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

<p>Counsel For The State Bar</p> <p>Anand Kumar Deputy Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017 (213) 765-1714</p> <p>Bar # 261592</p>	<p>Case Number(s): 12-O-18200-RAP</p> <p>PUBLIC MATTER</p>	<p>For Court use only</p> <p>FILED</p> <p>MAR 13 2014 <i>HC</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Stephen J. Strauss Law Offices of Stephen Strauss 1107 Fair Oaks Avenue, # 885 South Pasadena, CA 91030 (323) 221-2286</p> <p>Bar # 129648</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: ROBERT BAZIKYAN</p> <p>Bar # 242921</p> <p>A Member of the State Bar of California (Respondent)</p>		

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **June 1, 2006**.
- (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.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

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(Effective January 1, 2014)

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: **two (2) billing cycles immediately following the effective date of the Supreme Court order in this matter.** (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 [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
- (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 intentional, 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. **See stipulation, at page 11.**
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. **See stipulation, at page 11.**

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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. **See stipulation, at page 11.**
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. 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, the public, or the administration of justice.
- (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 with a good faith belief that was honestly held and reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental 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 the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (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 extraordinarily 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 11.**

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- (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:

Pre-trial stipulation, see stipulation, at page 11.

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 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:
- (b) The above-referenced suspension is stayed.

(2) **Probation:**

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

(3) **Actual Suspension:**

- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of **six (6) months**.
- 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 1.2(c)(1), 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 1.2(c)(1), 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.

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- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
- | | |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" 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**

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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:**

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In the Matter of: ROBERT BAZIKYAN	Case Number(s): 12-O-18200-RAP
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Law Office Management Conditions

- a. Within days/ months/ years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b. Within days/ 6 months/ years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than 6 hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

Other:

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ROBERT BAZIKYAN

CASE NUMBER: 12-O-18200-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-18200-RAP (Complainant: David S. Fisher)

FACTS:

1. Since May 2012, Respondent has operated and currently is operating a law office in Glendale, California ("Glendale office").
2. In July 2012, Respondent opened a second office in Van Nuys, California ("Van Nuys office") and employed disbarred attorney, Armen Gekchyan ("Gekchyan"), as an office administrator for the Van Nuys office. Gekchyan was previously summarily disbarred on February 23, 2012 after being convicted in 2011 of felonies involving moral turpitude, including grand theft, money laundering and forgery.
3. On September 13, 2012, Armen Hacopian, Silva Hacopian and Edwin Akoubians, et al. (collectively, the "clients") were sued in a civil action in Los Angeles County Superior Court (the "lawsuit") alleging various civil claims concerning a partnership dispute over a furniture store located in Glendale, California.
4. On October 23, 2012, the clients met with Respondent and Gekchyan at the Glendale office and agreed to hire Respondent to represent them in the lawsuit. At the meeting, Respondent orally advised the clients that Gekchyan was a disbarred attorney employed as Respondent's assistant, but Respondent failed to notify the clients in writing of Gekchyan's disbarred status.
5. At the meeting, the clients signed a retainer agreement to hire Respondent and issued a \$5,000 check made payable to Respondent. The \$5,000 check was endorsed by Respondent, but the retainer agreement, which reflected Respondent's name and signature, was in fact signed by Gekchyan utilizing Respondent's name.
6. Between October 23 and 24, 2012, Respondent filed three substitution of attorney forms with the court for each of the clients. Each of the substitutions reflected a corresponding signature for "Robert Bazikyan, Esq." signed by Gekchyan utilizing Respondent's name. Respondent knowingly allowed Gekchyan to sign Respondent's name to the substitutions.

7. On October 31, 2012, a fax was sent to two opposing counsel who represented the plaintiff in the lawsuit. Attached to the fax was notice of an ex parte application to be heard on November 1, 2012 and seeking an order regarding the liquidation of the furniture store inventory.

8. On November 1, 2012, at Respondent's instruction, Gekchyan filed the ex parte application for an order permitting the retention of a liquidation company for the sale of inventory and an order prohibiting disbursement of the proceeds of the sale of the furniture store absent an agreement between the parties or a court order. Attached to the filed ex parte application were a memorandum of points and authorities containing a signature for "Robert Bazikyan, Attorney for Defendants" and a declaration purportedly signed by Respondent under penalty of perjury, but in fact both the pleading and the declaration were signed by Gekchyan. Respondent knowingly allowed Gekchyan to sign Respondent's name to the November 1, 2012 declaration and pleading.

