


Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL CHARLES A. MURRAY No. 146069 1149 South Hill Street, 9th Floor Los Angeles, California 90015-2299 Telephone: (213) 765-1000	Case Number(s) 02-O-10121-RAH PUBLIC MATTER	(for Court use) ORIGINAL LODGED JUL 15 2005 STATE BAR COURT CLERK'S OFFICE LOS ANGELES FILED SEP 25 2009
Counsel for Respondent Philip Allen Putman Offices of Philip A. Putman 17401 Nichols Street, Suite C Huntington Beach, CA 92647 (714) 848-5297	CONFIDENTIAL	
In the Matter of Philip Allen Putman Bar # 51368 A Member of the State Bar of California (Respondent)	Submitted to Pilot Program Judge STIPULATION RE FACTS AND CONCLUSIONS OF LAW <input type="checkbox"/> PREVIOUS STIPULATION REJECTED STATE BAR COURT CLERK'S OFFICE LOS ANGELES kwiktag® 018 038 394 	

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted January 5, 1972
 (Date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on Respondent or the State Bar.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." This stipulation consists of 7 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts".
 SEE ATTACHMENT
- (5) Conclusions of law, drawn from and specifically referring to the facts, are also included under "Conclusions of Law."
 SEE ATTACHMENT
- (6) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§ 6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component (attachment) of this stipulation under specific headings, i.e., "Facts", "Dismissals", "Conclusions of Law."

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

(1) Prior Record of Discipline [see standard 1.2(f)]

see page 6

(a) State Bar Court Case # of prior case See attachment

(b) Date prior discipline effective See attachment

(c) Rules of Professional Conduct/State Bar Action violations See attachment

(d) Degree of prior discipline See attachment

(e) If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline"

(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.

(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 the victims of his/her misconduct or the State Bar during disciplinary investigation or proceedings.

(7) Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct.

(8) No aggravating circumstances are involved.

Additional aggravating circumstances:

SEE ATTACHMENT

C. Mitigating Circumstances [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 to 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 of 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.
- (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 were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs 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:

Respondent enters into this stipulation as a condition of his/her participation in the Pilot Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Pilot Program Contract.

If the Respondent is not accepted into the Pilot Program or does not sign the Pilot Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Pilot Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

12-21-04
Date


Respondent's Signature

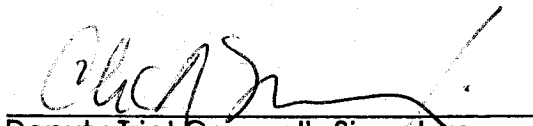
Philip Allen Putman
Print Name

1-13-05 (cm)
Date

Respondent's Counsel Signature

Print Name

1-13-05
Date


Deputy Trial Counsel's Signature

Charles A. Murray
Print Name

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: **PHILIP ALLEN PUTMAN**, State Bar No. 51368
CASE NUMBER: 02-O-10121

FACTS: Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes:

On October 28, 2001, Respondent sent a letter to Orange County Superior Court Judge David H. Brickner ("Judge Brickner") demanding that he recuse himself for his conduct in case no. 00CC10381, *Phillip A. Putman v. Gilbert Azafrani, et al.*, which was then pending before Judge Brickner. A copy of the letter was also sent to opposing counsel, Stephen H. Beecher.

Subsequently on November 27, 2001, Respondent filed a Notice of Motion to Recuse Judge Brickner. On December 20, 2001, Respondent filed a Supplement to the Motion to Recuse.

Statements in the October 28, 2001 letter and subsequent motions were offensive and accused Judge Brickner of criminal acts amounting to conspiracy, bribery and violations of the judicial canons.

Said statements included:

[re Judge Brickner] "You are a disgusting, despicable, immoral, traitor to your 'oath', the California Constitution and the United States Constitution, and you have violated the judicial canons."

[re Judges Brickner and another Judge] "[the subject litigation has been] condoned by two arrogant, vicious, wako (sic) "judges" who think they are beyond the law."

[re Judges Brickner, Monarch and Chaffee]

"...these 3 terrorists have done absolutely nothing that they can be proud of."

