

FILED
JUN 18 2020
CLERK U.S. BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
BY: *dc* Deputy Clerk

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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re:

THE DISCIPLINARY PROCEEDING OF
ALON DARVISH.

State Bar Number 231257

Case No. 2:19-mp-00109-BB

ORDER ON DISCIPLINARY PROCEEDING
OF ALON DARVISH

(No hearing held)

Based on the Memorandum of Decision on Disciplinary Proceeding of Alon Darvish
("Mr. Darvish") entered concurrently herewith (the "Memorandum"), pursuant to the Sixth
Amended General Order 96-05 of the United States Bankruptcy Court for the Central District of
California,

IT IS HEREBY ORDERED as follows:

1. Mr. Darvish's privilege to practice before the United States Bankruptcy Court for
the Central District of California (the "District") is hereby REVOKED for a period of not less
than two (2) years from entry of this order (the "Discipline Order") effective immediately upon
entry of the Discipline Order. More specifically, and without limiting the generality of the

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1 foregoing, unless and until Mr. Darvish's privilege to practice before this Court is reinstated in
2 the manner set forth below, Mr. Darvish is expressly prohibited from:

- 3 a. commencing any new bankruptcy cases or adversary proceedings in the District;
- 4 b. representing any parties in connection with any bankruptcy case or adversary
5 proceeding pending in the District; and
- 6 c. assisting any debtor in any manner in connection with the preparation for, or filing
7 of, a new bankruptcy case in the District.

8 2. The Clerk is hereby directed to deactivate Mr. Darvish's user identification and
9 password for the CM/ECF system and not to reactivate it unless and until Mr. Darvish is
10 reinstated by order of this Court.

11 3. By July 1, 2020, Mr. Darvish shall select a chapter 13 mentor consistent with
12 Judge Smith's November 1, 2018 Order in In re Tanksley (the "November 1, 2018 Order"),
13 bankruptcy case number 8:17-bk-14536-ES [Dkt. # 43], who will do all of the following:

- 14 a. file a statement with the Court by July 15, 2020, attesting that he or she has
15 agreed to serve as Mr. Darvish's mentor and that he or she understands his or
16 her obligation to develop a mentoring plan with Mr. Darvish (the "Mentor
17 Certificate");
- 18 b. comply with the mentoring provisions of the November 1, 2018 Order; and
- 19 c. file quarterly reports with the Court during the Probation Period, as defined
20 below.

21 4. By July 1, 2020, Mr. Darvish shall join a bankruptcy education and networking
22 organization (e.g., cdcbaa, Inns of Court, Federal Bar Association, the local bar association
23 bankruptcy section, etc.). During the calendar year commencing October 1, 2020,
24 Mr. Darvish shall attend the greater of three or more than half of the meetings conducted by
25 that organization.

26 5. At the expiration of a period of two years after entry of this order, Mr. Darvish
27 may apply to the Chief Judge of the United States Bankruptcy Court for the Central District of
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1 California for reinstatement of his privilege to practice before this Court. Mr. Darvish shall serve
2 a copy of any application for reinstatement and all supporting documentation on the U.S.
3 Trustee.

- 4 6. Any application for reinstatement must include all of the following:
- 5 a. Evidence sufficient to demonstrate that, after entry of the Discipline Order,
6 Mr. Darvish completed at least six hours of continuing legal education in Ethics
7 and at least six hours of continuing legal education in law office management
8 from an educational provider approved by the State Bar of California;
 - 9 b. A file-stamped copy of the Mentor Certificate;
 - 10 c. A declaration under penalty of perjury from the person who has agreed to serve
11 as his mentor (the "Mentor") attesting to the fact that the Mentor and Mr. Darvish
12 have complied with the mentoring provisions of the November 1, 2018 Order;
 - 13 d. Evidence sufficient to demonstrate that Mr. Darvish joined a bankruptcy
14 education and networking organization (e.g., cdcbaa, Inns of Court, Federal Bar
15 Association, the local bar association bankruptcy section, etc.) by July 1, 2020
16 and attended the greater of three or more than half of the meetings conducted by
17 that organization in a year starting October 1, 2020;
 - 18 e. A declaration under penalty of perjury from the Mentor attesting to the fact that, in
19 the opinion of the Mentor, Mr. Darvish is competent to engage in the practice of
20 chapter 13 law without continued supervision from a mentor;
 - 21 f. A declaration under penalty of perjury from the Mentor in which he or she
22 undertakes to file quarterly reports with the Panel during the Probation Period, as
23 defined below;
 - 24 g. Evidence sufficient to demonstrate that Mr. Darvish has paid:
 - 25 i. all amounts that Mr. Darvish agreed to pay to the debtors identified on
26 Exhibit B to the "Proposed Resolution of Disciplinary Proceedings;
27 Consent to Discipline and to Proposed Terms of Reinstatement; No
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1 Objection by the United States Trustee” [Dkt. # 15] in this disciplinary
2 proceeding;

