

(Do not write above this line.)

State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Mia R. Ellis, DTC Office of the Chief Trial Counsel State Bar of California 1149 South Hill Street Los Angeles, California 90015-2299 (213) 765-1380 Bar # 228235	Case Number(s): 11-O-19323, 11-O-16573 (Inv) and 12-O-10977 (Inv)	For Court use only <div style="text-align: center;"> FILED MAY 23 2012 <i>NE</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
In Pro Per Respondent Nazareth V. Jansezian 790 E. Colorado Blvd., 9th Flr. Pasadena, CA 91101 (626) 240-0640 Bar # 193159	PUBLIC MATTER	
In the Matter of: NAZARETH V. JANSEZIAN Bar # 193159 A Member of the State Bar of California (Respondent)	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 9, 1997.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 15 pages, not including the order.

(Effective January 1, 2011)

Actual Suspension



(Do not write above this line.)

- (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 5.130, Rules of Procedure.
 - ☐ Costs are to be paid in equal amounts prior to February 1 for the following membership years: (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 07-O-12070; 07-O-13081; and 07-O-14362
 - (b) ☒ Date prior discipline effective October 26, 2010.
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: Rules 3-110A, 3-700D1, Business and Professions Code section 6068(m), 6103
 - (d) ☒ Degree of prior discipline 30 days actual suspension, one year stayed, and one year probation
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.

(Do not write above this line.)

- (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. Respondent has been cooperative in stipulating to facts, conclusions of law and level of discipline.
- (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.

(Effective January 1, 2011)

Actual Suspension

(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 three (3) 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 120 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 the 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: Respondent completed Ethics School on August 4, 2011 for discipline in Supreme Court Order S185561.
- (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 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 during the period of actual suspension or within

(Do not write above this line.)

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 5.162(A) & (E), Rules of Procedure.**

☐ No MPRE recommended. Reason:

- (2) ☒ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (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:** Should Respondent satisfy the MPRE requirement for Supreme Court Order S185561, it will satisfy the MPRE requirement in this case.

(Do not write above this line.)

In the Matter of: NAZARETH V. JANSEZIAN	Case Number(s): 11-O-19323, 11-O-16573 (Inv) and 12-O-10977 (Inv)
---	---

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
Gary P. Jacobs	\$1,165	July 14, 2006
Jilbert Tahmazian	\$1,240	September 22, 2006
Jilbert Tahmazian	\$1,340	December 22, 2006
Gary P. Jacobs	\$855	December 22, 2006

- ☒ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than 30 days after the effective date of the Supreme Court order.

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:
- 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:

Nazareth V. Jansezian

CASE NUMBER(S):

11-O-19323, 11-O-16573, 12-O-10977

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. 11-O-19323 (State Bar Investigation)

FACTS:

1. On June 8, 2010, Respondent entered into a Stipulation Re: Facts, Conclusions of Law and Disposition and Order Approving Actual Suspension ("Stipulation") with the Office of Chief Trial Counsel of the State Bar of California in case numbers 07-O-12070, 07-O-13081, and 07-O-14362. In the stipulation, Respondent agreed to comply with certain conditions of probation in order to resolve the case.
2. On June 30, 2010, the State Bar Court approved the stipulation and recommended discipline.
3. On October 26, 2010, the Supreme Court Order was filed, imposing the recommended discipline, of thirty days actual suspension, one year stayed suspension, and one year probation with conditions. The Supreme Court Order provided that Respondent must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court. The Supreme Court Order became effective on November 25, 2010. Respondent received the Supreme Court Order.
4. On November 9, 2010, the Office of Probation ("Probation") mailed a letter to Respondent at his Membership Records address ("membership records address"), at the time, Jansezian Law Firm PC, 790 E. Colorado Blvd. 9th Floor, Pasadena, CA 91101, reminding him of the conditions attached to the suspension. Respondent received the letter.
5. As a condition of his probation, Respondent was required to submit written quarterly reports to the State Bar of California's Office of Probation ("Probation") on each January 10, April 10, July 10 and October 10 during the period of probation, stating under penalty of perjury whether Respondent had complied with all the State Bar Act, the Rules of Professional Conduct, and all conditions of the suspension during the preceding calendar quarter.
6. Respondent did not file his quarterly report covering the period of July 1, 2011 through September 30, 2011, by the due date of October 10, 2011 ("October 10, 2011 quarterly report"). Respondent filed the quarterly report on October 11, 2011.
7. As a condition of his probation, within nine months of the effective date of the discipline herein, Respondent was required to:
 - (1) pay \$1,165 to Gary P. Jacobs ("Jacobs"), the attorney for Titan Termite and Pest Control ("Titan"), in satisfaction of the monetary sanction awarded in the Yaghobyan matter against Respondent and Hasmik Yaghobyan ("Yaghobyan"), jointly and severally, on July 14, 2006;

