

PUBLIC MATTER

FILED

SEP 30 2014

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

1 STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL  
2 JAYNE KIM, No. 174614  
CHIEF TRIAL COUNSEL  
3 JOSEPH R. CARLUCCI, No. 172309  
DEPUTY CHIEF TRIAL COUNSEL  
4 MELANIE J. LAWRENCE, No. 230102  
ASSISTANT CHIEF TRIAL COUNSEL  
5 CHARLES T. CALIX, No. 146853  
DEPUTY TRIAL COUNSEL  
6 845 South Figueroa Street  
Los Angeles, California 90017-2515  
7 Telephone: (213) 765-1255

8  
9 STATE BAR COURT

10 HEARING DEPARTMENT - LOS ANGELES

11  
12 In the Matter of: ) Case No. 14-O-01719  
13 MARY DERPARSEGHIAN aka )  
MARY DER-PARSEGHIAN, ) NOTICE OF DISCIPLINARY CHARGES  
14 No. 224541, )  
15 )  
16 A Member of the State Bar )

17 **NOTICE - FAILURE TO RESPOND!**

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

- 21 (1) **YOUR DEFAULT WILL BE ENTERED;**  
22 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**  
**WILL NOT BE PERMITTED TO PRACTICE LAW;**  
23 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**  
**THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**  
**AND THE DEFAULT IS SET ASIDE, AND;**  
24 (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**  
25 **FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,**  
26 **RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

27 kwiktag® 183 821 506



1 The State Bar of California alleges:

2 JURISDICTION

3 1. Mary Derparseghian aka Mary Der-Parseghian (“Respondent”) was admitted to the  
4 practice of law in the State of California on March 29, 2003, was a member at all times pertinent  
5 to these charges, and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 14-O-01719  
8 Rules of Professional Conduct, rule 4-100(A)  
9 [Failure to Deposit Client Funds in Trust Account]

10 2. On or about February 10, 2010, Respondent received from her clients, Galina Donis  
11 and Igor Rodionov, a check for \$5,000 for advance costs. Respondent failed to deposit the  
12 \$5,000 in funds received for the benefit of the clients in a bank account labeled “Trust Account,”  
13 “Client’s Funds Account” or words of similar import, in wilful violation Rules of Professional  
14 Conduct, rule 4-100(A).

14 COUNT TWO

15 Case No. 14-O-01719  
16 Rules of Professional Conduct, rule 4-100(B)(1)  
17 [Failure to Notify of Receipt of Client Funds]

18 3. On or about March 1, 2013, Respondent received on behalf of Respondent’s clients,  
19 Galina Donis and Igor Rodionov, a settlement check from Farmers Insurance Exchange made  
20 payable to Respondent in the sum of \$65,000, which she deposited into her client trust account at  
21 Bank of America, Account No. xxxxx-x2757<sup>1</sup> on behalf of the clients. On or about April 26,  
22 2013, Respondent received on behalf of her clients, a settlement check from Truck Insurance  
23 Exchange made payable to Respondent in the sum of \$44,000, which she deposited into her  
24 client trust account on behalf of the clients. Respondent failed to notify her clients of her receipt  
25 of either of the checks received on the clients’ behalf until in or about May 2014, in willful  
26 violation of Rules of Professional Conduct, rule 4-100(B)(1).

27  
28 <sup>1</sup> The account number has been redacted to protect the account and account holder.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COUNT THREE

Case No. 14-O-01719  
Rules of Professional Conduct, rule 4-100(A)  
[Commingling Personal Funds in Client Trust Account]

4. On or about June 28, 2011, Respondent received on behalf of her clients, Galina Donis and Igor Rodionov, a settlement check from American Safety Indemnity Company made payable to Respondent in the sum of \$2,500. On or about June 28, 2011, Respondent deposited the \$2,500 into her client trust account at Bank of America, Account No. xxxxx-x2757<sup>2</sup> on behalf of the clients. On or about March 1, 2013, Respondent received on behalf of her clients, a settlement check from Farmers Insurance Exchange made payable to Respondent in the sum of \$65,000. On or about March 1, 2013, Respondent deposited the \$65,000 into her client trust account on behalf of the clients. On or about April 26, 2013, Respondent received on behalf of her clients, a settlement check from Truck Insurance Exchange made payable to Respondent in the sum of \$44,000. On or about April 26, 2013, Respondent deposited the \$44,000 into her client trust account on behalf of the clients. Of these funds, Respondent was entitled to attorney's fees of \$44,600. Respondent did not promptly remove the funds which she had earned as attorney's fees from her client trust account and instead, left her attorney's fees in her client trust account to be withdrawn as needed, in willful violation of Rules of Professional Conduct, rule 4-100(A).

COUNT FOUR

Case No. 14-O-01719  
Rules of Professional Conduct, rule 4-100(A)  
[Failure to Maintain Client Funds in Trust Account]

5. On or about June 28, 2011, Respondent received on behalf of her clients, Galina Donis and Igor Rodionov, a settlement check from American Safety Indemnity Company made payable to Respondent in the sum of \$2,500. On or about June 28, 2011, Respondent deposited the \$2,500 into her client trust account at Bank of America, Account No. xxxxx-x2757<sup>3</sup> on behalf of the clients. On or about March 1, 2013, Respondent received on behalf of her clients, a

---

<sup>2</sup> The account number has been redacted to protect the account and account holder.  
<sup>3</sup> The account number has been redacted to protect the account and account holder.

