

(Do not write above this line.)

State Bar Court of California
Hearing Department
Los Angeles
ALTERNATIVE DISCIPLINE PROGRAM

<p>Counsel For The State Bar</p> <p>Ashod Mooradian Senior Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1004</p> <p>Bar # 194283</p>	<p>Case Number (s) 13-O-11107</p> <p>(for Court's use)</p> <p>FILED</p> <p>JUN 13 2016 <i>JK</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p>PUBLIC MATTER</p>
<p>Counsel For Respondent</p> <p>Edward O. Lear, Esq. CENTURY LAW GROUP, LLP 5200 West Century Blvd., Suite 345 Los Angeles, CA 90045 (310) 642-6900</p> <p>Bar # 132699</p>	<p>Submitted to: Program Judge</p> <p>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>
<p>In the Matter Of: LOTFY MRICH</p> <p>Bar # 202286</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 July 16, 1999.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 804.5(c) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 8 pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."



BS
4.14.

(Do not write above this line.)

- (6) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

B. Aggravating Circumstances [see 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 **06-O-14500**
- (b) Date prior discipline effective **September 17, 2009**
- (c) Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rule 3-110(A) and Business and Profession Code section 6103**
- (d) Degree of prior discipline **Two year suspension, stayed, placed on two years of probation with an actual 30-day suspension and was ordered to take the MPRE within one year**
- (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 Attachment page 7**
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (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 Attachment page 7**
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances:
None.

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.
- (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:

See Attachment page 7

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND
AGGRAVATING & MITIGATING CIRCUMSTANCES

IN THE MATTER OF: LOTFY MRICH

CASE NUMBERS: 13-O-11107

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.

FACTS:

1. Respondent was admitted to the practice of law in the State of California on July 16, 1999, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.
2. In October 2012, Mark Allen Bilinski ("Bilinski") owed \$100,000 on an equity home loan that he could not pay off when it matured. Subsequently, Bilinski's bank foreclosed on the property and Bilinski's home was sold.
3. Andrade Financial ("Andrade"), which was operated by non-attorneys, contacted Bilinski and advised him that he was owed money back from the "surplus" on the foreclosure sale on Bilinski's home. Bilinski had already received a notice of eviction and decided to meet with Andrade. Andrade promised Bilinski that they could get him more time in the home by filing for bankruptcy. In October 2012, Bilinski executed an agreement with Andrade for them to receive 20 percent of the surplus funds. Then, Andrade referred Bilinski to Respondent.
4. On November 12, 2012, Bilinski contacted Respondent's office and discussed the bankruptcy and petitions with Respondent's paralegal Monica Sanchez. After this discussion with Ms. Sanchez Bilinski retained Respondent to file a bankruptcy on his behalf.
5. Later that same day on November 12, 2012, Respondent filed a "face sheet" Chapter 7 Voluntary Petition on behalf of Bilinski in the United States Bankruptcy Court, Central District of California, San Fernando Valley Division bearing case no. 1:12-bk-19984-VK(GM) ("Bankruptcy case").
6. After Respondent filed the Bankruptcy case, the Court notified Respondent that the Bankruptcy case would be dismissed if the required schedules were not filed on or before November 26, 2012.
7. On November 20, 2012 the staff at Andrade gave Bilinski a "Representation Agreement Limited Scope Retainer Agreement" which he signed. It provided that Respondent would be retained to prepare and file an ex-parte motion to quash writ of possession in response to the then pending eviction

proceedings. However, at the time Bilinski signed the retainer agreement provided to him by Andrade, Bilinski had not met with Respondent or even discussed the case with Respondent.

8. Andrade paid Respondent advanced fees of \$806 in fees and costs on behalf of Bilinski, \$306 of which was for the filing fee and \$500 was applied toward Respondent's \$1000 fee. Respondent accepted compensation from Andrade without written client consent.

9. On November 26, 2012, Respondent filed the remaining schedules for the Bankruptcy case that were purportedly signed by Bilinski. In truth and fact, Bilinski did not sign the declaration but Ms. Sanchez signed the declaration.

10. Also, on November 26, 2012, Respondent filed an Electronic Filing Declaration in the Bankruptcy case again with a purported signature of Mark Bilinski signed under penalty of perjury regarding the November 12, 2012 "face sheet" filing. The Declaration required two signatures: the debtor and his attorney. In truth and fact, Bilinski did not sign the declaration but Ms. Sanchez signed the declaration. Respondent also signed the document.

