

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
AZADEH SOPHIA KOKABI**

VS. DOCKET NO. 18-041-112425

**AGREED DISPOSITION MEMORANDUM ORDER
(FOUR (4) YEAR SUSPENSION)**

On Friday, March 6, 2020, this matter was heard by the Virginia State Bar Disciplinary Board upon the joint request of the parties for the Board to accept the Agreed Disposition signed by the parties and offered to the Board as provided by Part Six, § IV, ¶ 13-6 H of the Rules of the Supreme Court of Virginia. The panel consisted of Yvonne S. Gibney, 2nd Vice Chair; Devika E. Davis; David J. Gogal; Kamala H. Lannetti; and Martha J. Goodman, lay person. The Virginia State Bar was represented by Laura Ann Booberg, Assistant Bar Counsel. Respondent Azadeh Sophia Kokabi (“Respondent”) was present and was not represented by counsel. The Chair polled the members of the Board as to whether any of them were aware of any personal or financial interest or bias which would preclude any of them from fairly hearing the matter to which each member responded in the negative. Court Reporter Angela N. Sidener, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

WHEREFORE, upon consideration of the Agreed Disposition, the Certification, Respondent’s Disciplinary Record, the arguments of the parties, and after due deliberation,

It is **ORDERED** that the Disciplinary Board accepts the Agreed Disposition and the Respondent shall receive a Four (4) Year Suspension, as set forth in the Agreed Disposition, which is attached and incorporated in this Memorandum Order.

It is further **ORDERED** that the sanction is effective March 6, 2020.

It is further **ORDERED** that:

The Respondent must comply with the requirements of Part Six, § IV, ¶ 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail of the Suspension of her license to practice law in the Commonwealth of Virginia, to all clients for whom she is

currently handling matters and to all opposing attorneys and presiding Judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in her care in conformity with the wishes of her clients. The Respondent shall give such notice within 14 days of the effective date of the Suspension, and make such arrangements as are required herein within 45 days of the effective date of the Suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the Revocation or Suspension that such notices have been timely given and such arrangements made for the disposition of matters.

It is further ORDERED that if the Respondent is not handling any client matters on the effective date of the Suspension, she shall submit an affidavit to that effect within 60 days of the effective date of the Suspension to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13-29 shall be determined by the Virginia State Bar Disciplinary Board, which may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of this subparagraph.

The Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9 E. of the Rules.

It is further ORDERED that an attested copy of this Order be mailed to the Respondent by certified mail, return receipt requested, at her last address of record with the Virginia State Bar at 3619 Evergreen Point Road, Medina, WA 98039, and a copy hand-delivered to Laura Ann Booberg, Assistant Bar Counsel, Virginia State Bar, Suite 700, 1111 E. Main Street, Richmond, VA 23219.

Enter this Order this 7th day of March 2020

VIRGINIA STATE BAR DISCIPLINARY BOARD

Yvonne S. Gibney Digitally signed by Yvonne S. Gibney
Date: 2020.03.07 18:41:13 -05'00'

Yvonne S. Gibney
Second Vice Chair

RECEIVED

Mar 5, 2020

**VIRGINIA STATE BAR
CLERK'S OFFICE**

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
AZADEH SOPHIA KOKABI

VSB DOCKET NO. 18-041-112425

**AGREED DISPOSITION
(FOUR (4) YEAR SUSPENSION)**

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-6.H, the Virginia State Bar, by Laura Ann Booberg, Assistant Bar Counsel and Azadeh Sophia Kokabi, Respondent, hereby enter into the following Agreed Disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

1. At all times relevant hereto, Respondent has been licensed to practice law in the Commonwealth of Virginia. She is an associate member of the Virginia State Bar ("VSB"), and an active member of the Washington, D.C. ("D.C.") bar.
2. Complainant, John Rabena ("Rabena") is a senior partner in the firm of Sughrue Mion, PLLC ("the Firm") located in D.C. He served as a senior partner to Respondent.
3. Respondent was hired as an associate on December 1, 2008. During that time, she had access to the Firm credit card, but her expenses were reviewed for approval by a partner of the Firm and no discrepancies were noted on her credit card expense reports. On January 1, 2015, Respondent was promoted to partner. Once Respondent became a partner, her expenses did not have to be pre-approved.
4. According to Respondent, the Firm provided every partner with an \$10,000 allowance per year for marketing, travel and other firm-related expenses and an \$11,000 allowance for office furniture. While Respondent does not recall receiving the Firm's Reimbursable Expense Policy dated January 9, 2013, Respondent acknowledges that she never sought guidance from the Firm's management regarding the allowances.
5. During the Firm's budget review in 2018, Rabena was alerted to questionable charges by Respondent on the Firm's American Express card. After discovering these irregularities, the Firm undertook a review of Respondent's credit card charges and expense reports. While the Firm found many discrepancies, when speaking to VSB Investigator Fennessey

("Investigator Fennessey"), Rabena focused on the portion of the results that the Firm found most egregious, which is set forth in more detail below.

