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<b>PUBLIC MATTER</b> State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar  Jessica A. Lienau Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1165  Bar # 269753	Case Number(s): 12-O-10851-RAP	For Court use only  <b>FILED</b>  <b>OCT 29 2012</b>  STATE BAR COURT CLERK'S OFFICE LOS ANGELES
Counsel For Respondent  Ellen A. Pansky Pansky Markle Hamm LLP 1010 Sycamore Ave., Ste. 308 South Pasadena, CA 91030  Bar # 77688	Submitted to: <b>Assigned Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  ACTUAL SUSPENSION  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: <b>KASRA SEYED TORABI</b>  Bar # 240233  A Member of the State Bar of California (Respondent)		

**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 20, 2005.
- (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 12 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."

(Effective January 1, 2011)

Actual Suspension



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- (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
  - (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.
- (3) ☐ Trust Violation: Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ Harm: Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ Indifference: Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☒ **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

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

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (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. See Stipulation at page 9-10.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

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- (13) ☐ No mitigating circumstances are involved.

**Additional mitigating circumstances:**

See Stipulation at pages 9-10.

**D. Discipline:**

- (1) ☒ Stayed Suspension:

- (a) ☒ Respondent must be suspended from the practice of law for a period of one (1) year.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
  - ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
  - iii. ☐ and until Respondent does the following:
- (b) ☒ The above-referenced suspension is stayed.

- (2) ☒ Probation:

Respondent must be placed on probation for a period of one (1) year, 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 60 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

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

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☐ 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:**

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

IN THE MATTER OF:                      KASRA SEYED TORABI

CASE NUMBER(S):                      12-O-10851-RAP

**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. 12-O-10851-RAP (Complainant: Brian Procel)

**FACTS:**

1. At all times herein, Respondent and his law firm, Pacifica International Law Group, LLP ("Pacifica"), represented the Plaintiffs, Cameron Pointe, LLC, Mike Torabi, and the Torabi Family Inter Vivos Trust ("collectively "the Plaintiffs"), in a civil action pending in the Los Angeles County Superior Court, Case No. BC443108, *Cameron Pointe LLC, et al. v. East West Bank* ("Cameron Pointe litigation").

2. On December 23, 2010, Respondent filed an Ex Parte Application for a Temporary Restraining Order ("TRO") regarding a pending trustee's sale on a piece of real property and Order to Show Cause ("OSC") regarding a preliminary injunction on behalf of the Plaintiffs in the Cameron Pointe litigation.

3. On December 23, 2010, the Court held a hearing on the Plaintiffs' Application for a TRO and for an OSC in the Cameron Pointe litigation and the Court denied the Plaintiffs' request for a TRO, but set a Preliminary Injunction Hearing upon the ex parte request of the Plaintiffs. The Court ordered the Preliminary Injunction Hearing continued until January 14, 2011. The Court filed and served a handwritten Order with its decision on December 23, 2010. Respondent received this Order on December 23, 2010. On December 23, 2010, Respondent's associate, Aleksandr Gruzman ("Gruzman") served a copy of the December 23, 2010 Order on counsel for East West Bank.

4. On December 23, 2010, Respondent, on behalf of the Plaintiffs, caused to be sent a letter to TD Service Company ("December 23, 2010 Letter"), an agent of Defendant East West Bank in the Cameron Pointe litigation, which had attached a copy of the Court's December 23, 2010 Order, wherein Respondent stated that: (1) he represents the Plaintiffs in the Cameron Pointe litigation; (2) that the Court in the Cameron Pointe litigation granted the Plaintiffs' Ex Parte Application for an OSC; (3) that the Court's granting of the Ex Parte Application for an OSC enjoins the Defendant, East West Bank, and its agents, including TD Service Company, from proceeding with a foreclosure sale of the property at issue in the Plaintiffs' ex parte Application and from proceeding with a foreclosure sale of the personal property located on the real property; (4) that the December 27, 2010 Trustee's sale had been restrained by the Court in the Cameron Pointe litigation; and (5) that if TD Service Company proceeded with the

Trustee's sale scheduled for December 27, 2010, it would be held in contempt of court and liable to the Plaintiffs for damages. TD Service Company received this letter on or about December 23, 2010.

5. On December 24, 2010, TD Service Company postponed the foreclosure sale date on the subject property from December 27, 2010 to January 19, 2011.

6. After the December 23, 2010 Letter was sent, on December 27, 2010, Respondent, on behalf of the Plaintiffs, filed an Ex Parte Application for Clarification of the Court's December 23, 2010 Order, or, In the Alternative, Reconsideration of the Court's Denial of a Temporary Restraining Order Enjoining the December 27, 2010 Trustee's Sale ("Ex Parte Application for Clarification").

7. On December 27, 2010, the Court held a Hearing on the Plaintiffs' Ex Parte Application for Clarification wherein the Court confirmed its December 23, 2010 ruling denying the Plaintiffs' request for a TRO. Respondent was not present at the hearing, but his associate Michael Jang ("Jang") appeared at the hearing. At the hearing, the Court clarified its December 23, 2010 Order stating that when a TRO is denied (as it was on December 23, 2010), the Court will then set a hearing on the preliminary injunction request for a late date in the event that the party requesting the TRO and preliminary injunction is able to convince another litigant to hold off on the trustee's sale.