11. On November 26, 2012, Respondent filed a pleading entitled "Ex Parte Motion to Restore Debtor to Possession of his Residence, Return of Personal Property, Monetary Damages, and Monetary Sanctions against defendants for violation of the automatic stay" ("Motion"). In the Motion, Respondent stated that on November 17, 2012, defendants forced entry into Bilinski's foreclosed home without a warrant or a notice to vacate served in advance and changed the locks. Respondent also stated in the Motion that when Bilinski arrived home after work, defendants did not allow Bilinski to retrieve his personal belonging and medications. In support of the Motion, Respondent filed his own declaration stating that he personally observed and witnessed the above-stated facts including that when the defendants refused Bilinski an opportunity to retrieve his belongings, his medication and his cat Bilinski began crying and state that he did not want to live while the defendants looked on with a satisfied smirk on their face.

12. On December 6, 2012, Respondent and Bilinski appeared by telephone at the hearing on the Motion. At that time, Bilinski informed the Court that he did not sign the declaration or the schedules, he never met Respondent and the only reason he filed for bankruptcy was for more time in his home to remove his possessions before they foreclosed.

13. On December 10, 2012, the U.S. Bankruptcy Court filed an Order to Show Cause (OSC) in the Bankruptcy case to address: 1) why the Chapter 7 bankruptcy case of Bilinski should be not be dismissed as a bad faith filing; 2) why Respondent should not refund to Bilinski any compensation received; and 3) why Respondent should not be reported to the State Bar and U.S. Bankruptcy Court Disciplinary Committee for filing a document with a forged signature. A written response was due to be filed and served on December 19, 2012. The Court set a hearing for December 26, 2012. Respondent received the order.

14. Respondent did not file a written response by December 19, 2012.

15. On December 26, 2012, Respondent appeared at the hearing and hand carried a written response to the OSC that was filed that day. In the December 26, 2012 declaration in response to the OSC Respondent stated that Bilinski contacted his office on November 9, 2012 about a Chapter 7 bankruptcy petition but could not come into the office. Bilinski called again on November 12, 2012 and discussed the bankruptcy petition with Ms. Sanchez. Respondent claimed that after retaining his office,

Bilinski authorized Sanchez to sign his name to the Bankruptcy pleadings. Sanchez immediately reported to Respondent that Bilinski requested that she sign the Bankruptcy pleadings for him and Respondent replied that she could sign Bilinski's name where necessary in the Bankruptcy pleadings (*i.e.*, in the petition, in the schedules and in the Electronic Filing Declaration.)

16. On January 7, 2013, the Bankruptcy Court issued an Order After Hearing on the OSC concluding that Respondent had filed a bankruptcy petition, schedules and electronic filing declaration that bore the forged signature of Bilinski. The Court further concluded that Respondent made false statements in his November 26, 2012 Ex Parte Motion because at the December 26, 2012 hearing Bilinski testified that the Sheriff's office was present at the eviction but he was not sure if the defendants were present and that Bilinski was allowed to enter to get his personal belongings, including emergency cash and a cat. Moreover, Bilinski did not make any mention of retrieving medication in his testimony. Among other things, the Bankruptcy Court found that Respondent "...violated his duty to his client and the legal system and has specifically acted either with intentional deception and moral turpitude by filing his own false and perjured declarations and with intentional deception, moral turpitude, or gross negligence by filing forged documents in the name of his client." The Bankruptcy Court also noted that Respondent's violations of federal and state law was "...particularly appalling due to his suspension by the State Bar and his recent completion of the [MPRE]."

CONCLUSIONS OF LAW:

17. By failing to comply with the December 10, 2012 Order to Show Cause issued by the United States Bankruptcy Court, Central District of California, San Fernando Valley Division in case number 1:12-bk-19984-VK, to file a response by December 19, 2012 regarding why the Chapter 7 bankruptcy case on behalf of Respondent's client should not be dismissed, why Respondent should not refund any compensation received from his client, and why Respondent should not be referred to the State Bar for filing a document with a forged signature, Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith to do or forbear, in willful violation of Business and Professions Code section 6103.

18. By filing between November 12, 2012 and November 26, 2012 a bankruptcy petition, schedules and an electronic filing declaration in the United States Bankruptcy Court, Central District of California, San Fernando Valley Division in case number 1:12-bk-19984-VK, under the guise that the documents were all signed by his client Bilinski, when in fact Respondent's employee signed Bilinski's name to the bankruptcy documents and Respondent knew that but failed to disclose to the Court that someone other than Bilinski had signed the documents, Respondent thereby sought to mislead the 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).

19. By filing on November 26, 2012 a declaration in the United States Bankruptcy Court, Central District of California, San Fernando Valley Division in case number 1:12-bk-19984-VK, representing that he personally observed and witnessed defendants, enter the property of his client Bilinski, without presenting any written warrant or giving written notice to vacate or allowing Bilinski to obtain his personal belongings or medication and that Respondent was distressed when he heard accounts of Bilinski saying goodbye to his cats and crying in pain while the agents of the defendants stood there with satisfactory smirks on their faces and Respondent knew these statements were false because, in fact, Respondent did not personally observe or witness these events, Respondent sought to mislead the

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).

