



ORIGINAL

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**State Bar Court of California
Hearing Department**

ACTUAL SUSPENSION PUBLIC MATTER

<p>Counsel For The State Bar</p> <p>Adriana M. Burger Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1229</p> <p>Bar # 92534</p>	<p>Case Number(s): 14-O-04421 14-O-06302</p>	<p>For Court use only</p> <p align="center">FILED FEB 10 2016 <i>P.B.</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Scott B. Well 2122 North Broadway Santa Ana, CA 92706-2614 (714) 283-0600</p> <p>Bar # 134322</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: Farzad Naderi</p> <p>Bar # 249694</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 5, 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 **14** 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."

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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.

- (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.
- (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. See attachment on page 11.
- (12) ☐ **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) ☒ **Restitution:** Respondent failed to make restitution. Please see attachment on page 11
- (14) ☐ **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (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.

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- (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:

No Prior Discipline: please see attachment page 11.
Pretrial Stipulation: please see attachment page 11.

D. Discipline:

(1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of **one (1) year**.
- 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 **90 (ninety) days**.
- 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.

☐ 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 checked="" 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:**

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In the Matter of: Farzad Naderi	Case Number(s): 14-O-04421; 14-O-06302
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Financial Conditions

a. Restitution

- ☒ Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Kim Jacobson	\$3,000.00	May 3, 2013

- ☒ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **60-days prior to conclusion of respondent's probationary period.**

b. Installment Restitution Payments

- ☐ Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of preproval), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- ☐ 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.

c. Client Funds Certificate

- ☐ 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- ☐ Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Farzad Naderi

CASE NUMBERS: 14-O-04421; 14-O-06302

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-04421 (Curtis Thompson)

FACTS:

1. Respondent is not now, nor has respondent ever been, licensed to practice law in the State of Florida.
2. On November 14, 2013, Curtis Thompson employed respondent, doing business as, Pacific National Law Center, to complete a loan modification, for his home located in Daytona Beach, Florida, for a fee of \$2,995, with half down at signing of the agreement and the balance due prior to completion. On the same date, Thompson paid Pacific National Law Center \$1,497.50.
3. In November 2013, Thompson, per respondent's request, gave Pacific National Law Center documentation consisting of his financial statements, and a completed intake form supplied by Pacific National Law Center.
4. On March 27, 2014, Thompson telephoned Green Tree Financial, his lender and spoke with the lender's employee who had been assigned to work on Thompson's loan modification application. The employee advised Thompson that respondent had not completed the loan modification on behalf of Thompson.
5. In July 2014, after learning from the lender that respondent had not completed the loan modification, Thompson called Respondent's office, spoke with respondent's employee and requested a refund of the advanced fees. Respondent's employee's took the message and conveyed it to respondent. Respondent received the message.
6. On July 24, 2014, Thompson made a complaint against respondent, to the State Bar of California, because respondent had not completed the loan modification or provided a refund of the attorney fees paid by Thompson.

7. Florida Rules of Professional Conduct, Rule 4-5.5 provides that a lawyer who is not admitted to practice in Florida shall not hold out to the public or otherwise represent that the lawyer is admitted to practice law in the state.
8. On December 16, 2014, respondent gave Thompson a full refund, of the \$1,497.50 attorney fee, previously paid to Pacific National Law Center.

CONCLUSIONS OF LAW:

9. By agreeing to represent Thompson, and perform loan modification services in connection with a loan modification for the client's home in Florida, respondent practiced law in violation of the regulations of the profession in Florida, namely rule 4-5.5, in willful violation of rule 1-300(B), Rules of Professional Conduct.
10. By entering into an agreement to provide loan modification services; charging a fee of \$2,995.00; and, collecting a fee of \$1,497.50 from Thompson, to perform legal services that were illegal in the State of Florida, because respondent was not licensed to practice law in the State of Florida, respondent entered into an agreement for, charged, and collected an illegal fee, in willful violation of rule 4-200(A), Rules of Professional Conduct.

