

Public Matter

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FILED^{P.B}

JUN 06 2024

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

THE STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of:) Case No. SBC-24-O-30284
 13)
 14 MICHAEL JACOB LIBMAN,) NOTICE OF DISCIPLINARY CHARGES
 15 State Bar No. 222353,)
 16)
 17)
 18 An Attorney of the State Bar.) (OCTC Case No. 22-O-06666)

NOTICE - FAILURE TO RESPOND!

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

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (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;**
- (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 AND MAY RECOMMEND THE IMPOSITION OF MONETARY SANCTIONS WITHOUT FURTHER HEARING OR PROCEEDING. (SEE RULES PROC. OF STATE BAR, RULES 5.80 ET SEQ. & 5.137.)**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Michael Jacob Libman (respondent) was admitted to the practice of law in the State
4 of California on December 3, 2002. Respondent currently is, and at all times relevant to these
5 charges was, a licensed attorney of the State Bar of California.

6 INTRODUCTORY FACTS

7 2. In or about December 2014, the Chief of the Los Angeles City Attorney's Office
8 (CAO) Civil Litigation Branch, and another senior member of the CAO met with Paul Paradis
9 (Paradis), an attorney licensed in New York, and Paul Kiesel (Kiesel), an attorney licensed in
10 California. At the meeting, Paradis and Kiesel requested the assistance of the City of Los Angeles
11 (City) with a potential lawsuit against PricewaterhouseCoopers (PWC) on behalf of Antwon
12 Jones (Jones), a DWP ratepayer who had retained Paradis in early December 2014. At the
13 meeting, the CAO officials asked Paradis and Kiesel to represent the City in a lawsuit against
14 PWC, and they agreed. The fee agreement between the City and Paradis and Kiesel, effective
15 January 1, 2015, was fully executed in or about July 2015.

16 3. Between in or about January 2015 and in or about April 2015, Paradis and Kiesel
17 recruited respondent and, Jack Landskroner (Landskroner), an attorney licensed in Ohio, to
18 represent a class of DWP ratepayers in a lawsuit against the City.

19 4. Beginning in or about April 2015, respondent and Landskroner represented the class
20 of DWP ratepayers in the class action matter entitled *Antwon Jones v. City of Los Angeles*, Los
21 Angeles Superior Court, case number BC577267 (*Jones v. City*).

22 5. In or about 2015, in addition to *Jones v. City*, there were four additional class actions
23 filed by other DWP ratepayers against the City. The other class action lawsuits were *Kimhi v.*
24 *The City of Los Angeles*, Los Angeles County Superior Court (LACSC), case number BC536272,
25 *Bransford v. City of Los Angeles*, LACSC, case number BC565618, *Morski v. City of Los*
26 *Angeles*, LASC, case number. BC568722, and *Fontaine v. City of Los Angeles*, LACSC, case
27 No. BC571664.

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1 6. The trial judge in *Jones v. City* was the Honorable Elihu Berle (Judge Berle).

2 7. On or about July 20, 2017, the trial court entered an order approving settlement of the
3 class actions and awarded a total of \$19 million in attorney fees to counsel for the class actions.
4 The City paid \$19,241,003.99 to Landskroner, from which attorney fees and costs were
5 distributed to the attorneys in the class action lawsuits. Libman received \$1.65 million for
6 attorney fees and \$3,370.01 for expenses.

7 8. During discovery in a related lawsuit entitled *City v. PwC*, Paradis' simultaneous
8 representation of Jones and the City was revealed. Thereafter, in or about March 2019,
9 Landskroner sought to be relieved as class counsel in *Jones v. City*.

10 9. In or about April 2019, the court appointed Brian S. Kabateck (Kabateck) as new class
11 counsel in *Jones v. City*. The order appointing Kabateck directed him, among other things, to
12 evaluate whether the settlement previously approved by the court was fair, reasonable, and
13 adequate, and, if necessary, seek appropriate relief to protect the class' interests.

