

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
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FILED

DEC 19 2014

**STATE BAR COURT
 CLERK'S OFFICE
 LOS ANGELES**

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:

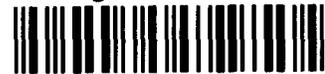
Case No.: 14-O-02015

LOTFY MRICH,
No. 202286,

NOTICE OF DISCIPLINARY CHARGES

A Member of the State Bar.

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NOTICE - FAILURE TO RESPOND!

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

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
 WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (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;**
- (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.**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. LOTFY MRICH (“Respondent”) was admitted to the practice of law in the State of
4 California on July 16, 1999, 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-02015
8 Rules of Professional Conduct, rule 3-110(A)
9 [Failure to Perform with Competence]

10 2. On or about August 12, 2008, Carlos V. Calderon employed Respondent to perform
11 legal services, namely to file a complaint in court and thereafter represent Mr. Calderon in civil
12 litigation against certain defendants in Orange County Superior Court. On or about September
13 18, 2008, Respondent filed a lawsuit in Orange County Superior Court, entitled *Carlos V.*
14 *Calderon v. Daniel Morales, et al.*, bearing case number 30-2008-00112163-CU-FR-CJC and
15 alleging causes of action for breach of contract, common counts and fraud and seeking
16 monetary damages and attorney’s fees according to proof (“Calderon litigation”). Respondent
17 intentionally, recklessly, or repeatedly failed to perform with competence in the Calderon
litigation, in willful violation of Rules of Professional Conduct, rule 3-110(A), as follows:

- 18 A. By failing to appear at court hearings for the Calderon litigation on or about
19 February 25, 2009, June 24, 2009, July 29, 2009, February 1, 2010 and March
20 10, 2010;
- 21 B. By failing to file a declaration in opposition to the Court’s Order to Show Cause
22 regarding monetary/terminating sanctions for the Calderon litigation between on
23 or about July 29, 2009 and on or about March 10, 2010;
- 24 C. By failing to provide discovery responses to the defendant’s special
25 interrogatories and requests for production of document for the Calderon
26 litigation by on or about October 7, 2009;
- 27 D. By failing to appear at the Mandatory Settlement Conference in the Calderon
28 litigation on or about January 15, 2010;

1 E. By failing to appear at trial for the Calderon litigation on February 1, 2010.

2 COUNT TWO

3 Case No. 14-O-02015
4 Rules of Professional Conduct, rule 3-700(A)(2)
5 [Improper Withdrawal from Employment]

6 3. Respondent failed, upon termination of employment, to take reasonable steps to
7 avoid reasonably foreseeable prejudice to Respondent's client, Carlos V. Calderon, by
8 constructively terminating Respondent's employment on or about March 10, 2010 by failing to
9 take any action on the client's behalf after the Court dismissed the client's Orange County
10 Superior Court case, entitled *Carlos V. Calderon v. Daniel Morales, et al.*, bearing case number
11 30-2008-00112163-CU-FR-CJC, without prejudice on or about March 10, 2010 and thereafter
12 between in or about June 2010 and in or about September 2013 failing to inform the client that
13 Respondent was withdrawing from employment, in willful violation of Rules of Professional
14 Conduct, rule 3-700(A)(2).

14 COUNT THREE

15 Case No. 14-O-02015
16 Business and Professions Code, section 6068(m)
17 [Failure to Inform Client of Significant Development]

18 4. Respondent failed to keep Respondent's client, Carlos V. Calderon, reasonably
19 informed of significant developments in a matter in which Respondent had agreed to provide
20 legal services, specifically, Orange County Superior Court case entitled *Carlos V. Calderon v.*
21 *Daniel Morales, et al.*, bearing case number 30-2008-00112163-CU-FR-CJC, in willful
22 violation of Business and Professions Code, section 6068(m), by failing to inform the client of
23 the following:

- 24 A) that on or about February 4, 2009, the Court had issued an Order to Show Cause
25 regarding monetary/terminating sanctions in the Calderon litigation;
26 B) that on or about March 18, 2009, the Court sanctioned Respondent \$100 for his
27 failure to file any proofs of service or a declaration in the Calderon litigation;
28 C) that on or about June 9, 2009, a defendant had filed an answer to the complaint filed
in the Calderon litigation;

- 1 D) that on or about June 24, 2009, the Court sanctioned Respondent and Mr. Calderon
2 \$100 for the failure to enter a default or set a default prove-up hearing in the
3 Calderon litigation;
- 4 E) that on or about July 29, 2009, the Court had issued an Order to Show Cause
5 regarding monetary/terminating sanctions in the Calderon litigation;
- 6 F) that on or about August 20, 2009, the Court sanctioned Mr. Calderon \$735 payable
7 to the defendant's counsel in the Calderon litigation;
- 8 G) that in or about August 2009, that the defendant had served special interrogatories
9 and requests for production of documents in the Calderon litigation;
- 10 H) that on or about October 7, 2009, the Court sanctioned Calderon and Respondent
11 \$1,480, payable to the defendant's counsel in the Calderon litigation;
- 12 I) that on or about January 15, 2010, the Court had issued an Order to Show Cause
13 regarding monetary/terminating sanctions in the Calderon litigation;
- 14 J) that on or about January 27, 2010, that without Mr. Calderon's knowledge, authority
15 and consent, Respondent requested and the Court granted a request that a defendant
16 be dismissed with prejudice in the Calderon litigation;
- 17 K) that on or about January 27, 2010, the Court sanctioned Respondent \$200 for his
18 failure to appear at the Mandatory Settlement Conference in the Calderon litigation;
- 19 L) that trial in the Calderon litigation was set for on or about February 1, 2010 and that
20 Respondent failed to appear for trial on that date resulting in the trial being taken off
21 calendar;
- 22 M) that on or about March 10, 2010, Respondent failed to appear for an Order to Show
23 Cause hearing regarding monetary/terminating sanctions resulting in the dismissal of
24 the Calderon litigation in its entirety;
- 25 N) that Respondent moved his office to a new address on or about January 26, 2011;
- 26 O) that Respondent moved his office to a new address again on or about June 1, 2012;

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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 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: December 19, 2014

By:



ASHOD MOORADIAN
Senior 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-02015

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, California 90017, 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))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

- (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 0870 45 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: Edward O. Lear, Century Law Group LLP, 5200 W Century Blvd #345, Los Angeles, CA 90045, 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 19, 2014

SIGNED:

Handwritten signature of Charles C. Bagai, Charles C. Bagai Declarant