

Filed February 7, 2011

REVIEW DEPARTMENT OF THE STATE BAR COURT

In the Matter of)	05-O-04376, 05-O-04519,
CYRUS JOHN NOWNEJAD)	06-O-14309
Member No. 207769)	OPINION
A Member of the State Bar.)	

I. STATEMENT OF THE CASE

The hearing judge found Cyrus John Nownejad culpable of committing seven ethical violations in three client matters from 2003 to 2006. This misconduct, which began three years after Nownejad was admitted to practice law in 2000, includes disobeying two court orders, charging an unconscionable fee, committing an act of moral turpitude, performing incompetently and failing to communicate with clients. According to the hearing judge, these actions were mostly intentional and showed a “profound lack of respect for the courts.” At trial, Nownejad blamed others for his wrongdoing, did not express remorse, and testified falsely. The hearing judge recommended three years’ probation and two years actual suspension and until Nownejad establishes his rehabilitation, fitness to practice and learning in the law according to standard 1.4(c)(ii).¹

Nownejad seeks review, urging us to reverse the hearing judge’s decision. He claims the State Bar failed to prove the charges against him. If we find culpability, he requests no more

¹ Unless otherwise noted, all references to “standard(s)” are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

than a six-month actual suspension. In response, the Office of the Chief Trial Counsel for the State Bar (State Bar) supports the hearing judge's decision.

II. ISSUES ON REVIEW

After independently reviewing the record (Cal. Rules of Court, rule 9.12) and the parties' briefs on review, the primary issues before us are:

1. Did the State Bar clearly and convincingly prove the seven charged ethical violations?
2. If Nownejad is culpable, is a two-year actual suspension, subject to a standard 1.4(c)(ii) hearing, the appropriate discipline?

III. SUMMARY OF DECISION²

Nownejad is culpable of six of the seven charged violations. Given his serious misconduct over three years and his dishonest testimony, we agree with the hearing judge's recommendation, but further recommend that Nownejad pay restitution.

IV. CASE NUMBER 05-O-04376 (BOEVING MATTER)

A. FINDINGS OF FACT

Beginning in October 2004, Nownejad represented Christian Boeving, the plaintiff in a civil matter. The superior court scheduled an initial status conference for January 11, 2005. Nownejad filed a status conference statement, but did not serve the defendant and failed to attend the hearing. The judge scheduled another status conference for April 13, 2005, along with an Order to Show Cause (OSC) as to why Nownejad should not be sanctioned for his failure to appear on January 11th. Nownejad attended the April 13th hearing, and was ordered to pay \$450

² The factual findings and legal conclusions have been established by clear and convincing evidence. Such evidence must be strong enough to leave no substantial doubt and to command the "unhesitating assent of every reasonable mind. [Citation; internal quotations omitted.]" (*In re Angelina P.* (1981) 28 Cal.3d 908, 919.)

in sanctions no later than May 19, 2005, and to file a declaration that he had complied with the sanctions order. Nownejad did neither.

As a result, on August 16, 2005, the judge issued a second OSC as to why additional sanctions should not be imposed. The judge set the hearing for September 9, 2005 at 8:30 a.m., but ordered it vacated if Nownejad paid the \$450 sanctions before then. Nownejad did not appear for the morning hearing, but in the afternoon delivered his \$450 check to the court by messenger service. The clerk's office did not process the check until Monday, September 12, 2005. The superior court judge reported Nownejad's conduct to the State Bar.

B. CULPABILITY

Count One – Section 6103³ (Failure to Obey Court Order)

The State Bar alleged that Nownejad violated section 6103 because he failed to obey three court orders requiring him to: (1) pay court-ordered sanctions; (2) file a declaration stating he complied with the sanctions order; and (3) appear at the OSC hearing on September 9, 2005. The hearing judge found him culpable and we agree – he clearly violated the court's orders to pay the sanctions and attend the related hearings.

Nownejad contends that he could not timely pay the sanctions because he was experiencing financial problems. But he never notified the superior court about any financial difficulties and did not appear at the scheduled OSC hearings. Moreover, Nownejad ultimately paid the \$450 late on September 9th, thus demonstrating his ability to pay. His claim lacks merit and does not excuse his violation of the court orders.

³ Unless otherwise noted, all further references to “section(s)” are to the Business and Professions Code. Section 6103 makes it cause for disbarment or suspension if any attorney willfully disobeys or violates a court order that requires him to do or forbear an act connected with the profession.

