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FEB 18 2016

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:) Case Nos. 15-O-10548; 15-O-12276
VICTOR JACOBVITZ,)
No. 66297,) 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. VICTOR JACOBVITZ ("Respondent") was admitted to the practice of law in the
4 State of California on December 18, 1975, was a member at all times pertinent to these charges,
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 15-O-10548
8 Rules of Professional Conduct, rule 4-100(A)
[Commingling Personal Funds in Client Trust Account]

9 2. Mario Diaz was retained by Modesta Perez to represent her in a wrongful death
10 action. Mr. Diaz associated Roger Booth who successfully negotiated a settlement of the
11 matter. The client's portion of the settlement funds was \$420,300.44.

12 3. Mr. Diaz had been the point of contact with Ms. Perez and asked to deliver the
13 checks to her personally. Mr. Booth provided Mr. Diaz with six checks totaling \$420,300.44
14 drawn on Mr. Booth's Client Trust Account ("CTA") and made payable to Modesta Perez.

15 4. Mr. Diaz forged the endorsement of Ms. Perez on the backs of the checks. Two such
16 checks totaling \$100,300.44 were given to Respondent. Mr. Diaz asked Respondent to deposit
17 them in Respondent's CTA and then to provide the funds to Mr. Diaz.

18 5. On or about June 19, 2014 and June 26, 2014, Respondent accepted and deposited
19 two checks into his CTA at Bank of America, account number XXXXXXXXXXX610, which were
20 drawn on the CTA of Roger Booth, made out to Modesta Perez, and with the notation
21 "Settlement Proceeds" on the memo line, in the total amount of \$100,300.44. Respondent then
22 wrote three checks to Mr. Diaz in the total amount of \$100,033.00.

23 6. Respondent deposited or commingled funds belonging to Respondent or Mr. Diaz,
24 who was a non-client, into Respondent's CTA as follows, in wilful violation of Rules of
25 Professional Conduct, rule 4-100(A):

<u>DATE OF DEPOSIT</u>	<u>AMOUNT DEPOSITED</u>	<u>FORM OF DEPOSIT</u>
June 19, 2014	\$80,000.00	Check
June 26, 2014	\$20,300.44	Check

1 COUNT TWO

2 Case No. 15-O-12276
3 Business and Professions Code, section 6106
4 [Moral Turpitude – Misappropriation]

5 7. In or about November 2013, Respondent received on behalf of Respondent's client,
6 Karen Pinella, a settlement check resolving a personal injury matter involving a car accident.
7 Respondent deposited the settlement funds into Respondent's client trust account at Bank of
8 America, account number XXXXXXXXX0635 on behalf of the client. Between November 6,
9 2014 and February 10, 2015, Respondent dishonestly or grossly negligently misappropriated for
10 Respondent's own purposes \$1800 that the client's medical providers, namely George Bernal,
11 was entitled to receive, and thereby committed an act involving moral turpitude, dishonesty or
12 corruption in willful violation of Business and Professions Code, section 6106.

13 COUNT THREE

14 Case No. 15-O-12276
15 Rules of Professional Conduct, rule 4-100(A)
16 [Failure to Maintain Client Funds in Trust Account]

17 8. In or about November 2013, Respondent received on behalf of Respondent's client,
18 Karen Pinella, a settlement check resolving a personal injury matter involving a car accident.
19 Respondent deposited the settlement funds into Respondent's client trust account at Bank of
20 America, account number XXXXXXXXX0635 on behalf of the client. Of the settlement, the
21 client's medical provider, namely George Bernal, was entitled to \$1800. Respondent failed to
22 maintain a balance of \$1800 on behalf of client's medical provider in Respondent's client trust
23 account, in willful violation of Rules of Professional Conduct, rule 4-100(A).

24 COUNT FOUR

25 Case No. 15-O-12276
26 Rules of Professional Conduct, rule 4-100(A)
27 [Failure to Maintain Client Funds in Trust Account]

28 9. In or about March 2015, Respondent received on behalf of Respondent's client,
Polly Anderson, a settlement check resolving a matter involving tenant liability. Respondent

1 deposited the settlement funds into Respondent's client trust account at Bank of America,
2 account number XXXXXXXXX6610 on behalf of the client. Of the settlement, the client was
3 entitled to \$1,245. Respondent failed to maintain a balance of \$1,245 on behalf of the client in
4 Respondent's client trust account, in willful violation of Rules of Professional Conduct, rule 4-
5 100(A).

6
7 **NOTICE - INACTIVE ENROLLMENT!**

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

16
17 **NOTICE - COST ASSESSMENT!**

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

23 Respectfully submitted,

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

26 DATED: February 18, 2016

27 By: 

28 Drew Massey
Deputy Trial Counsel

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 15-O-10548; 15-O-12276

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 0734 82** 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:
Timothy Milner	3055 Wilshire Blvd., Ste 805 Los Angeles, CA 90010	Electronic Address	

☐

via Inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

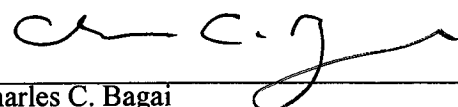
I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ('UPS'). In the ordinary course of the State Bar of California's practice, correspondence 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: February 18, 2016

SIGNED: _____


Charles C. Bagai
Declarant