

PUBLIC MATTER

FILED

1 STATE BAR OF CALIFORNIA
2 OFFICE OF CHIEF TRIAL COUNSEL
3 GREGORY P. DRESSER, No. 136532
4 INTERIM CHIEF TRIAL COUNSEL
5 MELANIE J. LAWRENCE, No. 230102
6 ACTING DEPUTY CHIEF TRIAL COUNSEL
7 RENE L. LUCARIC, No. 180005
8 ASSISTANT CHIEF TRIAL COUNSEL
9 ANTHONY J. GARCIA, No. 171419
10 SUPERVISING SENIOR TRIAL COUNSEL
11 DREW MASSEY, No. 244350
12 DEPUTY TRIAL COUNSEL
13 845 South Figueroa Street
14 Los Angeles, California 90017-2515
15 Telephone: (213) 765-1204

AUG 16 2016

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case No. 15-O-13859
14 STEVEN CHRISTOPHE RIVAS,)
15 No. 213649,) NOTICE OF DISCIPLINARY CHARGES
16 A Member of the State Bar.)

NOTICE - FAILURE TO RESPOND!

17
18 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE**
19 **WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT**
20 **THE STATE BAR COURT TRIAL:**

- 21 (1) **YOUR DEFAULT WILL BE ENTERED;**
- 22 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
23 **WILL NOT BE PERMITTED TO PRACTICE LAW;**
- 24 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**
25 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**
26 **AND THE DEFAULT IS SET ASIDE, AND;**
- 27 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
28 **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. STEVEN CHRISTOPHE RIVAS ("Respondent") was admitted to the practice of
4 law in the State of California on June 4, 2001, was a member at all times pertinent to these
5 charges, and is currently a member of the State Bar of California.

6
7 COUNT ONE

8 Case No. 15-O-13859
9 Business and Professions Code, section 6106
[Moral Turpitude – Misappropriation]

10 2. On or about July 30, 2013, Respondent received on behalf of Respondent's clients,
11 Paul and Joanna Rivas, two settlement checks from Farmer's Insurance in the total amount of
12 \$56,000.00 representing settlement funds. On or about July 30, 2013, Respondent deposited the
13 \$56,000.00 into Respondent's client trust account at Citizen's Bank, account number
14 XXXXX3325 on behalf of the clients. Between July 30, 2013 and November 13, 2013,
15 Respondent dishonestly or grossly negligently misappropriated for Respondent's own purposes
16 \$21,509.86 that Respondent's clients, or third-party lienholders, were entitled to receive.
17 Respondent thereby committed an act involving moral turpitude, dishonesty or corruption in
18 willful violation of Business and Professions Code section, 6106.

19
20 COUNT TWO

21 Case No. 15-O-13859
22 Rules of Professional Conduct, rule 4-100(A)
[Failure to Maintain Funds in Trust]

23 3. On or about July 30, 2013, Respondent received on behalf of Respondent's clients,
24 Paul and Joanna Rivas, two settlement checks from Farmer's Insurance in the total amount of
25 \$56,000.00 representing settlement funds. On or about July 30, 2013, Respondent deposited the
26 \$56,000.00 into Respondent's client trust account at Citizen's Bank, account number
27 XXXXX3325 on behalf of the clients. Of this sum, the client was entitled to \$16,762.13 and
28 the client's medical providers, namely Dawson and Ma Chiropractic and Meridian Resource

1 Company (on behalf of Anthem Blue Cross) were collectively entitled to \$4,787.87 pursuant to
2 liens held against Respondents' clients' recovery. Respondent failed to maintain a balance of
3 \$21,550.00 on behalf of the clients and the clients' medical providers in Respondent's client
4 trust account. Respondent thereby violated Rules of Professional Conduct, rule 4-100(A).

5
6 COUNT THREE

7 Case No. 15-O-13859
8 Business and Professions Code, section 6068(a)
9 [Failure to Uphold Laws – Failure to Pay Medical Liens]

10 4. On or about July 30, 2013, Respondent received on behalf of Respondent's clients,
11 Paul and Joanna Rivas, two settlement checks from Farmer's Insurance in the total amount of
12 \$56,000.00 representing settlement funds. On or about July 30, 2013, Respondent deposited the
13 \$56,000.00 into Respondent's client trust account at Citizen's Bank, account number
14 XXXXX3325 on behalf of the clients. Of this sum, the client's medical providers, namely
15 Meridian Resource Company (on behalf of Anthem Blue Cross) was entitled to \$2,787.87
16 pursuant to liens held against Respondent's clients' recovery. Respondent never paid that
17 amount to Meridian and, in fact, Respondent's client trust account fell below the \$2,787.87 that
18 he was required to hold in trust. By failing to pay the third-party lienholder, Respondent
19 violated his fiduciary duties as stated under *Johnstone v. State Bar* (1966) 64 Cal.2d 153, 155-
20 56, and Respondent thereby breached his duty to uphold laws in willful violation of Business
21 and Professions Code, section 6068(a).

22 COUNT FOUR

23 Case No. 15-O-13859
24 Rules of Professional Conduct, rule 4-100(B)(3)
25 [Failure to Render Accounts of Client Funds]

26 5. On or about July 30, 2013, Respondent received on behalf of Respondent's clients,
27 Paul and Joanna Rivas, two settlement checks from Farmer's Insurance in the total amount of
28 \$56,000.00 representing settlement funds. On or about July 30, 2013, Respondent deposited the
\$56,000.00 into Respondent's client trust account at Citizen's Bank, account number

1 XXXXX3325 on behalf of the clients. Respondent thereafter failed to render an appropriate
2 accounting to the clients regarding those funds following the clients' request for such
3 accounting on or about December 14, 2014 and July 16, 2015, in willful violation of the Rules
4 of Professional Conduct, rule 4-100(B)(3).

5
6 COUNT FIVE

7 Case No. 15-O-13859
8 Rules of Professional Conduct, rule 3-110(A)
9 [Failure to Perform with Competence]

10 6. In or about December 2010, Paul and Joanna Rivas employed Respondent to
11 perform legal services, namely, to represent them in connection with a personal injury matter,
12 which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in
13 willful violation of Rules of Professional Conduct, rule 3-110(A), by the following:

- 14 A). failing to file a Petition for a Minor's Compromise with the Court until May
15 2, 2014, even though the matter was settled in July 2013;
16 B). improperly filing the Petition for a Minor's Compromise on three separate
17 occasions on or about May 2, 2014, November 5, 2014, and January 30, 2015,
18 each of which was rejected by the Court; and
19 C). failing to file an acceptable Petition for a Minor's Compromise until August
20 17, 2015.

21 NOTICE - INACTIVE ENROLLMENT!

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

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NOTICE - COST ASSESSMENT!

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

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATED: August 16, 2016

By: 
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-13859

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 0627 38 at Los Angeles, addressed to: (see below)

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking No.: addressed to: (see below)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy to. Row 1: STEVEN CHRISTOPHE RIVAS, The Law Office of Steven C. Rivas, 7317 Lime Ave, Fontana, CA 92336.

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: August 16, 2016

SIGNED:

Handwritten signature of Kim Wimbish and printed name KIM WIMBISH, Declarant.