V. CASE NUMBER 05-O-04519 (NORMAN MATTER)

A. FINDINGS OF FACT

On June 10, 2003, Valerie Norman retained Nownejad to represent her in a contested dissolution matter. At the time, he had been practicing law for only three years and had limited family law experience. Mrs. Norman was married to a wealthy businessman residing in San Diego County and their community estate was estimated between \$40 and \$60 million. Mrs. Norman was an unemployed high school graduate with two young children.

When she came to Nownejad, Mrs. Norman and her children were living in a hotel. She was primarily concerned with ascertaining the estate's assets and receiving monthly spousal support. But according to Mrs. Norman, Nownejad's "biggest concern was getting paid attorneys fees" Nownejad prepared a fee agreement which Mrs. Norman signed without reading. The agreement provided for a \$5,000 refundable deposit as advanced fees. Nownejad's hourly rate was \$250. The agreement also provided for "one attorney at a time billing \$250."

Although Nownejad knew Mrs. Norman resided in San Diego County, he wanted to file the dissolution in Los Angeles. He reasoned that the Los Angeles judges understood wealthy clients and Mr. Norman might agree to a quick settlement which was favorable to Mrs. Norman to avoid traveling to court in Los Angeles. Nownejad testified that Mrs. Norman asked him to file the case in Los Angeles, but Mrs. Norman denied doing so.

On June 19, 2003, Nownejad filed a petition for dissolution in Los Angeles County Superior Court and began communicating with Mr. Norman's attorney about temporary spousal support. His efforts included two telephone conversations on June 13 and June 16, 2003, a meeting with Mr. Norman's attorney on June 18, 2003, and letters dated June 20, June 24 and June 26, 2003. By the end of June, Nownejad agreed to dismiss the petition in Los Angeles in

exchange for \$25,000 in monthly spousal support for Mrs. Norman, and a \$35,000 attorney fees advance, of which he used \$5,000 to retain an accountant to identify Mr. Norman's assets.

On July 10, 2003, Nownejad dismissed the Los Angeles dissolution. On July 21, 2003, he filed a response to Mr. Norman's San Diego County Superior Court Petition for Dissolution, which had been filed on June 16, 2003, three days before he filed the action in Los Angeles.⁴ On July 23, 2003, Nownejad filed a request for monthly spousal support of \$61,150. He also requested attorney fees and costs totaling \$37,275. He included a declaration signed by Mrs. Norman attesting to the amount of attorney fees owed, although he had never sent Mrs. Norman any billing statements. Mrs. Norman became dissatisfied with Nownejad's representation and terminated his services on July 25, 2003. She hired new counsel who immediately obtained a temporary support order for \$75,000 per month.

In August 2003, Nownejad sent Mrs. Norman three invoices for additional fees of \$39,726.03. Mr. Norman refused to pay since Nownejad had already received the \$35,000 advanced fee. On September 23, 2003, Nownejad filed a civil lawsuit in Los Angeles Superior Court against Mrs. Norman to recover the outstanding claimed fees (*Law Offices of Cyrus & Cyrus v. Norman*). Mrs. Norman cross-complained seeking rescission of the fee agreement. Claiming miscalculations, Nownejad amended his complaint on November 20, 2003, to allege that the fees owed were \$47,006.03, and at trial asserted that Mrs. Norman actually owed him \$62,240.49.

In 2005, Superior Court Judge Susan Bryant-Deason conducted a seven-day bench trial in the civil lawsuit. A credible family law expert opined that Nownejad's fee was unconscionable and the legal services rendered were worth only \$10,000. Analyzing the case under

⁴ The record does not establish whether Nownejad knew about the San Diego petition when he filed the action in Los Angeles.

rule 4-200(A),⁵ Judge Bryant-Deason found Nownejad's request for nearly \$93,000 in attorneys' fees for 45 days of legal representation to be unconscionable.⁶ She found the evidence was "just over the top," and that is was "almost shameful when you look at what happened here, the price that was charged, and then to think that someone would come in and ask for almost \$93,000 for this level of services is just unconscionable." Judge Bryant-Deason ordered the fee agreement rescinded, and awarded Nownejad \$10,000 as the quantum meruit value of his legal services. Mrs. Norman was awarded \$25,000 in restitution, which Nownejad has not paid.

