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**State Bar Court of California  
Hearing Department  
Los Angeles  
STAYED SUSPENSION**

<b>Counsel For The State Bar</b>  Tammy M. Albertsen-Murray 180 Howard Street San Francisco, CA 94105 (415) 538-2527  Bar # 154248	<b>Case Number(s):</b> 10-O-00128; 10-O-07986; 10- O-10606	<b>For Court use only</b>  <b>PUBLIC MATTER</b>  <b>FILED</b>  AUG 25 2011  STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
<b>In Pro Per Respondent</b>  Craig E. Munson 321 N Atlantic Blvd. Alhambra, CA 91801 (626) 318-8554  Bar # 143833	<b>Submitted to: Assigned Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>STAYED SUSPENSION; NO ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
<b>In the Matter of:</b> CRAIG E. MUNSON  Bar # 143833  A Member of the State Bar of California (Respondent)		

**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 11, 1989.
- (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."

(Effective January 1, 2011)



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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Costs are added to membership fee for calendar year following effective date of discipline.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: Costs to be paid in equal amounts for the three billing cycles following the effective date of the Supreme Court order. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure). If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are 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 07-O-12345, et al.
  - (b)  Date prior discipline effective December 21, 2008
  - (c)  Rules of Professional Conduct/ State Bar Act violations: 4-100(A)
  - (d)  Degree of prior discipline One year stayed suspension; one year probation; 30 days actual suspension
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline. N/A
- (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.

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- (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. Respondent knew he was overextended by his cases, causing stress, anxiety and depression. His family situation was strained as a result. Respondent is committed to working in a firm setting rather than maintaining another sole practice.
- (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. Respondent had marital problems connected to his inability to support his family by virtue of MCLE non-passage, but since he has been able to practice again, his family life has stabilized.

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- (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 page 9.

#### 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:

The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent is 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.)

#### E. Additional Conditions of Probation:

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

(2)  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.

(3)  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.

(4)  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.

(5)  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.

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- (6)  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.
- (7)  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 State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: Respondent completed Ethics School on February 2, 2011 in conjunction with discipline in case number 07-O-12345.
- (8)  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.
- (9)  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 within one year. **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 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason: Respondent took and passed the MPRE on November 6, 2010 in conjunction with discipline in case number 07-O-12345.
- (2)  **Other Conditions:**
- Respondent shall pay the \$1500.00 sanction referenced in case number 10-O-07986 within the first 12 months of the effective date of the order. Respondent shall indicate on each quarterly probation report whether he made a payment during that reporting period and shall attach proof of payment as defined by Office of Probation.

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:           CRAIG E. MUNSON

CASE NUMBERS:            10-O-10606; 10-O-00128; 10-O-07986

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 AND CONCLUSIONS OF LAW.**

**Case number 10-O-00128**

**Facts.**

In April, 2009, Wali Razaqi ("Razaqi") retained respondent to represent him in a civil matter entitled *Nate Kamrany v. Wali Razaqi*, Los Angeles County Superior Court, case number SC 099323.

In April, 2009, respondent and Razaqi executed a substitution of attorney form, but respondent failed to file it with the court. In June, 2009, respondent and Razaqi executed a second substitution of attorney form and respondent also failed to file that substitution with the court. As a result of having no attorney of record, opposing counsel was contacting Razaqi directly. Razaqi forwarded to respondent anything he received directly from opposing counsel.

At the time of respondent's retention, Razaqi told him and respondent was aware that discovery was already outstanding and in need of responses. At respondent's request, Razaqi provided information responsive to the discovery requests. Respondent prepared the responses, but failed to actually serve them on opposing counsel.

Ultimately, plaintiff filed a motion for terminating sanctions and served it on respondent as attorney for Razaqi. Respondent failed to respond to the motion and failed to appear at the hearing on the motion. Plaintiff's motion was granted. Razaqi's motion to vacate the resulting judgment in plaintiff's favor was denied.

**Conclusions of Law.**

By failing to serve discovery responses, failing to respond to the motion for terminating sanctions and failing to appear at the hearing on the motion, respondent wilfully violated Rules of Professional Conduct, rule 3-110(A).

**Case number 10-O-07986**

**Facts.**

Respondent was attorney of record for plaintiff in a case styled *Glenn Page Davidson v. Robert Simmons*, U.S.D.C. Central Dist. Case number CV10-2661-GAF. On July 26, 2010, the Court sanctioned respondent \$500 for his failure to comply with local rules. On August 9, 2010, the Court imposed an additional \$1,000 sanction for his failure to comply with local rules and for his failure to pay the previously ordered sanction by the date due, for a total sanction of \$1,500.

## **Conclusion of Law.**

By failing to pay the sanctions as ordered by the Court of which he was fully aware, respondent violated Business and Professions Code section 6103.

## **Case number 10-O-10606**

## **Facts.**

On March 3, 2009, respondent substituted in as plaintiff Harrison's counsel of record in a case styled *William Harrison v. City of Palmdale, et al.*, Los Angeles County Superior Court case number MC018763. On May 12, 2009, defendants served a demand for production of documents on respondent as counsel for plaintiff. Respondent did not inform his client of his receipt of the document demand. Respondent did not serve any response to the document demand. On August 20, 2009, defendants moved to compel production and the motion was granted. Respondent was sanctioned \$780 for failure to comply with discovery. [Respondent paid the sanctions in full on January 26, 2010.] Respondent did not inform his client of the motion to compel or that it was granted. Respondent did not comply with the discovery order. On September 22, 2009, defendants moved for terminating sanctions. Respondent did not respond to the motion, nor did he tell his client that a motion for terminating sanctions had been filed. On October 22, 2009, the court granted defendants' motion for terminating sanctions, entered judgment for defendants and dismissed Harrison's complaint. Respondent did not notify his client that his complaint was dismissed. However, on November 10, 2009, defendants told Harrison that the complaint had been dismissed. Harrison fired respondent on December 9, 2009.