20. By accepting \$806 on November 12, 2012 from Andrade Financial, Inc. as compensation for representing a client, Mark Bilinski, without first obtaining Bilinski's informed written consent to receive such compensation, Respondent willfully violated Rules of Professional Conduct, rule 3-310(F).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Effective September 17, 2009, Respondent was suspended for two years, execution stayed, and placed on disciplinary probation for a period of two years, subject to certain conditions, including thirty days actual suspension. Respondent stipulated to one count of a violation of Rules of Professional Conduct, rule 3-110(A) and one count of Business and Professions Code section 6103 in a single client matter.

Multiple Acts of Misconduct (Std. 1.5(b)): In this matter, Respondent committed multiple acts of professional misconduct including a violation of Business & Professions Code, section 6103, two violations of Business & Professions Code, section 6068(d) and a violation of Rules of Professional Conduct, rule 3-310(F).

Significant Harm (Std. 1.5(f)): In the matter, Respondent's filing of documents with forged signatures and a declaration with false statements harmed significantly his client, the public and the administration of justice. (See *In the Matter of Wolff* (Review Dept. 2006) 5 Cal. State Bar Ct. Rptr. 1, 14 [attorney's misconduct resulting in substantial disruption to court proceedings and was held to be harm to the administration of justice].)

MITIGATING CIRCUMSTANCES.

Additional Mitigating Circumstances:

Pretrial Stipulation: Respondent has agreed to enter into this pre-filing stipulation to fully resolve this matter without the necessity of a trial, thereby saving the State Bar time and 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].)

COSTS OF DISCIPLINARY PROCEEDINGS.


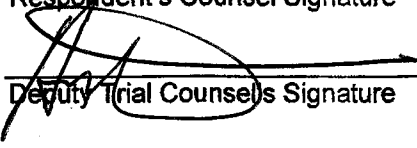
Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of November 14, 2014, the prosecution costs in this matter are \$5,543.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: LOTFY MRICH	Case number(s): 13-O-11107
----------------------------------	-------------------------------

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.

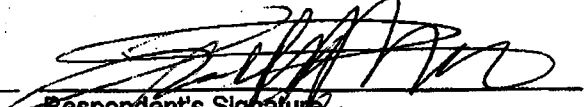
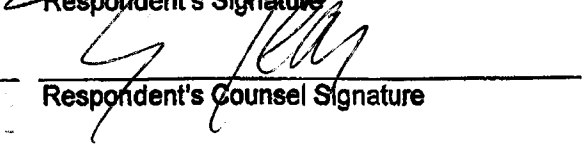
11/14/2014 Date	 Respondent's Signature	Lotfy Mrich Print Name
Date	Respondent's Counsel Signature	Edward O. Lear, Esq. Print Name
11/17/2014 Date	 Deputy Trial Counsel's Signature	Ashod Mooradian Print Name

(Do not write above this line.)

In the Matter of: LOTFY MRICH	Case number(s): 13-O-11107
---	--------------------------------------

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.

<u>11/14/2014</u> Date	 Respondent's Signature	<u>Lotfy Mrich</u> Print Name
<u>11/14/14</u> Date	 Respondent's Counsel Signature	<u>Edward O. Lear, Esq.</u> Print Name
<u> </u> Date	<u> </u> Deputy Trial Counsel's Signature	<u>Ashod Mooradian</u> Print Name

(Do not write above this line.)

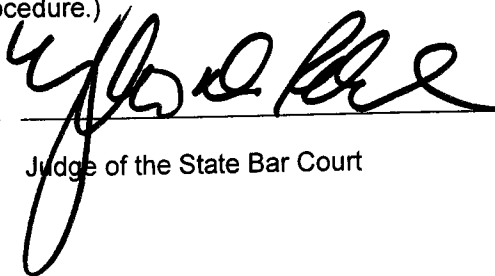
In the Matter of: LOTFY MRICH	Case Number(s): 13-O-11107
----------------------------------	-------------------------------

ALTERNATIVE DISCIPLINE PROGRAM 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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All court dates in the Hearing Department 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 5.58(E) & (F) and 5.382(D), Rules of Procedure.)

Date June 13, 2016 

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 June 15, 2016, I deposited a true copy of the following document(s):

STIPULATION RE FACTS AND CONCLUSIONS OF LAW (13-O-11107)

in a sealed envelope for collection and mailing on that date as follows:

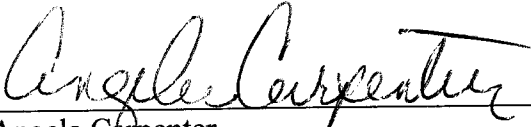
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

EDWARD O. LEAR
CENTURY LAW GROUP LLP
5200 W CENTURY BLVD #345
LOS ANGELES, CA 90045

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

Ashod Mooradian, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 15, 2016.



Angela Carpenter
Case Administrator
State Bar Court