B. CULPABILITY

Count Two – Section 6103 (Failure to Obey Court Order)

The State Bar charged, and the hearing judge found, that Nownejad failed to promptly pay post-trial sanctions imposed by an order of the superior court dated May 9, 2005. We found no evidence of this order in the record.⁷ Nownejad denied violating the order in his response to the NDC and admitted during trial only that he paid court reporter fees late in the Norman matter. He did not admit that he failed to promptly pay sanctions that were ordered on May 9, 2005. We therefore conclude that the State Bar did not prove this charge by clear and convincing evidence.

Count Three – Rule 4-200(A) (Unconscionable Fee)

The State Bar alleged and the hearing judge correctly found that Nownejad charged and attempted to collect an unconscionable fee disproportionate to the value of services provided. It is settled that a gross overcharge by an attorney may warrant discipline. (*Bushman v. State Bar*

⁵ Unless other noted, all references to "rule(s)" are to the Rules of Professional Conduct. Rule 4-200(A) states that an attorney "shall not enter into an agreement for, charge, or collect an illegal or unconscionable fee."

⁶ Nownejad sought nearly \$93,000 in total fees as follows: \$35,000 paid by Mr. Norman initially (less \$5,000 to the accountant) plus \$62,240.49 requested at trial.

⁷ In its brief, the State Bar cited this order at page 241 of exhibit 4. However, this page is an April 28, 2006 superior court certification of an April 26, 2005 minute order.

(1974) 11 Cal.3d 558, 563.) A fee is unconscionable under rule 4-200(A) when it is exorbitant, and wholly disproportionate to the services performed, and usually involves an element of fraud or overreaching. (*Herrscher v. State Bar* (1935) 4 Cal.2d 399, 402-403.) To determine whether a fee meets the test of unconscionability, we consider the 11 nonexclusive factors listed in rule 4-200(B).⁸

We first consider the findings by Judge Bryant-Deason. (*In the Matter of Scott* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 446, 455 [civil verdicts, judgments and findings entitled to strong presumption of validity].) Although the civil proceeding is not dispositive of culpability, it “bear[s] a strong similarity, if not identity, to the charged disciplinary [mis]conduct.” (*In the Matter of Lais* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 112, 117.) The civil court’s certified record reveals that Judge Bryant-Deason was guided by rule 4-200(A), and relied on credible expert testimony to find that the fees were unconscionable. Since substantial evidence supports her findings and conclusion, we accord them a strong presumption of validity. (*Maltaman v. State Bar* (1987) 43 Cal.3d 924, 948 [civil findings entitled to strong presumption of validity if supported by substantial evidence].)

Judge Bryant-Deason made several specific findings including the following: (1) the \$93,000 fee was not in proportion to the \$10,000 value of the services performed; (2) as an

⁸ (1) The amount of the fee in proportion to the value of the services performed.
(2) The relative sophistication of the member and the client.
(3) The novelty and difficulty of the questions involved and the skill requisite to perform the legal service properly.
(4) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the member.
(5) The amount involved and the results obtained.
(6) The time limitations imposed by the client or by the circumstances.
(7) The nature and length of the professional relationship with the client.
(8) The experience, reputation, and ability of the member or members performing the services.
(9) Whether the fee is fixed or contingent.
(10) The time and labor required.
(11) The informed consent of the client to the fee.

inexperienced family law practitioner, Nownejad obtained only a minimal benefit to Mrs. Norman, who was unsophisticated and vulnerable; (3) Nownejad did not have the background, skill, experience or sophistication necessary to act as counsel in the case; (4) Nownejad failed to complete legal and accounting services required by the case; (5) Nownejad obtained a bare minimum result; (6) the services rendered to Mrs. Norman could have been done in far less time than Nownejad expended; and (7) Mrs. Norman did not give informed consent to the fee.

The hearing judge also concluded that Nownejad's fee was unconscionable and made several findings in addition to those made by Judge Bryant-Deason. For example, Nownejad routinely billed Mrs. Norman without confirming whether the charge was warranted, whether the time billed by a contract attorney was merely for clerical services, and whether the contract attorney billed work to the correct client. As a result, and contrary to the fee agreement, Nownejad's bills improperly charged for more than one attorney to attend meetings and consistently billed clerical work at a rate of \$250/hr instead of the agreed-upon \$50/hr. Nownejad also double-billed over \$3,000, charged Mrs. Norman for work on another client's case, and billed for work performed after Mrs. Norman terminated his services.

