

(Do not write above this line.)

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

<p>Counsel For The State Bar</p> <p>Charles T. Calix Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1000</p> <p>Bar # 146853</p>	<p>Case Number (s) 06-O-14911 and 07-O-11121</p>	<p>(for Court's use)</p> <p style="text-align: center; font-size: 24pt;">FILED</p> <p style="text-align: center;">JUN 08 2009 ✓</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Phillip Olu Falese 4929 Wilshire Boulevard #700 Los Angeles, CA 90010 (323) 634-7829</p> <p>Bar # 222428</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: Phillip Olu Falese</p> <p>Bar # 222428</p> <p>A Member of the State Bar of California (Respondent)</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 **December 3, 2002**.
- (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 **11** 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."



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- (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: **Costs to be paid in equal amounts prior to February 1 for the three (3) billing cycles following the effective date of the Supreme Court order.**
(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
 - (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. **Respondent's failure to refund unearned costs caused harm to the two complaining witnesses who were deprived of those funds.**
- (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

See the discussion of mitigating circumstances in the section titled Authorities Supporting Discipline.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **one (1) year**.

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 **thirty (30) 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 954-9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

No MPRE recommended. Reason:

- (2) **Rule 955-9.20, 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

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

- (3) **Conditional Rule 955-9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955-9.20, 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: FINANCIAL CONDITIONS.**

Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the State Bar's Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

Within eighteen (18) months from the effective date of discipline in this matter, Respondent must make restitution to Smiley Chincilla or the Client Security Fund ("CSF") if it has paid, in the principal amount of \$2,100 plus interest at the rate of 10% per annum from December 12, 2003 in six (6) quarterly installments. The installment payments shall be paid on or before January 1, April 1, July 1, and October 1 of each year until paid in full. The first five (5) installment payments shall each be \$675, and the sixth (6) installment payment shall be for any remaining principal and/or interest. Respondent shall include, in each quarterly report required herein, satisfactory evidence of the restitution payment made by him during that reporting period to the Office of Probation.

Within eighteen (18) months from the effective date of discipline in this matter, Respondent must make restitution to Arneha Anderson or CSF if it has paid, in the principal amount of \$1,000 plus interest at the rate of 10% per annum from July 12, 2006, in six (6) quarter installments. The installment payments shall be paid on or before January 1, April 1, July 1, and October 1 of each year until paid in full. The first five (5) installment payments shall each be \$260, and the sixth (6) installment payment shall be for any remaining principal and/or interest. Respondent shall include, in each quarterly report required herein, satisfactory evidence of the restitution payment made by him during that reporting period to the Office of Probation.

Respondent waives any objection to payment by the State Bar Client Security Fund upon a claim for the principal amount of restitution set forth herein.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: **Philip Olu Falese**

CASE NUMBERS: **06-O-14911 and 07-O-11121**

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.

FACTS – CASE NO. 06-O-14911 (CHINCILLA):

1. On or about December 12, 2003, Smiley Chincilla (“Chincilla”) employed Respondent to file a lawsuit against his former employer, Elena Konstat, D.D.S. (“Dr. Konstat”), for wrongful termination. Chincilla signed a “Retainer Agreement” prepared by Respondent that stated, in part, that Respondent would receive a contingency fee of 40% of all amounts received after the filing of a lawsuit and that Chincilla would “deposit \$2,000 to cover costs.”
2. On or about December 12, 2003, Chincilla gave Respondent a personal check made payable to Respondent for \$1,000 for advanced costs. Respondent received the check.
3. On or about January 15, 2004 and February 15, 2004, Chincilla gave Respondent personal checks each made payable to Respondent for \$500 for advanced costs. Respondent received the checks. Altogether, Chincilla paid Respondent \$2,000 in advanced costs.
4. At all relevant times, Respondent only maintained one client trust account, which was located at Wells Fargo Bank, Account No. ***-***4509 (“CTA”).¹
5. Respondent did not deposit any of the checks from Chincilla for advanced costs into his CTA.
6. On or about May 21, 2004, Respondent filed a lawsuit on behalf of Chincilla against Dr. Konstat in the Superior Court of California, County of Los Angeles, titled *Chincilla v. Elena Konstat, Ph.D., et al*, Case No. BC315917 (“*Chincilla v. Dr. Konstat*”).
7. In or about June of 2006, Respondent settled *Chincilla v. Dr. Konstat* for \$3,500 (the “\$3,500 settlement”).
8. In or about June of 2006, Respondent mailed a “Settlement Sheet” to Chincilla that stated that Respondent was entitled to attorneys fees of \$1,400 of the \$3,500 settlement (40% of \$3,500 = \$1,400) and “costs advanced” of \$100. The envelope enclosing the Settlement Sheet enclosed a CTA check from Respondent to Chincilla for \$2,000.

