

**FILED**

MAY 05 2016 *AC*

STATE BAR COURT  
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LOS ANGELES

# PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES

In the Matter of	)	Case No. 16-AE-11852-YDR
<b>MEHRDAD ALBORZ,</b>	)	<b>ORDER GRANTING MOTION FOR</b>
<b>Member No. 188790,</b>	)	<b>INVOLUNTARY INACTIVE</b>
<b>A Member of the State Bar.</b>	)	<b>ENROLLMENT [Bus. &amp; Prof. Code,</b>
	)	<b>§ 6203, subd. (d); Rules Proc. of State Bar,</b>
	)	<b>rule 5.360, et seq.]</b>

### INTRODUCTION

This matter is before the court on a motion filed by Kenneth E. Bacon, Presiding Arbitrator of the Mandatory Fee Arbitration Program of the State Bar of California (“State Bar”), seeking the involuntary inactive enrollment of Award Debtor **Mehrdad Alborz** (“Award Debtor”), pursuant to Business and Professions Code section 6203, subdivision (d), and rule 5.360, et seq., of the Rules of Procedure of the State Bar of California. The State Bar filed its motion due to Award Debtor’s failure to pay an arbitration award. Based on the State Bar’s motion and supporting documents, the court finds that Award Debtor has failed to comply with the award and has not produced a payment plan acceptable to the client or the State Bar.

### SIGNIFICANT PROCEDURAL HISTORY

On March 25, 2016, the State Bar filed a motion seeking the involuntary inactive enrollment of Award Debtor. (Bus. & Prof. Code, section 6203, subd. (d); Rules Proc. of State Bar, rule 5.360, et seq.) A copy of this motion was properly served at Award Debtor’s official membership records address by certified mail, return receipt requested, and by regular mail. On



April 8, 2016, Award Debtor filed a response to the State Bar's motion, but did not request a hearing. (Rules Proc. of State Bar, rules 5.362, 5.364).

This matter was submitted for decision on April 21, 2016. That same day, a copy of the Submission Order was properly served on Award Debtor at his membership records address and has not since been returned to the State Bar Court by the U.S. Postal Service as undeliverable or for any other reason.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Award Debtor was admitted to the practice of law in California on June 3, 1997, and has been a member of the State Bar at all times since.

#### **Facts**

On August 28, 2013, Armita Kavooosisharifabad ("Kavooosisharifabad") requested mandatory fee arbitration with the San Fernando Valley Bar Association to resolve a fee dispute with Award Debtor. On February 6, 2014, the San Fernando Valley Bar Association served a non-binding arbitration award on the parties. It awarded Kavooosisharifabad a total of \$2,412.50, consisting of \$2,250 for attorney's fees and costs and \$162.50 for the arbitration filing fee. Subsequently, this award became final and binding because neither party filed a timely request for trial after arbitration. (See Bus. & Prof. Code, section 6204.)

On April 24, 2014, Kavooosisharifabad wrote Award Debtor a letter demanding that he pay the award. When she did not receive a reply or payment, Kavooosisharifabad sent Award Debtor a second letter on May 7, 2014, demanding that he pay the award. When Award Debtor failed to respond to either letter, on May 27, 2014, Kavooosisharifabad filed a request for enforcement of an arbitration award with the State Bar.

On June 10, 2014, the State Bar served the request for enforcement on Award Debtor by regular and certified mail.<sup>1</sup> Included in this mailing was a cover letter from the State Bar

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<sup>1</sup> All letters from the State Bar to Award Debtor were properly sent to his State Bar membership records address.

advising Award Debtor of the potential consequences for: 1) failing to comply with the arbitration award; and 2) failing to respond to the client's enforcement request by July 10, 2014.

The State Bar did not receive a reply to the warning letter. The State Bar sent Award Debtor a second letter on October 27, 2014, stating the State Bar intended to enforce the arbitration award and advising that an order for imposition of administrative penalties against Award Debtor would be obtained. The letter also advised Award Debtor that the State Bar may make a motion to the State Bar Court for an order placing Award Debtor on involuntary inactive status. Award Debtor failed to respond to the State Bar's October 27 letter.

Thereafter, the Presiding Arbitrator issued an Order re Administrative Penalties against Award Debtor in the amount of \$550. This order was served on Award Debtor by regular and certified mail on December 8, 2014. The order was stayed for fourteen days to give Award Debtor an opportunity to comply with the arbitration award or communicate with the State Bar. Award Debtor subsequently failed to comply with the award or communicate with the State Bar and the \$550 penalty was added to his 2015 State Bar membership dues.