We adopt the findings and conclusions of both Judge Bryant-Deason and the hearing judge that Nownejad charged and sought to collect an unconscionable fee. Although Nownejad presented a family law expert at his disciplinary trial who stated that his fees were reasonable, the hearing judge was not persuaded, nor are we in light of the evidence presented. And after reviewing the record, particularly the expert testimony from the superior court civil trial, Judge Bryant-Deason's findings and conclusions and the hearing judge's decision, we also conclude that Nownejad violated rule 4-200(A).

Count Four – Section 6106⁹ (Moral Turpitude)

The State Bar alleged that Nownejad violated section 6106 because he took advantage of Mrs. Norman and sought to collect a windfall from her. The hearing judge correctly found him culpable. Nownejad's improper billing charges and attempt to collect an inflated fee are, at best, a grossly negligent violation of his fiduciary duty to Mrs. Norman, and, at worst, an intentional attempt to exploit a vulnerable client. In either case, such conduct establishes overreaching and constitutes moral turpitude. (*In the Matter of Conner* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 93, 105 [attorney's charging of unconscionable fee constituted overreaching of vulnerable client and rose to level of moral turpitude].)

VI. CASE NUMBER 06-O-14309 (CALDWELL AND TATUM MATTER)

A. FINDINGS OF FACT

On April 9, 2004, Chandler Caldwell and her mother, Jackie Tatum, were injured during an altercation with personnel at a Los Angeles car dealership. The police arrested Caldwell. On February 7, 2005, Caldwell and Tatum hired Nownejad on a contingency fee basis to represent them in a civil action to recover damages for injuries sustained during the altercation. Caldwell entered a nolo contendere plea to a misdemeanor charge on February 23, 2005.

On March 25, 2005, Nownejad filed a civil complaint on behalf of Caldwell and Tatum. The defense then served a subpoena on the Los Angeles City Attorney's office for records pertaining to Caldwell's arrest and criminal conviction. Nownejad unsuccessfully attempted to quash the subpoena. The record reflects that Nownejad decided to abandon the civil case since he felt Caldwell's plea would be a problem and he could not persuade another attorney to take the case.

⁹ This section makes it a cause for disbarment or suspension for an attorney to commit "any act involving moral turpitude, dishonesty, or corruption"

Consistent with his decision not to pursue the case, Nownejad did not serve the complaint on an outstanding defendant, respond to interrogatories, or attend several hearings, including three OSCs and a case management conference. As a result, the civil case was dismissed on August 23, 2005. Nownejad took no action to set aside the dismissal. Almost a year later, on August 8, 2006, Nownejad notified his client that the matter had been *inadvertently* dismissed and the time had lapsed to set aside the dismissal.

During this time, however, Tatum had been unsuccessfully trying to contact Nownejad. On December 19, 2005, she wrote to him to schedule a meeting. On March 1, 2006, she wrote again, inquiring about the case and questioning why he did not return her many telephone calls over the last three months. On June 24, 2006, she wrote a third time to request the return of her documents. In that letter, Tatum admonished Nownejad for not returning her telephone calls. Finally, Tatum repeated her request for her file in a July 25, 2006, letter. Nownejad received Tatum's letters but did not respond to any of them.

Nownejad also lied to Tatum and Caldwell about his mishandling of their civil case by making several misrepresentations in a December 18, 2006 letter to them. First, he falsely asserted that the civil court would admit all the adverse evidence in Caldwell's criminal action. He also claimed that one of his contract attorneys unsuccessfully sought to rescind Caldwell's criminal plea when in fact no such request had been made. And his letter stated that opposing counsel threatened to sue for malicious prosecution, which was false.

B. CULPABILITY

Count Five – Rule 3-110(A)¹⁰ (Failure to Perform Competently)

The State Bar charged Nownejad with violating rule 3-110(A) because he failed to serve defendants, failed to appear at scheduled hearings, failed to respond to discovery requests,

¹⁰ This rule prohibits attorneys from intentionally, recklessly or repeatedly failing to perform legal services with competence.

intentionally allowed the case to be dismissed and failed to take any action to set aside the dismissal. We agree with the hearing judge that Nownejad is culpable since he essentially abandoned his clients' case. (See *In the Matter of Respondent G* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 175, 179 [attorney's repeated inattention to needs of clients grounds for discipline for failing to perform competently].)

