

PUBLIC MATTER

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FILED

SEP. 04 2015

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:) Case No. 14-O-04199
JAY A. GHOREICHI,)
No. 177274,) NOTICE OF DISCIPLINARY CHARGES
A Member of the State Bar.)

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. Jay A. Ghoreichi (respondent) was admitted to the practice of law in the State of
4 California on June 12, 1995, 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-04199
8 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

9 2. On or about December 14, 2011, Guardencio Garcia (Garcia) employed respondent to
10 perform legal services, namely to pursue a personal injury claim for damages arising out of an
11 automobile accident, to negotiate Garcia's bills with his medical providers and to pay the liens
12 on the recovery that were asserted by Garcia's medical providers which respondent intentionally,
13 recklessly or repeatedly failed to perform with competence in willful violation of Rules of
14 Professional Conduct, rule 3-110(A), by failing to negotiate Garcia's bill with his medical
15 providers and failing to pay the liens on the recovery that were asserted by Garcia's medical
16 providers.

17 COUNT TWO

18 Case No.14-O-04199
19 Rules of Professional Conduct, rule 4-100(A)
[Failure to Maintain Client Funds in Trust Account]

20 3. On or about October 19, 2012, respondent received on behalf of respondent's client,
21 Guadencio Garcia, a settlement check from Encompass Insurance in the amount of \$70,000. On
22 or about October 29, 2012, Respondent deposited the \$70,000 into respondent's client trust
23 account at JP Morgan Chase Bank (formerly Washington Mutual), account number *****-0434
24 on behalf of the client. As of on or about February 3, 2013, respondent was required to maintain
25 \$16,690 in his client trust account. Respondent failed to maintain a balance of \$16,690 on behalf
26 of the client in respondent's client trust account, in willful violation of Rules of Professional
27 Conduct, rule 4-100(A).

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COUNT THREE

Case No. 14-O-04199
Business and Professions Code, section 6106
[Moral Turpitude - Misappropriation]

4. On or about October 19, 2012, respondent received on behalf of respondent's client, Guadencio Garcia, a settlement check from Encompass Insurance in the amount of \$70,000. On or about October 29, 2012, Respondent deposited the \$70,000 into respondent's client trust account at JP Morgan Chase Bank (formerly Washington Mutual), account number *****-0434 on behalf of the client. Between on or about December 31, 2013 through January 30, 2015, respondent intentionally or grossly negligently misappropriated for respondent's own purposes \$16,190 that the client's medical providers, namely Studio City Orthopedic & Medical Group, Forster Physical Therapy, United Medical Imaging, The Good Chiropractor, were entitled to receive, pursuant to liens held against Respondent's client's recovery, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT FOUR

Case No. 14-O-04199
Business and Professions Code, section 6068(m)
[Failure to Inform Client of Significant Development]

5. Respondent failed to keep respondent's client, Guadencio Garcia, reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m), by failing to inform the client that in or about July 2013 respondent moved from his office located in Los Angeles, California to Washington DC.

COUNT FIVE

Case No. 14-O-04199
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

6. Respondent failed to cooperate and participate in a disciplinary investigation pending against respondent by failing to provide a substantive response to the State Bar's letters and e-mails of October 6, 2014, October 22, 2014, October 23, 2014, November 21, 2014, and

1 December 15, 2014, which respondent received, that requested respondent's response to the
2 allegations of misconduct being investigated in case number 14-O-05339, in willful violation of
3 Business and Professions Code, section 6068(i).

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5 **NOTICE - INACTIVE ENROLLMENT!**

6 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
7 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
8 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
9 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
10 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
11 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
12 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
13 RECOMMENDED BY THE COURT.**

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15 **NOTICE - COST ASSESSMENT!**

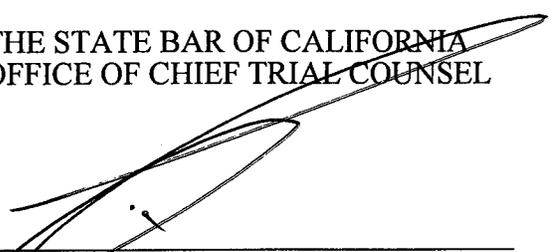
16 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
17 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
18 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
19 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
20 PROFESSIONS CODE SECTION 6086.10.**

21
22 Respectfully submitted,

23
24 THE STATE BAR OF CALIFORNIA
25 OFFICE OF CHIEF TRIAL COUNSEL

26
27 DATED: September 4, 2015

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By: _____


Anthony Garcia
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-04199**

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)) [COURTESY COPY]** **By U.S. Certified 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 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) [COURTESY COPY]**
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 0678 94** 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)

| Person Served | Business-Residential Address | Fax Number | Courtesy Copy to: |
|---|---|--|---|
| Jay A. Ghoreichi [FORMAL SERVICE COPY VIA CERTIFIED MAIL] | Ghoreichi Law Firm 10250 Constellation Blvd Ste 2320 Los Angeles, CA 90067 | Electronic Address [Courtesy Copy] jghoreichi@yahoo.com | Jay A. Ghoreichi 4662 Charleston Terrace NW Washington DC 20007 |

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: September 4, 2015

SIGNED: _____

Charles C. Bagai
Declarant