

1 DANIEL K. LAK, In Pro Per
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FILED

JAN 10 2014

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

7 In Re: DANIEL KRISTOF LAK, STATE
8 BAR NO. 216983

9 A MEMBER OF THE STATE BAR
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13
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Case No.:

13-0-11189
13-0-12314
13-0-14235

DANIEL LAK'S ANSWER TO
NOTICE OF DISCIPLINARY
CHARGES.

15
16 DANIEL KRISTOF LAK, RESPONDENT, ("RESPONDENT"), hereby submits his
17 response to the notice of disciplinary charges filed by the office of the chief trial counsel. In
18 short, RESPONDENT specifically denies any wrongdoing whatsoever regarding counts one
19 through eight. Evidence, both testamentary and documentary, will be supplied at trial
20 supporting RESPONDENT'S position and will show unequivocally that RESPONDENT has
21 committed no wrongdoing whatsoever.
22

23 COUNTS 1 and 2:
24

25 The evidence will show that LAK repeatedly informed and updated his client at all
26 times during LAK's representation of client. Such updates included WEEKLY emails to
27 client over a six month period of time. LAK, at all times, skillfully and timely represented
28 his client in the dissolution of his marriage including, but not limited too, the filing of all



1 documents in this case in a timely matter. LAK specifically denies that he did not keep his
2 client informed and specifically denies that he did not file documents on a timely basis,
3 including the substitution of attorney as alleged in Count 1.
4

5 It should be noted by this Court that the "evidence" of wrongdoing regarding the
6 "failure to inform" was surfaced by LAK's client's ex-wife, Lily.

7 It is not uncommon, in a divorce proceeding, that a certain level of animosity is
8 developed between the ex-wife and her husband's lawyer. Such is the case here. Lily,
9 repeatedly attempted to interfere in the attorney/client relationship between LAK and his
10 client. In fact, on several occasions, the client acquiesced to his ex-wife's pressure to ignore
11 LAK's legal advice and filed documents on their own, circumventing LAK's legal advice
12 and further complicating the process.
13
14

15 COUNT 3:

16 At no time whatsoever, did LAK mislead his client by supplying misinformation to
17 his client. At all times, LAK clearly communicated the status of the client's divorce
18 proceeding to him via email and telephone correspondence.
19

20 The Trial Counsel attempts to attach some form of misconduct to LAK in stating that
21 the client was not made aware of the Court's requested changes to the settlement agreement
22 for two weeks. There was no misconduct with respect to this time period whatsoever as will
23 be shown at trial.
24

25 It should also be noted that the Los Angeles County Superior Court, Family Law
26 Division, took six (6) months to review the settlement agreement and request more
27 information. During this time, LAK supplied weekly email updates to his client after
28 checking the Court's website for updates/changes every Monday morning. It is difficult to

1 believe that after weekly email updates, spanning a six month period of time, that all of a
2 sudden LAK would choose not to update his client in a timely fashion after the Court finally
3 made a ruling his client's case. Such an event does not make sense whatsoever.
4

5 COUNT 4:

6 LAK did not fail to supply a timely and accurate accounting to client and LAK
7 hereby specifically denies such an allegation.
8

9 LAK's client was referred to him by a legal insurance referral network known as
10 ARAG. The referral network works much like a legal HMO, whereby a client prepays an
11 insurance premium and the network attorneys agree to perform the services pursuant to
12 ARAG's fee arrangement.
13

14 LAK is no longer affiliated with ARAG as the billing process is (i) extremely
15 confusing, (ii) internally conflicts itself by having multiple fee arrangements with conflicting
16 fee schedules for each client, and (iii) the ARAG payment resolution center is extremely
17 slow in responding to LAK's billing inquiries.
18

19 As will be shown by documentary and testamentary evidence at trial, LAK attempted
20 to complete his client's final billing statement in a timely fashion , however, was hindered in
21 doing so by ARAG's billing and customer service ineptness.
22

23 Therefore, LAK specifically denies any wrongdoing whatsoever regarding Count 4.

24 COUNT 5.

25 LAK specifically denies any wrongdoing whatsoever regarding Count 5 as he did not
26 in any way hold himself out as entitled to practice law.
27

