



In the instant case, the court concludes that the requirements of rule 5.85 have been satisfied and, therefore, grants the petition and recommends that Respondent be disbarred from the practice of law.

## **FINDINGS AND CONCLUSIONS**

### **Jurisdiction**

Respondent was admitted to practice law in this state on August 17, 2010, and has been a licensed attorney since then.

On February 6, 2018, OCTC filed and properly served the NDC on Respondent by certified mail, return receipt requested, at Respondent's official State Bar attorney records address. The NDC notified Respondent that his failure to participate in this proceeding would result in a disbarment recommendation. (Rule 5.41.) The certified mail return receipt was signed, but the signature was not legible.

Thereafter, OCTC took additional steps to notify Respondent about these proceedings by: (1) attempting to contact Respondent by email at his official State Bar attorney records email address; (2) leaving a voicemail for Respondent at his official State Bar attorney records telephone number; (3) emailing a copy of the NDC to Respondent at his official State Bar attorney records email address; (4) performing a LEXIS search to locate Respondent and serving a courtesy copy of the NDC on Respondent by first class mail at three alternate addresses; (5) performing a Google search to locate Respondent and serving a courtesy copy of the NDC on Respondent by first class mail at two additional alternate addresses; and (6) sending a copy of the NDC by facsimile (fax) to Respondent at his official State Bar attorney records fax number.

Respondent failed to file a timely response to the NDC. On October 12, 2018, OCTC properly filed and served a motion for entry of Respondent's default.<sup>3</sup> The motion complied with all of the requirements for a default, including a supporting declaration of reasonable diligence by OCTC declaring the additional steps taken to provide notice to Respondent. (Rule 5.80.) The motion also notified Respondent that, if he did not timely move to set aside his default, the court would recommend his disbarment. Respondent did not file a response to the motion, and his default was entered on November 21, 2018. The order entering the default was served on Respondent at his official State Bar attorney records address by certified mail, return receipt requested. The court also ordered that Respondent be involuntarily enrolled as an inactive attorney of the State Bar of California under Business and Professions Code section 6007, subdivision (e), effective three days after service of the order. He has remained inactively enrolled since that time.

Respondent did not seek to have his default set aside or vacated. (Rule 5.83(C)(1) [attorney has 90 days to file motion to set aside default].)

On April 9, 2019, OCTC properly filed and served the petition for disbarment on Respondent at his official State Bar attorney records address. As required by rule 5.85(A), OCTC reported in the petition that: (1) there has been no contact with Respondent since his default was entered; (2) there are other disciplinary matters pending against Respondent; (3) Respondent has one prior discipline record; and (4) the Client Security Fund has not paid any claims as a result of Respondent's misconduct. Respondent did not respond to the petition for disbarment or move to set aside or vacate the default. The case was resubmitted for decision on May 14, 2019.

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<sup>3</sup> OCTC filed a prior default motion on March 12, 2018, and the court ordered entry of Respondent's default on May 7, 2018. After OCTC filed a petition for disbarment, the court submitted this matter for decision on September 5, 2018. However, on September 28, 2018, the court vacated the orders submitting the matter for default and entering default.

### **Prior Record of Discipline**

Pursuant to an order of the Supreme Court filed on May 5, 2015, Respondent was suspended for two years, stayed, and placed on probation for two years subject to conditions, which included a 30-day period of actual suspension. Respondent stipulated to three ethical violations in a single client matter. Respondent was culpable of violating former rule 3-110(A) (failing to perform with competence), section 6068, subdivision (m) (failing to inform clients of significant developments), and former rule 3-700(A)(2) (improper withdrawal from employment). Respondent's misconduct was aggravated by significant client harm and multiple acts of wrongdoing, but mitigated by his pretrial stipulation.

### **The Admitted Factual Allegations Warrant the Imposition of Discipline**

Upon entry of Respondent's default, the factual allegations in the NDC are deemed admitted and no further proof is required to establish the truth of such facts. (Rule 5.82.) As set forth below in greater detail, the factual allegations in the NDC support the conclusion that Respondent is culpable as charged, except as otherwise noted, and, therefore, violated a statute, rule or court order that would warrant the imposition of discipline. (Rule 5.85(F)(1)(d).)

#### **Case No. 15-O-15934 (The Peterson Matter)**

Count One - Respondent willfully violated section 6068, subdivision (m) (failure to inform client of significant developments), by failing to inform his client that: (1) Respondent was ordered to show cause why his client's matter should not be dismissed and/or sanctions issued for failure to file the Memorandum of Contentions of Fact and Law; (2) the court ordered the parties to file trial documents and a response explaining the disregard for the court's order; and (3) the court dismissed his client's case on May 12, 2015, because Respondent did not file a response or the required documents.

