

STATE BAR OF CALIFORNIA

ANNUAL PUBLIC HEARING

IN THE MATTER OF:
PUBLIC HEARING ON ADMISSION
COMPETENCE AND DISCIPLINE PURSUANT
TO BUSINESS AND PROFESSIONS CODE
SECTION 6095 (a),

TRANSCRIPT OF PROCEEDINGS
THURSDAY, DECEMBER 11, 2008
180 HOWARD STREET, BOARD ROOM
SAN FRANCISCO, CALIFORNIA

BEFORE:
RICHARD FRANKEL, Chairman
180 Howard Street
San Francisco, California 94105

**CERTIFIED
COPY**

PANEL:
Lawrence "Jeff" Dal Cerro, Assistant Chief Trial
Counsel, Office of the Chief Trial Counsel;
Colin P. Wong, Chief Administrative Officer, State Bar
Court; Gayle E. Murphy, Senior Executive, Admissions;
Randall Difuntorum, Director, Professional Competence.

REPORTED BY:
CELIA A. ZARATE
CSR NO. 10769

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PUBLIC HEARING

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A P P E A R A N C E S

SPEAKERS:

Gilbert "Gib" Papazian

Nancy Keough

STAFF MEMBERS:

Doug Hull, Administrative Specialist

--oOo--

A T T A C H M E N T S

No. 1 - Sign in sheet

No. 2 - Documents submitted by Gilbert "Gib" Papazian

No. 3 - Remarks by Nancy Keough

PUBLIC HEARING

1 SAN FRANCISCO, CALIFORNIA

10:04 a.m.

2 P R O C E E D I N G S

3 MR. FRANKEL: Good morning, ladies and
4 gentlemen. My name is Richard Frankel and I am the
5 Chair of the Regulation, Admissions and Discipline
6 Oversight Committee, as well as a member of the Board of
7 Governors of the State Bar of California, and I want to
8 welcome you all here today to the Annual State Bar
9 public hearing on admissions, competence, and discipline
10 in San Francisco.

11 Present with me and sitting up here next to
12 me are: Jeff Dal Cerro, Assistant Chief Trial Counsel;
13 Colin Wong, Chief Administrative Officer of the State
14 Bar Court; Gayle Murphy, Senior Executive of Admissions;
15 and Randall Difuntorum, Director of Professional
16 Competence.

17 As you may be aware, pursuant to Statute, the
18 State Bar of California holds two public hearings each
19 year: One in Southern California and one in Northern
20 California to hear proposals from the public on Bar
21 disciplinary procedures, attorney competency, and
22 admissions procedures.

23 The staff has caused notice of this hearing
24 to be given by circulating a press release to the media
25 posting notice on the State Bar's website and

PUBLIC HEARING

1 distributing notice to all local, specialty and minority
2 bars in California. The notice specified the time,
3 place, and purpose of the meeting.

4 We have a court reporter present to
5 transcribe all of the oral testimony presented today.
6 This testimony together with any written comments that
7 are received will be made available to the full Board of
8 Governors and to all of the members of the committee on
9 regulation, admissions and discipline oversight.

10 If you have any supporting documentation that
11 you are going to refer to which has not previously been
12 submitted for photocopying prior to the hearing, please
13 provide the material to Doug Hull and the court reporter
14 so that photocopies can be made and included in the
15 public record of the hearing.

16 We understand that some of you are here to
17 discuss your experience with a specific attorney. While
18 it is not the purpose of this hearing to register
19 complaints, we understand that you have taken time from
20 your busy schedules to be here; therefore, we
21 respectfully request that if you discuss your
22 experiences with a specific attorney, please refrain
23 from using the attorney's name.

24 Until a complaint is filed in the State Bar
25 court it is a confidential matter. Since the

PUBLIC HEARING

1 transcripts from these hearings will be made available
2 to the public we would appreciate your cooperation by
3 not mentioning your attorney by name, but please feel
4 free to discuss your experiences.

5 The Assistant Chief Trial Counsel, Mr. Dal
6 Cerro, has offered to make himself available after the
7 hearing if you wish to discuss your issue with him in a
8 more confidential setting. If you have not previously
9 signed in and want to testify today, please see Doug
10 Hull, or one of the staff members in the room. We ask
11 that you complete your testimony within ten minutes or
12 less. You will be notified when your time is up.