Case No. 14-O-06302 (Kim Jacobson)

FACTS:

11. Respondent is not now, nor has respondent ever been, admitted to practice law in the State of Washington.
12. On May 3, 2013, Kim Jacobson, a resident of Washington State employed respondent, doing business as, Pacific National Law Center, to complete a loan modification, for Jacobson's home, located in Goldendale, Washington.
13. Jacobson paid Pacific National Law Center a total of \$3,000 in three equal payments of \$1,000 on May 3, 2013, June 3, 2013, and July 3, 2013.
14. On September 3, 2013, Respondent successfully obtained a loan modification for Jacobson.
15. The State of Washington, Court Rule 5.5 provides that the practice of law in Washington State include the preparation of legal documents on behalf of a client, as well as the giving of advice or the rendering of any service on behalf of a client, in or out of court, requiring the use of legal knowledge or skill.
16. Respondent has not refunded any portion of the \$3,000 fee paid by Jacobson.

CONCLUSIONS OF LAW:

17. By agreeing to represent Jacobson and perform loan modification services, in connection with a loan modification for the client's home in Washington State, respondent practiced law in violation of the regulations of the profession in Washington, namely rule 5.5 in willful violation of rule 1-300(B), Rules of Professional Conduct.

18. By entering into an agreement for, charging and collecting a \$3,000 fee from Jacobson to perform loan modification services, that were illegal in Washington State because respondent was not licensed to practice law in the State of Washington, respondent entered into an agreement for, charged and collected an illegal fee in willful violation of rule 4-200(A), Rules of Professional Conduct.

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent committed four violations of the Rules of Professional Conduct involving two client matters. Respondent engaged in the unauthorized practice of law and charged and collected illegal fees in two client matters. Therefore, respondent engaged in multiple acts of misconduct.

Failure to Make Restitution (Std. 1.5(m)): As of the present date, respondent has failed to pay any restitution to one of the two out-of-state clients even though he is not entitled to keep any amount of an illegal fee. (*In the Matter of Bouyer* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 404, 417 [failure to make restitution to a client is an aggravating factor]).

MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent was admitted to practice law in California on June 5, 2007. Respondent has practiced law for six years without a prior record of discipline in California, prior to the misconduct. Although Respondent's misconduct is serious, the fact that he has six years of discipline free practice prior to the misconduct is entitled to slight mitigation. (*In the Matter of Aguiluz* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 32 where Aguiluz had a seven-year discipline free practice plus several years in a foreign jurisdiction, and *Kelly v. State Bar* (1988) 45 Cal.3d 649 where Respondents' seven and one-half years practice without prior record of discipline was given minimum mitigation).

Pretrial Stipulation: Respondent has resolved these two matters, saving State Bar 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].) Respondent has also acknowledged his misconduct by entering into this stipulation

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 the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 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 Silverton* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 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 disciplinary 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, in addition to the factors set forth in the specific 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).)

In this matter, Respondent committed four acts of professional misconduct. Standard 1.7(a) requires that where a Respondent “commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed.”

The most severe sanction applicable to Respondent’s misconduct is found in Standard 2.3(b), which applies to Respondent’s violation of California Rules of Professional Conduct, rule 4-200(A) which is charging and collecting illegal fees. Respondent charged and collected illegal fees for attorney services while engaged in the unauthorized practice of law in Washington state and Florida. Standard 2.3(b) provides: “[s]uspension or reproof is the presumed sanction for entering into an agreement for, charging, or collecting an illegal fee for legal services.”

Respondent’s conduct is aggravated by two circumstances, namely, multiple acts of misconduct and failure to make restitution to one of the clients. Between May 2013 and December 2014, respondent charged and collected illegal attorney fees from two clients, to perform legal services, in two jurisdictions where respondent was not permitted to perform legal services. Respondent was only licensed to practice law in California, but elected to violate the other jurisdictions’ rules, which prohibited the unlicensed practice of law. Moreover, the clients employed an unlicensed attorney to work on their cases.