9. On the morning of November 1, 2012, the court held a hearing for the ex parte application.

10. Despite previously instructing Gekchyan to file the ex parte application, Respondent was unaware that the court scheduled a hearing to argue the merits of the ex parte application on November 1, 2012, but should have known that a hearing was scheduled by the court. Accordingly, Respondent was not present for the hearing and failed to take any steps to confirm with Gekchyan, the court or anyone else that a hearing had been scheduled. As a result, Gekchyan, on his own accord, appeared in court on behalf of the clients, represented on the record that he was Respondent, and argued the merits of the ex parte application, which was denied. Respondent's failure to appear at the ex parte hearing and his failure to take any steps to confirm that the hearing had been scheduled which led to Gekchyan's court appearance constituted a failure to properly supervise Gekchyan.

11. Between November 9 and November 19, 2012, plaintiff and his counsel realized for the first time that the person who appeared at the ex parte hearing was in fact Gekchyan impersonating Respondent.

12. On November 19, 2012, counsel for plaintiff filed an ex parte application for disqualification of Respondent as attorney for the clients based on the fact that Gekchyan had been unlawfully practicing law in Respondent's name.

13. On November 19, 2012, the court called the hearing on the ex parte application for disqualification and set an order to show cause ("OSC") hearing for January 31, 2013 regarding Gekchyan's unlawful practice of law and ordered both Respondent and Gekchyan to appear for the January 31, 2013 OSC hearing.

14. Meanwhile, Respondent failed to file any response to the verified complaint on behalf of the clients by on or about November 16, 2012 as required. Accordingly, counsel for plaintiff filed requests for entry of a default judgment against each of the clients, which were granted between December 10 and 14, 2012.

15. On December 7, 2012, the clients all hired new counsel to substitute into the lawsuit on their behalf in place of Respondent.

16. On December 10, 2012, Gekchyan, not Respondent, signed three substitution of attorney forms. On December 11, 2012, the three substitution of attorney forms were filed by the clients' new

attorney with the Court. Respondent knowingly allowed Gekchyan to sign Respondent's name to the substitutions.

17. On January 3, 2013, the clients' new attorney filed an ex parte application on behalf of the clients to set aside the entry of their defaults along with supporting declarations from each of the clients and Respondent. The declaration purportedly signed by Respondent under penalty of perjury was in fact signed by Gekchyan. Respondent knowingly allowed Gekchyan to sign Respondent's name to the declaration filed with the court.

18. On January 30, 2013, the day before the OSC hearing, Respondent knowingly allowed Gekchyan to sign Respondent's name to a declaration purportedly signed by Respondent under penalty of perjury, and file the declaration with the court. The declaration was in response to the OSC hearing and concerned the facts and circumstances surrounding Gekchyan's November 1, 2012 appearance at the ex parte hearing.

19. On January 31, 2013, the court did not hear the OSC and placed the OSC hearing off calendar while ordering the matter to be referred to the State Bar for investigation. Although the Court ordered the matter to be referred to the State Bar for investigation, the matter was not referred by the Court for investigation. Instead, counsel for plaintiff subsequently filed a State Bar complaint.

20. On March 29, 2013, through his counsel, Respondent served the State Bar with written notice regarding the fact that Respondent had been employing Gekchyan since July 2012. Respondent continued to employ Gekchyan as an office manager until January 15, 2014, when Respondent terminated Gekchyan's employment and notified the State Bar of said termination. Additionally, on November 30, 2013, Respondent closed the Van Nuys office.

CONCLUSIONS OF LAW:

21. By failing to serve upon the State Bar of California written notice of Respondent's employment in July 2012 of Gekchyan, whom Respondent knew or reasonably should have known was disbarred, prior to or at the time of such employment until on or about March 29, 2013, Respondent willfully violated Rules of Professional Conduct, rule 1-311(D).

22. By failing to serve written notice upon Respondent's clients, Armen Hacopian, Silva Hacopian and Edwin Akoubians, of Respondent's employment of Gekchyan, to work on the clients' case, prior to or at the time of employing Gekchyan, whom Respondent knew or reasonably should have known was disbarred, Respondent willfully violated Rules of Professional Conduct, rule 1-311(D).