8. At the time Respondent sent the December 23, 2010 letter, Respondent knew or was grossly negligent in not knowing that the Court's December 23, 2010 Order granting the Preliminary Injunction Hearing did not provide for a TRO regarding the Trustee's sale.

9. Respondent's statements in the December 23, 2010 Letter, including but not limited to, that: (1) that the Court's granting of the Ex Parte Application for an OSC enjoins the Defendant, East West Bank, and its agents, including TD Service Company, from proceeding with a foreclosure sale of the property at issue in the Plaintiffs' ex parte Application and from proceeding with a foreclosure sale of the personal property located on the real property and (2) that the December 27, 2010 Trustee's sale had been restrained by the Court in the Cameron Pointe litigation, were false and Respondent knew or was grossly negligent in not knowing they were false.

10. On January 18, 2011, the Court in the Cameron Pointe litigation issued an Order setting an Order to Show Cause ("OSC") Hearing for January 25, 2011 regarding whether sanctions should issue against Respondent. Respondent received notice of the January 18, 2011 OSC Order on January 18, 2011.

11. On February 18, 2011, Respondent filed with the Court a Supplemental Brief in Opposition of the OSC regarding Sanctions and a Declaration of Respondent therewith. In the February 18, 2011 Declaration, Respondent stated, under penalty of perjury, that he sent the December 23, 2010 Letter.

12. On March 25, 2011, the Court in the Cameron Pointe litigation held a hearing where oral arguments were presented on the issue of whether sanctions should issue against Respondent. At that hearing, Respondent took the position that the December 23, 2010 letter was not misleading. At no time during the March 25, 2011 hearing did Respondent take the position that he did not write or that he did not send the December 23, 2010 Letter.

13. On June 7, 2011, the Court in the Cameron Pointe litigation held the OSC trial regarding whether sanctions should issue against Respondent.



14. On June 7, 2011, Respondent testified under oath at the OSC trial that he did not know who drafted the December 23, 2010 Letter and that he did not see the December 23, 2010 Letter in its entirety until December 27, 2010.

15. On July 28, 2011, the Court in the Cameron Pointe litigation issued a Judgment re: Contempt. On November 4, 2011, the Court in the Cameron Pointe litigation issued an Amended Judgment re: Contempt wherein it adjudged Respondent in contempt of court for abusing the power and proceedings of the court and falsely pretending to act under authority of an order of the court by sending the December 23, 2010 Letter and for unlawfully interfering with the process and proceedings of the court by sending the December 23, 2010 Letter. In the November 4, 2011 Judgment, the Court made findings beyond a reasonable doubt that the December 23, 2010 Letter contained Respondent's signature and was Respondent's letter. The Court also found that Respondent's testimony at the June 7, 2011 OSC trial was different from Respondent's statements in his February 18, 2011 Declaration which was filed with the Court.

16. Respondent's statements to the Court under oath during the June 7, 2011 OSC trial, including but not limited to his testimony about who signed and who sent the December 23, 2010 Letter were false and Respondent knew or was grossly negligent in not knowing they were false.

17. At the time Respondent made his statements to the Court on June 7, 2011, he knew or was grossly negligent in not knowing that the December 23, 2010 Letter contained his signature and was his letter.

#### CONCLUSIONS OF LAW:

18. By making false statements in the December 23, 2010 Letter to TD Service Company, Respondent made misrepresentations and thereby committed an act or acts involving moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code, section 6106.

19. By making false statements to the Court regarding who signed, drafted and sent the December 23, 2010 Letter, Respondent sought to mislead the judge or judicial officer by an artifice or false statement of fact or law in wilful violation of Business and Professions Code, section 6068(d).

#### ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

Good Character: Respondent's has engaged in civic service and significant pro bono work which constitutes mitigation, as evidence of good character, under Standard 1.2(e)(vi). (*In the Matter of Respondent K* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 335, 359.) For example, Respondent serves as an estate executor and legal advisor free of charge to an elderly couple and has spent more than 30 hours on this matter. From 2007-2009, Respondent served as a volunteer mediator in the CRASH Program at the Glendale Courthouse. In 2008, Respondent spent more than 90 hours assisting indigent immigrant clients. In 2008, Respondent spent more than 40 hours providing pro bono legal services to victims of a Ponzi scheme. In 2009, Respondent spent three hours providing pro bono legal services to an immigrant business owner in a renter's dispute. In 2010, Respondent provided more than 45 hours of pro bono legal work to a low-income client who was facing bankruptcy due to family medical bills. From August 2011 through February 2012, Respondent has donated 250 hours of his time to a start-up organization dedicated to ensuring freedom of the press online. Since November 2011 until the present,

Respondent has provided more than 50 hours of pro bono legal work to an elderly client in a divorce matter. Since 2010, Respondent has provided more than 80 hours of pro bono legal services to a small business owner struggling with imminent foreclosure.

