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State Bar Court of California Hearing Department Los Angeles STAYED SUSPENSION		
Counsel For The State Bar Anthony J. Garcia, Deputy Trial Counsel Office of the Chief Trial Counsel 1149 South Hill Street, 10th Fl. Los Angeles, CA 90015 Telephone: (213) 765-1089 Bar # 171419	Case Number(s): 08-0-11896	For Court use only <div style="text-align: center;"> PUBLIC MATTER FILED APR 29 2011 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
Counsel For Respondent Theodore A Cohen Law Offices of Theodore A Cohen 4601 Admiralty Way Marina Del Rey, CA 90292 Telephone: (310) 271-7164 Bar # 28637	Submitted to: STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING	
In the Matter of: Pejman Rahnama Bar # 176504 A Member of the State Bar of California (Respondent)	STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted June 12, 1995.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 9 pages, not including the order.



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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Costs are added to membership fee for calendar year following effective date of discipline.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure). If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline** [see standard 1.2(f)]
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

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- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

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Additional mitigating circumstances

Respondent has put office procedures in place that will prevent the type of misconduct that led to this discipline from recurring.

D. Discipline:

(1) **Stayed Suspension:**

- (a) Respondent must be suspended from the practice of law for a period of one year.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is placed on probation for a period of 18 months, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

E. Additional Conditions of Probation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (3) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (4) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (5) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.

- (6) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.

- (7) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
 No Ethics School recommended. Reason: .

- (8) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.

- (9) The following conditions are attached hereto and incorporated:
 - Substance Abuse Conditions Law Office Management Conditions
 - Medical Conditions Financial Conditions

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
 No MPRE recommended. Reason:

- (2) **Other Conditions:**

ATTACHMENT TO STIPULATION
RE: FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Pejman Rahnama

CASE NUMBER(S): 08-O-11896

FACTS AND CONCLUSIONS OF LAW

Pejman Rahnama ("Respondent") admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 08-O-11896 (Complainant: Kevin Grant)

FACTS:

1. On September 11, 2006, Jesus Trasvina was injured in an automobile accident. He hired Respondent to represent him in his claim. The other party to the accident was insured by Lincoln General Insurance Company ("Lincoln").
2. Respondent and Trasvina signed a medical lien in favor of Trasvina's medical provider, University Medical Center ("UMC").
3. On May 8, 2007, Respondent reached a settlement of Trasvina's claim against Lincoln for a total of \$28,000.
4. Lincoln paid Trasvina's claim by issuing 2 checks. On May 8, 2007, Lincoln issued one check payable to Respondent in the amount of \$9,400 and mailed it to Respondent. Respondent received the check, deposited it into his CTA, and properly disbursed the funds.
5. On May 8, 2007, Lincoln issued a second settlement check payable to Jesus Trasvina and UMC, in the amount of \$18,600.00 ("UMC settlement"). The UMC settlement funds were issued to pay for Trasvina's medical expenses. Lincoln delivered UMC settlement check to Respondent. Respondent received the UMC settlement check.
6. As of May 8, 2007, UMC was owed \$15,716.91 for the medical services it provided to Trasvina. UMC sent several letters to Respondent requesting that he pay its bill.
7. Respondent did not deposit the UMC settlement check it into his CTA, nor put it in a safe deposit box or other place of safekeeping. Instead, Respondent left the UMC settlement check in Trasvina's file for about 6 months.
8. Respondent did not have adequate office procedures in place to insure that the UMC settlement check was handled in a manner that was consistent with the California Rules of Professional Conduct.
9. On November 6, 2007, after holding the UMC settlement check for 6 months, Respondent's staff endorsed the UMC settlement check and deposited it into his client trust account. But Respondent did not promptly disburse funds to UMC. Respondent retained the funds in his CTA.
10. On May 2, 2008, UMC served Respondent with a lawsuit seeking to recover the sums that it was owed for the services it provided to Trasvina.
11. On May 2, 2008, Respondent issued a check from his CTA payable to UMC, in the amount of \$15,716.91, paying UMC's lien in full.
12. Respondent disbursed the remaining funds to Trasvina.

