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**State Bar Court of California  
Hearing Department  
San Francisco  
ACTUAL SUSPENSION**

<p>Counsel For The State Bar</p> <p><b>Esther J. Rogers</b> Senior Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2258</p> <p>Bar # 148246</p>	<p>Case Number(s): 14-O-04146</p>	<p>For Court use only</p> <p><b>PUBLIC MATTER</b></p> <p><b>FILED</b> </p> <p><b>AUG 10 2015</b></p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p><b>Ali Ebrahimzadeh</b> 5111 Telegraph Ave Box 107 Oakland, CA 94609 (877) 583-4231</p> <p>Bar # 249989</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: <b>ALI EBRAHIMZADEH</b></p> <p>Bar # 249989</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 **June 11, 2007**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (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. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **13** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."



(Effective July 1, 2015)

Actual Suspension



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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) 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.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.

**B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline**
- (a)  State Bar Court case # of prior case
  - (b)  Date prior discipline effective
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3)  **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.
- (4)  **Concealment:** Respondent's misconduct was surrounded by, or followed by, concealment.
- (5)  **Overreaching:** Respondent's misconduct was surrounded by, or followed by, overreaching.
- (6)  **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7)  **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.

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- (8)  **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. **See Attachment at page 11.**
- (10)  **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11)  **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing.
- (12)  **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13)  **Restitution:** Respondent failed to make restitution.
- (14)  **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable. See Attachment at page 11.
- (15)  **No aggravating circumstances are involved.**

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standards 1.2(i) & 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 likely to recur.
- (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 or to the State Bar during disciplinary investigations and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps demonstrating spontaneous 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 objectively 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. **See Attachment at page 11.**
- (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:**

**No Prior Discipline, See Attachment at page 11.**

**Prefiling Stipulation, See Attachment at page 11.**

**Pro Bono Activities, See Attachment at page 11.**

**D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of **two (2) years**.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:
- (b)  The above-referenced suspension is stayed.
- (2)  **Probation:**
- Respondent must be placed on probation for a period of **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3)  **Actual Suspension:**
- (a)  Respondent must be actually suspended from the practice of law in the State of California for a period of **six (6) months**.

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- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:

#### **E. Additional Conditions of Probation:**

- (1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and present learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4)  Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.

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- No Ethics School recommended. Reason: .
- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions             |

**F. Other Conditions Negotiated by the Parties:**

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason: .
- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: .
- (5)  **Other Conditions:**

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:      ALI EBRAHIMZADEH

CASE NUMBER:            14-O-04146

**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.

**Case No. 14-O-04146 (Complainant: Charles Leslie)**

**FACTS:**

1. In January 2013, Charles Leslie ("Leslie") stopped taking his medication for a bi-polar disorder after his father's death. Without medication, Leslie had manic episodes and paranoid delusions.
2. On April 23, 2013, Leslie was alleged to have exposed himself while sitting in his car watching teenage girls play soccer.
3. On April 24, 2013, Leslie provided an irrational written narrative to police about the incident.
4. On May 3, 2013, Leslie was arrested for violating Penal Code section 314.1 [indecent exposure], a misdemeanor (*People v. Leslie*, Santa Cruz County Superior Court Case No. M72876.)
5. On May 7, 2013, Leslie contacted respondent through respondent's webpage and paid \$210 for a one-hour consultation regarding representation in Case No. M72876. After the consultation, Leslie and respondent met to discuss the matter. During the meeting, Leslie told respondent that he had recently inherited lots of money from his father's estate and was willing to pay "\$100,000 or more" to fight the case. Leslie hired respondent to represent him in Case No. M72876 and paid respondent \$3,500 as advanced fees. After the meeting, respondent sent an email to Leslie requesting case information and notifying Leslie that respondent would draft and send a retainer agreement. Respondent also advised that he would charge Leslie a flat rate of \$250 for drafting the agreement if Leslie did not return the signed agreement within seven days.
6. On the same date, Leslie sent an email to respondent, providing the specific case information requested by respondent and contained a rambling narrative which included allegations that a girl on the soccer team exposed herself to him and she should be investigated for that exposure. This should put respondent on notice that Leslie's mental state was at issue.
7. On the same date, respondent sent an email to Leslie attaching a 13-page written retainer agreement. Pursuant to the terms of the agreement, respondent would bill Leslie at the rate of \$375 per hour for attorney work.

