

(Do not write above this line.)

State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
<p>Counsel For The State Bar</p> <p>Timothy G. Byer Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1325</p> <p>Bar # 172472</p>	<p>Case Number(s): 12-O-14304-DFM 12-O-17114</p>	<p>For Court use only</p> <p style="font-size: 2em; text-align: center;">PUBLIC MATTER</p> <p style="text-align: center; font-size: 1.5em;">FILED</p> <p style="text-align: center; font-size: 1.2em;">JUL 18 2013</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Thomas D. Pham, Jr. 17111 Beach Blvd., Ste. 100 Huntington Beach, CA 92647 (714) 260-4321</p> <p>Bar # 183521</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p>	
<p>In the Matter of: THOMAS D. PHAM, JR.</p> <p>Bar # 183521</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</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 August 26, 1996.
- (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."

(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):
 - Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (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 11-O-13516, et al.
 - (b) Date prior discipline effective September 15, 2012
 - (c) Rules of Professional Conduct/ State Bar Act violations: rules 1-300(A), 3-110(A), and 4-100(B)(3), and sections 6103, 6106, and 6106.3. See Attachment, page 9, "Additional Facts Re Aggravating Circumstances."
 - (d) Degree of prior discipline 60 days actual suspension, one year stayed suspension, one year probation, and restitution.
 - (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.

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- (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. See Attachment, page 9, "Additional Facts Re Aggravating Circumstances."
- (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 Attachment, pages 9-10, "Additional Facts Re Additional Mitigating Circumstances."

D. Discipline:

(1) **Stayed Suspension:**

- (a) Respondent must be suspended from the practice of law for a period of one 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 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 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: pays the sanctions to the Los Angeles Superior Court which he was ordered to pay as of April 2, 2012, in the Harrison Matter, discussed at page 7 of the Attachment, and reports to the probation department that he has done so.

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 the 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:
 - Substance Abuse Conditions
 - Medical Conditions
 - Law Office Management Conditions
 - Financial Conditions

F. Other Conditions Negotiated by the Parties:

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- (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 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Rule 9.20, California Rules of Court:** Respondent 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 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:** If Respondent completes Ethics School or passage of the Multistate Professional Responsibility Examination as required in his prior disciplinary matter prior to the effective date of the discipline herein, and reports that he has done so in his first quarterly probation report, he shall be deemed to have complied with those conditions of this stipulation.

7. By not reporting the imposition of the monetary sanction imposed by the court in the Harrison matter, Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against Respondent, in willful violation of Business and Professions Code section 6068(o)(3).

Case No. 12-O-17114

FACTS:

8. On May 24, 2012, the Supreme Court of California filed Order No. S202665 (“Suspension Order”). Pursuant to the Suspension Order, Respondent was suspended from the practice of law in the state of California due to his failure to pay his State Bar membership dues. The effective date of the Suspension Order was July 3, 2012.

9. Respondent was properly served with the Suspension Order.

10. On August 17, 2012, Respondent paid his membership dues to State Bar and returned to active status.

11. Between July 3, 2012, and August 17, 2012, Respondent was suspended from the practice of law due to his failure to pay his State Bar membership dues.

12. On July 12, 2012, Respondent signed a “Notice of Hearing on Demurrer to Plaintiff’s 2nd Amended Complaint; Memorandum of Points and Authorities; Declaration of Thomas Pham, Jr.” (“Demurrer”) which he filed in the Orange County Superior Court on July 17, 2012, as counsel for plaintiffs TNL Pacific Corporation, Alliance West Mortgage, An Le, and Nikki Le (“Plaintiffs”), in a civil matter entitled *Vo Law Firm, APLC v. TNL Pacific Corporation, et. al*, case number 30-2011-00444299 (the “Vo Matter”).

13. At the time that Respondent signed and filed the Demurrer on behalf of the Plaintiffs in the Vo Matter, Respondent knew, or was grossly negligent in not knowing, that he was not entitled to practice law in the state of California.

14. On January 8, 2013, a State Bar investigator sent a letter to Respondent, which he received, in which the investigator requested a written response by Respondent to the allegations of misconduct in the Vo Matter, by January 22, 2013. Respondent did not respond to the letter, in writing or otherwise.

CONCLUSIONS OF LAW:

15. By signing and filing the Demurrer on behalf of Plaintiffs in the Vo Matter while he was ineligible to practice law in the state of California, Respondent practiced law and held himself out as entitled to practice law when he was not an active member of the State Bar, and thereby failed to support the Constitution and laws of the United States and of this State, in willful violation of Business and Professions Code section 6068(a).

