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State Bar Court of California Hearing Department Los Angeles		
Counsel For The State Bar Larry DeSha Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1336 Bar # 117910	Case Number (s) 06-O-13872-DFM 07-O-10248-DFM 07-O-10576-DFM	(for Court's use) <div style="text-align: center; font-size: 24pt; font-weight: bold; margin-bottom: 10px;">PUBLIC MATTER</div> <div style="text-align: center; font-size: 24pt; font-weight: bold; margin-bottom: 10px;">FILED</div> <div style="text-align: center; font-size: 18pt; font-weight: bold; margin-bottom: 10px;">MAY 13 2009</div> <div style="text-align: center; font-weight: bold;"> STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
In Pro Per Respondent Raymond R. Prazen 2515 Camino Del Rio South; Ste. 200 San Diego, CA 92108 (619) 444-6700 Bar # 69295	Submitted to: Assigned Judge	
In the Matter Of: RAYMOND R. PRAZEN Bar # 69295 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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 25, 1976**.
- (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 entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **12** 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):
 - until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
 - costs to be paid in equal amounts prior to February 1 for the following membership years: **2010, 2011, and 2012**
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - costs entirely waived

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** [see standard 1.2(f)]
 - (a) State Bar Court case # of prior case **92-O-20853-DSW, et al.**
 - (b) Date prior discipline effective **October 28, 1994**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **3-110(A); section 6068(m)**
 - (d) Degree of prior discipline **Private Reproval**
 - (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.
- (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.
- (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.
- (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:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **two (2) years**.

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.

ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. and until Respondent does the following:

(b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

(a) Respondent must be actually suspended from the practice of law in the State of California for a period of **ninety (90) days**.

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. and until Respondent does the following:

E. Additional Conditions of Probation:

(1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

(2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

(4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the

probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.

- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.

No Ethics School recommended. Reason:

- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.

- (10) The following conditions are attached hereto and incorporated:

- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

No MPRE recommended. Reason:

- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 955 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule

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within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she 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 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

Attachment language begins here (if any):

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: RAYMOND R. PRAZEN

CASE NO.: 06-O-13872-DFM
07-O-10248-DFM
07-O-10576-DFM

FACTS FOR CASE No. 06-O-13872-DFM:

1. On January 20, 2006, Respondent was hired by a landlord to evict a tenant who was in arrears in the monthly rent. The landlord paid a minimum fee of \$550, which would cover the entire case if the tenant defaulted. Time was of the essence and Respondent promised swift action.
2. During the week commencing with January 23, 2006, the client made several calls to Respondent and left messages requesting a status report for the case. Respondent did not return any of these calls.
3. On or about February 2, 2006, the client reached Respondent by telephone, and Respondent informed the client that he had already filed the unlawful detainer action. This was a false statement because the action had not yet been filed.
4. On or about February 4, 2006, the client telephoned Respondent and left a message that the tenant had vacated the premises, and instructed Respondent to stop the unlawful detainer case. Respondent did not retrieve this message for about a week, and he filed the unlawful detainer action on February 9, 2006. Respondent subsequently was unable to effect service of process and allowed the court to dismiss the case for failure to prosecute.
5. On May 2, 2006, the client sent Respondent a letter demanding a refund of the unearned fees for her case. Respondent did not reply to the letter. Respondent had not performed any service of value to the client, and had not earned any fee.
6. On October 19, 2006, the client obtained a default judgment in Small Claims Court for \$610.00 against Respondent. Respondent did not satisfy this judgment until April 17, 2009.
7. On June 21, 2006, the client filed a complaint with the State Bar, alleging Respondent's failures to perform, communicate with her, and refund unearned fees, and also alleging that Respondent had lied to her about the filing date for the unlawful detainer action.

8. On September 18, 2006 and October 11, 2006, a State Bar investigator sent letters to Respondent requesting his response in writing to those allegations. Respondent received the letters, but he did not reply to either letter, nor did he otherwise cooperate in the State Bar's investigation of the client's complaint.