8. The fee agreement was long and in extremely small print. Given the length and complexity of the contract, coupled with Leslie's impaired mental condition, the client did not understand all the terms of the fee agreement.

9. The fee agreement contained clauses not traditional in criminal defense cases, such as a five hour minimum charge for making court appearances, charging for the preparation of a motion to withdraw and charging attorney rates to perform clerical work.

10. Respondent was unfamiliar with mentally impaired individuals and lacked the knowledge and ability to handle them as clients.

11. Leslie's matter was not complex and did not require considerable research.

12. On May 9, 2013, the parties executed the 13-page written retainer agreement. On the same date, respondent sent an email to Leslie recommending that he undergo a psychological evaluation because it "may be useful to your defense."

13. On May 10, 2013, respondent sent an email to Leslie with an invoice. In the email, respondent advised that he "spent at least 8.6 hours working aggressively on your case thus far" and requested an additional \$10,000 as advanced fees. Respondent charged Leslie \$3,225 at a rate of \$375 per hour for work performed in Case No. M72876 from May 9 through May 10, 2013.

14. On May 11, 2013, based on respondent's request, Leslie paid respondent an additional \$10,000 as advanced fees in Case No. M72876. On the same date, Leslie sent another rambling email to respondent which included using his "war chest" for "battle." Respondent received the email.

15. On May 13, 2013, respondent had a telephone discussion with Leslie's then-girlfriend and now current wife, Bronwyn Davis ("Davis"), regarding Leslie's history of mental illness and substance and alcohol abuse. Davis advised respondent that Leslie was delusional and acting strange.

16. On May 13, 2013, the parties executed a modification to the retainer agreement, correcting Leslie's name and adding the case number.

17. On or about May 16, 2013, Leslie sent another rambling email to respondent. Respondent received the email.

18. On May 18, 2013, Davis called the police based on Leslie's behavior. Davis wanted Leslie to be hospitalized, but instead, he was arrested and charged with domestic violence and vandalism.

19. On May 20, 2013, respondent visited Leslie in custody. Leslie hired respondent to represent him in the criminal matter stemming from charges for violating Penal Code section 273.5 [corporal injury on a spouse/cohabitant], a misdemeanor and section 594(a) [Vandalism under \$400 damage], a misdemeanor (*People v. Leslie*, Santa Cruz Superior Court Case No. M73338). On the same date, the parties executed a 12-page written retainer agreement. Pursuant to the terms of the agreement, Leslie agreed to pay respondent advanced fees of \$10,000, to be billed at a rate of \$375 per hour for attorney time. On the same date, Leslie paid respondent \$10,000 as advanced fees in Case No. M73338. Respondent also had Leslie execute a release for medical records.



20. On May 20, 2013, the parties entered into a second modification of the retainer agreement in Case No. M72876. The modification, in part, defined "out of town travel" as "travel more than 50 miles driving distance from the Rene C. Davidson Courthouse of the Alameda County Superior Court at 1225 Fallon Street in Oakland, CA 94612."

21. On May 22, 2013, respondent appeared at Leslie's arraignment in Case Nos. M72876 and M73338 and obtained a copy of discovery and the police reports. Leslie entered pleas of not guilty to all of the charges and the court issued a restraining order prohibiting Leslie from approaching Davis. On the same date, respondent requested an additional \$25,000 as advanced fees for continued representation in Case Nos. M72876 and M73338, but Leslie did not pay the fee.

22. On May 22, 2013, Leslie showed up at Davis's residence, in violation of the restraining order and the police re-arrested Leslie. On the following day, respondent learned that Leslie had smeared ketchup on the entrance door of his home that Davis was concerned because Leslie was mentally unstable. Respondent received pictures of Leslie's vandalism.

23. On May 23, 2013, respondent visited Leslie in custody. At the meeting, respondent claims Leslie made threatening and inappropriate comments. Respondent told Leslie that he would likely withdraw from representation because he would not tolerate Leslie's abusive comments and belligerent behavior. Respondent also told Leslie that he would be charged for respondent's time to prepare the motion to withdraw.