- (2) pay \$1,240 to Jilbert Tahmazian ("Tahmazian"), the attorney for Vazrik Bonyadi ("Bonyadi") and Jerry Armen ("Armen"), in satisfaction of the monetary sanction awarded in the Yaghobyan matter against Respondent and Yaghobyan, jointly and severally, on September 22, 2006;
 - (3) pay \$1,340 to Tahmazian, the attorney for Bonyadi and Armen, in satisfaction of the the monetary sanction awarded in the Yaghobyan matter against Respondent and Yaghobyan, jointly and severally, on December 22, 2006; and
 - (4) pay \$855 to Jacobs, the attorney for Titan, in in satisfaction of the the monetary sanction awarded in the Yaghobyan matter against Respondent and Yaghobyan, jointly and severally, on December 22, 2006.
8. As a condition of his probation, Respondent was required to 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 of the effective date of the Suspension Order.
 9. Respondent failed to pay the sanctions or provide proof of passage of the MPRE to the Office of Probation within one (1) year or at any time to date.

CONCLUSIONS OF LAW:

By failing to timely file his October 10, 2011 quarterly report, pay the sanctions and provide proof of passage of the MPRE, Respondent failed to comply with all conditions attached to any disciplinary probation.

Case No. 12-O-10977 (Complainant: Jessica Avila)

FACTS:

1. On April 7, 2010, Jessica Avila ("Avila") hired Respondent to file an Chapter 7 bankruptcy. Avila paid \$1000 to Respondent.
2. In preparing the Chapter 7 bankruptcy petition, Respondent did not research the real value of Avila's condominium. Respondent valued the condominium significantly less than the real value of the property.
3. On May 27, 2010, Respondent filed a Chapter 7 Bankruptcy Petition on Avila's behalf, along with Schedules A-J, and Notice of Meeting of Creditors and deadlines.
4. On July 7, 2010, Respondent and Avila attended the 341(a) meeting of creditors. The meeting was continued to July 28, 2010; however, Respondent and Avila were not required to attend.
5. On September 14, 2010, an adversary case was filed by Bankruptcy Trustee Sam Leslie against Avila's parents, Freddy Avila and Gladys Avila, regarding the value of her real property and the 2008 transfer of that property from Avila to her parents.
6. From March 9, 2011 to August 8, 2011, Avila had multiple scheduled appointments regarding her bankruptcy petition with Respondent but Respondent cancelled the meetings and did not provide status updates regarding her case.
7. In October 2011, Avila retained a new attorney Andrew Smyth ("Smyth").
8. On October 5, 2011, Smyth sent a letter to Respondent to sign a Substitution of Attorney and to send Avila's files. Respondent received the letter but did not respond.
9. From October 6, 2011 to October 22, 2011, Smyth called and left messages for Respondent three times regarding Avila's files and documents. Respondent received the messages but did not respond.

10. On September 6, 2011, the State Bar opened an investigation based on a complaint submitted by Avila.
11. On February 15, 2012, the State Bar sent a letter to Respondent at his membership records address asking for a written response to questions regarding Avila's complaint. Respondent's response was due on February 29, 2012. Respondent received the letter but did not respond.
12. On March 1, 2012, the State Bar sent a follow up letter to Respondent asking for a written response to the February 15, 2012 letter. The letter gave Respondent until March 8, 2012 to provide a written response. Respondent received the letter but did not respond.

CONCLUSIONS OF LAW:

By failing to research the correct value of the property and filing documents with the court which undervalued with the property, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A).

