


(Do not write above this line.)

**State Bar Court of California
Hearing Department
Los Angeles
DISBARMENT** **PUBLIC MATTER**

<p>Counsel For The State Bar</p> <p>Blithe Leece, No. 202208 Senior Trial Counsel Eli D. Morgenstern, No.190560 Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015 (213) 765-1161 (213) 765-1334</p> <p>Bar #</p>	<p>Case Number(s):</p> <p>10-O-04002, 10-O-10128, 10-O-11325, 11-O-10008, 11-O-10555, 11-O-10558, 11-O-11237, 11-O-11496, 11-O-11596, 11-O-11602, 11-O-11751, 11-O-11829, 11-O-11998, 11-O-12253, 11-O-12504, 11-O-12723, 11-O-12805, 11-O-12892, 11-O-13035, 11-O-13037, 11-O-13366, 11-O-13368, 11-O-13702, 11-O-13889, 11-O-14062, 11-O-14461, 11-O-14539, 11-O-15171, 11-O-15196, 11-O-15317, 11-O-11096</p>	<p>For Court use only</p> <p align="center">FILED</p> <p align="center">APR 13 2012</p> <p align="center">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p align="right">kwiktag® 018 035 634</p> 
<p>In Pro Per Respondent</p> <p>PHILIP ALLEN KRAMER P.O. Box 9235 Calabasas, CA 91372</p> <p>818-835-2650 Bar # 113969</p>	<p>Submitted to: Settlement Judge</p>	
<p>In the Matter of: PHILLIP ALLEN KRAMER P.O. Box 9235 Calabasas, CA 91372</p> <p>Bar # 113969</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT</p> <p>DISBARMENT</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted June 13, 1984.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (15) pages, not including the order.
- (4) A statement of acts or omissions acknowledged by respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - Costs to be awarded to the State Bar.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) Prior record of discipline
 - (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline

- (e) If respondent has two or more incidents of prior discipline, use space provided below:
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. See Page 13 for further discussion regarding Harm.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See page 13 for further discussion regarding Misconduct.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.

(Do not write above this line.)

- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

D. Discipline: Disbarment.

E. Additional Requirements:

- (1) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

- (2) **Restitution:** Respondent must make restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____. If the Client Security Fund has reimbursed _____ for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than _____ days from the effective date of the Supreme Court order in this case. See Page 11 for further discussion regarding Restitution.

- (3) **Other:**

(Do not write above this line.)

In the Matter of: PHILIP ALLEN KRAMER	Case Number(s): 10-O-04002, et al
--	--------------------------------------

Nolo Contendere Plea Stipulations to Facts, Conclusions of Law, and Disposition

The terms of pleading nolo contendere are set forth in the Business and Professions Code and the Rules of Procedures of the State Bar. The applicable provisions are set forth below:

Business and Professions Code § 6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a notice of disciplinary charges or other pleading which initiates a disciplinary proceeding against a member:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere will be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court will find the member culpable. The legal effect of such a plea will be the same as that of an admission of culpability for all purposes, except that the plea and any admissions required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based.

Rules of Procedure of the State Bar, rule 5.56. Stipulations to Facts, Conclusions of Law, and Disposition

“(A) **Contents.** A proposed stipulation to facts, conclusions of law, and disposition must comprise:

[¶] . . . [¶]

(5) a statement that the member either:

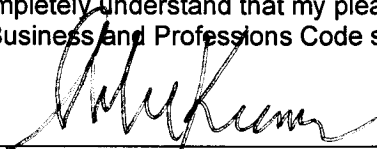
- (a) admits the truth of the facts comprising the stipulation and admits culpability for misconduct; or
- (b) pleads nolo contendere to those facts and misconduct;

[¶] . . . [¶]

(B) **Plea of Nolo Contendere.** If the member pleads nolo contendere, the stipulation must also show that the member understands that the plea is treated as an admission of the stipulated facts and an admission of culpability.”

I, the Respondent in this matter, have read the applicable provisions of Business and Professions Code section 6085.5 and rule 5.56 of the Rules of Procedure of the State Bar. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea will be considered the same as an admission of culpability except as stated in Business and Professions Code section 6085.5(c).