23. By failing to appear at a November 1, 2012 ex parte hearing in the lawsuit and failing to timely file a response to the verified complaint on behalf of his clients, which resulted in the entry of default as to each of Respondent's clients, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

24. By failing to supervise Gekchyan, which resulted in Gekchyan appearing and arguing the merits of the ex parte application in court and impersonating Respondent to third parties, including a court and opposing counsel in the clients' case, Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

25. By knowingly allowing Gekchyan to simulate Respondent's signature on the three substitution of attorney forms, the ex parte application and three separate declarations signed under penalty of perjury and causing the three declarations to be filed with the Los Angeles County Superior Court with the intent for the court to rely on Gekchyan's simulations as his own, Respondent sought to mislead a judge or judicial officer by an artifice or false statement of fact or law, in willful violation of Business and Professions Code, section 6068(d).

AGGRAVATING CIRCUMSTANCES.

Harm (Std. 1.5(f)): Respondent's misconduct has caused significant harm to the administration of justice, his clients and the opposing parties, because in addition to exposing his clients to a default judgment and additional attorney fees incurred, the court was compelled to schedule an OSC and use valuable court resources to address the matter and opposing counsel were also required to spend time and energy to deal with the issues. (See *In the Matter of Casey* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 117, 126.)

Indifference (Std. 1.5(g)): Respondent's misconduct evidences indifference toward rectification of or atonement for the consequences of his misconduct, because of the fact that even after the court issued the OSC on November 19, 2012, Respondent continued to knowingly allow Gekchyan to sign Respondent's name to substitutions and the ex parte application, Respondent's declarations in support of the clients' ex parte application to aside default and Respondent's declaration in response to the OSC. Respondent also continued to employ Gekchyan until January 2014, more than one year after Respondent became aware of the fraudulent perpetrations and impersonations Gekchyan made to the court and others.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent's misconduct evidences multiple acts of misconduct, including his failure to competently perform legal services on behalf of his clients, his failure to properly supervise Gekchyan, his submission of three false declarations and pleadings to the court and his failure to serve written notice of Respondent's employment of his employment of Gekchyan to the State Bar and his clients. Multiple acts of misconduct can be considered serious aggravation. (See e.g., *In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498, 555.)

MITIGATING CIRCUMSTANCES.

Good Character (Std. 1.6(f)): Respondent has submitted six character letters from a widespread sample of the legal and general communities, including letters from three attorneys, a law school classmate and two other non-attorney friends who are aware of the full extent of his misconduct, attesting to Respondent's extraordinary good character.

Pretrial Stipulation: Respondent has cooperated with the State Bar by entering into the instant stipulation fully resolving the matter at an early stage in the proceedings prior to the filing of disciplinary charges and without the necessity of a trial, thereby saving State Bar resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

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AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct “set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances.” (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

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.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 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.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given Standard, in addition to the factors set forth in the specific Standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member’s willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In this matter, Respondent admits to committing several acts of professional misconduct. Standard 1.7(a) requires that where an attorney “commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed.” The most severe sanction applicable to Respondent’s misconduct is found in Standard 2.8(a), which applies to Respondent’s violations of Business and Professions Code, section 6068(d) [seeking to mislead a court].

Standard 2.8(a) provides that “[d]isbarment or actual suspension is appropriate for disobedience or violation of court order related to the member’s practice of law, the attorney’s oath, or the duties required of an attorney under Business and Professions Code, section 6068(a)-(h).” Here, Respondent’s misconduct involved dishonesty with a court, harm to his clients and opposing counsel, and a failure to comply with his reporting obligations to the State Bar and his clients. Because the gravamen of Respondent’s misconduct involved filing false declarations and pleadings with a court and failing to properly supervise a disbarred attorney in performing the legal services for which Respondent was hired by his clients such as arguing the merits of an ex parte application, his misconduct directly concerned Respondent’s practice of law. Respondent’s failure to supervise a disbarred attorney who had been convicted of felonies involving moral turpitude, including grand theft, money laundering and forgery posed a significant risk to the public and clients because as a direct result of Respondent’s failure to supervise Gekchyan, Gekchyan impersonated Respondent in the practice of law to the court and opposing counsel. (See e.g., *Vaughn v. State Bar* (1972) 6 Cal.3d 847, 857-859 [“even though an attorney cannot be held responsible for every detail of office procedure, he must accept responsibility to supervise the work of his staff”].) Further, knowingly allowing Gekchyan to sign Respondent’s name to

declarations made under penalty of perjury without disclosing, on the declaration, the fact someone other than Respondent was signing the declaration with the attorney's permission or at his direction was misleading and therefore inappropriate. (See *In the Matter of Kroff* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 838, 857; see also *Vaughn v. State Bar*, *supra*, 6 Cal.3d at pp. 857-859.)