Count Two - Respondent willfully violated former rule 3-110(A) of the Rules of Professional Conduct (failure to perform with competence) by repeatedly failing to perform with competence when he did not file a response or the required trial documents as ordered by the federal district court.

Count Three - Respondent willfully violated former rule 3-700(D)(1) of the Rules of Professional Conduct (failure to release client's file) by failing to promptly return his client's file as requested, upon the termination of Respondent's employment.

Count Four - Respondent willfully violated former rule 4-100(B)(3) of the Rules of Professional Conduct (failure to render an accounting) by failing to provide his client with an accounting of the \$21,117 advance fee that Respondent received from his client.

Count Five - Respondent willfully violated section 6068, subdivision (i) (failure to cooperate), by failing to provide a substantive response to four OCTC letters that Respondent received, which requested a response to the allegations of misconduct being investigated.

**Case No. 16-O-15924 (The Kandiyar Matter)**

Count Six - Respondent willfully violated former rule 3-700(D)(1) of the Rules of Professional Conduct by failing to promptly return his client's file as requested, upon the termination of Respondent's employment.

Count Seven - Respondent willfully violated former rule 4-100(B)(3) of the Rules of Professional Conduct by failing to provide his client with an accounting of the \$20,500 advance fee that Respondent received from his client.

Count Eight - Respondent willfully violated section 6068, subdivision (i), by failing to provide a substantive response to three OCTC letters that Respondent received, which requested a response to the allegations of misconduct being investigated.

**Case No. 16-O-17587 (The Murrell Matter)**

Count Nine - Respondent willfully violated former rule 3-700(D)(1) of the Rules of Professional Conduct by failing to promptly return his client's file as requested, upon the termination of Respondent's employment.

Count Ten - Respondent willfully violated section 6068, subdivision (m), by failing to promptly respond to seven of his client's reasonable status inquiries regarding a matter which Respondent agreed to provide legal services.

Count Eleven - Respondent willfully violated section 6068, subdivision (i), by failing to provide a substantive response to two OCTC letters that Respondent received, which requested a response to the allegations of misconduct being investigated.

Count Twelve - Respondent violated former rule 1-311(D) of the Rules of Professional Conduct (failure to notify State Bar of disbarred lawyer's employment) by failing to serve upon the State Bar of California written notice that he was employing a person whom Respondent reasonably should have known was disbarred in the State of Washington. Respondent failed to serve such written notice on the State Bar prior to or at the time he employed the individual.

Count Thirteen - Respondent willfully violated former rule 1-311(E) of the Rules of Professional Conduct (failure to notify State Bar of termination of disbarred lawyer's employment) by failing to promptly serve notice on the State Bar of California written notice that Respondent terminated the employment of a disbarred Washington lawyer.

**Disbarment is Recommended**

Based on the above, the court concludes that the requirements of rule 5.85(F) have been satisfied, and Respondent's disbarment is recommended. In particular:

- (1) the NDC was properly served on Respondent under rule 5.25;

(2) reasonable diligence was used to notify Respondent of the proceedings prior to the entry of his default;

(3) the default was properly entered under rule 5.80; and

(4) the factual allegations in the NDC deemed admitted by the entry of the default support a finding that Respondent violated a statute, rule or court order that would warrant the imposition of discipline.

Despite adequate notice and opportunity, Respondent failed to participate in this disciplinary proceeding. As set forth in the Rules of Procedure of the State Bar, the court recommends Respondent's disbarment.

### RECOMMENDATIONS

#### **Discipline - Disbarment**

It is recommended that Gouri Gopalan Nair, State Bar Number 270900, be disbarred from the practice of law in California and that his name be stricken from the roll of attorneys.

#### **California Rules of Court, Rule 9.20**

It is further recommended that Respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter.<sup>4</sup>

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<sup>4</sup> For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)


**Costs**

It is further recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a licensed attorney who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.

**ORDER OF INVOLUNTARY INACTIVE ENROLLMENT**

In accordance with Business and Professions Code section 6007, subdivision (c)(4), the court orders that Gouri Gopalan Nair, State Bar number 270900, be involuntarily enrolled as an inactive attorney of the State Bar of California, effective three calendar days after the service of this decision and order. (Rule 5.111(D).)

Dated: June 4, 2019

  
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CYNTHIA VALENZUELA  
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 Court Specialist 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 June 4, 2019, I deposited a true copy of the following document(s):

DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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

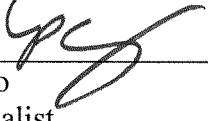
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

GOURI GOPALAN NAIR  
Gryphon Advisors, PLLC  
820 S Macarthur Blvd., Ste 105-339  
Coppell, TX 75019

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

Esther Fallas, Enforcement Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 4, 2019.

  
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Paul Songco  
Court Specialist  
State Bar Court