April 5, 2012
Date


Respondent's Signature

PHILIP ALLEN KRAMER
Print Name

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: PHILIP ALLEN KRAMER

CASE NUMBER: 10-O-04002, 10-O-10128, 10-O-11325,
11-O-10008, 11-O-10555, 11-O-10558,
11-O-11237, 11-O-11496, 11-O-11596,
11-O-11602, 11-O-11751, 11-O-11829,
11-O-11998, 11-O-12253, 11-O-12504,
11-O-12723, 11-O-12805, 11-O-12892,
11-O-13037, 11-O-13366, 11-O-13368,
11-O-13889, 11-O-14062, 11-O-14461,
11-O-14539, 11-O-15171, 11-O-15196
11-O-11096

WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY.

The parties waive any variance between the First Amended Notice of Disciplinary Charges filed on December 19, 2011, and the facts and/or conclusions of law contained in this stipulation and waive the issuance of a Second Amended Notice of Disciplinary Charges.

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case Nos. 10-O-04002, 10-O-10128, 11-O-10008, 11-O-10555, 11-O-11237, 11-O-11496, 11-O-11751, 11-O-11829, 11-O-12723, and 11-O-14062

Facts

1. In each of the matters identified in this paragraph, the complainants employed Respondent to assist them with negotiating modifications of their respective loans. At the time Respondent agreed to perform loan modification services, Respondent was under the mistaken belief that he could charge and collect advanced fees from his loan modification clients if he completed loan modification services in phases. Respondent did not perform each and every loan modification service that he had contracted to perform on behalf of the complainants identified in this paragraph prior to demanding, charging, collecting, or receiving any fees:

<u>Case No.</u>	<u>Complainant</u>	<u>Date of Hire</u>	<u>Advanced Fees Paid</u>
10-O-04002	James/Julianne Clayton	11/11/09	\$2,520
10-O-10128	Nicholas Sanchez	02/18/10	\$3,250
11-O-10008	Sofia Manay	07/22/10	\$5,000
11-O-10555	Jose/Leticia Gonzalez	09/02/10	\$2,000
11-O-11237	Timothy Freedman	06/14/10	\$19,390 (9 separate loans)

<u>Case No.</u>	<u>Complainant</u>	<u>Date of Hire</u>	<u>Advanced Fees Paid</u>
11-O-11496	Qi Jiang/Ching Tai	05/25/10	\$3,600
11-O-11751	Gregory Douglas	09/02/10	\$2,500
11-O-11829	Eulogio Garcia	11/13/10	\$5,250
11-O-12723	Fausto Hernandez	07/09/10	\$3,200
11-O-14062	Jonathan Domingo/Debra Hughes	12/12/10	\$2,995

2. The complainants identified in paragraph 1 demanded refunds of the advanced fees that they paid to Respondent. To date, Respondent has not refunded any portion of the advanced fees that he received from the complainants identified in paragraph 1.

Conclusions of Law

By negotiating, arranging or offering to perform mortgage loan modifications for a fee paid by the complainants identified in paragraph 1, and demanding, charging, collecting, and receiving fees from the complainants identified in paragraph 1 prior to fully performing each and every loan modification service that he had contracted to perform or represented that he would perform on behalf of the respective complainants, in violation of Section 2944.7(a) of the Civil Code, Respondent violated Business and Professions Code section 6106.3.

Case Nos. 10-O-11325, 11-O-10558, 11-O-11596, 11-O-12253, 11-O-12504, 11-O-12805, 11-O-12892, 11-O-13366, 11-O-13889, 11-O-14539, and 11-O-15196

Facts

3. At all times relevant to the stipulated facts herein, Respondent was a member of the State Bar of California and permitted to practice law in this state. Respondent was not a member of any other state bars, and was not permitted to practice law in any of the states identified in paragraph 6.

4. The Rules of Professional Conduct with respect to the states identified in paragraph 6 all prohibit attorneys not licensed in the respective jurisdictions from practicing law in the respective jurisdictions subject to several limited exceptions not relevant to these stipulated facts.