By failing to release, turn over, or provide Avila's file to Smyth, Respondent failed to release promptly, upon termination of employment, to the client, at the request of the client in wilful violation of Rules of Professional Conduct, rule 3-700(D)(1).

By failing to meet with Avila and inform her of the status of her case, Respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal service in wilful violation of Business and Professions Code, section 6068(m).

By failing to provide a written response to the State Bar investigation, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent in wilful violation of Business and Professions Code, section 6068(i).

Case No. 11-O-16573 (Complainant: Freddy Avila)

FACTS:

1. On September 14, 2010, Chapter 7 Trustee Sam Leslie ("Leslie") filed an adversary complaint for the case of In re: Jessica M. Avila, debtor, entitled, *Sam S. Leslie, Chapter 7 Trustee v. Freddy Avila, Gladys Avila*, case number 2:10-ap-02961.
2. Attorney Christian Kim ("Kim") represented Chapter 7 Trustee Sam Leslie.
3. In October 2010, Leslie amended the adversary complaint.
4. In December 2010, Respondent agreed to represent Freddy Avila ("Avila") and Gladys Avila (collectively "the Avilas") in the adversary case.
5. Respondent's representation of the Avilas actually or potentially conflicted with Respondent's representation of Jessica Avila.
6. On December 1, 2010, Respondent caused a letter to be sent to Kim stating that Respondent was recently retained by Avila.
7. On December 8, 2010, Kim served Respondent with the Summons and Notice of Status Conference, Scheduling Order re: Status Conference, and Notice that Default Has Not Been Entered by the Clerk, in the adversary case. The response to the first amended complaint was due December 29, 2010.
8. Respondent did not file a response to the complaint.

9. On January 5, 2011, Kim sent an email to Respondent stating that defendant's time to respond to the first amended complaint lapsed on December 29, 2010. Kim further stated that he would file a request for entry of default as to both defendants in the event that Respondent did not file a response prior to the end of the week and all affirmative defenses had been waived based on Respondent's failure to timely respond to the first amended complaint. Respondent received the email but did not respond.
10. On January 14, 2011, Kim filed a Request for Clerk to Enter Default. Respondent was served but did not respond.
11. On January 25, 2011, the Court entered default against the Avilas.
12. On February 7, 2011, Kim filed a Motion for Default Judgment against Defendants.
13. Between March 6, 2011 and June 18, 2011, Avila had multiple scheduled appointments with Respondent to discuss the adversary proceeding but Respondent cancelled the appointments and did not provide status updates.
14. On June 22, 2011, the Court entered judgment against Freddy and Gladys Avila. The property transferred from daughter Jessica Avila to the Avilas was voided.
15. In October 2011, the Avilas hired a new attorney, Andrew Smyth ("Smyth").
16. On October 5, 2011, Smyth sent a letter to Respondent, asking Respondent to sign a Substitution of Attorney and to send the Avila's files by mail or messenger. Respondent received the letter but did not respond.
17. From October 6, 2011 to October 22, 2011, Smyth called and left messages for Respondent three times regarding the Avila's files and documents. Respondent received the messages but did not respond.
18. On September 6, 2011, the State Bar opened an investigation based on a complaint submitted by Avila.
19. On October 19, 2011, the State Bar sent a letter to Respondent at his membership records address requesting a written response to the Avila's allegations as part of the State Bar investigation. Respondent's response was due on November 2, 2011. Respondent received the letter but did not respond.
20. On November 4, 2011, the State Bar sent a follow up letter to Respondent requesting a written response to Avila's allegations by November 17, 2011. Respondent received the letter but did not respond.

CONCLUSIONS OF LAW:

By failing to file a response to the first amended complaint, failing to file a response to the request for default, and respond to Kim, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A),

By failing to release Avila's files and documents, Respondent failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property in wilful violation of Rules of Professional Conduct, rule 3-700(D)(1),

By failing to meet with Avila and inform him of the status of his case, 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 wilful violation of Business and Professions Code, section 6068(m).

By failing to provide a written response to the State Bar investigation, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent in wilful violation of Business and Professions Code, section 6068(i).