"Why do these appointed, arrogant, political hacks think they can distort and corrupt the concept of "justice" in a process of JUDGEtice injustice and evil."

"The attitude seems to be"if you screw with us judges we'll see that you never get justice - we'll vote for evil rather than justice." And so they do, in violation of the California and United States Constitutions, the oath of office (if they even took it) and the judicial canons."

CONCLUSIONS OF LAW:

By the foregoing statements, wherein Respondent falsely accused Judge Brickner of criminal acts of conspiracy and bribery, as well as acts in violation of the judicial canons, interfered with the orderly administration of justice, and falsely created the appearance of impropriety by the court, Respondent wilfully failed to maintain the respect due to the courts of justice and judicial officers, a violation of Business and Professions Code section 6068(d).

By denigrating the honor or reputation of a judge or judicial officer, and accusing a judge of conspiracy, bribery, violations of criminal law and the judicial canons, without corroboration, and for purposes of interfering with the orderly administration of justice in reckless disregard of the truth and falsity of the statements, Respondent committed and act or acts involving moral turpitude, dishonesty or corruption, in wilful violation of Business and Professions Code 6106.

AGGRAVATING CIRCUMSTANCES.

Prior Discipline:

Case No. S090156 (95-O-16163/96-H-03466 (Cons.)): Effective: October 27, 2000.

Violations: Business and Professions Code sections 6103 and 6068(o)(3) and Rules of Professional Conduct section 1-110. In one consolidated matter, Respondent failed to comply with a court order regarding payment of a \$1,500 non-discovery sanction. Respondent also failed to report the sanction to the State Bar. In the other consolidated matter, Respondent violated a condition of a former private reproof requiring that he file quarterly reports with the Office of Probation on certain specified dates. Respondent filed six late quarterly reports.

Degree of prior discipline: Nine months suspension stayed, 90 days actual, 2 years probation with conditions, Rule 955 and MPRE within one year.

Second Prior Discipline:

Case No. 92-O-10820/93-O-17134 (Cons.): Effective February 25, 1995.

Violations: Rules of Professional Conduct section 1-320(A), Business and Professions Code section 6068(m) and Rules of Professional Conduct sections 3-110(A), 3-700(D)(1) and 3-110(A) of the former Rules of Professional Conduct (effective May 27, 1989). In one consolidated matter, Respondent shared legal fees, whether directly or indirectly, with a person not licensed to practice law. In the other consolidated matter, it was found that Respondent failed to perform and communicate, and also that he failed to return medical records at the clients request.

Degree of prior discipline: Private Reproof (public disclosure) and MPRE within 1 year.

ORDER

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

The stipulation as to facts and conclusions of law is APPROVED.

The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.

1. Delete the "x" in the box next to paragraph B.(4) on page 2; and
2. Delete the "x" in the box next to paragraph C.(8) on page 3.

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; 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Pilot Program or does not sign the Pilot Program Contract. (See rules 135(b) and 802(b), Rules of Procedure.)

The effective date of the disposition is the effective date of the Supreme Court order herein, normally 30 days after the file date of the Supreme Court Order. (See rule 953(a), California Rules of Court.)

Date

July 15, 2005

Judge of the State Bar Court

RICHARD A. HONN

LODGED

JUL 15 2005

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

CONFIDENTIAL

**CONTRACT AND WAIVER FOR PARTICIPATION IN
THE STATE BAR COURT'S PROGRAM
FOR RESPONDENTS WITH SUBSTANCE ABUSE
OR MENTAL HEALTH ISSUES**

This Contract and Waiver for Participation in the State Bar Court's Program for Respondents with Substance Abuse or Mental Health Issues (hereinafter "Contract" or "Program Contract") is entered into by Respondent **PHILIP ALLEN PUTMAN** (hereinafter "Respondent") on the date set forth at the end of this Contract.