5. The complainants identified in this paragraph, all of whom were residents of other states with mortgages secured by homes in the respective states, employed Respondent to assist them with negotiating modifications of their home loans. All of the complainants paid Respondent advanced legal fees. At all times relevant to the stipulated facts herein, Respondent had a good faith belief that he was permitted to perform loan modification services in jurisdictions outside of California. By accepting employment with the complainants in order to perform legal services in connection with their respective loan modifications, Respondent effectively held himself out as entitled to practice law in the states identified below:

<u>Case No.</u>	<u>Complainant</u>	<u>Date of Hire</u>	<u>Fees</u>	<u>Jurisdiction</u>
10-O-11325	Andrea Adams	09/24/10	\$2,700	WA
11-O-10558	Rebecca Sellers	05/10/10	\$3,295	AZ
11-O-11596	Linette Anderson	10/22/10	\$2,800	VA
11-O-12253	Elodia Chavez	09/17/10	\$2,500	NV

<u>Case No.</u>	<u>Complainant</u>	<u>Date of Hire</u>	<u>Fees</u>	<u>Jurisdiction</u>
11-O-12504	Lee Faborg	10/15/10	\$3,850	AZ
11-O-12805	Charles/Barbara Ivey	12/31/10	\$3,950	NV
11-O-12892	Henry/Shutic Coates	07/30/10	\$4,000	MD
11-O-13366	Gerald/Sally Frantz	10/13/10	\$3,000	AZ
11-O-13889	James/Eileen Carroll	12/02/10	\$2,299	FL
11-O-14539	Lance Moss	03/12/10	\$2,800	UT
11-O-15196	Alex Karakhanov	02/16/11	\$5,333	WA

6. By entering into agreements for, charging, and collecting fees from the complainants identified in paragraph 5, when he was not licensed to practice law in any of the jurisdictions identified in paragraph 5, Respondent entered into agreements for, charged, and collected an illegal fee from each of the complainants.

7. The complainants identified in paragraph 5 demanded refunds of the advanced fees that they paid to Respondent. To date, Respondent has not refunded any portion of the illegal, advanced fees that he received from any of the complainants identified in paragraph 6.

Conclusions of Law

By accepting employment with the complainants identified in paragraph 5, when he was not licensed to practice law in any of the jurisdictions where the complainants resided and maintained home mortgages, Respondent violated the regulations of the profession in the respective jurisdictions in violation of rule 1-300(B) of the Rules of Professional Conduct.

By entering into agreements for, charging, and collecting an illegal fee from the complainants identified in paragraph 5, Respondent violated rule 4-200 of the Rules of Professional Conduct.

By failing to refund any portion of the illegal, advanced fees that Respondent received from the complainants identified in paragraph 5, Respondent violated rule 3-700(D)(2) of the Rules of Professional Conduct.

Case Nos. 11-O-11998, 11-O-13035, 11-O-13037, 11-O-13368, 11-O-13702, 11-O-14461, 11-O-15171, and 11-O-15317

Facts

8. At all times relevant to the stipulated facts herein, Respondent represented plaintiffs in mass joinder lawsuits against their respective lenders. In each of the matters identified in this paragraph, the complainants employed Respondent to represent them in a mass joinder lawsuit against their lenders and paid advanced fees to him in the amounts listed. Thereafter, each complainant promptly changed his or her mind, notified Respondent's law firm, and requested a full refund before completing the compliance call and before the State Bar assumed jurisdiction over Respondent's law practice pursuant to Business and Professions Code section 6190.

<u>Case No.</u>	<u>Complainant</u>	<u>Date of Hire</u>	<u>Advanced Fees Paid</u>
11-O-11998	Jose Solis	01/19/11	\$1,500

<u>Case No.</u>	<u>Complainant</u>	<u>Date of Hire</u>	<u>Advanced Fees Paid</u>
11-O-13037	Lea Murray	01/19/11	\$5,000
11-O-13368	Hector Ramos	03/13/11	\$5,000
11-O-14461	Anna Maria Prezio	02/04/11	\$10,000
11-O-15171	Theresa Quinones	03/01/11	\$10,400

9. The complainants identified in paragraph 8 demanded refunds of the advanced fees that they paid to Respondent. To date, Respondent has not refunded any portion of the unearned, advanced fees that he received from the complainants identified in paragraph 8.