Harrison hired subsequent counsel, Chamberlain. Chamberlain moved to set aside the judgment. The trial court denied the motion. Chamberlain appealed the denial of the motion to set aside. Respondent fully cooperated with Chamberlain's efforts to restore Harrison's complaint, including submitting a detailed declaration in support of Chamberlain's motion to set aside the judgment. The appellate court found that respondent had taken on too many clients to handle successfully, lost track of cases, failed to respond to case-related requests and failed to inform his client of significant matters, concluding that respondent's acts were inexcusable neglectful. Ultimately, the appellate court granted the writ of mandate.

## **Conclusions Of Law.**

By failing to serve discovery responses, failing to respond to the discovery motions or motion for terminating sanctions and failing to inform Harrison of the discovery issues and entry of default judgment, respondent wilfully violated Rules of Professional Conduct, rule 3-110(A) and Business and Professions Code, section 6068(m).

## **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was July 29, 2011.

## **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of July 29, 2011, the prosecution costs in this matter are \$ 4,646.00. 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.



## **AUTHORITIES SUPPORTING DISCIPLINE.**

In *Gold v. State Bar* (1989) 49 Cal.3d 908, respondent failed to perform or to communicate with two clients and was also found culpable of moral turpitude. The attorney in *Gold* had 25 years of discipline-free practice. *Gold*'s discipline was reduced to 30 days by Supreme Court.

In *the Matter of Kopinski* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 716, the attorney received stayed suspension for failure to communicate with two clients and failure to relinquish their files promptly.

In *the Matter of Klein* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 1, the attorney received stayed suspension for failing to comply with a court order.

In the instant matter, respondent's conduct did not include moral turpitude or failure to return files or fees. He did not promptly pay the court-ordered sanctions in 10-O-07986, but was financially unable to pay them when ordered. Respondent does have a prior record of discipline involving inexperience with a client trust account. The misconduct at issue in these cases is distinct from the earlier record; no repeat of the earlier misconduct is found. One thing that does connect the misconduct is the time frame: respondent has been forthcoming regarding a difficult period in his life surrounding his misconduct. Respondent's extensive mitigation, described herein, sets apart the facts of these cases from the actual suspension found in *Gold* and other similar cases.

## **MITIGATING CIRCUMSTANCES.**

Respondent promptly acknowledged responsibility for his misconduct and expressed his remorse both to the State Bar and to the court and client by way of his declaration filed in support of subsequent counsel's motion to set aside default in the Harrison matter (case number 10-O-10606).

Respondent began a solo practice in January, 2009. He had no staff and performed all the case-related work and office administration by himself. By July, 2009, he had become overwhelmed with the amount of work and time, having never run his own practice before. Respondent began to lose track of his case commitments and not fully performing, which in turn, led to more anxiety and ultimately depression. By March, 2010, he failed to pass the MPRE while still trying to run his solo practice. At that time, his wife was a mother and homemaker, not needing to work outside the home for income. Once respondent knew he would not be allowed to practice again until he passed the MPRE, the marriage suffered from the upheaval of his wife's having to promptly earn sufficient income to support their family. Respondent began to drink excessively and became demonstrably depressed.

By September, 2010, respondent had to take on more direct responsibility for his young son, including getting the boy to and from school, in that his wife was then outside working. That was the motivation he needed to stop the drinking to avoid any dangerous situations for his son.

Soon thereafter, on November 6, 2010, respondent passed the MPRE and could work as an attorney again. Rather than put himself back into a solo practice that he knew would be too much for him to handle again, he instead began making contract, one-time appearances, but no longer was the sole attorney responsible for a case. In addition, he took a research position with Reuters West with a steady income and hours.

Respondent takes full responsibility for his ethical misconduct, recognizes the situations most likely to be difficult for him to handle and has taken many steps to remove himself from those situations.

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In the Matter of: CRAIG E. MUNSON	Case Number(s): 10-O-10606; 10-O-00128; 10-O-07986
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**Law Office Management Conditions**

- a.  Within        days/        months/        years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b.  Within        days/12 (twelve) months/        years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than 10 hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c.  Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

Other:

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In the Matter of: CRAIG E. MUNSON	Case number(s): 10-O-10606; 10-O-00128; 10-O-07986
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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 Facts, Conclusions of Law, and Disposition.

<u>8-7-2011</u>		Craig E. Munson
Date	Respondent's Signature	Print Name
	<u>N/A</u>	<u>N/A</u>
Date	Respondent's Counsel Signature	Print Name
<u>8/12/2011</u>		Tammy M. Albertsen-Murray
Date	Deputy Trial Counsel's Signature	Print Name
	<u>WONDER LIANG FOR</u>	

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In the Matter of:  
CRAIG E. MUNSON

Case Number(s):  
10-O-10606; 10-O-00128; 10-O-07986

### STAYED SUSPENSION ORDER

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

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

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

Date

Aug. 24, 2011

Judge of the State Bar Court

LUCY ARMENDARIZ

## CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on August 25, 2011, 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 San Francisco, California, addressed as follows:

CRAIG E. MUNSON  
321 N ATLANTIC BLVD  
ALHAMBRA, CA 91801

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

TAMMY ALBERTSEN MURRAY, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on August 25, 2011.



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Laine Silber  
Case Administrator  
State Bar Court