6. The Firm discovered that Respondent made unauthorized charges for a trip to Las Vegas in May 2015. When Rabena questioned Respondent about the charges, she told him that she intended to attend a legal seminar in Las Vegas but was unable to make it, and had never been to Las Vegas. Rabena reminded Respondent that her social media account included pictures of her at a party in Las Vegas in July 2015.
7. In April 2016, Respondent purchased two airline tickets from D.C. to Cincinnati, Ohio for her and her husband. Respondent noted on her expense report that the flights were a "class A travel expense fund for CLE for ANDA¹ conference." When Rabena reminded Respondent that there was no ANDA conference during this time, Respondent admitted that she did not attend the conference. Rabena showed Respondent photos from her social media account showing that Respondent attended a graduation in May 2016 in Kentucky. Respondent claimed that the graduation was for a potential client.
8. On May 3, 2016, Respondent charged two airline tickets to Orlando, Florida to the Firm's credit card. She noted on her expense report that these were for "Class A travel Inta."² On May 21, 2016, Respondent also used the Firm credit card for a dinner at the OLA restaurant in Miami, Florida. Rabena also attended the INTA conference and confirmed that Respondent did not attend. Rabena reviewed Respondent's social media account, which revealed that Respondent was in Miami with her friends on May 21-22, 2016 and not in Orlando. Respondent told Rabena that the expenses claimed for the INTA conference were "unintentional mistakes."
9. Respondent used the Firm's credit card to attend the DC Improv Comedy Show on June 16, 2016 and noted on her expense report that this was for a "Class A firm event." Given that there was no firm event, Rabena questioned Respondent, who told him that she took trainees but would have to check. Respondent's social media account showed that she attended the event with friends and not trainees.
10. On August 5, 2016, Respondent used the Firm's credit card to charge two airline tickets for herself and her husband to India. Instead of going directly to India for firm business, Respondent travelled from Dulles airport to Dubai, then to the Maldives, back to Dubai and then to India. Respondent's husband travelled the same route except he did not travel to India. Respondent listed these expenses on her expense report as "Class A travel, Marketing Budget."
11. In January 2017, Respondent listed a charge from the Salamander Resort in Middleburg, VA as "CLE take out of Marketing/CLE budget." Rabena confirmed that there was no such CLE during that time. When questioned, Respondent stated that she had contacted the Firm's director of finance, Brian Bradley ("Bradley") and informed him that the

¹ The Abbreviated New Drug Application ("ANDA") was Respondent's focused area of law.

² The International Trademark Association Annual Seminar was held on May 4 and 22, 2016.

charge was a personal expense. Bradley advised Rabena that Respondent never spoke to him about the charge or asked him to correct it.

12. In April 2017, Respondent charged \$1,473.57 to the Firm's credit card for her stay at the Pierre Hotel in New York to attend a friend's wedding. She listed the charge as "Travel Fund Marketing expense class A (also CLE)." Respondent claimed she attended the wedding on the way to an ACI Biosimilar conference. Rabena pointed out that this conference was 10 days later, and that Respondent had returned to D.C. following the wedding, charging a meal at a D.C. based restaurant to the Firm's credit card during that time.
13. In May and June 2017, Respondent used the Firm's credit card to purchase a sofa and painting for her firm office but never furnished her office with them. She posted a picture on social media of the sofa and painting in her home. When questioned, she stated that she was waiting for the firm's Director of Operations to move the sofa, and that she was waiting for the firm to relocate. The Director of Operations denied any such request from Respondent. The firm was not scheduled to relocate until two years later.
14. As part of the negotiated terms of her resignation, Respondent reimbursed the firm \$25,000 to resolve the issues related to her expenses. Her resignation was effective March 31, 2018. Since resigning, Respondent has not been practicing law.
15. Following Respondent's resignation, the Firm completed its review and concluded that the total amount of questionable charges made by Respondent to the Firm's credit card totaled approximately \$30,000.
16. Respondent acknowledges that she inaccurately reported certain personal charges as firm expenses and received reimbursement from the Firm for those charges.

II. NATURE OF MISCONDUCT

Such conduct by the Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

Rule 8.5 provides that a lawyer admitted to practice in Virginia is subject to the disciplinary authority of Virginia, regardless of where the lawyer's conduct occurs. For conduct occurring outside of Virginia, the Rules to be applied are those of the jurisdiction in which the lawyer's conduct occurred.³ Therefore, such conduct by Respondent constitutes misconduct in

³ RULE 8.5 Disciplinary Authority; Choice Of Law

(a) Disciplinary Authority. A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of Virginia, regardless of where the lawyer's conduct occurs. A lawyer not admitted in Virginia is also subject to the disciplinary authority of Virginia if the lawyer provides, holds himself out as providing, or offers to provide legal services in Virginia. By doing so, such lawyer consents to the appointment of the Clerk of the Supreme Court of Virginia as his or her agent for purposes of notices of any disciplinary action by the Virginia State Bar. A lawyer

violation of the following provisions of the D.C. Rules of Professional Conduct:

Rule 8.4—Misconduct

(c) Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;

III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and Respondent tender to the Disciplinary Board for its approval the agreed disposition of the suspension of Respondent's license to practice law in the Commonwealth of Virginia for a period of Four (4) years effective on the date of entry of an order approving this agreed disposition, as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the disciplinary board.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9.E of the Rules.

THE VIRGINIA STATE BAR

By: 
Laura Ann Booberg, Assistant Bar Counsel

By: 
Azadeh Sophia Kokabi, Respondent

may be subject for the same conduct to the disciplinary authority of Virginia and any other jurisdiction where the lawyer is admitted.

(b) Choice of Law. In any exercise of the disciplinary authority of Virginia, the rules of professional conduct to be applied shall be as follows:

(1) for conduct in connection with a proceeding in a court, agency, or other tribunal before which a lawyer appears, the rules to be applied shall be the rules of the jurisdiction in which the court, agency, or other tribunal sits, unless the rules of the court, agency, or other tribunal provide otherwise;

(2) for any other conduct, the rules of the jurisdiction in which the lawyer's conduct occurred; and

(3) notwithstanding subparagraphs (b)(1) and (b)(2), for conduct in the course of providing, holding out as providing, or offering to provide legal services in Virginia, the Virginia Rules of Professional Conduct shall apply.