24. On May 23, 2013, respondent prepared a motion to withdraw. On the same date, respondent prepared a letter for Leslie to sign to attach in support of the motion to withdraw.

25. On the morning of May 24, 2013, Davis sent an email to respondent notifying him about Leslie's incompetent state of mind. Respondent received the email.

26. On May 24, 2013, Davis provided respondent Leslie's checkbook so that Leslie would be able to post bail.

27. On May 24, 2013, respondent visited Leslie in custody. The parties entered into a modification of the retainer agreement in both cases. Respondent also requested an additional \$10,000 as advanced fees. Respondent thereafter provided Leslie with Leslie's checkbook and Leslie wrote two checks of \$5,000 each for advanced fees. During the meeting, respondent obtained Leslie's signature on the letter identified as "Written Termination of Attorney." On May 24, 2013, respondent filed with the court his motion to withdraw as counsel in both cases and personally served Leslie. Respondent thereafter immediately deposited the two checks.

28. At the time of respondent's withdrawal, he had provided little services of value. Respondent withdrawal because his client made offending comments to him does not constitute good cause since it is common in criminal defense practice.

29. Respondent submitted the modified fee agreements to Leslie when respondent should have known that Leslie was mentally impaired.

30. On May 24, 2013, Leslie hired attorney, Mark Garver ("Garver") to represent him in Case Nos. M72876 and M73338. On May 28, 2013, the court relieved respondent as counsel for Leslie in Case

Nos. M72876 and M73338. On May 29, 2013, Leslie appeared in court in a manic state. The court ordered Leslie to seek psychological services.

31. In total, Leslie paid respondent \$33,500 as advanced fees, including costs of \$600 in Case Nos. M72876 and M73338.

32. On June 5, 2013, Leslie, through Davis, sent an email to respondent requesting an accounting of fees and refund of unearned fees. Respondent received the email.

33. On June 7, 2013, respondent provided Leslie with two invoices. The first invoice, for work performed in Case No. M72876 from May 11 through June 7, included attorney fees of \$14,737.50 for 39.3 hours at \$375 per hour and the second invoice, for work performed in Case No. M73338 from May 20 through June 7, 2013, including attorney fees of \$12,562.50 for 33.5 hours at \$375 per hour. According to respondent's invoices, respondent owed a refund of \$2,489.73, which respondent refunded at the time he provided the invoices.

34. Garver charged Leslie a flat fee of \$10,000 for a pre-trial guilty plea of all of Leslie's pending criminal matters.

35. On February 19, 2015, the parties participated in non-binding fee arbitration. On May 18, 2015, the fee arbitration panel released its findings. On May 29, 2015, respondent paid Leslie \$32,770.78, which included a refund of the remaining attorney fees respondent collected from Leslie.

#### **CONCLUSIONS OF LAW:**

36. Respondent charged and collected a fee of \$33,500 from Leslie to perform legal services that was unconscionable for the following reasons, in willful violation of Rules of Professional Conduct, rule 4-200(A):

- The amount of the fee was disproportionate to the value of services provided;
- The client was unsophisticated and mentally impaired at the time the client executed the fee agreements;
- The issues presented were not novel and did not require specialized skills in criminal defense;
- Respondent did not have a reputation or specialized ability to perform the services which would justify the fees;
- Given the length and small font, coupled with his impaired mental state, the client did not provide informed written consent to the fees when he signed the fee agreement.

#### **AGGRAVATING CIRCUMSTANCES.**

**Lack of Recognition of Wrongdoing (Std. 1.5(k)):** Respondent continues to believe that he provided services of value to Leslie and was entitled to the fees and costs he charged Leslie. He has little understanding or recognition that his actions were inappropriate.

**Vulnerable Client (Std. 1.5(n)):** Respondent took advantage of Leslie's mental state by continuing to collect fees after respondent was aware that Leslie may have been suffering from manic episodes and paranoid delusions.

## MITIGATING CIRCUMSTANCES.

### Additional Mitigating Circumstances:

**No Prior Discipline:** Respondent was admitted in 2007 and has no prior record of discipline. (*Friedman v. State Bar* (1990) 50 Cal.3d 235, 245 [Even when the present misconduct is serious, an attorney is entitled to mitigation credit].)