CONCLUSIONS OF LAW:

13. By not having adequate office procedures in place to insure that settlement funds were promptly deposited into his CTA or kept in a place of safekeeping, and by not complying with his duty to insure that Trasvina's medical lienholder was promptly paid, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in wilful violation of California Rules of Professional Conduct, rule 3-110(A).

14. By failing to deposit the settlement check into his client trust account for almost 6 months, Respondent failed to deposit funds received for the benefit of a client in a bank account labelled "Trust Account," "Client's Funds Account" or words of similar import in wilful violation of California Rules of Professional Conduct, rule 4-100(A).

15. By failing to pay UMC's lien for over a year, Respondent wilfully failed to deliver promptly, as requested by a client, any securities or other properties in Respondent's possession which the client is entitled to receive, in violation of Rules of Professional Conduct, rule 4-100(B)(4).

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was April 12, 2011.

AUTHORITIES SUPPORTING DISCIPLINE.

Standards

Standard 2.2(b) which states that culpability of a member of a violation of rule 4-100 of the Rules of Professional Conduct that does not include misappropriation shall result in at least a three month suspension.

Cases

In the Matter of Lazarus, 1 Cal. State Bar Ct. Rptr. 387


Lazarus was found to have violated the rules for handling client trust funds but his actions did not involve moral turpitude or misappropriation. Lazarus was disciplined by the imposition of a two-month stayed suspension with one year probation and no actual suspension. Likewise, Respondent violated the rules for handling trust funds by actions that did not involve moral turpitude or misappropriation. Respondent, at the time of the misconduct, also lacked adequate office procedures to ensure that client funds were handled properly.

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In the Matter of: PEJMAN RAHNAMA	Case number(s): 08-0-11896
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

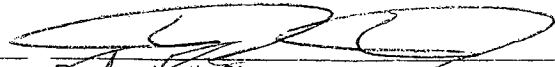
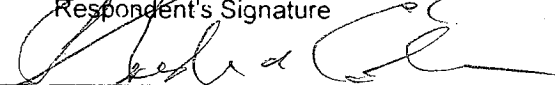
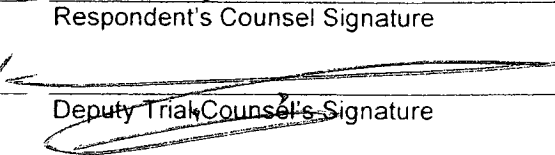
<u>4-12-11</u>		PEJMAN RAHNAMA
Date	Respondent's Signature	Print Name
_____	_____	THEODORE A. COHEN
Date	Respondent's Counsel Signature	Print Name
_____	_____	ANTHONY J. GARCIA
Date	Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of: PEJMAN RAHNAMA	Case number(s): 08-0-11896
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SIGNATURE OF THE PARTIES

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<u>4-12-11</u>		PEJMAN RAHNAMA
Date	Respondent's Signature	Print Name
<u>4/18/11</u>		THEODORE A. COHEN
Date	Respondent's Counsel Signature	Print Name
<u>4/21/11</u>		ANTHONY J. GARCIA
Date	Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of:
PEJMAN RAHNAMA

Case Number(s):
08-O-11896

STAYED SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

On page 5 of the stipulation, an "X" is inserted in the box next to paragraph D.(1)(a).

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

4/29/11

Date



Judge of the State Bar Court

DONALD F. MILES

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 April 29, 2011, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

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:

THEODORE A COHEN, ESQ.
LAW OFFICES OF THEODORE A COHEN
4601 ADMIRALTY WAY
MARINA DEL REY, CA 90292

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

ANTHONY GARCIA, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 29, 2011.



Rose Luthi
Case Administrator
State Bar Court