28 COUNT 6:

1 LAK specifically denies the allegations contained in Count 6. During the alleged time
2 period, LAK was informed and believed, by bank employees of JP Morgan Chase, that the
3 bank account in question had been converted to a regular business checking account. When
4 LAK discovered that the account had not been changed, he immediately ceased using it as
5 such and took steps to eliminate the automatic payments that were regularly coming out of
6 the account.
7

8 This will also be proven by documentary and testamentary evidence at trial.
9

10 COUNTS 7 and 8:

11 LAK specifically denies any wrongdoing with respect to Counts 7 and 8 whatsoever.

12 LAK represented his client, Christopher Montes, in a divorce proceeding in Orange
13 County Superior Court. Lak had represented his client for approximately one year,
14 appearing on several occasions on his behalf and successfully negotiating with opposing
15 counsel (i) child custoday and visitation agreements, and (ii) interim spousal and child
16 support payment arrangements.
17

18 The Court had set a trial to resolved remaining issues for June 26, 2013. The time
19 estimate set by the Court, and agreed to by all counsel involved was two (2) days.
20

21 Ultimately the total time for trial did not exceed a total of eight (8) hours as will be
22 confirmed by the Honorable Judge Lon Hurwtiz who will be testifying at this trial.
23

24 Due to the Court's impacted calendar, the Montes case was continued to the
25 next day, the next day, and the next, until ultimately it was continued to July 1, 2013, a time
26 when LAK was not eligible to practice law.
27
28

1 Prior to July 1, 2013, LAK had been in contact with the State Bar, as will be
2 shown by email evidence. LAK was attempting to ascertain his duties to inform under the
3 impending suspension.
4

5 LAK was informed by the STATE BAR that the relevant rule governing LAK's duty
6 to inform was California Rules of Court, Section 9.20(a)(1) which states LAK's duty to
7 inform began after the effective date of the suspension. LAK has later discovered that 9.20
8 did not apply because LAK's suspension was less than 90 days.
9

10 However, LAK attempted to contact the Court on July 1, 2013 and inform the Judge
11 of his situation. LAK did not know who answered the phone and she did not identify herself
12 as "a clerk of the court."
13

14 LAK assumed it was a clerical secretary of some kind and asked to speak to the
15 Judge. The Judge was not available and LAK was not able to speak directly with him.
16

17 The trial was continued to July 23, 2013 and then to November 22, 2013.
18

19 When the trial began on November 22, 2013, opposing counsel and LAK, agreed to
20 use all testimony from the previous court appearances, and all exhibits from the previous
21 court appearances. LAK examined MONTES on November 22, 2013 as a witness and
22 opposing counsel conducted cross examination.
23

24 THE ENTIRE PROCESS ON NOVEMBER 22, 2013 LASTED EXACTLY 15
25 MINUTES AND THE TRIAL WAS CONCLUDED.
26

27 The Court's time estimated for trial was two days. The actual time elapsed was eight
28 hours and fifteen minutes.

1 It was LAK's belief that a two day trial beginning June 26, 2013 would be concluded
2 well before any suspension. It turns out LAK was correct in his time estimate. The trial
3 should have concluded on June 27, 2013.
4

5 LAK timely communicated with the Court regarding his suspension. There were no
6 wasting of judicial resources in the trial being continued to November 22, 2013 and
7 therefore, LAK specifically denies any wrongdoing whatsoever with respect to Counts 7 and
8 8.
9

10
11 DATED: January 10, 2014

12 By: _____
13 DANIEL K. LAK, ESQ.
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the county of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 18101 Von Karman Ave Suite 330, Irvine, California 92612.

ANSWER TO NOTICE OF DISC. CHARGES

On January 2, 2014 I served the foregoing document on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

☒ by overnight delivery via Federal Express pursuant to Code of Civil Procedure section 1013.

☐ by FAX. I faxed said document pursuant to Rules of Court rule 2008, on _____, at approximately 8:45 AM from my facsimile telephone number 949-225-4478. The document was transmitted by facsimile transmission and the transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine. A copy of the transmission report is attached to this proof of service.

☒ by personal delivery to the address below of the document(s) listed above to the persons at the address(es) set forth below:

State Bar of California
845 S. Figueroa Street, Los Angeles, California 90017

☐ by mail as follows: I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit. To the following persons named below:

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on 1/10/14 at Irvine, California.


DANIEL K. LAK