10. In August 2011, the California Attorney General and the State Bar of California obtained orders seizing Respondent's bank accounts. Thus, since August 2011, Respondent has been unable to refund any unearned, advanced fees to the complainants identified in paragraph 8, or any other former clients.

11. In February 2012, Respondent filed for Chapter 7 Bankruptcy.

Conclusions of Law

By failing to refund any portion of the unearned, advanced fees that he received from the complainants identified in paragraph 8, Respondent violated rule 3-700(D)(2) of the Rules of Professional Conduct.

Case No. 11-O-11602

Facts

12. On August 19, 2010, Ramin Partovy ("Partovy") employed Respondent to represent him in negotiating a modification of a mortgage secured by a seven-unit condominium. On August 20, 2010, Partovy paid Respondent's firm \$5,100 in advanced attorney fees.

13. On September 21, 2010, a representative of Respondent spoke with Partovy's lender and was advised that the lender would not negotiate with a third-party. On that same date, Respondent's representative advised Partovy that the lender refused to negotiate with Respondent's firm, and that Respondent's firm was going to close Partovy's loan modification file.

14. At no time did Respondent submit a loan modification package to Partovy or his lender. Respondent did not earn any portion of the advanced fees that he received from Partovy.

15. In December 2010, Respondent provided Partovy with a check in the sum of \$509; however, Partovy never deposited the check.

Conclusions of Law

By failing to provide Partovy with a full refund of the unearned, advanced fees that Respondent received from him, Respondent violated rule 3-700(D)(2) of the Rules of Professional Conduct.

RESTITUTION.

Respondent must make restitution to the complainants identified in this paragraph in the respective amounts stated in this paragraph plus 10% interest per year from the respective dates stated in this paragraph. If the Client Security Fund has reimbursed any of the complainants for any, or all, portion of the principal amount, Respondent must pay restitution to Client Security Fund of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5.

<u>Case No.</u>	<u>Complainant</u>	<u>Principal Amount</u>	<u>Interest Accrues From</u>
10-O-04002	James/Julianne Clayton	\$2,520	11/11/09
10-O-10128	Nicholas Sanchez	\$3,250	02/18/10
10-O-11325	Andrea Adams	\$2,700	09/24/10
11-O-10008	Sofia Manay	\$5,000	07/22/10
11-O-10555	Jose/Leticia Gonzalez	\$2,000	09/02/10
11-O-10558	Rebecca Sellers	\$3,295	05/10/10
11-O-11237	Timothy Freedman	\$19,390	06/14/10
11-O-11496	Qi Jiang/Ching Tai	\$3,600	05/25/10
11-O-11596	Linette Anderson	\$2,800	10/22/10
11-O-11602	Ramin Partovy	\$5,100	08/20/10
11-O-11751	Gregory Douglas	\$2,500	09/02/10
11-O-11829	Eulogia Garcia	\$5,250	11/13/10
11-O-11998	Jose Solis	\$1,500	01/19/11
11-O-12253	Elodia Chavez	\$2,500	09/17/10
11-O-12504	Lee Faborg	\$3,000 ¹	10/15/10
11-O-12723	Fausto Hernandez	\$3,200	07/09/10
11-O-12805	Charles/Barbara Ivey	\$3,950	12/31/10
11-O-12892	Henry/Shutic Coates	\$4,000	07/30/10
11-O-13037	Lea Murray	\$5,000	01/19/11
11-O-13366	Gerald/Sally Frantz	\$3,000	10/13/10
11-O-13368	Hector Ramos	\$5,000	03/13/11
11-O-13889	James/Eileen Carroll	\$2,299	12/02/10
11-O-14062	Jonathan Domingo/Debra Hughes	\$2,995	12/12/10
11-O-14461	Anna Marie Prezio	\$10,000	02/04/11
11-O-14539	Lance Moss	\$2,800	03/12/10
11-O-15171	Theresa Quinones	\$10,400	03/01/11
11-O-15196	Alex Karakhanov	\$5,333.33	04/15/11

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
11-O-04002	TWO THREE	Rules of Professional Conduct, rule 3-110(A) Rules of Professional Conduct, rule 3-700(D)(2)
10-O-10128	FIVE	Rules of Professional Conduct, rule 3-700(D)(2)

¹ Respondent has previously refunded \$850 to the Faborgs.