13 Doug will call out the names in order in
14 which you have signed in. To ensure that the court
15 reporter is able to hear clearly, please come to the
16 front of the room when your name is called and begin by
17 identifying yourself for the record. The sign-in sheet
18 will become part of the record and the court reporter
19 will verify the spelling of the name by checking the
20 sheet.

21 Doug, please call the first name on the list.

22 MR. HULL: Gilbert "Gib" Papazian.

23 MR. PAPAZIAN: Gilbert, G-i-l-b-e-r-t,
24 Papazian, P-a-p-a-z-i-a-n, the II. All right. First,
25 I'd like to state on the record how disgusted I am that

PUBLIC HEARING

1 Scott Drexel is not here. I consider it to be just
2 another expression of cowardness and incompetence.

3 If you need me to slow down, please feel
4 free.

5 I'd like to start out first off right here
6 with -- Ms. Murphy, the newest member of Mr. Koehler's
7 gang is a gentleman by the name of Randy Warren. You
8 can see right here that he was given a -- went to an
9 unaccredited law school, graduated at the age of 50, and
10 then come to find out that that's not even his real
11 name. He's the newest member of the gang who's after
12 me.

13 And over here, Mr. Dal Cerro, this is a
14 document -- let's see, right here, that was filed by
15 Mr. Koehler in the appellate court four or five days
16 ago. Mr. Koehler who Mr. Drexel has refused to even
17 consider levying an interim suspension is so crackers
18 that he doesn't even know who the attorneys are in a
19 case in which he has appeared at least 20 times. So I
20 think that right there you can take a look at that and
21 you can read and you can see that he doesn't even appeal
22 to -- to my attorney and her sister who works in the
23 L.A. city attorney's office. So, I mean, the whole
24 thing is just outrageous.

25 What I'm really here to talk about today is

PUBLIC HEARING

1 I'm here to talk first off about interim suspensions.
2 To hear Mr. Drexel -- you know, in reading the
3 correspondence that he sent me several times. You
4 essentially have to have at least seven different
5 complaints against you and have to be proven to be a
6 danger to the public. Well, this man is a danger to the
7 public and he has been a danger to the public for 30
8 years, and yet he is still running completely wild.

9 My complaint is two years old and we just
10 passed the two-year anniversary, okay, and we are no
11 closer to stopping this disturbed sociopath and his
12 paralegal Larry Hellman than we were the day that I
13 filed the complaint.

14 Okay. In the time since I was here last,
15 this would be my third appearance for this august panel,
16 except there's no one here today that was here last
17 time. It's very interesting that Mr. Koehler has even
18 been sent to jail for five days, has been proven -- has
19 lied on the record at least a dozen times of which I
20 have presented evidence, transcripts, to the point where
21 I probably spent a thousand hours on this.

22 The State Bar has done nothing. Okay.
23 Nothing. And at this point right now this is the same
24 gentleman who falsified \$500,000 worth of legal bills
25 which he now seeks to collect from me on behalf of my

PUBLIC HEARING

1 ex-wife, but the State Bar refuses to prosecute him on
2 the basis of those falsified legal bills. We put him on
3 the stand and he perjured himself because the State Bar
4 refuses to prosecute any attorney when the complaint
5 comes from the opposing party, which is I think is
6 something else that you guys to need to take a very long
7 and close look at because what it essentially does is it
8 allows criminals to run wild which is what has happened
9 to me.

10 Now, at this point right now at a
11 post-judgment family law later, at the hands of
12 Mr. Koehler and Mr. Hellman and now Mr. Randy Warren,
13 O'Brien, or whatever his name is right there. Between
14 me and my parents who are also under attack, our fees
15 have reached a million dollars.

16 Get that part? A million dollars.

17 A million dollars with no end in site. There
18 are now seven interlocking appeals have been filed by
19 these guys, and meanwhile Mr. Koehler runs through court
20 room after court room essentially slandering me in every
21 corner of every court room, libeling me on the record,
22 in Ms. Keough's case particularly, has accused me of
23 everything but molesting my children, and yet he
24 continues, and the problem I think that -- one of the
25 problems that I think is central to this is that you

PUBLIC HEARING

1 guys don't do any investigation. There is no none.

2 Zero.

3 You expect your investigators -- and I will
4 name names. Sherry Carter is a perfect example of one.
5 Who expects that every single bit of evidence be brought
6 to her on a silver platter, all of the background has to
7 be done, it all has to be in order, and then only then
8 two years later, here I am still sitting here, a million
9 dollars later, and no closer to having you going guys
10 doing anything about stopping this man. It's 30 years.