Count Six – Section 6068, subdivision (m)¹¹ (Failure to Inform Client of Significant Development)

The State Bar charged Nownejad with violating this section because he did not notify his clients that their case had been dismissed until almost one year later. Certainly, dismissal is a significant development in a case. We agree with and adopt the hearing judge's finding that Nownejad violated section 6068, subdivision (m), for failing to inform his clients of this significant development.

Count Seven – Section 6068, subdivision (m) (Failure to Respond to Client Inquiries)

The State Bar alleged that Nownejad failed to respond to Tatum's numerous telephone calls and four letters. The hearing judge found Nownejad culpable of failing to promptly respond to reasonable client inquiries when he did not answer Tatum's many attempts to communicate with him. We agree with and adopt the hearing judge's finding that Nownejad is culpable of violating section 6068, subdivision (m), for failing to respond to client inquiries.

VII. AGGRAVATION AND MITIGATION

The offering party bears the burden of proof for aggravating and mitigating circumstances. The State Bar must establish aggravating circumstances by clear and convincing

¹¹ This section requires attorneys to promptly respond to reasonable status inquiries of clients and to keep clients reasonably informed of significant developments in matters where the attorney agreed to provide legal services.

evidence while Nownejad has the same burden to prove mitigating circumstances. (Std. 1.2(b) and (e).)

A. FIVE AGGRAVATING CIRCUMSTANCES

We adopt the five aggravating circumstances found by the hearing judge – multiple acts of misconduct, misconduct followed by dishonesty, significant client harm, lack of remorse, and lack of candor.

1. Multiple Acts of Misconduct (Std. 1.2(b)(ii))

Nownejad committed multiple acts of misconduct in three client matters over a three-year period. We assign moderate weight to this aggravating factor.

2. Misconduct Followed by Dishonesty (Std. 1.2(b)(iii))

Nownejad made misrepresentations in his December 18, 2006 letter to his clients in order to cover up his mishandling of their case. He made these dishonest statements to conceal his decision not to pursue the civil case. Such dishonesty is a substantial aggravating factor.

3. Significant Client Harm (Std. 1.2(b)(iv))

Tatum and Caldwell were harmed when the civil case was dismissed and they lost their opportunity to pursue the action. An attorney's failure to perform that results in the loss of a client's cause of action constitutes significant client harm. (*In the Matter of Dahlz* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 269, 283.) Also, Mrs. Norman was harmed since she had to incur legal expenses to defend against Nownejad's lawsuit to collect his unconscionable fee, and she has not yet received her \$25,000 in restitution.

4. Indifference Toward Rectification (Std. 1.2(b)(v))

Nownejad has demonstrated indifference toward rectification of the consequences of his misconduct as well as a lack of remorse. Despite a court-ordered judgment, he has not paid the

\$25,000 in restitution to Mrs. Norman. (*In the Matter of Conner, supra*, 5 Cal. State Bar Ct. Rptr. at p. 106 [failure to make full restitution is aggravating factor under std. 1.2(b)(v)].)

5. Lack of Candor (Std. 1.2(b)(vi))

Nownejad was not honest in his testimony before the hearing judge – he falsely stated that Tatum and Caldwell agreed to dismiss their civil case. Tatum and Caldwell credibly testified that they never agreed to dismiss it. To corroborate their testimony, the State Bar produced two letters Nownejad wrote to Tatum and Caldwell, dated August 8 and December 18, 2006, each stating that Nownejad had just discovered that their case had been *mistakenly* dismissed: “I just recently realized that, due to inadvertence, your case . . . has gotten dismissed.” The hearing judge found that Nownejad lacked candor and we agree. Such dishonesty before the court greatly aggravates this case. (*In the Matter of Dahlz, supra*, 4 Cal. State Bar Ct. Rptr. at p. 282 [lack of candor is “strong aggravating circumstance”].)

B. NO MITIGATING CIRCUMSTANCES

1. Good Character (Std. 1.2(e)(vi))

Nownejad did not prove meaningful character testimony worthy of mitigation credit. While he presented five declarations from two business owners, an attorney, his office manager, and his father, the declarants exhibited only limited knowledge of Nownejad’s misconduct. (*In the Matter of Kreitenberg* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 469, 476-477 [character evidence entitled to limited mitigative weight because declarants not fully aware of extent of attorney’s misconduct].)