- 3 ii. the \$5,000 in sanctions that Mr. Darvish agreed to pay in the stipulation
4 with the U.S. Trustee filed in In re Adriano, Case No. 6:18-bk-20737-MH
5 [Dkt. #70]; and
6 iii. any other outstanding sanctions or disgorgement awards issued by the
7 United States Bankruptcy Court for the Central District of California..

8 7. Mr. Darvish must personally appear, either in person or by telephone or video, at
9 any hearing that may be scheduled on his application for reinstatement.

10 8. Should Mr. Darvish apply for reinstatement of his privilege to practice before this
11 Court, the Panel recommends that the Chief Judge schedule a hearing on any such application
12 for reinstatement and that the U.S. Trustee be permitted to appear and be heard in response
13 to the application.

14 9. Once Mr. Darvish has been reinstated, he will (a) remain subject to the injunction
15 contained in Judge Scott Yun’s March 20, 2018 order [Dkt. # 40] in In re Solis, Case No. 6:17-
16 bk-12442-SY and liable for sanctions in the amounts contemplated thereby in the event he
17 violates that injunction and (b) remain on probation for a period of two years after entry of an
18 order of reinstatement (the “Probation Period”).

19 10. During the Probation Period:

20 a. Mr. Darvish shall file with the Court and serve on the U.S. Trustee
21 quarterly status reports reflecting the case numbers of all cases filed by him and all
22 cases in which he assisted the debtor in preparing the documents necessary to
23 commence a bankruptcy case during the quarter and attesting that (i) he personally met
24 with clients and vetted all cases before filing and (ii) none of these cases were
25 commenced by the filing of an incomplete petition package. The first such report shall
26 be due on the first day of the calendar quarter immediately following the quarter in
27 which an order of reinstatement is entered. Subsequent reports shall be due on the first
28 day of each calendar quarter thereafter throughout the duration of the Probation Period.

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b. Mr. Darvish shall continue to meet periodically with the Mentor and provide such information and documentation concerning his cases and practice as the Mentor may request so that the Mentor will have the information necessary to prepare in a timely manner quarterly reports (the "Mentor Reports") attesting to the fact that, in the opinion of the Mentor, Mr. Darvish is competent to practice before this Court in a manner that no longer presents a significant risk to the interests of his clients or the public.

c. The Mentor shall file with the Court and serve on the U.S. Trustee the Mentor Reports not later than the first day of each calendar quarter during the Probation Period. The first such report shall be due on the first day of the calendar quarter immediately following the quarter in which an order of reinstatement is entered.

d. In the event that Mr. Darvish fails to file and serve any of the required reports in a timely manner, the U.S. Trustee shall file with the Court and serve on Mr. Darvish, the Mentor and the Panel a declaration to this effect and a request that Mr. Darvish's privilege to practice before this Court again be revoked for a period of not less than 2 additional years.

e. In the event that the Mentor fails to file and serve any of the Mentor Reports in a timely manner, the U.S. Trustee shall file with the Court and serve on Mr. Darvish and the Panel a declaration attesting to this fact.

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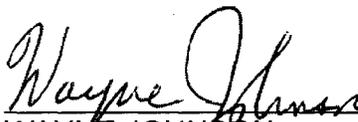
11. The Clerk is directed to deliver a copy of the Memorandum and the Discipline Order to each sitting judge of the United States Bankruptcy Court for the Central District of California, to the Clerk of Court for the United States District Court for the Central District of California and to the State Bar of California.

Dated: June 18, 2020



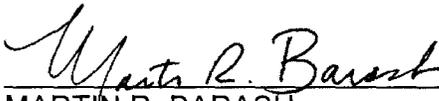
SHERI BLUEBOND
United States Bankruptcy Judge

Dated: June 18, 2020



WAYNE JOHNSON
United States Bankruptcy Judge

Dated: June 18, 2020



MARTIN R. BARASH
United States Bankruptcy Judge