¹ The Account number has been redacted to protect the account and accountholder.

9. On or about June 27, 2006, Chincilla's daughter, Nadia Chincilla, called and spoke with Respondent. During their conversation, Nadia Chincilla told Respondent that Chincilla had paid \$2,000 to Respondent for advanced costs pursuant to the Retainer Agreement, and therefore, Respondent was not entitled to subtract \$100 from the \$3,500 settlement for costs he allegedly advanced. Nadia Chincilla requested that Respondent pay Chincilla the \$100 he had withheld for costs he allegedly advanced from the \$3,500 settlement, provide an accounting for the \$2,000 paid by Chincilla for advanced costs, and refund to Chincilla the unused advanced costs. Respondent told Nadia Chincilla that the \$2,000 was for a non-refundable retainer, he would not provide an accounting, and he would not pay any additional sums of money to Chincilla.

10. On or about July 11, 2006, Nadia Chincilla faxed a letter to Respondent that memorialized their conversation on or about June 27, 2006, and requested that Respondent pay Chincilla the \$100 he had withheld for costs he allegedly advanced, provide an accounting for the \$2,000 paid by Chincilla for advanced costs, and refund the unused advanced costs. Respondent received the fax.

11. Respondent did not provide an accounting for the \$2,000 paid by Chincilla for advanced costs or the \$100 in costs he allegedly advanced.

12. Respondent did not refund the unused portion of the \$2,000 paid by Chincilla for advanced costs or pay Chincilla the \$100 he took from Chincilla's settlement.

CONCLUSIONS OF LAW – CASE NO. 06-O-14911 (CHINCILLA).

13. By failing to deposit any of the checks from Chincilla for advanced costs into his CTA, Respondent willfully failed to deposit funds received for the benefit of a client in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import in willful violation of rule 4-100(A) of the Rules of Professional Conduct ("rule(s)").

14. By failing to provide an accounting for the \$2,000 paid by Chincilla for advanced costs or the \$100 in costs he allegedly advanced, Respondent willfully failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession in willful violation of rule 4-100(B)(3).

15. By failing to refund the unused portion of the \$2,000 paid by Chincilla for advanced costs or pay Chincilla the \$100 he took for costs he allegedly advanced, Respondent willfully failed to pay promptly, as requested by a client, any funds in Respondent's possession which the client is entitled to receive in willful violation of rule 4-100(B)(4).

FACTS – CASE NO. 07-O-11121 (ANDERSON).

16. In or about June or July of 2006, Arnetha Anderson ("Anderson") called and spoke with Respondent about pursuing an action against a doctor and a medical clinic for possible medical malpractice that took place in June or July of 2005. Respondent told Anderson that it sounded like she had a case but demanded a deposit of \$2,500 before he would take her case and file suit.

17. In or about June or July of 2006, Anderson called and spoke with Respondent. Anderson told Respondent that she could only raise \$1,000, and asked Respondent if he would accept that amount to file suit. Respondent agreed to file suit for that amount, and told Anderson that he would send his law clerk, Ben Samai ("Samai"), to her home to receive the money and have her sign the retainer agreement.

18. On or about July 12, 2006, Samai went to Anderson's home to meet with Anderson and discuss the medical malpractice that took place in June or July of 2005. Anderson signed several documents and gave Samai \$1,000. Samai told Anderson that he would make copies of the documents when he returned to the office and send the copies to her. Respondent never provided copies of the documents to Anderson. Respondent received the \$1,000.

19. In or about January of 2007 and on or about February 7, 2007, Anderson faxed letters to Respondent terminating him for failing to perform and requesting a refund of the \$1,000. Respondent received the faxes.

20. On or about January 30, 2007, Anderson called Respondent's office, spoke with Respondent, told him that she was terminating him for failing to perform, and requested a refund of the \$1,000 from Respondent. Respondent told Anderson that he would refund the \$1,000 within one week. Respondent did not refund the \$1,000 within one week.

21. In or about February of 2007, Anderson called Respondent's office, spoke with Respondent, and requested a refund of the \$1,000 from Respondent. Respondent told Anderson that he was in the process of preparing papers for Anderson to sign to receive the refund.

22. On or about February 28, 2007, Anderson called Respondent's office, spoke with Respondent, and told him that she would report him to the State Bar if he did not refund the \$1,000 by March 6, 2007. Respondent told Anderson that he would refund the \$1,000.

23. Respondent provided no legal services of value to Anderson. Respondent did not earn any of the \$1,000 paid by Anderson. At no time did Respondent refund any of the \$1,000 paid by Anderson or provide Anderson with an accounting for the \$1,000.

CONCLUSIONS OF LAW – CASE NO. 07-O-11121 (ANDERSON).

24. By not refunding the \$1,000 to Anderson promptly after Anderson terminated his employment in January 2007, Respondent failed to refund unearned fees in willful violation of rule 3-700(D)(2).

