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STATE BAR COURT
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**REVIEW DEPARTMENT OF THE STATE BAR COURT
IN BANK**

In the Matter of)
)
)
PHILIP DENNIS ABRAMOWITZ,)
)
)
A Member of the State Bar.)
_____)

06-C-15537

**RECOMMENDATION OF
SUMMARY DISBARMENT**

The State Bar's request for summary disbarment is granted. On July 1, 2008, we filed an order to show cause directing respondent Philip Dennis Abramowitz, State Bar No. 81434, to show cause why we should not recommend his summary disbarment to the Supreme Court. Respondent filed a response acknowledging this is a summary disbarment matter.

On August 14, 2006, respondent entered a guilty plea to one count of conspiracy to commit immigration fraud (18 U.S.C. § 371 and 18 U.S.C. § 1546(a), 2(b)), and two counts of causing an act of immigration fraud (18 U.S.C. § 1546(a), 2(b)). As a result of his conviction, we placed respondent on interim suspension effective June 22, 2007. His conviction is now final. (Cal. Rules of Court, rule 9.10(a).)

Respondent's conviction is conclusive proof that he committed the crime. (Bus. & Prof. Code, § 6101, subd. (a).) The record of conviction establishes that respondent's conviction meets the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c), as amended effective January 1, 1997.

First, respondent's offenses constitute felonies. (18 U.S.C. 3559 (a)(3), (4).) Second, respondent's offenses involve moral turpitude because the elements of his immigration fraud include knowingly submitting an application required by the immigration laws or regulations that contains a materially false statement.¹ (See *United States v. Jacques Dessange, Inc.* (S.D.N.Y.

¹Title 18 of the United State Code section 1546(a) sets forth multiple offenses. As provided for in the record of conviction, respondent was convicted of the offense set forth in the

2000) 103 F.Supp.2d 701, 707, 709; *United States v. Khalje* (2nd Cir. 1981) 658 F.2d 90, 91-92 [§ 1546(a) penalizes those who present materially false statements in applications required by immigration laws].) It has been determined that similar crimes that are based on “knowledge of the falsity of certain facts or documents” involve moral turpitude. (See *In re Rivas* (1989) 49 Cal.3d 794, 800 [knowingly providing the registrar of voters with false residency information in declaration of candidacy papers in violation of Elec. Code § 29303 involves moral turpitude per se; see also *In the Matter of Sawyer* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 765, 770 [accessory after the fact in connection with the submission of false information to a federally insured bank in violation of 18 U.S.C. § 1014 involves moral turpitude per se].)

When an attorney’s conviction meets the requirements of Business and Professions Code section 6102, subdivision (c), “the attorney is not entitled to a State Bar Court hearing to determine whether lesser discipline is called for.” (*In re Paguirigan* (2001) 25 Cal.4th 1, 4-7.) Disbarment is mandatory. (*Id.* at p. 9.)

We therefore recommend that respondent Philip Dennis Abramowitz, State Bar number 81434, be summarily disbarred from the practice of law. We also recommend that he be ordered to comply with rule 9.20 of the California Rules of Court and to perform the acts specified in paragraphs (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court’s order. Finally, we recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, such costs being enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

REMKE

Presiding Judge

fourth full paragraph, providing a violation for knowingly presenting “as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder.” Our recommendation is limited to this offense and not intended to be determinative of whether the other offenses under section 1546(a) constitute moral turpitude per se.

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 January 16, 2009, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED JANUARY 16, 2009

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:

ERICA ANN TABACHNICK
900 WILSHIRE BLVD #1000
LOS ANGELES, CA 90017

by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

by overnight mail at , California, addressed as follows:

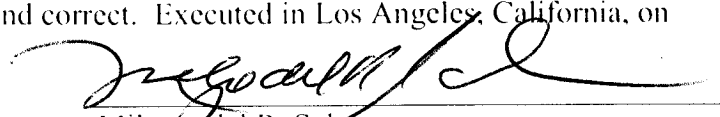
by fax transmission, at fax number . No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Dane Christopher Dauphine, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 16, 2009.



Milagro del R. Salmeron
Case Administrator
State Bar Court