By representing Freddy and Gladys Avila and Jessica Avila, without obtaining the informed consent of either party, Respondent accepted representation of more than one client in a matter in which the interests of the clients potentially conflicted, in violation of Rules of Professional Conduct, rule 3-310(C)(1).

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was April 23, 2012.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.6(a) provides 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 1.7(a) If a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of one prior imposition of discipline as defined by standard 1.2(f), the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust.

Standard 2.4(b) provides that “culpability 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 matter 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.”

According to Standard 2.6, culpability of a member of a violation of any of the following provisions of the Business and Professions Code shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with the due regard to the purposes of imposing discipline set forth in standard 1.3: sections 6068(m) and 6068(k)

Standard 2.10 – culpability of a member of a violation of any provision of the Business and Professions Code not specified in these standards or of a wilful violation of any Rule of Professional Conduct not specified in these standards shall result in reproof or suspension according to the gravity of the offense or the harm.

While the standards are entitled to great weight, “the recommended discipline must rest upon a balanced consideration of relevant factors.” *Matter of Sampson*, 3 Cal. State Bar Ct. Rptr. 119 (1994). The standards need not be applied in a talismanic fashion and may be tempered with considerations peculiar to the offense and the offender. *See In re Van Sickle*, 4 Cal. State Bar Ct. Rptr. 980 (2006).

In *King v. State Bar* (1990) 52 Cal.3d 307, the attorney was actually suspended for 90 days for neglecting two clients and causing substantial harm to one who had lost her personal injury action due to

the attorney's inaction. The attorney's indifference and lack of insight was an aggravating factor. The attorney did not have a prior record of discipline in 14 years of practice and he was candid and cooperative.

Balancing the mitigating and aggravating factors, standards and case the law, the parties agree that 120 days actual suspension is sufficient to achieve the purposes of attorney discipline, is within the standards and the appropriate disposition of this matter.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of April 23, 2012, the prosecution costs in this matter are \$5,696.10. Respondent further acknowledges that this is an estimate and should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

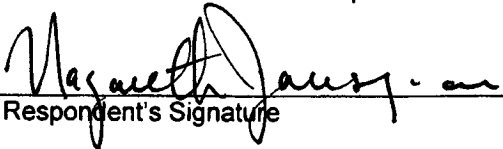
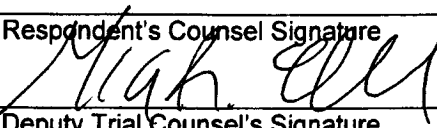
(Do not write above this line.)

In the Matter of:
NAZARETH V. JANSEZIAN

Case number(s):
11-O-19323, 11-O-16573 (Inv) and 12-O-10977 (Inv)

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.

Date	<u>05/07/2012</u>	<u></u>	NAZARETH V. JANSEZIAN
		Respondent's Signature	Print Name
Date	<u>5/7/12</u>	<u></u>	MIA R. ELLIS
		Respondent's Counsel Signature	Print Name
Date		<u></u>	MIA R. ELLIS
		Deputy Trial Counsel's Signature	Print Name

In the Matter of:
NAZARETH V. JANSEZIAN

Case Number(s):
11-O-19323, 11-O-16573 (Inv) and
12-O-10977 (Inv)

ACTUAL 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.

PAGE 2 - SECTION B.(1)(b) - DELETE "OCTOBER 26, 2010".
INSERT "NOVEMBER 25, 2010."

PAGE 4 - SECTION E.(1) - INSERT CHECK MARK IN BOX.

PAGE 10 - CONCLUSIONS OF LAW - INSERT AT END OF SENTENCE -
" IN WILLFUL VIOLATION OF BUSINESS AND PROFESSIONS
CODE, SECTION 6068, SUBDIVISION (K). "

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.)**

05-22-2012
Date



Judge of the State Bar Court

RICHARD A. PLATEL

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 Los Angeles, on May 23, 2012, I deposited a true copy of the following document(s):

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

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


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

NAZARETH V. JANSESIAN
JANSEZIAN LAW FIRM, PC
790 E. COLORADO BLVD 9TH FL
PASADENA, CA 91101

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

MIA ELLIS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 23, 2012.



Angela Carpenter
Case Administrator
State Bar Court