

PUBLIC MATTER

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FILED
SEP 27 2016
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:) Case No. 16-O-11379
MICHAEL H. MILLER,) NOTICE OF DISCIPLINARY CHARGES
No. 118047,)
A Member of the State Bar.)

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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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Michael H. Miller ("respondent") was admitted to the practice of law in the State of
4 California on June 11, 1985, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 16-O-11379
8 Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

9 2. Respondent failed, upon termination of employment, to take reasonable steps to avoid
10 reasonably foreseeable prejudice to Respondent's client, Poghos Kazarian, by constructively
11 terminating Respondent's employment on or about June 11, 2015 by failing to take any action on
12 the client's behalf after filing a civil complaint on Kazarian's behalf in *Poghos Kazarian v.*
13 *Glendale Community College District*, Los Angeles County Superior Court case no. BC584794
14 on June 11, 2015, and thereafter failing to inform the client that Respondent was withdrawing
15 from employment, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

16 COUNT TWO

17 Case No. 16-O-11379
18 Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

19 3. Respondent failed to cooperate and participate in a disciplinary investigation pending
20 against Respondent by failing to provide a substantive response to the State Bar's letters of May
21 3, 2016 and July 25, 2016, which Respondent received, that requested Respondent's response to
22 the allegations of misconduct being investigated in case no. 16-O-11379, in willful violation of
23 Business and Professions Code, section 6068(i).

24 **NOTICE - INACTIVE ENROLLMENT!**

25 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
26 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**
27 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**
28 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**
THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN

1 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
2 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
3 RECOMMENDED BY THE COURT.

4 **NOTICE - COST ASSESSMENT!**

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

10 Respectfully submitted,

11 THE STATE BAR OF CALIFORNIA
12 OFFICE OF CHIEF TRIAL COUNSEL

13 DATED: September 27, 2016

14 By: 

15 William Todd
16 Senior Trial Counsel
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DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 16-O-11379

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))

- 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 0625 30 at Los Angeles, addressed to: (see below)

(for Ground 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: MICHAEL H. MILLER, Michael H Miller, Attorney at Law, 1136 Berkeley Dr, Glendale, CA 91205, 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: September 27, 2016

SIGNED:

Laura Jett signature and name LAURA JETT Declarant