

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
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FILED
 JUL 26 2016
 STATE BAR COURT
 CLERK'S OFFICE
 LOS ANGELES

STATE BAR COURT
 HEARING DEPARTMENT - LOS ANGELES

In the Matter of:) Case Nos. 15-O-13356 and 15-O-13357
 PHILIP EBERHARD KOEBEL,)
 No. 249899,) NOTICE OF DISCIPLINARY CHARGES
 A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL:

- (1) YOUR DEFAULT WILL BE ENTERED;
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION AND THE DEFAULT IS SET ASIDE, AND;
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE. SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN ORDER RECOMMENDING YOUR DISBARMENT WITHOUT FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ., RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.



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The State Bar of California alleges:

JURISDICTION

1. Phillip Eberhard Koebel ("Respondent") was admitted to the practice of law in the State of California on June 6, 2007, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE

Case No. 15-O-13356
Business and Professions Code, section 6068(o)(3)
[Failure to Report Judicial Sanctions]

2. 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 judicial sanctions against Respondent by failing to timely report to the State Bar the \$23,800 in sanctions the court imposed on Respondent on or about March 26, 2014, in connection with *In re Patrick Cecil Brooks*, Debtor, Case No. 2:13-bk-33628-VZ, filed in the United States Bankruptcy Court for the Central District of California, in willful violation of Business and Professions Code section, 6068(o)(3).

COUNT TWO

Case No. 15-O-13356
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

3. Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith do or forbear, by failing to comply with the order to pay \$23,800 in sanctions the court imposed on Respondent on or about March 26, 2014, in connection with *In re Patrick Cecil Brooks*, Debtor, Case No. 2:13-bk-33628-VZ, filed in the United States Bankruptcy Court for the Central District of California, which respondent had notice of, served on respondent and filed in the United States Bankruptcy Court for the Central District of California, on or about March 26, 2014, in that Respondent failed to satisfy the sanctions as ordered, in willful violation of Business and Professions Code, section 6103.

COUNT THREE

Case No. 15-O-13356
Business and Professions Code, section 6068(c)
[Maintaining an Unjust Action]

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4 4. On or about November 3, 2013, Respondent failed to counsel or maintain such
5 action, proceedings, or defenses only as appear to Respondent legal or just by filing a verified
6 complaint on behalf of the debtor, in connection with *In re Patrick Cecil Brooks*, Debtor, Case
7 No. 2:13-bk-33628-VZ, in the United States Bankruptcy Court for the Central District of
8 California, to avoid foreclosure sale for an improper purpose to harass, cause unnecessary delay,
9 needlessly increase litigation costs and assert frivolous claims that were without merit and were
10 not warranted by existing law in willful violation of Business and Professions Code, section
11 6068(c).

COUNT FOUR

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13 Case No. 15-O-13357
14 Business and Professions Code, section 6068(d)
 [Seeking to Mislead a Judge]

15 5. On or about June 10, 2013, respondent filed on behalf of the debtor, a chapter 13
16 proceeding captioned *In re Kathleen Marie Latham, Debtor*, Case No. 1-13-bk-13908-VK, in the
17 United States Bankruptcy Court, Central District of California, San Fernando Valley Division,
18 wherein he certified by signing the petition that the information contained within the petition was
19 accurate and that the debtor's certification was appropriate that the underlying unlawful detainer
20 judgment for possession was not exempt from the bankruptcy automatic stay provisions of
21 section 362(a) as set forth in 11 U.S.C. section 362(b)(22) when he knew that the exemption was
22 applicable and Respondent knew the debtor's statement was false, and thereby sought to mislead
23 the judge or judicial officer by an artifice or false statement of fact or law, in willful violation of
24 Business and Professions Code, section 6068(d).

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COUNT SEVEN

Case No. 15-O-13357
Business and Professions Code, section 6068(o)(3)
[Failure to Report Judicial Sanctions]

8. 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 judicial sanctions against Respondent by failing to timely report to the State Bar the \$8,669.96 in sanctions the court imposed on Respondent on or about October 14, 2014, in connection with *In re Kathleen Marie Latham, Debtor*, Case No. 1-13-bk-13908-VK, in the United States Bankruptcy Court, Central District of California, San Fernando Valley Division, in willful violation of Business and Professions Code section, 6068(o)(3).

NOTICE - INACTIVE ENROLLMENT!

YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.

NOTICE - COST ASSESSMENT!

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: July 26, 2016

By: *Hugh G. Radigan*
Hugh G. Radigan
Deputy Trial Counsel

DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 15-O-13356 and 15-O-13357

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, CA 90017-2515, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

- By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414726699042010063957 at Los Angeles, addressed to: (see below)

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking No.: addressed to: (see below)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy to. Row 1: Philip E. Koebel, KOeBeL Law Offices, PO Box 94799, Pasadena, CA 91109-4799, Electronic Address.

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ('UPS').

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: July 26, 2016

SIGNED:

JULI FINNILA
Declarant