1 settlement check from Farmers Insurance Exchange made payable to Respondent in the sum of  
2 \$65,000. On or about March 1, 2013, Respondent deposited the \$65,000 into her client trust  
3 account on behalf of the clients. On or about April 26, 2013, Respondent received on behalf of  
4 her clients, a settlement check from Truck Insurance Exchange made payable to Respondent in  
5 the sum of \$44,000. On or about April 26, 2013, Respondent deposited the \$44,000 into her  
6 client trust account on behalf of the clients. Of these funds, her clients were entitled to at least  
7 \$66,900. Respondent failed to maintain a balance of at least \$66,900 on behalf of her clients in  
8 her client trust account, in willful violation of Rules of Professional Conduct, rule 4-100(A).

9 COUNT FIVE

10 Case No. 14-O-01719  
11 Business and Professions Code section 6106  
12 [Moral Turpitude - Misappropriation]

13 6. On or about June 28, 2011, Respondent received on behalf of her clients, Galina  
14 Donis and Igor Rodionov, a settlement check from American Safety Indemnity Company made  
15 payable to Respondent in the sum of \$2,500. On or about June 28, 2011, Respondent deposited  
16 the \$2,500 into her client trust account at Bank of America, Account No. xxxxx-x2757<sup>4</sup> on  
17 behalf of the clients. On or about March 1, 2013, Respondent received on behalf of her clients, a  
18 settlement check from Farmers Insurance Exchange made payable to Respondent in the sum of  
19 \$65,000. On or about March 1, 2013, Respondent deposited the \$65,000 into her client trust  
20 account on behalf of the clients. On or about April 26, 2013, Respondent received on behalf of  
21 her clients, a settlement check from Truck Insurance Exchange made payable to Respondent in  
22 the sum of \$44,000. On or about April 26, 2013, Respondent deposited the \$44,000 into her  
23 client trust account on behalf of the clients. Between on or about June 25, 2013 and on or about  
24 July 19, 2013, Respondent dishonestly or grossly negligently misappropriated for her own  
25 purposes at least \$64,413.56 that the clients were entitled to receive, and thereby committed an  
26 act involving moral turpitude, dishonesty or corruption in willful violation of Business and  
27 Professions Code section 6106.

28 <sup>4</sup> The account number has been redacted to protect the account and account holder.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COUNT SIX

Case No. 14-O-01719  
Rules of Professional Conduct, rule 4-100(C)  
[Trust Account Record - Keeping]

7. On or about June 28, 2011, Respondent received on behalf of her clients, Galina Donis and Igor Rodionov, a settlement check from American Safety Indemnity Company made payable to Respondent in the sum of \$2,500. On or about June 28, 2011, Respondent deposited the \$2,500 into her client trust account at Bank of America, Account No. xxxxxx-x2757<sup>5</sup> on behalf of the clients. On or about March 1, 2013, Respondent received on behalf of her clients, a settlement check from Farmers Insurance Exchange made payable to Respondent in the sum of \$65,000. On or about March 1, 2013, Respondent deposited the \$65,000 into her client trust account on behalf of the clients. Respondent thereafter failed to prepare and maintain a written ledger for the clients, a written journal for the client trust account, and the monthly reconciliation for the written ledger, written journal, and bank statement, in willful violation of the Rules of Professional Conduct, rule 4-100(C).

COUNT SEVEN

Case No. 14-O-01719  
Business and Professions Code section 6068(m)  
[Failure to Respond to Client Inquiries]

8. Respondent failed to respond promptly to approximately 50 telephonic reasonable status inquiries made by her clients, Galina Donis and Igor Rodionov, between in or about May 2013 and on or about January 19, 2014, and six telephonic reasonable status inquiries made by her clients between on or about January 19, 2014 and in or about May 2014, that Respondent received in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code section 6068(m).

NOTICE - INACTIVE ENROLLMENT!

**YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**

<sup>5</sup> The account number has been redacted to protect the account and account holder.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

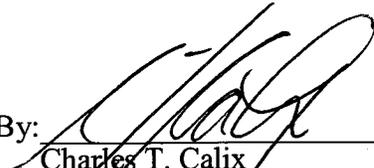
THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN  
INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE  
ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE  
RECOMMENDED BY THE COURT.

**NOTICE - COST ASSESSMENT!**

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

Respectfully submitted,  
  
THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: September 30, 2014

By:   
\_\_\_\_\_  
Charles T. Calix  
Deputy Trial Counsel

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DECLARATION OF SERVICE BY CERTIFIED MAIL**

**CASE NUMBER: 14-O-01719**

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, declare that I am not a party to the within action; that 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; that 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; that I am aware that on motion of 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; and that 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, on the date shown below, a true copy of the within:

**NOTICE OF DISCIPLINARY CHARGES**

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414 7266 9904 2010 0892 30, at Los Angeles, on the date shown below, addressed to:

**Jerome A. Kaplan, Esq.  
Kaplan Kenegos & Kadin  
9150 Wilshire Blvd., Suite #175  
Beverly Hills, CA 90212**

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: September 30, 2014

Signed:   
Carmen Corona  
Declarant