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was May 7, 2009.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of May 6, 2009, the prosecution costs in this matter are \$3,162.60. 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.

9

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.3 of the “Standards for Attorney Sanctions for Professional Misconduct” (“Standards”) provides guidance as to the imposition of discipline and interpretation of specific Standards. It states that the primary purpose of discipline is the protection of the public, the courts and the legal profession.

Standard 2.2(b) addresses offenses involving violations of rule 4-100, and provides for at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances.

Standard 2.10 provides that culpability of a wilful violation of any Rule of Professional Conduct not specified in these standards shall result in reproof or suspension according to the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3.

In the case of *In re Silverton* (2005) 36 Cal.4th 81, 92, the Supreme Court discussed the fact that the Standards are entitled to great weight and the State Bar and State Bar Court should follow their guidance wherever possible. However, the Supreme Court also indicated that the State Bar and State Bar Court may deviate from the Standards where there “exists grave doubt as to the propriety of the recommended discipline.” *Id.* at p. 92.

In *In re Morse* (1995) 11 Cal.4th 184, 206, the Supreme Court stated the purpose of disciplinary proceedings are the protection of the public, the courts, and the legal profession, the maintenance of high professional standards by attorneys, and the preservation of public confidence in the legal profession.

Although Standard 2.2(b) dictates the imposition of at least a three month suspension from the practice of law, Respondent’s misconduct does not merit a suspension of that length as his misconduct stemmed from: (a) his limited years of practice at the time of the misconduct, *i.e.*, three and one-half to four and one-half years; (b) his lack of mentoring and legal training as Respondent has been a sole practitioner since his admission; (c) his lack of training and experience in dealing with client trust accounts and client funds; and (d) his failure to appreciate his duties and obligations as a fiduciary to his clients with regard to costs they paid him to represent them. Furthermore, Respondent has admitted his misconduct to the State Bar Court and State Bar, has expressed remorse to the State Bar Court and State Bar, and has cooperated with the State Bar in its investigation and by entering into this Stipulation.


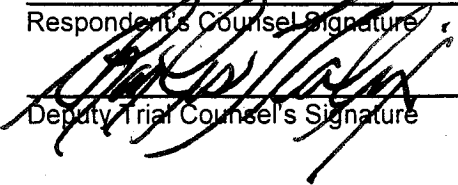
Balancing the extent of the misconduct and the degree of harm to the clients, and the intent and purpose of disciplinary proceedings as expressed in Standard 1.3 and *In re Morse*, *supra*, 11 Cal.4th at p. 206, the appropriate level of discipline is met by the imposition of a suspension of one year, stayed upon the condition that Respondent be placed on probation for two years with a 30 day actual suspension.

(Do not write above this line.)

In the Matter of Philip Olu Falese	Case number(s): 06-O-14911 and 07-O-11121
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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.

<u>May 14, 2009</u> Date	 Respondent's Signature	<u>Philip Olu Falese</u> Print Name
<u>5-19-09</u> Date	 Deputy Trial Counsel's Signature	<u>Charles T. Calix</u> Print Name

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(Do not write above this line.)

In the Matter Of
Philip Olu Falese

Case Number(s):
06-O-14911 and 07-O-11121

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.

See attached.

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.)**

6-8-09
Date


Richard A. Honn
Judge of the State Bar Court

Philip Olu Falese, Case Numbers 06-O-14911 and 07-O-11121

On page 4 of the stipulation, the "X" in box E(1) is deleted to remove the conditional standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct requirement.^[1]

On page 5 of the stipulation, "X's" are placed in box E(10) and in the Financial Conditions sub-box in paragraph E(10) to clarify that the financial conditions set forth on page 6, paragraph F(5) of the stipulation are additional probation conditions.

On page 6 of the stipulation, at the end of the paragraph F(5), the following text is inserted: "Any restitution payable to CSF must include interest and costs in accordance with Business and Professions Code section 6140.5. Moreover, any restitution payable to CSF is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d)."

-X-X-X-X-

^[1] A conditional standard 1.4(c)(ii) requirement is inappropriate in this matter because there is no possibility that respondent's disciplinary suspension will exceed 30 days, much less extend for two or more years.

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 June 8, 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:

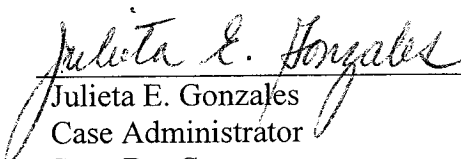
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

PHILIP O FALESE ESQ
LAW OFC PHILIP FALESE
4929 WILSHIRE BLVD #700
LOS ANGELES, CA 90010

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

Charles T. Calix, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 8, 2009.



Julieta E. Gonzales
Case Administrator
State Bar Court