CONCLUSIONS OF LAW FOR CASE NO. 06-O-13872-DFM:

1. By filing the unlawful detainer action 20 days after he was hired for that purpose and when he knew that time was of the essence, and by failing to timely review his incoming telephone messages, one of which instructed him to stop the lawsuit, Respondent recklessly or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).
2. By failing to respond to the client's calls during the week of January 23, 2006, Respondent failed to respond to reasonable status inquiries of a client in willful violation of Business and Professions Code, section 6068(m).
3. By failing to refund anything to the client in 2006, Respondent failed to promptly refund any part of a fee paid in advance that had not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).
4. By representing to the client on or about February 2, 2006 that he had filed the unlawful detainer action when he had not done so, Respondent committed an act involving moral turpitude, dishonesty, or corruption in willful violation of Business and Professions Code, section 6106.
5. By failing to respond to the two letters from the State Bar's investigator and by failing to otherwise provide a written response to the client's allegations, Respondent failed to cooperate and participate in a disciplinary investigation pending against him in willful violation of Business and Professions Code, section 6068(i).

FACTS FOR CASE NO. 07-O-10248-DFM:

1. On January 24, 2007, the State Bar opened an investigation into a complaint against Respondent from a client who alleged that Respondent had abandoned her appeal of an immigration matter to the U.S. Court of Appeals for the Ninth Circuit and had failed to respond to her status inquiries.
2. On June 7, 2007 and June 25, 2007, a State Bar investigator sent letters to Respondent requesting his response in writing to those allegations. Respondent received the letters, but he did not reply to either letter, nor did he otherwise cooperate in the State Bar's investigation of the client's complaint.
3. The State Bar subsequently determined that the complaint did not warrant disciplinary action.

CONCLUSIONS OF LAW FOR CASE NO. 07-O-10248-DFM:

1. By failing to respond to the two letters from the State Bar's investigator and by failing to otherwise provide a written response to the client's allegations, Respondent failed to cooperate and participate in a disciplinary investigation pending against him in willful violation of Business and Professions Code, section 6068(i).

FACTS FOR CASE NO. 07-O-10576-DFM:

1. On June 7, 2006, Respondent was hired by a landlord to evict a tenant who was in arrears in the monthly rent. The landlord paid a minimum fee of \$550, which would cover the entire case if the tenant defaulted. Time was of the essence and Respondent promised swift action.
2. On June 9, 2006, Respondent informed the client that he had already filed the unlawful detainer action and had served the tenant. Respondent knew this was a false statement when he made it because the action had not been filed and was never filed.
3. Between June 12, 2006 and July 3, 2006, the client made many telephone calls to Respondent and left messages inquiring whether the case was proceeding by hearing or default. Respondent did not return any of these calls. On July 5, 2006, the client faxed a request to Respondent for a status report, but Respondent did not reply.
4. On July 6, 2006, the client faxed another letter to Respondent, terminating his services and requesting a refund of her \$550. Respondent did not reply to the letter and did not pay the refund until April 6, 2009. Respondent had not performed any service of value to the client, and had not earned any fee.
5. On February 5, 2007, the client filed a complaint with the State Bar, alleging Respondent's failures to perform, communicate with her, and refund unearned fees, and also alleging that Respondent had lied to her about the filing date for the unlawful detainer action.
6. On April 6, 2007 and May 1, 2007, a State Bar investigator sent letters to Respondent requesting his response in writing to those allegations. Respondent received both letters, but he did not reply to either letter, nor did he otherwise cooperate in the State Bar's investigation of the client's complaint.
7. On April 17, 2009, Respondent refunded the \$550 to the client.

