

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
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FILED

AUG 05 2015
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

9
10 STATE BAR COURT

11 HEARING DEPARTMENT - LOS ANGELES

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13 In the Matter of:) Case Nos. 13-O-15473,
14 MEHRDAD ALBORZ,) 13-O-16117
No. 188790,) NOTICE OF DISCIPLINARY CHARGES
15) (First Amended)
16 A Member of the State Bar)

17 **NOTICE - FAILURE TO RESPOND!**

18 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE**
19 **WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT**
THE STATE BAR COURT TRIAL:

- 20 (1) **YOUR DEFAULT WILL BE ENTERED;**
21 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
WILL NOT BE PERMITTED TO PRACTICE LAW;
22 (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;
23 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
24 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
25 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
26 **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. MEHRDAD ALBORZ ("Respondent") was admitted to the practice of law in the
4 State of California on June 3, 1997, 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. 13-O-15473
8 Rules of Professional Conduct, rule 3-110(A)
9 [Failure to Perform with Competence]

10 2. In or about June 2012, Houiman Hajibaik employed Respondent to perform legal
11 services, namely to represent him in a breach of contract case, which Respondent intentionally,
12 recklessly, or repeatedly failing to perform with competence, in willful violation of Rules of
13 Professional Conduct, rule 3-110(A), by failing to file a complaint on behalf of the client or
14 otherwise perform any services on behalf of the client.

15 COUNT TWO
16 Case No. 13-O-15473
17 Rules of Professional Conduct, rule 3-700(D)(2)
18 [Failure to Refund Unearned Fees]

19 3. On or about August 3, 2012, Respondent received advanced fees of \$3,000 from a
20 client, Houiman Hajibaik, to represent him in a breach of contract case. Respondent failed to file
21 a complaint on behalf of the client or otherwise perform any services on behalf of the client, and
22 therefore earned none of the advanced fees paid. Respondent failed to refund promptly, upon
23 Respondent's termination of employment on or about July 15, 2013, any part of the \$3,000 fee,
24 in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

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COUNT SIX

Case No. 13-O-16117

Business and Professions Code, section 6068(m)
[Failure to Inform Client of Significant Development]

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3 7. Respondent failed to keep Respondent's client, Armita Kavooosisharifabad, reasonably
4 informed of significant developments in a matter in which Respondent had agreed to provide
5 legal services, in willful violation of Business and Professions Code, section 6068(m), by failing
6 to inform the client that he was served by the court with the rejection of a default judgment
7 package and failed to notify Armita Kavooosisharifabad about the court ruling.

COUNT SEVEN

Case No. 13-O-16117

Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

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11 8. Respondent failed to cooperate and participate in a disciplinary investigation pending
12 against Respondent by failing to provide a substantive response to the State Bar's letters of
13 January 15, 2014 and January 29, 2014, which Respondent received, that requested Respondent's
14 response to the allegations of misconduct being investigated in case no. 13-O-15473, in willful
15 violation of Business and Professions Code, section 6068(i).

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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: July 16, 2015

By: 
ADRIANA M. BURGER
Deputy Trial Counsel

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 13-O-15473; 13-O-16117-WKM

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:

MOTION TO AMEND NOTICE OF DISCIPLINARY CHARGES; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF ADRIANA M. BURGER; AND [PROPOSED] FIRST AMENDED 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))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

(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 0698 36 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)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy to:
Person Served: Behrouz Shafie
Business-Residential Address: Behrouz Shafie & Associates, 1575 Westwood Blvd Ste 200, Los Angeles, CA 90024
Fax Number: 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").

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: July 16, 2015

SIGNED:

Handwritten signature of Kim Wimbish, KIM WIMBISH, Declarant