**Prefiling Stipulation:** By entering into a pre-filing, dispositive stipulation, respondent has spared 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].)

**Good Character (Std. 1.6(f)):** Respondent has offered evidence of good character through seven good character witnesses that include a criminal justice law professor, physicians and an attorney. These witnesses understand the facts of respondent's misconduct, yet they continue to maintain their high regard for respondent's character and competence.

**Pro bono Activities/Community Service:** Respondent has served on the Executive Committee of the San Francisco chapter of National Lawyers Guild and provide pro-bono services to Earthjustice and Communities for a Better Environment, environmental conservation non-profits located in Oakland, and to Education Not Incarceration, an Oakland-based educational non-profit. Community service is to be considered as a mitigating factor. (*Calvert v. State Bar* (1991) 54 Cal.3d 765, 785, citing *Schneider v. State Bar* (1987) 43 Cal.3d 784, 799.)

## AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to standards are to this source).

The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of high professional standards; and preservation of public confidence in the legal profession. (*In re Morse* (1995) 11 Cal.4<sup>th</sup> 184, 205.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4<sup>th</sup> 81, 92, quoting *In re Brown* (1995) 12 Cal.4<sup>th</sup> 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) Any discipline recommendation that deviates from the Standards must include clear reasons for the departure. (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given Standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or

profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

Standard 2.3, which applies to matters where the attorney charges and collects an unconscionable fee, calls for an actual suspension of at least six months. According to Standard 1.7(b), if aggravating circumstances are found, they should be considered alone and in balance with any mitigating circumstances. In aggravation, Leslie was a highly vulnerable client. In addition, respondent demonstrated little recognition of wrongdoing and continues to believe that his conduct was appropriate. In mitigation, respondent has eight years of discipline-free practice, cooperated with the State Bar, engaged in pro-bono work, and established good character.

Considered in total, the aggravation and mitigation are about evenly weighted and therefore do not compel a deviation from Standard 2.3. Additionally, a six month actual suspension not only falls within the Standards, but also protects the public, the courts and the legal profession, maintains high professional standards, and preserves the public's confidence in the legal profession, and therefore is appropriate here.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of July 8, 2015, the prosecution costs in this matter are approximately \$3,100. 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.

#### **EXCLUSION FROM MCLE CREDIT**

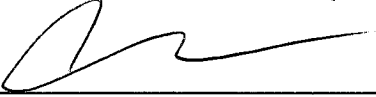
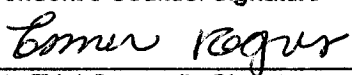
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School and State Bar Client Trust Accounting School. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: <b>ALI EBRAHIMZADEH</b>	Case number(s): <b>14-O-04146</b>
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**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>7/16/15</u> Date	 Respondent's Signature	<u>Ali Ebrahimzadeh</u> Print Name
<u>7/27/15</u> Date	 Deputy Trial Counsel's Signature	<u>Esther J. Rogers</u> Print Name

(Do not write above this line.)

In the Matter of: ALI EBRAHIMZADEH	Case Number(s): 14-O-04146
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### ACTUAL SUSPENSION 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 stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.


1. At the end of paragraph number 36, on page 10 of the stipulation, the following text is INSERTED:

On May 24, 2013, respondent both (1) charged and collected \$10,000 in advanced fees from Leslie and (2) requested and obtained Leslie's signature on a letter terminating respondent's employment.

2. In the last sentence in the first full paragraph on page 12 of the stipulation, the phrase "eight years of discipline-free practice" is MODIFIED to read "almost six years of misconduct-free practice."

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. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Aug 10, 2015  
Date

  
LUCY ARMENDARIZ  
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 San Francisco, on August 10, 2015, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING**

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

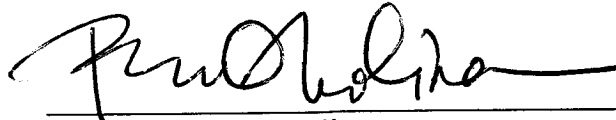
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

ALI EBRAHIMZADEH  
5111 TELEGRAPH AVE  
BOX 107  
OAKLAND, CA 94609

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

ESTHER ROGERS, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on August 10, 2015.



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Bernadette C.O. Molina  
Case Administrator  
State Bar Court