CONCLUSIONS OF LAW FOR CASE NO. 07-O-10576-DFM:

1. By failing to file the unlawful detainer action during the 29 days of his employment, when time was of the essence, Respondent intentionally or recklessly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

2. By failing to respond to the client's calls between June 12, 2006 and July 3, 2006, and by failing to respond to her fax of July 5, 2006, Respondent failed to respond to reasonable status inquiries of a client in willful violation of Business and Professions Code, section 6068(m).
3. By failing to refund anything to the client in 2006, Respondent failed to promptly refund any part of a fee paid in advance that had not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).
4. By representing to the client on June 9, 2006, that he had filed the unlawful detainer action when he had not done so, Respondent committed an act involving moral turpitude, dishonesty, or corruption in willful violation of Business and Professions Code, section 6106.
5. By failing to respond to the two letters from the State Bar's investigator and by failing to otherwise provide a written response to the client's allegations, Respondent failed to cooperate and participate in a disciplinary investigation pending against him in willful violation of Business and Professions Code, section 6068(i).

DISMISSALS:

1. The State Bar requests dismissal of Count Six, alleging failure to perform with competence, on grounds of insufficient evidence. [Rule 262(a).]
2. The State Bar requests dismissal of Count Seven, alleging failure to respond to client inquiries, on grounds of insufficient evidence. [Rule 262(a).]

SUPPORTING AUTHORITY:

General Standard 1.6(a) states that when there are multiple acts of misconduct for which two or more different sanctions are prescribed by the standards, the sanction imposed shall be the most severe of the different applicable standards.

Standard 2.3 of the Standards for Attorney Sanctions for Professional Misconduct requires "actual suspension or disbarment" for an act of moral turpitude "depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law."

Standard 2.4(b) requires "reproval or suspension depending upon the extent of the misconduct and the degree of harm to the client" for willfully failing to perform legal services.

Standard 2.10 similarly requires "reproval or suspension according to the gravity of the offense or the harm, if any, to the victim" for a violation of any Rule of Professional Conduct which is not covered by another Standard. This Standard applies to Rule 3-700(D)(2).

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Since the two moral turpitude counts are the most serious, Standard 2.3 is the applicable standard in this case.

PENDING PROCEEDINGS:

The disclosure date referred to on page 2, paragraph A.(7), was April 17, 2009.

COSTS:

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of April 17, 2009, the estimated prosecution costs in this matter are approximately \$4,892.00. Respondent acknowledges that this figure is an estimate only, and that costs will increase to the next level of \$6,158.00 if this matter is not resolved by stipulation or otherwise before Pretrial Statements are filed.

If Respondent fails to pay any installment within the time provided in paragraph A.(8) above or as modified by the State Bar Court pursuant to section 6068.10 (c), the remaining balance of costs will be due and payable immediately and enforceable as a money judgment unless relief is granted under rule 286 of the Rules of Procedure of the State Bar of California.

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In the Matter of RAYMOND R. PRAZEN	Case number(s): 06-O-13872-DFM 07-O-10248-DFM 07-O-10576-DFM
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SIGNATURE OF THE PARTIES

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 Fact, Conclusions of Law and Disposition.

April 23, 2009
Date


Respondent's Signature

Raymond R. Prazen
Print Name

Date

Respondent's Counsel Signature

Print Name

April 30, 2009
Date


Deputy Trial Counsel's Signature

Larry DeSha
Print Name

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In the Matter Of RAYMOND R. PRAZEN	Case Number(s): 06-O-13872-DFM 07-O-10248-DFM 07-O-10576-DFM
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ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, ^{DFM} 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 135(b), 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.)**

5/11/09
Date



Judge of the State Bar Court

DONALD F. MILES

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 May 13, 2009, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND
ORDER APPROVING

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

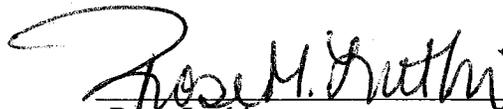
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

RAYMOND R PRAZEN, ESQ.
PRAZEN & ASSOCIATES
2515 CAMINO DEL RIO S STE 200
SAN DIEGO, CA 92108

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

LARRY DESHA, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 13, 2009.



Rose Luthi
Case Administrator
State Bar Court