VIII. DISCIPLINE ANALYSIS

The purpose of attorney discipline is not to punish the attorney, but to protect the public, the courts and the legal profession, to maintain high standards for attorneys and to preserve public confidence in the profession. (Std. 1.3.) There is no fixed formula to determine the

appropriate discipline. (*In the Matter of Brimberry* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 390, 403.) Ultimately, we balance all relevant factors, including aggravating and mitigating circumstances, on a case-by-case basis to impose discipline consistent with its purpose. (*In re Young* (1989) 49 Cal.3d 257, 266.) We begin our discipline analysis with the standards. (*In the Matter of Brimberry, supra*, 3 Cal. State Bar Ct. Rptr. at p. 403.)

When multiple acts of misconduct call for different sanctions, standard 1.6(a) directs that the most severe sanction must apply. Standards 2.3 and 2.7 are most applicable in this case. Standard 2.3 requires actual suspension or disbarment when a member is found culpable of an act involving moral turpitude, fraud, or intentional dishonesty, and standard 2.7 requires a minimum six-month actual suspension for a member who charges an unconscionable fee.

The hearing judge applied these standards and recommended a two-year actual suspension subject to a standard 1.4(c)(ii) hearing. The hearing judge considered it significant that Nownejad blamed others for his misconduct and was dishonest in his trial testimony. While the hearing judge did not cite any case law guiding him to a period of actual suspension under the standards, the recommended two years is supported by relevant authorities.¹² We therefore affirm the hearing judge's recommendation but add restitution, noting that Nownejad's dishonesty is particularly disturbing because it is, in our view, as egregious as his underlying misconduct. (*Franklin v. State Bar* (1986) 41 Cal.3d 700, 712 (dis. opn. of Lucas, J.) [deception of State Bar may constitute more serious offense than conduct being investigated].)

¹² See, e.g., *Barnum v. State Bar* (1990) 52 Cal.3d 104 [disbarment for unconscionable fee, acts of moral turpitude, disobedience to four court orders, and failure to cooperate with investigation but aggravated by prior record of discipline and no mitigation]; *In the Matter of Scapa and Brown* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 635 [18-month actual suspension for unconscionable fees, acts of moral turpitude, and other violations but mitigated by good character and remedial steps to avoid misconduct and aggravated by multiple acts of wrongdoing and harm to administration of justice].

IX. RECOMMENDATION

We recommend that Cyrus John Nownejad, bar number 207769, be suspended from the practice of law for three years, that execution of that suspension be stayed, and that Nownejad be placed on probation for three years on the following conditions:

1. He must be suspended from the practice of law for a minimum of the first two years of his probation and remain suspended until the following conditions are satisfied:
 - a. He makes restitution to Valerie Norman in the amount of \$25,000 plus 10 percent interest per annum from May 18, 2005 (or reimburses the Client Security Fund to the extent of any payment from the Fund to Valerie Norman, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar Office of Probation in Los Angeles; and,
 - b. He provides proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. He must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of his probation.
3. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including his current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, he must report such change in writing to the Membership Records Office of the State Bar Office of Probation.
4. He 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, he must state whether he has complied with the State Bar Act, the Rules of Professional Conduct, and all of the conditions of his probation during the preceding calendar quarter. In addition to all quarterly reports, a final report, containing the same information, is due no earlier than 20 days before the last day of the probation period and no later than the last day of the probation period.
5. Subject to the assertion of applicable privileges, he must answer fully, promptly, and truthfully, any inquiries of the Office of Probation that are directed to him personally or in writing, relating to whether he is complying or has complied with the conditions contained herein.
6. Within one year after the effective date of the discipline herein, he must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and he shall not receive MCLE credit for attending Ethics School.

7. The period of probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. At the expiration of the period of probation, if he has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

X. PROFESSIONAL RESPONSIBILITY EXAMINATION

We further recommend that Cyrus John Nownejad be ordered to take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners during the period of his actual suspension in this matter and to provide satisfactory proof of such passage to the Office of Probation within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

XI. RULE 9.20

We further recommend that Cyrus John Nownejad be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding. Failure to do so may result in disbarment or suspension.

XII. COSTS

We further recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, such costs being enforceable both as provided in section 6140.7 and as a money judgment.

PURCELL, J.

WE CONCUR:

REMKE, P. J.

EPSTEIN, J.