# PUBLIC MATTER

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FILED
OCT 19 2016
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

| | |
|---|---|
| In the Matter of:<br><br>DANIEL AZIZI<br>Nos. 268995<br><br>Members of the State Bar | Case Nos. 16-O-11134<br><br>NOTICE OF DISCIPLINARY CHARGES |

**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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The State Bar of California alleges:

JURISDICTION

1. Daniel Azizi ("Respondent") was admitted to the practice of law in the State of California on February 8, 2010, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE

Case Nos. 16-O-11134
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

2. On or about January 23, 2014, Chihiro Seko ("Seko") employed Respondent to pursue her claims arising out of a vehicular accident which occurred January 17, 2014, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, by failing to timely submit to Seko's carrier, GEICO, a completed uninsured motorist claim, a thorough and complete demand package, including billing statements, medical records, course of treatment and supportive documentation, protect against the statute of limitations by filing suit, or otherwise take any action to promote a successful resolution of Seko's claim, in willful violation of Rules of Professional Conduct, rule 3-110(A).

COUNT TWO

Case Nos. 16-O-11134
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

3. On or about July 15, 2015, Respondent instructed his paralegal to prepare and send to Chihiro Seko ("Seko") a letter advising her that Respondent did not intend to continue to represent her and that the statute of limitations on her action expired two years from the date of her accident, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, by failing to properly supervise the paralegal and assure that the letter was timely transmitted resulting in the letter not being mailed to Seko until January 6, 2016, in willful violation of Rules of Professional Conduct, rule 3-110(A).

COUNT THREE

Case Nos. 16-O-11134
Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

4. Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to Respondent's client, Chihiro Seko, by constructively terminating Respondent's employment or on or about July 15, 2015, by failing to take any action on the client's behalf after on or about July 15, 2015, and thereafter failing to properly withdraw until January 6, 2016, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

COUNT FOUR

Case Nos. 16-O-11134
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

5. Respondent failed to respond promptly to three e-mails requesting reasonable status inquiries made by Respondent's client, Chihiro Seko, between August 6, 2014 through July 15, 2015 that Respondent received in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

COUNT FIVE

Case Nos. 16-O-11134
Business and Professions Code, section 6068(m)
[Failure to Inform Client of Significant Development]

6. Respondent failed to keep Respondent's client, Chihiro Seko, reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m), by failing to inform the client of the following: that they did not intend to file suit against the adverse party and protect the statute of limitations, that they did not intend to pursue and submit an uninsured motorist claim, and that they did not intend to continue to represent the client on or about July 15, 2015.

**NOTICE - INACTIVE ENROLLMENT!**

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

**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 THE CHIEF TRIAL COUNSEL

DATED: October 19, 2016

By: Hugh G. Radigan
Hugh G. Radigan
Deputy Trial Counsel

# DECLARATION OF SERVICE

by

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

CASE NUMBER(s): **16-O-11134**

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))**

☒ **By U.S. Certified 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 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 0758 13 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: |
|---|---|---|---|
| Arthur L. Margolis | Margolis & Margolis LLP<br>2000 Riverside Dr<br>Los Angeles, CA 90039 | 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: October 19, 2016

SIGNED: Kimberly Bardales
Kimberly Bardales
Declarant