16. By signing and filing the Demurrer on behalf of the Plaintiffs in the Vo Matter when he knew, or was grossly negligent in not knowing, that he was not entitled to practice law in the state of California, Respondent committed an act involving moral turpitude, dishonesty or corruption, in willful violation of Business and Professions Code section 6106.

17. By not responding to the State Bar investigator's letter, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent, in willful violation of Business and Professions Code section 6068(i).

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.2(b)(i)): Respondent has been a member of the State Bar since June 1, 2007, and has been disciplined on one prior occasion.

Effective September 15, 2012, the California Supreme Court ordered that Respondent be suspended from the practice of law in California for one year, that execution of the suspension be stayed, and that he be placed on probation for one year, subject to certain conditions, including 60 days of actual suspension, and restitution to his client (including the principal amount plus interest at 10 percent per annum). The discipline resulted from Respondent's misconduct in case numbers 11-O-13516 and 11-O-18171. Respondent's misconduct in the first case consisted of violations of Business and Professions Code sections 6103 and 6106, as well as Rules of Professional Conduct, rule 3-110(A). Respondent's misconduct in the second case consisted of violations of Business and Professions Code section 6106.3, as well as Rules of Professional Conduct, rules 3-110(A), 1-300(A) and 4-100(B)(3). In the first matter, Respondent failed to appear at an Order to Show Cause hearing, and after the matter was dismissed for his failure to appear, Respondent misrepresented to his client that her case was still pending. The court later set aside the dismissal, but ordered Respondent to pay sanctions which Respondent failed to pay. In the second matter, Respondent charged and collected an illegal fees, failed to provide an accounting to his client when she requested a refund, and allowed his non-attorney staff to give his client legal advice. Respondent's misconduct occurred between April 2010 and May 2011.

Multiple Acts of Misconduct (Std. 1.2(b)(ii)): Respondent committed five separate acts of misconduct in the two matters resolved by this stipulation: he disobeyed two separate orders of the court, he practiced law when not entitled to do so, which was also an act of moral turpitude, and he failed to cooperate with a State Bar investigation.

ADDITIONAL FACTS RE ADDITIONAL MITIGATING CIRCUMSTANCES.

Pre-trial Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to trial, thereby saving State Bar Court time and resources. (See *In the Matter of Downey* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 151, 156; *In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 993-994.) However, the cooperation inherent in this pretrial stipulation is tempered by his failure to cooperate in the investigation of the 12-O-17114 matter.

Financial difficulties: Respondent's income has dropped significantly since 2010, from an average monthly gross of \$3,000-\$4,000 to as low as \$1,000 gross, as a result of the law offices which had been employing him as their exclusive contract attorney hiring permanent associates and employing

a greater variety of contract attorneys. Respondent has borrowed approximately \$15,000 since 2010 from friends and relatives to meet his obligations. Respondent's financial distress was a significant contributing factor in his inability to timely pay his bar dues, and his failure to timely pay the sanctions ordered by the court in the Harrison Matter. These circumstances were not reasonably foreseeable nor within Respondent's control, and are therefore properly considered as mitigation. (See *Grim v. State Bar* (1991) 53 Cal.3d 21, 31.)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed 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." (*In re Morse* (1995) 11 Cal.4th 184, 205; std. 1.3.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Respondent admits committing five acts of professional misconduct. Standard 1.6 (a) requires that where a Respondent acknowledges two or more acts of misconduct, and different sanctions are prescribed by the standards that apply to those acts, the sanction imposed shall be the more or most severe prescribed in the applicable standards.

The most severe sanction applicable to Respondent's misconduct, prior to consideration of aggravating circumstances, is found in standard 2.3. Standard 2.3 provides that culpability for an act of moral turpitude, fraud, or intentional dishonesty toward client shall result in actual suspension or disbarment 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 attorney's acts within the practice of law. In the present case, Respondent engaged in an act of moral turpitude by practicing law when he knew, or was grossly negligent in not knowing, that he was ineligible to do so, an act directly related to the practice of law.

As discussed above, Respondent's misconduct in these two matters constitutes serious and multiple acts of misconduct. Further, Respondent's prior record of discipline is a serious aggravating factor. Standard 1.7(a) provides that, if a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of one prior imposition of discipline, the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current

proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust.

Respondent's prior discipline was neither "minimal in severity" nor "remote in time" from the current misconduct, and included 60 days of actual suspension. Accordingly, pursuant to standard 1.7(a), a level of discipline greater than 60 days actual suspension is warranted for Respondent's current misconduct.