14 10. On or about March 24, 2021, the court in *Jones v. City* ordered respondent to disgorge
15 \$1.65 million in attorney fees that respondent received in *Jones v. City*. Respondent appealed the
16 disgorgement order but did not post an appellate bond or move to stay enforcement of the order.
17 Because respondent did not satisfy the disgorgement order, post a bond, or stay enforcement of
18 the order, Kabateck in his capacity as class counsel for the *Jones* class pursued judgment
19 enforcement procedures against respondent.

20 11. Respondent was convinced that Judge Berle and Kabateck, not him, were involved in
21 inappropriate conduct, including but not limited to, failing to disclose inappropriate connections
22 between them. Respondent sought to expose Judge Berle and Kabateck's conduct by creating a
23 plan to hack into Judge Berle and Kabateck' s personal e-mails and phone accounts. Seeking an
24 accomplice to hack the emails for Judge Berle and Kabateck, respondent spoke to Paradis, who
25 agreed to work with respondent to hack the email accounts of Judge Berle and Kabateck.

26 12. Unbeknownst to respondent, Paradis was working with the Federal Bureau of
27 Investigation (FBI) as a confidential informant. In his role as a confidential informant, and as
28 directed by the FBI, Mr. Paradis recorded his phone calls and meetings with respondent.

1 13. On or about March 13, 2020, respondent met Paradis at the Black Bear Diner in
2 Tarzana, California. At that meeting, respondent told Paradis, among other things, that Judge
3 Berle was “dirty” and that Kabateck should not have been selected as replacement class counsel
4 in *Jones v. City*. Respondent told Paradis that he intended to expose Judge Berle and Kabateck
5 to the public as corrupt.

6 14. On or about March 13, 2020, respondent requested that Paradis share the cost to hire
7 two Israeli hackers to hack the personal email and phone accounts of Judge Berle and Kabateck.
8 Respondent asked Paradis to use an encrypted electronic application called “Wire” for all future
9 communications between him and Paradis. Respondent told Paradis that he was going to set up
10 a meeting with Paradis and the Israeli hackers that respondent had previously met.

11 15. On or about March 16, 2020, Paradis called respondent and the conversation turned
12 to the shortage of guns in California. Respondent told Paradis that he could not “even get a
13 shotgun or rifle” from Big 5. Respondent told Paradis that he wanted Paradis to purchase
14 “shotguns and some high-power rifles” for respondent in Arizona. Respondent asked Paradis to
15 obtain three AR rifles and three semi-automatic shotguns for him in Arizona.

16 16. On or about March 16, 2020, respondent notified Paradis that one of the Israeli
17 military hackers was in Europe and that the hacker was “stuck” there due to Covid-19.

18 17. On or about March 31, 2020, respondent talked to Paradis on the telephone and told
19 Paradis that the next conversation with the Israeli hackers would need to be face-to-face or on a
20 secure line. Respondent told Paradis that the hackers did not want to share information on an
21 unsecured line. Respondent asked Paradis if he would be able to obtain burner phones for
22 communication with the Israeli hackers, and Paradis agreed to obtain encrypted burner phones.

23 18. On or about April 4, 2020, respondent met Paradis in a hotel room where respondent
24 agreed that he would introduce Paradis to the hackers.

25 19. On or about April 4, 2020, Paradis delivered a “burner” phone to respondent, that he
26 told respondent that he purchased for \$10,000, along with instructions on how to set up and use
27 the phone.

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1 20. On or about April 4, 2020, Respondent told Paradis that he had obtained a 9mm semi-
2 automatic “machine gun with an extended clip”.

3 21. On or about April 4, 2020, Respondent and Paradis discussed meeting the Israeli
4 hackers “face to face” and not paying “too much” for their services.

5 22. On or about April 7, 2020, Paradis contacted respondent by telephone. Respondent
6 told Paradis that respondent spoke to one of the Israeli hackers who told respondent that they will
7 deal with the “technical stuff” first and then money second.

8 23. On or about April 8, 2020, respondent met Paradis in a hotel room with the purpose
9 of contacting the Israeli hacker. Prior to making the call to the Israeli hacker, respondent told
10 Paradis that he had emailed the Israeli hacker whatever personal information he could find on
11 Kabateck including email addresses and home addresses in multiple states. Respondent told
12 Paradis that he was unable to locate personal information for Judge Berle to provide to the Israeli
13 hacker.

