

PUBLIC MATTER

FILED

JAN 25 2018

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES

In the Matter of)	Case No. 16-C-10247-DFM
)	
SHAHRZAD TALIEH,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
A Member of the State Bar, No. 189667.)	ENROLLMENT
_____)	

Respondent Shahrzad Talieh (Respondent) was convicted in the Orange County Superior Court on two violations of Penal Code section 278.5(a) (child abduction). Upon finality of the conviction, the review department issued an order referring this matter to the hearing department for a hearing and decision recommending the discipline to be imposed if the facts and circumstances surrounding the conviction involve moral turpitude or other misconduct warranting discipline. Respondent failed to participate either in person or through counsel, and her default was entered. The State Bar filed a petition for disbarment under rule 5.85 of the Rules of Procedure of the State Bar.¹

Rules 5.85 provides the procedure to follow when an attorney fails to participate in a disciplinary proceeding after receiving adequate notice and opportunity. The rule provides that, if an attorney's default is entered for failing to respond to the notice of hearing on conviction and

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¹ Unless otherwise indicated, all references to rules are to this source. Rule 5.345(C) makes the default procedures in rules 5.80-5.86, with certain exceptions, applicable in conviction proceedings.

the attorney fails to have the default set aside or vacated within 90 days, the State Bar will file a petition requesting the court to recommend the attorney's disbarment.²

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

Respondent was admitted to practice law in this state on July 30, 1997, and has been a member since then.

Procedural Requirements Have Been Satisfied

On June 9, 2017, the State Bar Court filed and properly served a notice of hearing on conviction for case No. 16-C-10247 on Respondent by certified mail, return receipt requested, at her membership records address. The notice of hearing on conviction notified Respondent that her failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.345.)

Thereafter, Deputy Trial Counsel Anita Kabaei attempted to reach Respondent by (1) calling her at her membership records telephone number; (2) sending an email message to Respondent's membership records email address; (3) sending an email message to Respondent's private email address; (4) searching the TLOxp database for alternative contact information; (5) calling and leaving a voicemail for Respondent at an alternative telephone number located through the TLOxp search; and (6) conducting an online inmate search through the Orange County Sheriff's Department.

² If the court determines that any due process requirements are not satisfied, including adequate notice to the attorney, it must deny the petition for disbarment and take other appropriate action to ensure that the matter is promptly resolved. (Rule 5.85(F)(2).)

Respondent failed to file a response to the notice of hearing on conviction. On July 25, 2017, the State Bar properly filed and served a motion for entry of Respondent's default. The motion complied with all the requirements for a default, including a supporting declaration of reasonable diligence by the State Bar deputy trial counsel declaring the additional steps taken to provide notice to Respondent. (Rule 5.80.) The motion also notified Respondent that, if she did not timely move to set aside her default, the court would recommend her disbarment.

Respondent did not file a response to the motion, and her default was entered on August 10, 2017. The order entering the default was served on Respondent at her membership records address by certified mail, return receipt requested. The court also ordered Respondent's involuntary inactive enrollment as a member of the State Bar under Business and Professions Code section 6007, subdivision (e), effective three days after service of the order, and she has remained inactively enrolled since that time.

Respondent did not seek to have her default set aside or vacated. (Rule 5.83(C)(1) [attorney has 90 days to file motion to set aside default].) On December 5, 2017, the State Bar filed and served a petition for disbarment. As required by rule 5.85(A), the State Bar reported in the petition that (1) it has had no contact with Respondent since the default was entered; (2) Respondent has a disciplinary investigation pending; (3) Respondent has no prior record of discipline; and (4) the Client Security Fund has not made any payments resulting from Respondent's conduct. Respondent did not respond to the petition for disbarment or move to set aside or vacate the default. The case was submitted for decision on January 9, 2018.

The Admitted Factual Allegations Warrant the Imposition of Discipline

Upon entry of Respondent's default, the factual allegations set forth in Respondent's conviction matter 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

Respondent's conviction matter support the conclusion that Respondent violated a statute, rule, or court order that would warrant the imposition of discipline. (Rule 5.85(F)(1)(d).)

Case No. 16-C-10247

Respondent was convicted of two felony violations of Penal Code section 278.5(a) (child abduction). On or about December 10, 2015, Respondent unlawfully took, enticed away, kept, withheld, and concealed her two minor children, and unlawfully deprived a lawful custodian of the right to custody.

The court finds that the facts and circumstances surrounding Respondent's conviction involve moral turpitude. As laid out in the State Bar's default motion, Respondent and her husband were separated and a custody order was in place. On December 10, 2015, Respondent went to her husband's residence. While inside the house, and unbeknownst to her husband, Respondent removed her children's passports from a drawer in his room.

Respondent's husband had a right to custody of the children after school that day. However, when the nanny went to pick up the children, Respondent was there at the school. Respondent told the nanny that she and the children were going to go shopping to buy a gift for Respondent's husband. Respondent then took the children and subsequently could not be located for two days. She turned off her phone and the police checked her residence but found no one home. On December 12, 2015, Respondent was located and arrested at a different residence.

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 notice of hearing on conviction was properly served on Respondent;
- (2) reasonable diligence was used to notify Respondent of the proceedings prior to the entry of her default;

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

(4) the factual allegations in Respondent's conviction matter 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 disbarment.

RECOMMENDATIONS

Disbarment

The court recommends that respondent **Shahrzad Talieh** be disbarred from the practice of law in the State of California and that her name be stricken from the roll of attorneys.

California Rules of Court, Rule 9.20

The court also recommends 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 in this proceeding.

Costs

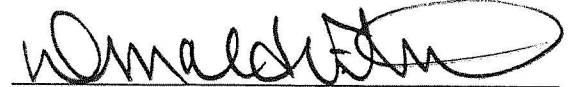
The court further recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, such costs being enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

In accordance with Business and Professions Code section 6007, subdivision (c)(4), the court orders that **Shahrzad Talieh**, State Bar number 189667, be involuntarily enrolled as an

inactive member of the State Bar of California, effective three calendar days after the service of this decision and order. (Rule 5.111(D).)

Dated: January 25, 2018


DONALD F. MILES
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 January 25, 2018, 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:

SHAHRZAD TALIEH
SHAHRZAD TALIEH
213 DESERT BLOOM
IRVINE, CA 92618

COURTESY COPY TO:

SHAHRZAD TALIEH
8054 SCHOLARSHIP
IRVINE, CA 92612-5697

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

ANITA KABAEI, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 25, 2018.



Mazie Yip
Case Administrator
State Bar Court