seek to have his default set aside or vacated. (Rule 5.83(C)(1) [attorney has 180 days to file motion to set aside default].) On October 1, 2012, the State Bar filed the petition for disbarment. As required by rule 5.85(A), the State Bar reported in the

⁶ Effective February 1, 2010, all attorneys are required to maintain a current email address to facilitate communications with the State Bar. (Cal. Rules of Court, rule 9.7(a)(2).)

⁷ The order was returned to the State Bar Court by the U. S. Postal Service with the address blocked out in black marker with the handwritten notation "R.T.S.," but the return receipt was also returned to the State Bar Court reflecting that the order was received by R. Miller on February 16, 2012.

petition that: (1) respondent has not contacted the State Bar since the default was entered on February 15, 2012; (2) there are no other disciplinary matters pending against respondent; (3) respondent has a prior record of discipline; and (4) the Client Security Fund has not made payments resulting from respondent's misconduct. Respondent did not respond to the petition for disbarment or move to set aside or vacate the default. The case was submitted for decision on October 29, 2012.

Respondent has a record of two prior impositions of discipline.⁸ On July 25, 2001, the State Bar Court filed an order imposing a private reproof on respondent with conditions attached to the reproof for two years. Respondent stipulated in this matter that he willfully violated rules 3-110(A) and 3-700(D)(2) (two counts) of the Rules of Professional Conduct and section 6068, subdivision (m).

Pursuant to a Supreme Court order filed on September 20, 2011, respondent was suspended for three years, the execution of which was stayed, and respondent was placed on probation for three years subject to certain conditions including that he be suspended from the practice of law for a minimum of the first year of probation and until he makes restitution to nine payees totaling over \$18,500, plus interest. Respondent stipulated in this matter that he intentionally, repeatedly, or recklessly failed to perform legal services with competence (eight matters); failed to respond promptly to reasonable client status inquiries (eleven matters); failed to promptly refund any part of a fee paid in advance that had not been earned (nine matters); failed to promptly release all client papers and property upon termination of employment (eight matters); disobeyed or violated a court order; failed to report \$1,000 in judicial sanctions against

⁸ The court takes judicial notice of the pertinent State Bar Court records regarding this prior discipline, admits them into evidence and directs the Clerk to include copies in the record of this case.

him to the State Bar; and failed to cooperate and participate in a disciplinary investigation pending against him.

The Admitted Factual Allegations Warrant the Imposition of Discipline

Upon entry of respondent's default, the factual allegations in the NDC are deemed admitted and no further proof is required to establish the truth of such facts. (Rule 5.82.) As set forth below in greater detail, the factual allegations in the NDC support the conclusion that respondent is culpable as charged, except as otherwise noted, and therefore violated a statute, rule or court order that would warrant the imposition of discipline. (Rule 5.85(E)(1)(d).)

1. Case Number 11-O-10856 (Hernandez Matter)

Count One – respondent willfully violated rule 3-110(A) of the Rules of Professional Conduct (failing to perform legal services with competence) by failing to (1) comply with a U.S. District Court local rule; (2) file a written response to an Order to Show Cause (OSC); (3) appear at two OSCs; (4) pay sanctions totaling \$2,000; (5) report the imposition of \$1,000 in sanctions to the State Bar; (6) re-file a First Amended Complaint with the case number in the caption or take any action to petition the U.S. District Court to permit the First Amended Complaint to be filed; (7) cooperate with defendant in the filing of a Joint Report and ADR Program Questionnaire or otherwise file the Joint Report and ADR Program Questionnaire; and (8) take action to set aside the dismissal of his client's matter or to re-file the matter.

Count Two – respondent willfully violated section 6103 (violation of court order) by failing to comply with the following as ordered by the court: (1) comply with a U.S. District Court local rule; (2) file a written response to an OSC; (3) appear at two OSCs; (4) failed to pay sanctions totaling \$2,000; and (5) file Joint Report and ADR Program Questionnaire.

Count Three – respondent willfully violated section 6068, subdivision (o)(3) (failure to report sanctions) by failing to report to the State Bar the imposition of \$1,000 in sanctions for failing to comply with a local rule.

Count Four – respondent willfully violated section 6068, subdivision (m) (duty to communicate) by failing to inform his client that (1) the court had issued an order striking the First Amended Complaint in his matter; (2) the court issued an order dismissing the client’s civil matter without prejudice due to respondent’s failure to file certain documents; (3) respondent took no action to set aside the dismissal or to re-file the client’s civil matter; and (4) respondent repeatedly failed to comply with court orders.