Although respondent’s misconduct is serious, the fact that he had six years of discipline free practice prior to the misconduct is entitled to slight mitigation. Respondent will also be entitled to receive some mitigation for resolving the two matters prior to the trial and for acknowledging his misconduct. Although not a factor in mitigation, it should also be noted that respondent did provide a full refund to client Thompson after the client made a complaint to the state bar.

In weighing the aggravating and mitigating circumstances and guided by standard 2.3(b), a period of actual suspension is necessary in order to protect the public, the courts and the legal profession. Therefore, the appropriate discipline to impose in this matter would be a one-year suspension, stayed, two years’ probation with conditions, including a 90 days actual suspension, and restitution to client Jacobson.

This level of discipline is also consistent with case law. *In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, Wells represented two clients in South Carolina while not permitted to practice law in that state. Wells was found culpable of violating rule 1-300(B) because she practiced law without a license in South Carolina. Additionally, Wells was found culpable of charging an illegal fee, failing to return unearned fees, failing to maintain funds in a trust account, and moral turpitude

involving dishonesty with the South Carolina authorities investigating her unauthorized practice of law. In aggravation, Wells had a record of prior discipline for trust account violations in two client matters, committed multiple acts of misconduct, committed harm to the public, administration of justice and her clients, and indifference towards the consequence of her misconduct. Wells received mitigation for extreme emotional distress due to personal problems, hostility and racism directed at her by the local population; good character through eight character witnesses, and cooperation with the State Bar by entering into a stipulation of material facts. The Review Department recommended discipline consisting of a two year stayed suspension, two years' probation with conditions, including a six-month actual suspension and until payment of restitution.

In contrast, although the instant case involves two client matters with serious misconduct, the misconduct is less egregious than *Wells*. Wells engaged in more acts of misconduct, and demonstrated indifference towards the consequences of the misconduct. Unlike Wells, respondent has acknowledged his misconduct and has saved the State Bar time and resources by entering into this stipulation to fully resolve the matter prior to trial. Additionally, although not entitled to mitigation, respondent has refunded the illegal fees in one matter. Therefore, a lesser period of actual suspension is warranted.

Based upon the foregoing, discipline consisting of a one-year stayed suspension, two years' probation with conditions, including a 90-day suspension, will protect the public, the courts, and the legal profession, maintain high professional standards, and preserve public confidence in the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of January 22, 2016, the prosecution costs in this matter are \$3,584.00. 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.

EXCLUSION FROM MCLE CREDIT

Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School, as a condition of reproof or suspension]. (Rules Proc. of State Bar, rule 3201.)

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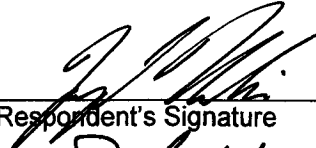
In the Matter of:
Farzad Naderi

Case number(s):
14-O-04421
14-O-06302

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.

1-26-16
Date


Respondent's Signature


Farzad Naderi
Print Name

1-26-16
Date


Respondent's Counsel Signature

Scott B. Well
Print Name

2-1-16
Date


Deputy Trial Counsel's Signature

Adriana M. Burger
Print Name

(Do not write above this line.)

In the Matter of: Farzad Naderi	Case Number(s): 14-O-04421 14-O-06302
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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.

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.)**

February 10, 2016
Date

N. Kease McMill
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 February 10, 2016, 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:

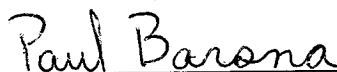
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**SCOTT B. WELL
LAW OFFICES OF SCOTT B. WELL
2122 N BROADWAY
SANTA ANA, CA 92706**

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

ADRIANA MARGARET BURGER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 10, 2016.



Paul Barona
Case Administrator
State Bar Court