By executing this Contract, Respondent specifically states and agrees as follows:

1. Respondent acknowledges that the following attorney disciplinary proceedings and/or disciplinary investigation matters are currently pending against him:

02-O-10121

2. Respondent desires to enter into and participate in the State Bar Court's Program for Respondents with Substance Abuse or Mental Health Issues (hereinafter "Program") and agrees to comply with all of the terms of this Contract and with such other requirements as may be imposed by the State Bar Court Program Judge (hereinafter "Program Judge").
3. Respondent has entered into a Stipulation as to Facts and Conclusions of Law which fully resolves the disciplinary proceedings and/or investigations identified in paragraph 1 above. Respondent understands and agrees that the Stipulation as to Facts and Conclusions of Law will be binding upon Respondent in the event that he is accepted into the Program and will be filed with the State Bar Court and made public at such time as Respondent either successfully completes the Program or is terminated from the Program.
4. Based upon the facts, conclusions of law and mitigating and aggravating circumstances as set forth in the Stipulation as to Facts and Conclusions of Law, the Program Judge has provided Respondent, in writing, with alternative disciplinary recommendations. Respondent acknowledges and agrees that the lower level of disposition or discipline will be imposed or, as appropriate, will be

recommended to the California Supreme Court in the event that the Program Judge subsequently finds, in a written order, that Respondent has successfully completed the Program. Alternatively, Respondent acknowledges and agrees that the higher level of discipline will be imposed or, as appropriate, will be recommended to the California Supreme Court in the event that the Program Judge subsequently finds, in a written order, that Respondent has ceased to participate in or has been terminated from the Program.

5. Respondent understands that eligibility for participation in the Program is contingent upon acceptance and participation in the Lawyer Assistance Program (hereinafter "LAP"). Respondent agrees to comply with all terms and conditions set forth by the LAP. Respondent understands that, if his participation in the LAP is terminated without successfully completing the LAP, Respondent's participation in the Program will be terminated and discipline will be imposed or recommended as set forth in paragraph 4 above.
6. Respondent agrees to sign a waiver authorizing the LAP to release information to the Program regarding his participation in the LAP and the progress of Respondent's treatment. Any information released by the LAP shall not be utilized by the Office of the Chief Trial Counsel for any disciplinary prosecution but may be considered by the Program Judge in setting and/or modifying the terms of Respondent's participation in the Program. The information released by the LAP may also be utilized in determining whether Respondent has successfully completed the Program or, alternatively, whether Respondent should be terminated from further participation in the Program.
7. Respondent agrees to provide the Program Judge with copies of the LAP Participation Agreement and with such periodic evaluation report(s) from treatment professional(s) that are prepared in the course of Respondent's participation in the LAP.
8. Respondent agrees that the State Bar Court may provide to the Office of Probation and to the Client Security Fund such information as the Court deems necessary or appropriate to enable the Office of Probation to effectively monitor Respondent's compliance with Program conditions or to enable the Client Security Fund to process any application for reimbursement by the Fund.
9. Respondent stipulates and agrees that, whether or not a formal disciplinary proceeding against him has been filed in the State Bar Court, the Court has jurisdiction to consider Respondent's request to participate in the Program and to

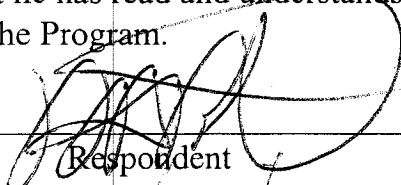
make all necessary or appropriate orders relating to the underlying disciplinary matter, the processing of Respondent's Program application and the imposition of any conditions upon Respondent's practice.