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
11-O-10008	TEN	Rules of Professional Conduct, rule 3-700(D)(2)
11-O-10555	TWELVE THIRTEEN FOURTEEN	Rules of Professional Conduct, rule 3-110(A) Rules of Professional Conduct, rule 3-700(D)(2) Bus. & Prof. Code § 6106
11-O-10558	EIGHTEEN	Bus. & Prof. Code § 6106
11-O-11096	NINETEEN TWENTY	Rules of Professional Conduct, rule 1-400 Business and Professions Code section 6106
11-O-11496	TWENTY-THREE TWENTY-FOUR	Rules of Professional Conduct, rule 3-110(A) Rules of Professional Conduct, rule 3-700(D)(2)
11-O-11602	TWENTY-EIGHT TWENTY-NINE THIRTY-ONE	Rules of Professional Conduct, rule 3-110(A) Rules of Professional Conduct, rule 4-100(B)(3) Rules of Professional Conduct, rule 3-700(D)(1)
11-O-11751	THIRTY-TWO THIRTY-FOUR THIRTY-FIVE THIRTY-SIX THIRTY-SEVEN	Rules of Professional Conduct, rule 1-300(A) Rules of Professional Conduct, rule 3-110(A) Rules of Professional Conduct, rule 4-100(B)(3) Rules of Professional Conduct, rule 3-700(D)(2) Rules of Professional Conduct, rule 3-700(D)(1)
11-O-11829	THIRTY-NINE FORTY FORTY-ONE	Rules of Professional Conduct, rule 3-110(A) Rules of Professional Conduct, rule 4-100(B)(3) Rules of Professional Conduct, rule 3-700(D)(2)
11-O-12723	FIFTY FIFTY-ONE	Rules of Professional Conduct, rule 3-110(A) Rules of Professional Conduct, rule 3-700(D)(2)
11-O-13035	FIFTY-EIGHT	Rules of Professional Conduct, rule 3-700(D)(2)
11-O-13702	SIXTY-FOUR SIXTY-FIVE	Rules of Professional Conduct, rule 3-110(A) Rules of Professional Conduct, rule 3-700(D)(2)
11-O-14062	SEVENTY SEVENTY-ONE	Rules of Professional Conduct, rule 3-110(A) Rules of Professional Conduct, rule 3-700(D)(2)
11-O-14461	SEVENTY-TWO	Rules of Professional Conduct, rule 3-110(A)
11-O-15317	SEVENTY-NINE	Rules of Professional Conduct, rule 3-700(D)(2)

AGGRAVATING CIRCUMSTANCES.

1. **Pattern/Multiple Acts of Wrongdoing.**

Respondent's misconduct demonstrated a pattern of misconduct. (Std. 1.2(b)(ii).)

2. **Harm**

Respondent's multiple acts of misconduct caused financial harm to the complainants, all of whom were experiencing severe financial difficulties at the time that they made payments of advanced attorney fees to Respondent. (Std. 1.2(b)(iv).)

MITIGATING CIRCUMSTANCES.

1. **No Prior Record of Discipline**

Respondent was admitted to the State Bar on June 13, 1984, and has no prior record of discipline. Some mitigating credit for no prior record of discipline may be given even where the underlying misconduct is found to be serious or significant. (Std. 1.2(e)(1). See also, *In the Matter of Stamper* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 96, 106, ft. 13.)

2. **Candor and Cooperation**

Respondent's stipulation to the facts, his culpability, and his disbarment is a mitigating circumstance. (Std. 1.2(e)(v).)

AUTHORITIES SUPPORTING DISCIPLINE.

1. **Case Law**

There is no case exactly like this one. However, similar cases provide guidance as to the appropriate discipline. (*In re Morse* (1995) 11 Cal.4th 184, 207-208; *Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311.)

The State Bar Court will recommend, and the Supreme Court will order, disbarment in cases of serious misconduct similar to that here, notwithstanding the attorney's lack of a prior record of discipline or even with some mitigation present.

