

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
2 OFFICE OF THE CHIEF TRIAL COUNSEL
3 JAYNE KIM, No. 174614
4 CHIEF TRIAL COUNSEL
5 JOSEPH R. CARLUCCI, No. 172309
6 DEPUTY CHIEF TRIAL COUNSEL
7 MELANIE J. LAWRENCE, No. 230102
8 ASSISTANT CHIEF TRIAL COUNSEL
9 HUGH G. RADIGAN, No. 94251
10 DEPUTY TRIAL COUNSEL
11 845 South Figueroa Street
12 Los Angeles, California 90017-2515
13 Telephone: (213) 765-1206

FILED
DEC 22 2014
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

14 STATE BAR COURT

15 HEARING DEPARTMENT - LOS ANGELES

16 In the Matter of:

) Case No. 14-O-00483

17 JOEL SAMUEL FARKAS,
18 No. 244032,

) NOTICE OF DISCIPLINARY CHARGES

19 A Member of the State Bar.

NOTICE - FAILURE TO RESPOND!

20 IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
21 WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
22 THE STATE BAR COURT TRIAL:

- 23 (1) YOUR DEFAULT WILL BE ENTERED;
- 24 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
25 WILL NOT BE PERMITTED TO PRACTICE LAW;
- 26 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
27 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
28 AND THE DEFAULT IS SET ASIDE, AND;
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

kwiktag ° 183 822 860



1 The State Bar of California alleges:

2 JURISDICTION

3 1. Joel Samuel Farkas (“Respondent”) was admitted to the practice of law in the State
4 of California on September 11, 2006, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 14-O-00483
8 Rules of Professional Conduct, rule 3-700(D)(1)
[Failure to Release File]

9 2. Respondent failed to release promptly, after termination of Respondent’s
10 employment on or about November 16, 2013, to Respondent’s client, Maha Osmani, all of the
11 client’s papers and property following the client’s request for the client’s file on December 13,
12 2013, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

13 COUNT TWO

14 Case No. 14-O-00483
15 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

16 3. On or about March 15, 2013, Maha Osmani employed Respondent to resolve a
17 dispute between Osmani and the Board of Behavioral Sciences, which Respondent intentionally,
18 recklessly, or repeatedly failed to perform with competence, by failing to negotiate the dispute
19 directly with the Board of Behavioral Sciences or contact them in any manner, in willful
20 violation of Rules of Professional Conduct, rule 3-110(A).

21 COUNT THREE

22 Case No. 14-O-00483
23 Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

24 4. On or about March 15, 2013, April 14, 2013 and May 14, 2013, Respondent
25 received total advanced fees of \$1,631.25 from a client, Maha Osmani, to perform legal services,
26 namely, to resolve a dispute between Osmani and the Board of Behavioral Sciences. Respondent
27 Respondent failed to contact the Board in any manner, or perform any legal services for the
28

1 client, and therefore earned none of the advanced fees paid. Respondent failed to refund
2 promptly, upon Respondent's termination of employment on or about November 16, 2013, any
3 part of the \$1,631.25 fee, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

4 COUNT FOUR

5 Case No. 14-O-00483
6 Business and Professions Code, section 6068(m)
7 [Failure to Respond to Client Inquiries]

8 5. Respondent failed to respond promptly to eight or more e-mail reasonable status
9 inquiries made by Respondent's client, Maha Osmani, which he received between July and
10 November 2013, with respect to his efforts on her behalf regarding her dispute with the Board of
11 Behavioral Sciences, in willful violation of Business and Professions Code, section 6068(m).

12 NOTICE - INACTIVE ENROLLMENT!

13 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
14 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
15 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
16 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
17 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
18 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
19 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
20 RECOMMENDED BY THE COURT.**

21 NOTICE - COST ASSESSMENT!

22 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
23 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
24 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
25 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
26 PROFESSIONS CODE SECTION 6086.10.**

27 Respectfully submitted,

28 THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: December 22 '14

By: Hugh G. Radigan
Hugh G. Radigan
Deputy Trial Counsel

DECLARATION OF SERVICE

by
U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 14-O-00483

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, CA 90017-2515, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))
- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.

By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ('UPS').

By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

By Electronic Service: (CCP § 1010.6)
Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,
Article No.: 9414 7266 9904 2010 0913 49 at Los Angeles, addressed to: (see below)

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,
Tracking No.: addressed to: (see below)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy to. Row 1: Joel S. Farkas, Syd Arthur Licit, APC, 11331 Ventura Blvd, Studio City, CA 91604, Electronic Address.

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ('UPS'). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: December 22, 2014

SIGNED:

Handwritten signature of Juli Finnila

JULI FINNILA
Declarant