Respondent's failure to timely pay his bar dues, which resulted in his inactive status, and which led to his unauthorized practice of law, and his failure to pay the sanctions as ordered by the court, are explained, although not excused by, his financial difficulties. In addition, Respondent is entitled to some mitigation for entering into a pretrial stipulation.

Considering the magnitude of Respondent's misconduct and the direct connection between that misconduct and Respondent's practice of law, and taking into account all aggravating and mitigating circumstances, the level of discipline stipulated to herein, including an actual suspension from the practice of law for 90 days and until the payment of the court-ordered sanctions in the Harrison Matter, is appropriate to serve the purposes of attorney discipline.

The level of discipline is also consistent with published case law. In *In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, Respondent Wells had violated rule 1-300(B) by her unauthorized practice of law in two matters in South Carolina and violated rule 4-200(A) by taking illegal fees, which she had not refunded. She also committed moral turpitude when she misled the State Bar investigator and misled the attorney investigating her violation of South Carolina law. The court found the moral turpitude of greater concern than her rule violations. Wells also had one prior discipline. Wells was disciplined with six months of actual suspension.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of June 4, 2013, the prosecution costs in this matter are approximately \$4,263. 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.

EXCLUSION FROM MCLE CREDIT.

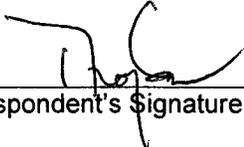
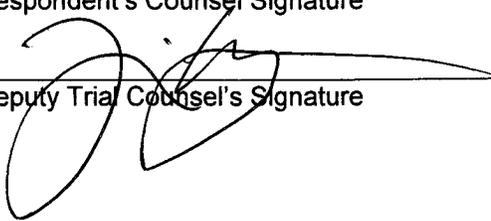
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School, and/or any other educational course(s) to be ordered as a condition of suspension. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: THOMAS D. PHAM, JR.	Case number(s): 12-O-14304-DFM, 12-O-17114
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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>6-19-2013</u> Date	 Respondent's Signature	<u>Thomas D. Pham</u> Print Name
<u>6-19-13</u> Date	 Deputy Trial Counsel's Signature	<u>Timothy G. Byer</u> Print Name

(Do not write above this line.)

In the Matter of THOMAS D. PHAM, JR. Member # 183521	Case number(s): 12-O-14304; 12-O-17114
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ACTUAL 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 AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.

On page 4 of the Stipulation, under the heading "Actual Suspension," the term "90 days." is deleted and in its place is inserted "six (6) months"

On page 9 of the Stipulation, under the heading "Additional Facts Re Aggravating Circumstances," line 2, "June 1, 2007" is deleted, and in its place is inserted "August 26, 1996".

On page 4 of the Stipulation, at paragraph D.(3)(a) iii., "reports to the probation department that he has done so" is deleted, and in its place is inserted "provides satisfactory proof to the Office of Probation that he has paid the sanctions".

On page 5 of the Stipulation, the "X" in the box at paragraph E.(8) is deleted, and an "X" is inserted in the box next to "No Ethics School recommended." Also, "Respondent has been ordered to comply with this requirement in connection with his prior discipline effective September 15, 2012" is inserted after "Reason:".

On page 6 of the Stipulation, the "X" in the box at paragraph F.(1) is deleted, and an "X" is inserted in the box next to "No MPRE recommended." Also, "Respondent has been ordered to comply with this requirement in connection with his prior discipline effective September 15, 2012" is inserted after "Reason:".

On page 6 of the Stipulation, the "X" in the box at paragraph F.(5) is deleted, and all language after "Other Conditions" is deleted.

On page 8 of the Stipulation, paragraph 15, line 3, "in violation of Business and Professions Code sections 6125 and 6126" is added after "State Bar".

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

7/18/13


DONALD F. MILES
Judge of the State Bar Court

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 Los Angeles, on July 18, 2013, 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:

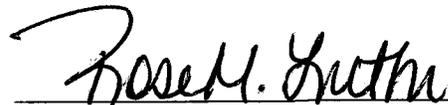
THOMAS PHAM JR
PHAM & ASSOCIATES
17111 BEACH BLVD STE 100
HUNTINGTON BEACH, CA 92647

THOMAS D, JR PHAM
9315 BOLSA AVE. #166
WESTMINSTER, CA 92683

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

TIMOTHY BYER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 18, 2013.



Rose M. Luthi
Case Administrator
State Bar Court