On August 21, 2015, the State Bar wrote a letter to Award Debtor advising him that the State Bar intended to proceed with the present motion. Award Debtor responded to the letter by calling the State Bar and leaving a voicemail message on September 10, 2015. Award Debtor advised the State Bar that he paid the administrative penalty with his 2015 membership dues on March 27, 2015. The State Bar returned Award Debtor's phone call on September 23, 2015, and left a voicemail message. After Award Debtor failed to return the State Bar's voicemail message, the State Bar sent him a letter on October 6, 2015, confirming that Award Debtor paid the \$550 administrative penalty earlier that year, but also explaining that payment of the administrative penalty did not have any effect on an outstanding arbitration award owed to a client. At the time the instant motion was filed, the State Bar had not had any further contact from Award Debtor, and no portion of the arbitration award had been paid.

### **Award Debtor's Contentions**

In his response to the State Bar's motion for involuntary active enrollment, Award Debtor contends that he was unaware of the San Fernando Valley Bar Association arbitration proceeding. Additionally, Award Debtor states that he has been out of work and experiencing financial difficulties, but he has recently found a job. Finally, Award Debtor maintains that he will fully cooperate with the State Bar to prepare a payment plan to pay the entire arbitration award. Award Debtor asks this court not to rule on the State Bar's instant motion.

The court rejects Award Debtor's arguments because: 1) he appears to be attacking the validity of the arbitrator's award; however, the award became final and binding in March 2014; 2) he has failed to provide any financial information demonstrating his financial difficulties; and 3) he has failed to demonstrate he has proposed a payment plan to the State Bar.

### **Conclusions of Law**

The court finds that the State Bar has met the burden of demonstrating by clear and convincing evidence that Award Debtor has failed to comply with the arbitration award and has not proposed a payment plan acceptable to the client or the State Bar. (Bus. & Prof. Code, § 6203, subd. (d)(2); Rules Proc. of State Bar, rule 5.360, et seq.)

The court finds Award Debtor has not met his burden of demonstrating by clear and convincing evidence that he is not personally responsible for making or ensuring payment of the arbitration award; that he is unable to pay it; or that he has proposed and agrees to comply with a payment plan which the State Bar has unreasonably rejected as unsatisfactory. (Bus. & Prof. Code, § 6203, subd. (d)(2); Rules Proc. of State Bar, rule 5.365(B).)

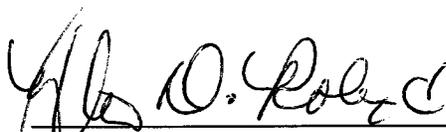
### **ORDER**

**IT IS ORDERED** that Award Debtor **Mehrdad Alborz** be enrolled as an inactive member of the State Bar of California pursuant to Business and Professions Code section 6203, subdivision (d)(1), effective five days after the date of service of this order. (Rules Proc. of State Bar, rule 5.368(B)(1).)

**IT IS FURTHER ORDERED** that Award Debtor **Mehrdad Alborz** must remain involuntarily enrolled as an inactive member of the State Bar until: 1) he has paid the arbitration award to Armita Kavosisharifabad in the amount of \$2,412.50, plus interest at the rate of ten percent per annum from February 6, 2014, the date the arbitration award was served; 2) he has paid reasonable costs, if any; and 3) the court grants a motion to terminate the inactive enrollment pursuant to rule 5.370(A) of the Rules of Procedure of the State Bar of California.<sup>2</sup>

Reasonable costs are awarded to the State Bar upon the Presiding Arbitrator's submission of a bill of costs. (Bus. & Prof. Code, § 6203, subd. (d)(3); Rules Proc. of State Bar, rule 5.368(B)(2).)

Dated: May 7, 2016

  
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YVETTE D. ROLAND  
Judge of the State Bar Court

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<sup>2</sup> Award Debtor has already paid the \$550 administrative penalty.

## 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 May 5, 2016, I deposited a true copy of the following document(s):

ORDER GRANTING MOTION FOR INVOLUNTARY INACTIVE ENROLLMENT  
[Bus. & Prof. Code, §6203, subd. (d); Rules Proc. of State Bar, rule 5.360, et seq.]

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

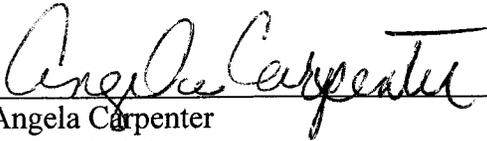
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

MEHRDAD ALBORZ  
20253 KESWICK ST APT 231  
WINNETKA, CA 91306

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

Kenneth Eric Bacon, Fee Arbitration, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 5, 2016.

  
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Angela Carpenter  
Case Administrator  
State Bar Court