

PUBLIC MATTER

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

STATE BAR COURT
 HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case No. 14-O-3143
 14 JON BENNETT RUBINFIER,)
 15 No. 94525,) NOTICE OF DISCIPLINARY CHARGES
 16 A Member of the State Bar)

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
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.



1 The State Bar of California alleges:

2 JURISDICTION

3 1. Jon Bennett Rubinfier (“respondent”) was admitted to the practice of law in the State
4 of California on December 16, 1980, 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-3143
8 Business and Professions Code, section 6103
9 [Failure to Obey a Court Order]

10 2. On or about February 8, 2007, during the course of dissolution proceedings filed in
11 Los Angeles Superior Court, *Parada v. Parada*, case no. BD211457 (the “Proceedings”),
12 respondent opened a joint trust account at City National Bank, account no. 2623XXXX (the
13 “JTA”), on behalf of respondent’s client, Nohemy Parada (“Parada”), with the attorney for
14 Parada’s former husband. On or about February 23, 2011, the court ordered in the Proceedings
15 that the JTA be closed and that the balance of the funds (i.e., \$60,703.48) be “divided equally
16 between the parties ... and deposited in the parties’ attorney trust accounts” (the “Disbursement
17 Order”). On or about April 29, 2011, respondent closed the JTA and withdrew an equal portion
18 of the funds (i.e., \$30,351.74), but failed to deposit the funds in his attorney trust account and
19 failed to distribute any portion of the funds to Parada. In this way, respondent disobeyed or
20 violated an order of the court requiring respondent to do or forbear an act connected with or in
21 the course of respondent’s profession which respondent ought in good faith to do or forbear by
22 failing to comply with the Disbursement Order in willful violation of Business and Professions
23 Code, section 6103.

24 COUNT TWO

25 Case No. 14-O-3143
26 Business and Professions Code, section 6106
27 [Moral Turpitude - Misappropriation]

28 3. On or about February 8, 2007, during the course of dissolution proceedings filed in
Los Angeles Superior Court, *Parada v. Parada*, case no. BD211457 (the “Proceedings”),

1 respondent opened a joint trust account at City National Bank, account no. 2623XXXX (the
2 “JTA”), on behalf of respondent’s client, Nohemy Parada (“Parada”), with the attorney for
3 Parada’s former husband. On or about February 23, 2011, the court ordered in the Proceedings
4 that the JTA be closed and that the balance of the funds (i.e., \$60,703.48) be distributed equally
5 between Parada and her former husband. On or about April 29, 2011, respondent dishonestly or
6 grossly negligently misappropriated for respondent’s own purposes at least \$15,175.87 that
7 Parada was entitled to receive, and thereby committed an act involving moral turpitude,
8 dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

9 COUNT THREE

10 Case No. 14-O-3143
11 Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

12 4. On or about February 8, 2007, during the course of dissolution proceedings filed in
13 Los Angeles Superior Court, *Parada v. Parada*, case no. BD211457 (the “Proceedings”),
14 respondent opened a joint trust account at City National Bank, account no. 2623XXXX (the
15 “JTA”), on behalf of respondent’s client, Nohemy Parada (“Parada”), with the attorney for
16 Parada’s former husband. On or about February 23, 2011, the court ordered in the Proceedings
17 that the JTA be closed and that the balance of the funds (i.e., \$60,703.48) be distributed equally
18 between Parada and her former husband. On or about April 29, 2011, respondent closed the JTA
19 and withdrew an equal portion of the funds (i.e., \$30,351.74) on behalf of Parada, but failed to
20 deposit the funds in his attorney trust account and failed to distribute any portion of the funds to
21 Parada. Respondent thereafter failed to render an appropriate accounting to Parada regarding
22 those funds following Parada’s request for such accounting in or about September 2012 in willful
23 violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT FOUR

Case No. 14-O-3143
Rules of Professional Conduct, rule 4-100(B)(4)
[Failure to Pay Client Funds Promptly]

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4 5. On or about February 8, 2007, during the course of dissolution proceedings filed in
5 Los Angeles Superior Court, *Parada v. Parada*, case no. BD211457 (the "Proceedings"),
6 respondent opened a joint trust account at City National Bank, account no. 2623XXXX (the
7 "JTA"), on behalf of respondent's client, Nohemy Parada ("Parada"), with the attorney for
8 Parada's former husband. On or about February 23, 2011, the court ordered in the Proceedings
9 that the JTA be closed and that the balance of the funds (i.e., \$60,703.48) be distributed equally
10 between Parada and her former husband. On or about April 29, 2011, respondent closed the JTA
11 and withdrew an equal portion of the funds (i.e., \$30,351.74) on behalf of Parada, but failed to
12 deposit the funds in his attorney trust account and failed to distribute any portion of the funds to
13 Parada. Of these funds, the client was entitled to at least \$15,175.87. On or about September
14 2012, Parada requested that respondent pay the funds owed to her. To date, respondent has
15 failed to pay promptly, as requested by Respondent's client, any portion of the \$15,175.87 in
16 respondent's possession in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).

NOTICE - INACTIVE ENROLLMENT!

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18 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
19 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**
20 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**
21 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**
22 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**
23 **INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**
24 **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**
25 **RECOMMENDED BY THE COURT.**
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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: 12-22-14

By: 
Ross Viselman
Deputy Trial Counsel

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DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 14-O-03143

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)) - 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 0875 64 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: Jon Bennett Rubinfier, 15303 Ventura Blvd., 9th Floor Sherman Oaks, CA 91403, 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: Jason Peralta Declarant