In *Read v. State Bar* (1991) 53 Cal. 3d 394, the Supreme Court ordered an attorney disbarred who committed serious misconduct in 13 matters. The attorney failed to prove that all of his misconduct was attributable to severe emotional and financial problems. Further the attorney failed to adequately acknowledge his misconduct.

In *In re Billings* (1990) 50 Cal. 3d 358, the attorney committed misconduct in 18 matters. The misconduct was casually connected to alcohol abuse; however, the attorney did not establish successful rehabilitation. The Supreme Court ordered the attorney disbarred.

In *Coombs v. State Bar* (1989) 49 Cal. 3d 679, the attorney committed misconduct in 13 client matters with extremely modest mitigation compared to substantial aggravation. The attorney also did not provide proof of rehabilitation from alcoholism. The Supreme Court ordered the attorney disbarred.

In *In the Matter of Collins* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 1, the attorney committed misconduct in 14 matters, and provided inadequate evidence of rehabilitation. The Review Department recommended that the attorney be disbarred.

In *In the Matter of Myrdall* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 363, the attorney committed misconduct in 12 matters, and offered little mitigation. The Review Department recommended that the attorney be disbarred.

PENDING PROCEEDINGS.

The disclosure date referred to on page 2, paragraph A(7) was April 4, 2012.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that as of April 4, 2012, the prosecution costs in this matter are \$32,619.08. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: PHILIP ALLEN KRAMER	Case number(s): 10-O-04002, 10-O-10128, 10-O-11325, 11-O-11096 11-O-10008, 11-O-10555, 11-O-10558, 11-O-11237, 11-O-11496, 11-O-11596, 11-O-11602, 11-O-11751, 11-O-11829, 11-O-11998, 11-O-12253, 11-O-12504, 11-O-12723, 11-O-12805, 11-O-12892, 11-O-13035, 11-O-13037, 11-O-13366, 11-O-13368, 11-O-13702, 11-O-13889, 11-O-14062, 11-O-14461, 11-O-14539, 11-O-15171, 11-O-15196, 11-O-15317
---	---

SIGNATURE OF THE PARTIES

and subject to nolo contendere plea signed by Respondent

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

to

4/5/2012 2012 *Philip Kramer* Philip Allen Kramer
 Date Respondent's Signature Print Name

____ 2012 _____ _____
 Date Respondent's Counsel Signature Print Name

4/5/12 2012 *[Signature]* Blithe Leece
 Date Senior Trial Counsel's Signature Print Name

4/5/12 2012 *[Signature]* Eli Morgenstern
 Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter of: PHILIP ALLEN KRAMER	Case Number(s): 10-O-04002, 10-O-10128, 10-O-11325, 11-O-10008, 11-O-10555, 11-O-10558, 11-O-11237, 11-O-11496, 11-O-11596, 11-O-11602, 11-O-11751, 11-O-11829, 11-O-11998, 11-O-12253, 11-O-12504, 11-O-12723, 11-O-12805, 11-O-12892, 11-O-13035, 11-O-13037, 11-O-13366, 11-O-13368, 11-O-13702, 11-O-13889, 11-O-14062, 11-O-14461, 11-O-14539, 11-O-15171, 11-O-15196, 11-O-15317 11-O-11096
--	--

DISBARMENT ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

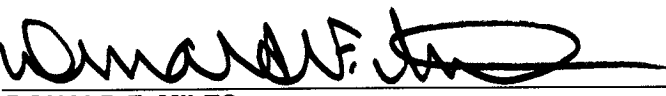
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Respondent Philip Allen Kramer is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Date

4/12/12



DONALD F. MILES
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on April 13, 2012, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

in a sealed envelope for collection and mailing on that date as follows:

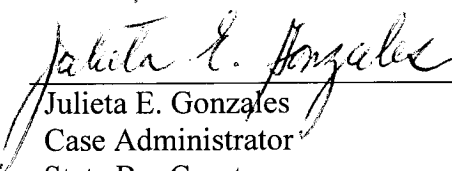
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

PHILIP ALLEN KRAMER ESQ
PO BOX 9235
CALABASAS, CA 91372

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Eli D. Morgenstern, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 13, 2012.



Julieta E. Gonzales
Case Administrator
State Bar Court