Count Five – the court does not find respondent culpable of willfully violating rule 3-700(D)(2) of the Rules of Professional Conduct (failing to promptly refund unearned fees), as respondent’s client did not pay any advanced fees to respondent. Rather, the client agreed to pay a contingency fee and paid \$3,000 to respondent in advanced costs. Respondent was not charged with failing to promptly pay client funds on request.

Count Six – respondent willfully violated section 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation) by failing to provide a written response to the State Bar investigator’s letter or otherwise communicate with the investigator.

2. Case No. 11-O-13886 (Breen Matters)

Count Seven – respondent willfully violated rule 3-110(A) by failing to serve one of the defendant’s in his client’s lawsuit and by failing to timely prosecute his client’s matter.

Count Eight – respondent willfully violated section 6103 by failing to do the following as ordered by the court: (1) serve the complaint in his client’s matter within 15 days; (2) appear at a September 27 and October 28, 2010 OSC; (3) timely pay sanctions to the court; (4) pay sanctions

to the attorney for one of the defendants; (5) appear at a November 7 and December 13, 2011 OSC.

Count Nine – respondent willfully violated rule 3-700(D)(1) of the Rules of Professional Conduct (failure to return client papers/property) by failing to provide his client’s complete files to her upon her request or upon the request of another attorney on the client’s behalf.

Count Ten – respondent willfully violated section 6068, subdivision (m) by failing to inform his client or the attorney inquiring on the client’s behalf that: (1) respondent had failed to serve the complaint upon one defendant; (2) that one defendant had been dismissed from the client’s lawsuit, (3) respondent had repeatedly failed to appear for hearings in the client’s matter; and (4) respondent had repeatedly failed to comply with Superior Court orders in his client’s matter. Respondent also willfully violated section 6068, subdivision (m) by not providing status reports on his client’s matters as requested by another attorney on behalf of the client.

Count Eleven – respondent willfully violated section 6068, subdivision (i) by failing to respond to two letters from a State Bar investigator or otherwise communicate with the investigator.

3. Case Number 11-O-14980 (Aherne Matter)

Count Twelve – respondent willfully violated section 6068, subdivision (m) by failing to communicate with his clients between April 7 and May 6, 2011.

Count Thirteen – respondent willfully violated rule 3-700(D)(2) of the Rules of Professional Conduct by failing to refund \$2,500 in unearned fees to his clients.

Count Fourteen – respondent willfully violated section 6068, subdivision (i) by failing to respond to two letters from a State Bar investigator or otherwise communicate with the investigator.

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Disbarment is Mandated under the Rules of Procedure

Based on the above, the court concludes that the requirements of rule 5.85(E) have been satisfied, and respondent's disbarment must be recommended. In particular:

(1) the NDC was properly served on respondent under rule 5.25;

(2) reasonable diligence was used to notify respondent of the proceedings prior to the entry of his default, as the State Bar filed and properly served the NDC on respondent by certified mail, return receipt requested, at his membership records address; and DTC Viselman called and left a message on respondent's law office voicemail and sent an email to respondent;

(3) the default was properly entered under rule 5.80; and

(4) the factual allegations in the NDC deemed admitted by the entry of the default support a finding that respondent violated a statute, rule or court order that would warrant the imposition of discipline.

Despite adequate notice and opportunity, respondent failed to participate in this disciplinary proceeding. As set forth in the Rules of Procedure of the State Bar, the court must recommend his disbarment.

RECOMMENDATION

Disbarment

The court recommends that respondent Ghassan G. Bridi be disbarred from the practice of law in the State of California and that his name be stricken from the roll of attorneys.

Restitution

The court also recommends that respondent be ordered to make restitution to Brian and Cheryl Aherne in the amount of \$2,500 plus 10 percent interest per year from May 6, 2011. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

Payment of Sanctions

The court also recommends that respondent be ordered to pay sanctions to the following:

- a) \$2,000 to the U.S. District Court, Central District of California, as ordered by the U.S. District Court in *Jose Angel Hernandez v. City of Simi Valley, et al.*, U.S. District Court case No. CV 09-9030.
- b) \$350 to the attorney for defendant Carpenter & Zuckerman as ordered by the Los Angeles Superior Court in the matter entitled *Paulette Breen v. Robert Bates, Carpenter & Zuckerman*, Los Angeles Superior Court case No. SC107321.

Rule 9.20

The court also recommends that respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding.

Costs

The court further recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, such costs being enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

In accordance with Business and Professions Code section 6007, subdivision (c)(4), the court orders that Ghassan G. Bridi, State Bar number 188070, be involuntarily enrolled as an

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inactive member of the State Bar of California, effective three calendar days after the service of this decision and order. (Rules Proc. of State Bar, rule 5.111(D).)

Dated: January 15, 2013

RICHARD A. PLATEL
Judge of the State Bar Court