14 24. On or about April 8, 2020, respondent told Paradis that the purpose of the call with
15 the Israeli hacker was to discuss the “methodology” of obtaining the information they were
16 seeking and that there would be a second call to discuss money. Respondent told Paradis that he
17 had previously met in person with the Israeli hacker, in Israel, and that the hacker was aware of
18 the situation and the information he needed to obtain. Respondent told Paradis that the Israeli
19 hacker needed information that is not publicly available, and that respondent and Paradis needed
20 to obtain the information at minimal risk to themselves.

21 25. On April 8, 2020, respondent used an application called “WhatsApp”, and contacted
22 the Israeli hacker, who was identified by the name “Ben”. Respondent knew that the Israeli
23 hacker named Ben was affiliated with an Israeli company called “Black Cube”.

24 26. Later in the day, on or about April 8, 2020, Respondent and Paradis spoke by
25 telephone and in that conversation, respondent told Paradis that he had received information
26 through WhatsApp from Ben. Respondent and Paradis discussed the fact that that the
27 information respondent had received from Ben had been translated from Portuguese to English
28 and was not that helpful nor relevant, possibly because of the poor Google translation.

1 27. On or about April 11, 2020, respondent spoke to Paradis by telephone and Paradis
2 informed respondent that Paradis had translated the information provided to respondent by Ben
3 and the information was “very extensive” and thorough. Paradis told respondent that the
4 information Ben sent them to show the services that Ben provided was more than just hacking,
5 and that the services that Ben provided involved “human intel on the ground”.

6 28. On or about April 11, 2020, respondent told Paradis that he had vetted Ben and his
7 team in person, and that respondent met with Ben and his team in Israel and determined Ben to
8 be legit. Respondent told Paradis that creating an appearance of corruption between Judge Berle
9 and Kabateck is enough, they didn’t need to prove it.

10 29. On or about April 12, 2020, respondent sent a text message to Paradis that contained
11 screenshots of text messages that Ben had sent to respondent requesting information on each
12 target including: “electronic address (*privet/public*), *mobil* numbers, family members, Full
13 address (home/work), social *midia* (target/family members), cars, if you know the model”.
14 (Italicized portions denote spelling errors in the original.) In the messages that Ben sent to
15 respondent and that respondent shared with Paradis, Ben also requested that they schedule a call
16 and discuss the financial arrangements.

17 30. On or about April 14, 2020, respondent and Paradis spoke by telephone and discussed
18 the payment for the information that Ben would provide.

19 31. On or about April 21, 2020, respondent and Paradis spoke by telephone and
20 respondent told Paradis that he was unable to get the private email information for Judge Berle
21 to provide to Ben, but that respondent was still looking.

22 32. On or about April 24, 2020, respondent met Paradis in a hotel room and told Paradis
23 that respondent and Paradis needed to get the personal and government emails for Judge Berle.
24 Paradis told respondent that if the hacker can’t get Judge Berle’s emails, respondent has the
25 wrong person for the job.

26 33. On or about April 24, 2020, Respondent and Paradis agreed that the hacker should be
27 able to obtain the judge’s personal email address and all the content as far back as 2015, as well
28 as text messages from his personal cell phone. Respondent and Paradis agreed that any

1 information obtained from the hacker would be anonymously to the U.S. Attorney's Office.

2 34. On or about April 24, 2020, respondent and Paradis called Ben and discuss the cost
3 of the first stage of the investigation into Judge Berle and learned that the cost for the first stage
4 of the investigation into Judge Berle was \$70,000.

5 35. On or about May 1, 2020, respondent and Paradis spoke by telephone, and in that call,
6 respondent made statements acknowledging the wrongful conduct of hacking the personal email
7 and cell phone of Judge Berle and Kabateck and respondent expressed his desire to evade
8 authorities while hacking the personal email and cell phone of Judge Berle and Kabateck.

9 36. On or about June 8, 2020, respondent and Paradis spoke by telephone and respondent
10 said that he had decided to reach out to Ben to ask him to meet respondent in the United States.

11 37. On or about June 30, 2020, the FBI executed a search warrant for respondent's home
12 and person.

