

1 STATE BAR OF CALIFORNIA
2 OFFICE OF CHIEF TRIAL COUNSEL
3 STEVEN J. MOAWAD, No. 190358
4 CHIEF TRIAL COUNSEL
5 MELANIE J. LAWRENCE, No. 230102
6 DEPUTY CHIEF TRIAL COUNSEL
7 JOHN T. KELLEY, No. 193646
8 ASSISTANT CHIEF TRIAL COUNSEL
9 R. KEVIN BUCHER, No. 132003
10 SUPERVISING ATTORNEY
11 DAVID AIGBOBOH, No. 312712
12 DEPUTY TRIAL COUNSEL
13 845 South Figueroa Street
14 Los Angeles, California 90017-2515
15 Telephone: (213) 765-1097

PUBLIC MATTER

FILED

MAY 14 2018

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

14 In the Matter of:) Case No. 17-O-00800; 17-O-01634
15 ALON DARVISH,)
16 No. 231257,) NOTICE OF DISCIPLINARY CHARGES
17 A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

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

- 22 (1) **YOUR DEFAULT WILL BE ENTERED;**
23 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
24 **WILL NOT BE PERMITTED TO PRACTICE LAW;**
25 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**
26 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**
27 **AND THE DEFAULT IS SET ASIDE, AND;**
28 (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. Alon Darvish (“respondent”) was admitted to the practice of law in the State of
4 California on June 1, 2004, was a member at all times pertinent to these charges, and is currently
5 a member of the State Bar of California.

6 COUNT ONE

7 Case No. 17-O-00800
8 Rules of Professional Conduct, rule 3-110(A)
9 [Failure to Perform with Competence]

10 2. On or about April 25, 2016, Brenda Schellenberger (“Schellenberger”) employed
11 respondent to perform legal services, specifically, to file a petition for bankruptcy, which
12 respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful
13 violation of Rules of Professional Conduct, rule 3-110(A), by failing to take any substantive
14 action on Schellenberger’s behalf.

14 COUNT TWO

15 Case No. 17-O-00800
16 Business and Professions Code, section 6068(m)
17 [Failure to Respond to Client Inquiries]

18 3. Respondent failed to respond promptly to multiple telephonic reasonable status
19 inquiries made by Schellenberger between in or about April 2016 and February 2017 that
20 respondent received, in willful violation of Business and Professions Code, section 6068(m).

20 COUNT THREE

21 Case No. 17-O-00800
22 Rules of Professional Conduct, rule 3-700(D)(2)
23 [Failure to Refund Unearned Fees]

24 4. On or about April 25, 2016, respondent received advanced fees of \$1,235 from
25 Schellenberger to file a petition for bankruptcy. Respondent failed to file a petition for
26 bankruptcy or perform any legal services for Schellenberger, and therefore earned none of the
27 advanced fees paid. Respondent failed to refund promptly, upon his termination of employment
28 on or about January 19, 2017, any part of the \$1,235 fee to Schellenberger, in willful violation of
Rules of Professional Conduct, rule 3-700(D)(2).

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COUNT FOUR

Case No. 17-O-00800
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

5. Respondent failed to cooperate and participate in a disciplinary investigation pending against him by failing to provide a substantive response to the State Bar’s letters of April 12, 2017 and May 15, 2017, which respondent received, that requested respondent’s response to the allegations of misconduct being investigated in case number 17-O-00800, in willful violation of Business and Professions Code, section 6068(i).

COUNT FIVE

Case No. 17-O-01634
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

6. On or about August 22, 2016, Alice Medina (“Medina”) employed respondent to perform legal services, specifically, to file a petition for bankruptcy, which respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by failing to take substantive action on Medina’s behalf.

COUNT SIX

Case No. 17-O-01634
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

7. Respondent failed to respond promptly to multiple telephonic reasonable status inquiries made by Medina between in or about August 2016 and March 2017 that respondent received, in willful violation of Business and Professions Code, section 6068(m).

COUNT SEVEN

Case No. 17-O-01634
Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

8. Respondent constructively withdrew from employment by failing to take action on Medina’s behalf and failing to return her communications. Respondent failed to take reasonable steps to avoid reasonably foreseeable prejudice to Medina by accepting \$935 in fees, then failing

1 to take any action on her behalf after August 22, 2016, and thereafter failing to inform her that he
2 was withdrawing from employment, in willful violation of Rules of Professional Conduct, rule 3-
3 700(A)(2).

4 COUNT EIGHT

5 Case No. 17-O-01634
6 Rules of Professional Conduct, rule 3-700(D)(2)
7 [Failure to Refund Unearned Fees]

8 9. On or about August 19, 2016, respondent received advanced fees of \$930 from
9 Medina to file a petition for bankruptcy. Respondent failed to file a petition for bankruptcy or
10 perform any legal services for Medina, and therefore earned none of the advanced fees paid.
11 Respondent failed to refund promptly, upon his effective withdrawal and termination of
12 employment, any part of the \$930 fee to Medina, in willful violation of Rules of Professional
13 Conduct, rule 3-700(D)(2).

14 COUNT NINE

15 Case No. 17-O-01634
16 Business and Professions Code, section 6068(i)
17 [Failure to Cooperate in State Bar Investigation]

18 10. Respondent failed to cooperate and participate in a disciplinary investigation pending
19 against him by failing to provide a substantive response to the State Bar's letter of June 7, 2017,
20 which respondent received, that requested respondent's response to the allegations of misconduct
21 being investigated in case number 17-O-01634, in willful violation of Business and Professions
22 Code, section 6068(i).

23 NOTICE - INACTIVE ENROLLMENT!

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

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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 CHIEF TRIAL COUNSEL

DATED: 5-19-18

By: 
R. KEVIN BUCHER
Supervising Attorney

DATED: 5/14/2018

By: 
DAVID AIGBOBOH
Deputy Trial Counsel

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 17-O-00800, 17-O-01634

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 90017-2515, 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))
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 2111 0220 68 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 VIA REGULAR 1ST CLASS MAIL. Row 1: Alon Darvish, Law Offices of Alon Darvish, Electronic Address, Susan L. Margolis Margolis & Margolis LLP.

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: May 14, 2018

SIGNED: Sandra Reynolds
Declarant