#### **ADDITIONAL MITIGATING CIRCUMSTANCES:**

No Prior Discipline: Respondent has no prior record of discipline in over five years of practice. Standard 1.2(e)(i) states that mitigation credit shall be given to respondents who have no prior record over a period of many years of practice coupled with misconduct that is not deemed serious. Respondent's present misconduct is serious and, therefore, Respondent does not meet the exact requirements of Standard 1.2(e)(i). Five years of discipline-free practice does not qualify Respondent to receive significant weight in mitigation, however, Respondent is entitled to nominal mitigation credit for his five years of discipline-free practice. (*In the Matter of Duxbury* (Review Dept. 1999) 4 Cal. State Bar Ct. Rptr. 61, 67.)

Cooperation: Respondent acknowledged his wrongdoing and cooperated with the State Bar in these proceedings by entering into a stipulation of facts, conclusions of law, and disposition without the necessity of having a trial on this matter. (*In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179, 190.)

#### **AUTHORITIES SUPPORTING DISCIPLINE.**

The Standards for Attorney Sanctions for Professional Misconduct provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed are "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession." (*In re Morse* (1995) 11 Cal.4<sup>th</sup> 184, 205; std 1.3.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4<sup>th</sup> 81, 92, quoting *In re Brown* (1995) 12 Cal.4<sup>th</sup> 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Respondent admits to committing two acts of professional misconduct. Standard 1.6(a) requires that where a Respondent acknowledges two or more acts of misconduct, and different sanctions are prescribed by the standards that apply to those acts, the sanction imposed shall be the more or most severe prescribed in the applicable standards.

The most severe sanction applicable to Respondent's misconduct is found in Standard 2.3, which applies to Respondent's violation of Business and Professions Code § 6106.

Standard 2.3 states that an act of moral turpitude warrants discipline ranging from actual suspension to disbarment, depending on the extent to which the victim of the misconduct is harmed or misled and depending on the magnitude of the misconduct and the degree to which it relates to the attorney's acts within the practice of law. Respondent's misrepresentations were to a third party (an agent of the defendant in the underlying civil action), and to the Court, both of which are related to the practice of law. Although the victim of the misconduct, here the agent of the defendant, had to incur costs by virtue of the contempt proceeding, the actual damages were not extremely high. The misleading statement, regarding whether or not a TRO had issued, was an isolated misleading statement by Respondent. These factors support a level of discipline in the low to mid range of Standard 2.3.

There are no aggravating factors present whereas there are several mitigating factors. As discussed *supra*, Respondent has chosen to enter into a stipulation prior to trial and Respondent has demonstrated good character. Respondent's five years of practice without discipline is limited to nominal mitigation weight. However, this fact coupled with the other mitigating factors and lack of aggravating factor supports a level of discipline at the lower end of the range stated in Standard 2.3. A one year stayed suspension, with 60 days actual suspension, and one year of probation with probation conditions is an appropriate discipline which adequately protects the public. This level of discipline is also supported by case law. (See e.g., *In the Matter of Downey* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 151 [respondent received 150 days actual suspension for making multiple misrepresentations to the court in violation of § 6106 with aggravation consisting of respondent's prior record of discipline consisting of a four month actual suspension and misconduct surrounded by dishonesty and with mitigation consisting of some character evidence and cooperation with the State Bar].)

#### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was October 15, 2012.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of October 15, 2012, the prosecution costs in this matter are \$6,944.00. Respondent further acknowledges that 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.

#### **EXCLUSION FROM MCLE CREDIT**

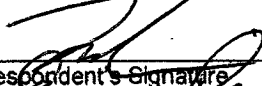
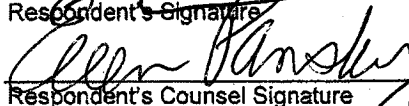

Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School, which is to be ordered as a condition of suspension. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: KASRA SEYED TORABI	Case number(s): 12-O-10851-RAP
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### SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

10/24/12		Kasra Seyed Torabi
Date	Respondent's Signature	Print Name
10/24/12		Ellen A. Pansky
Date	Respondent's Counsel Signature	Print Name
10/25/12		Jessica A. Lienau
Date	Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of:  
KASRA SEYED TORABI

Case Number(s):  
12-O-10851-RAP

### 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.

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.)**

Date

10-29-2012

  
RICHARD A. PLATEL

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 October 29, 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:

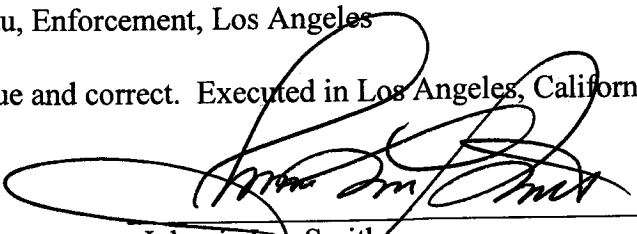
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

ELLEN ANNE PANSKY  
PANSKY MARKLE HAM LLP  
1010 SYCAMORE AVE UNIT 308  
SOUTH PASADENA, CA 91030

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

Jessica A. Lienau, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 29, 2012.



Johnnie Lee Smith  
Case Administrator  
State Bar Court