13 COUNT ONE

14 Case No. 22-O-06666

15 Business and Professions Code, section 6106

16 [Moral Turpitude – Corruption, Collusion, Dishonesty]

17 38. Paragraphs 1 through 37 above are incorporated by reference.

18 39. By performing the acts described in paragraphs 11 through 37 above, respondent
19 sought to gain unauthorized access to the email and phone accounts of a sitting Superior Court
20 judge and a California attorney and thereby intentionally engaged in an act or acts involving
21 moral turpitude, dishonesty, collusion, and corruption in willful violation of Business and
22 Professions Code, section 6106.

23 40. A violation of section 6106 may result from intentional conduct or grossly negligent
24 conduct. Respondent is charged with intentionally committing acts of moral turpitude,
25 dishonesty, collusion, and corruption. However, should the evidence at trial demonstrate that
26 respondent committed acts of moral turpitude, dishonesty, collusion, and corruption as a result
27 of gross negligence, respondent must still be found culpable of violating section 6106 because
28 committing acts of moral turpitude, dishonesty, collusion, and corruption through gross

1 negligence is a lesser included offense of intentionally committing acts of moral turpitude,
2 dishonesty, collusion, and corruption.

3 **NOTICE - INACTIVE ENROLLMENT!**

4 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
5 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
6 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
7 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
8 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
9 INACTIVE ATTORNEY OF THE STATE BAR. YOUR INACTIVE
10 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
11 RECOMMENDED BY THE COURT.**

12 **NOTICE - COST ASSESSMENT!**

13 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
14 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
15 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
16 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
17 PROFESSIONS CODE SECTION 6086.10.**

18 **NOTICE – MONETARY SANCTION!**

19 **IN THE EVENT THIS MATTER RESULTS IN ACTUAL SUSPENSION,
20 DISBARMENT, OR RESIGNATION WITH CHARGES PENDING, YOU
21 MAY BE SUBJECT TO THE PAYMENT OF A MONETARY SANCTION
22 NOT TO EXCEED \$5,000 FOR EACH VIOLATION, TO A MAXIMUM OF
23 \$50,000 PER DISCIPLINARY ORDER, PURSUANT TO BUSINESS AND
24 PROFESSIONS CODE SECTION 6086.13. SEE RULE 5.137, RULES OF
25 PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

26 Respectfully submitted,

27 THE STATE BAR OF CALIFORNIA
28 OFFICE OF CHIEF TRIAL COUNSEL

29 DATED: June 6, 2024

30 By:  _____

31 Anthony Garcia
32 Assistant Chief Trial Counsel

33 DATED: June 6, 2024

34 By:  _____

35 Sandy Ramirez
36 Trial Counsel

DECLARATION OF SERVICE

CASE NUMBER(s): OCTC Case No. 22-O-06666

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, Kathi.Palacios@calbar.ca.gov, 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))**
 - in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.

By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
 - I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ('UPS').

By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
 Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

By Electronic Service: (CCP § 1010.6 and Rules of Proc. of State Bar, rule 5.26.2)
 Based on rule 5.26.2, a court order, or an agreement of the parties to accept service by electronic transmission, I caused the above-named document(s) to be transmitted by electronic means to the person(s) at the electronic address(es) listed below. If there is a signature on the document(s), I am the signer of the document(s), I am the agent of, or I am serving the document(s) at the direction of, the signer of the document(s). I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(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 2216 5627 66** 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)*

Person Served	Business Address	Fax Number	Courtesy Copies To:
MICHAEL JACOB LIBMAN <i>(Respondent)</i>	Law Office Michael J. Libman, APC 18321 Ventura Blvd Ste 700 Tarzana, CA 91356-6440 <i>(Via USPS Certified Mail-Return Receipt Requested)</i>		
		Electronic Address	
		megan@zaviehlaw.com	Megan E. Zavieh 12460 Crabapple Rd Ste 202-272 Alpharetta, GA 30004 <i>(Courtesy copy via USPS First-Class mail and email)</i>
		kevingerry@earthlink.net	Kevin P. Gerry 711 N Soledad St Santa Barbara, CA 93103-2437 <i>(Courtesy copy via USPS First-Class mail and email)</i>


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'). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

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.

DATED: June 6, 2024

SIGNED: 
 Kathi Palacios
 Declarant