10. Respondent understands that, during his participation in the Program, Respondent may be ordered by the Program Judge to perform various acts and/or to comply with specified conditions for the purpose of permitting the Program Judge to oversee and monitor Respondent's compliance with the Program and assess the degree to which Respondent's continued practice of law, if any, may pose a threat of harm to the public or to Respondent's clients. These acts or conditions may include, but are not limited to (a) submitting periodic written reports to the State Bar's Probation Unit or to the Program Judge; (b) developing a law office management plan; (c) attending State Bar Ethics School; (d) taking Mandatory Continuing Legal Education courses; and (e) responding to inquiries from the Program Judge and/or the Probation Unit. Respondent agrees that he will comply with the Program Judge's orders and acknowledges that his failure to do so may constitute grounds for terminating Respondent's continued participation in the Program.
11. Respondent acknowledges and agrees that the length of his participation in the Program is discretionary with the State Bar Court. The basic term of Respondent's participation in the Program will be thirty-six (36) months. Respondent may earn incentives which could result in his successful completion of the Program within a period of not less than eighteen (18) months. Alternatively, Respondent acknowledges and agrees that the Program Judge may, in the exercise of his discretion, extend the period of Respondent's participation in the Program beyond thirty-six (36) months in order to provide Respondent with additional time to successfully complete his Program requirements. Respondent acknowledges and agrees that Respondent may not successfully complete the Program without a one-year substance-free certificate from the LAP or, in the case of mental health issues, without a certificate from a licensed psychiatrist, clinical psychologist or other approved mental health professional indicating that Respondent has maintained at least one year of continuous mental health stability.
12. Respondent understands and agrees that incentives may be granted by the Program Judge when he successfully complies with the terms and conditions of the Program. Such incentives include, but are not limited to: (a) a reduction in the minimum participation period for successful completion of the Program; (b) a reduction in the frequency of court appearances in the State Bar Court; (c) participation in status conferences by telephone rather than in person; (d) receipt of

credit for any period of inactive enrollment towards the period of actual suspension, if any, to be imposed in the disposition of the underlying disciplinary proceeding.

13. Respondent understands and agrees that sanctions may be imposed based upon Respondent's failure to comply with the terms and conditions of the Program. Such sanctions include, but are not limited to: (a) the involuntary enrollment of Respondent as an inactive member of the State Bar; (b) increased frequency of status conferences and/or personal appearances in the State Bar Court; (c) loss of credits for inactive enrollment towards the period of actual suspension imposed in the disposition of the underlying disciplinary proceeding; or (d) termination from the Program.
 14. Respondent acknowledges and agrees that his participation in the Program may be terminated by the Court for non-compliance with Program requirements, including but not limited to the following: (a) positive urinalysis tests on multiple occasions; (b) missed treatment or group meetings; (c) allegations of additional misconduct which occurred after Respondent was accepted into the Program; or (d) failure to comply with the terms of this Contract.
 15. Respondent agrees to appear in the State Bar Court for any scheduled hearings, regardless of Respondent's compliance with the LAP treatment program. Respondent further acknowledges and agrees that the Program Judge may require him to appear before the State Bar Court in an expeditious manner. Respondent agrees to make himself available to the Court if such an expedited conference is required by the Program Judge.
 16. Respondent agrees to keep the LAP, its treatment provider(s), the Program Judge and the Membership Records Office of the State Bar advised of his current address and telephone number at all times during Respondent's participation in the LAP and in the Program. Respondent agrees to provide the above-referenced individuals and entities with any changes in Respondent's current address and telephone number within ten (10) days of the change.
 17. Other Conditions: None
-

By executing this Contract in the designated space below, Respondent represents that he has read and understands the Contract and the terms of Respondent's participation in the Program.



Respondent

Attorney for Respondent

7/15/05

Date

Date

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; 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 July 19, 2005, I deposited a true copy of the following document(s):

DECISION RE ALTERNATIVE RECOMMENDATIONS FOR DEGREE OF DISCIPLINE;

STIPULATION RE FACTS AND CONCLUSIONS OF LAW; and,

CONTRACT AND WAIVER FOR PARTICIPATION IN THE STATE BAR COURT'S PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES, all lodged July 15, 2005

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

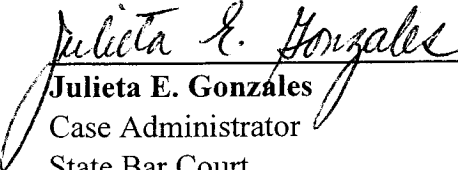
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**PHILIP A PUTMAN ESQ
P O BOX 7336
HUNTINGTON BEACH CA 92615-7336**

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

Charles A. Murray, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **July 19, 2005**.



Julieta E. Gonzales
Case Administrator
State Bar Court