Accordingly, while Respondent's misconduct only involves one client matter, his misconduct is serious and requires a significant period of actual suspension to protect the public, the courts and the legal profession; to maintain high professional standards by attorneys and to preserve public confidence in the legal profession. Taking into consideration the aggravating and mitigating circumstances present, a two (2) year stayed suspension and a two (2) year probation with conditions including an actual suspension of six (6) months is appropriate discipline for the misconduct described herein.

Case law also supports the recommended discipline. In *Drociak v. State Bar* (1991) 52 Cal.3d 1085, the Supreme Court imposed a thirty (30) day actual suspension against an attorney who used a pre-signed blank verification form on behalf of a deceased client to respond to discovery requests from an opposing party and concealed the client's death from the court and opposing party. The Court found no aggravating circumstances, but found in mitigation Respondent's twenty-five years of discipline-free practice. By contrast, Respondent had only approximately six years of discipline-free practice at the time the misconduct commenced, which is entitled to little or nominal mitigation. (See *In the Matter of Duxbury* (Review Dept. 1999) 4 Cal. State Bar Ct. Rptr. 61, 67 [5 years entitled to nominal weight]; *In the Matter of Aguiluz* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 32, 44 [7 years of discipline-free practice worth only slight mitigation].) Moreover, the clients in the instant matter were forced to hire new counsel and expend financial resources in doing so. Lastly, Respondent engaged in additional misconduct not present in *Drociak*, including a failure to perform, a failure to supervise and employment of a disbarred attorney without adequate notice to the clients or the State Bar. Therefore, when compared to the attorney's misconduct in *Drociak*, given the additional misconduct, aggravating circumstances, including indifference and harm, and the lack of comparable mitigating circumstances present, Respondent's misconduct warrants more serious discipline.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violation in the interest of justice:

<u>Count</u>	<u>Alleged Violation</u>
One	Rules of Professional Conduct, rule 1-311(B)
Six	Rules of Professional Conduct, rule 1-300(A)
Seven	Business and Professions Code, section 6106
Eight	Business and Professions Code, section 6106
Nine	Business and Professions Code, section 6106

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of February 14, 2014, the prosecution costs in this matter are approximately \$3,432. 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

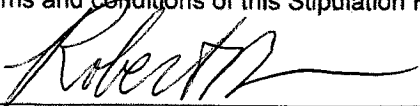
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: ROBERT BAZIKYAN	Case number(s): 12-O-18200-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.

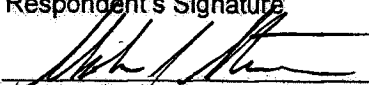
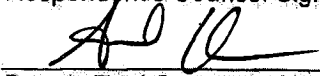
February <u>21</u> , 2014 Date	 Respondent's Signature	Robert Bazikyan Print Name
February _____, 2014 Date	_____ Respondent's Counsel Signature	Stephen J. Strauss Print Name
February _____, 2014 Date	_____ Deputy Trial Counsel's Signature	Anand Kumar Print Name

(Do not write above this line.)

In the Matter of: ROBERT BAZIKYAN	Case number(s): 12-O-18200-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.

February _____, 2014 Date	_____ Respondent's Signature	Robert Bazikyan Print Name
February <u>20th</u> , 2014 Date	 Respondent's Counsel Signature	Stephen J. Strauss Print Name
February <u>26</u> , 2014 Date	 Deputy Trial Counsel's Signature	Anand Kumar Print Name

(Do not write above this line.)

In the Matter of: ROBERT BAZIKYAN	Case Number(s): 12-O-18200-RAP
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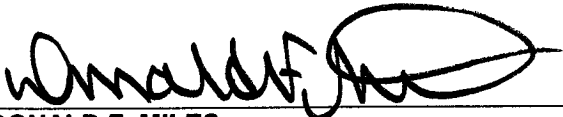
ACTUAL SUSPENSION ORDER

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.)**

3/12/14
Date


DONALD F. MILES
Judge of the State Bar Court

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 March 13, 2014, 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:

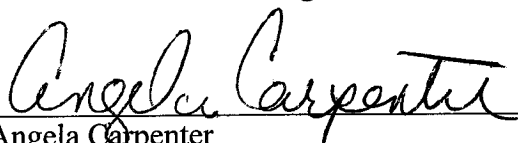
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

STEPHEN J. STRAUSS
LAW OFFICES OF STEPHEN STRAUSS
1107 FAIR OAKS AVE # 885
SOUTH PASADENA, CA 91030

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

ANAND KUMAR, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 13, 2014.



Angela Carpenter
Case Administrator
State Bar Court