11 He's been suspended twice. He's been
12 reproved once. He's been formally charged two or three
13 other times that I know of, and yet he still is running
14 wild, still -- still running wild to this day, and the
15 fact of the matter is that this paralegal has been
16 practicing law under your nose for 30 years, absolutely,
17 and I brought mountains of evidence, and when the day
18 finally came when God forbid I had to raise my children
19 and run my business that I couldn't continue to do
20 Ms. Carter's investigation, you know what they did, they
21 dropped the case.

22 So here he is right now -- now he's doing
23 legal work for this guy. While he's doing legal work
24 for Mr. Koehler, giving out legal advice in absolute
25 violation of all of your supposed codes that you guys

PUBLIC HEARING

1 hold up here. The fact of the matter is he just got out
2 of law school and we're pretty sure that he's going to
3 go try to take the Bar, and -- but yet the State Bar has
4 done nothing to stop this guy, and we just -- we just
5 don't understand how it is possible that you guys could
6 be outwitted at every turn for 30 years by this guy.

7 I mean, it's just -- frankly, the whole thing
8 is outrageous. My health has been ruined. I have been
9 bankrupted. My children's lives have been ruined, and
10 the fact of the matter is that there's no money to send
11 my kids to college now, because it's a million dollars
12 later. A million dollars with no end in sight, and you
13 guys have done absolutely nothing.

14 The fact that Mr. Drexel is not here who
15 knows what has been going on is just -- I just -- I
16 can't hardly get over that. So I guess -- I guess when
17 we -- I guess when we really sit down and we take a look
18 at this, this has almost been a wasted exercise every
19 time I've come in here, because nothing has changed.
20 Nothing has changed in the four years since I started
21 coming to you people. Nothing has changed.

22 I have never been interviewed by one of your
23 investigators. My parents have never been interviewed
24 by one of your investigators, and yet Mr. Koehler just
25 recently -- he was supposed to go to trial, he

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1 supposedly hired a new attorney, fired his one attorney,
2 hired another attorney for less than 24 hours who got
3 him a six-month continuance, and then the next day he
4 didn't have that attorney again so he had a third one on
5 the following Monday morning.

6 The guy went through three attorneys in 72
7 hours and you gave him a six-month continuance, and in
8 that six-month continuance my legal bills have been
9 \$175,000, defending against him not only in the trial
10 court with Mr. Hellman, not only against Mr. Randy
11 Warren O'Brien but also in the appellate court with
12 seven different appeals.

13 So who's going to pay for that? Are you guys
14 going to do anything about it? Mr. Dal Cerro, are you
15 guys going to do anything about that? I just heard from
16 Mr. Glass a minute ago who finally called me back two
17 days -- knowing that I was going to be coming up here
18 and speaking to you guys. Two years -- a year ago in
19 November, the 20-day letter was to go out -- a year ago
20 in November the 20-day letter was going out imminently.

21 It finally went out a year later. Okay. A
22 year later. In that year my legal bills dealing with a
23 person who belongs in jail while Mr. Hellman was living
24 with my children have been in excess between me and my
25 parents, about \$450,000. That's after tax dollars for

PUBLIC HEARING

1 all you tax people here, and has -- are we any closer to
2 putting these people away? Has Mr. Hellman been called
3 on the carpet? Has Mr. Koehler been called on the
4 carpet? No. Because the fact of the matter is is that
5 all you have to do is hire an attorney who used to work
6 in the prosecutor's office, like David Claire or like
7 Mr. -- oh, heck, I can't even remember what the guy's
8 name is, and essentially they gave you a pass, and
9 that's what's been happening for several years now.

10 This guy has something like 33 different
11 times he's gotten a continuance or a trial date vacated.
12 Well, while all that's going on he's victimizing women
13 and children. So in any case I -- you know, I just
14 guess my only question is is that when is the Office of
15 Chief Trial Counsel going to do something about this?
16 When are you guys going to do your job? Okay. When are
17 you going to stop expecting laymen to have to hire
18 another lawyer to defend them, right, to defend them
19 against criminals like Henry James Koehler, the IV,
20 right, because when -- because I'm having to pay a
21 lawyer \$400 an hour to defend me when it should be you
22 who are defending -- who are taking him out of the legal
23 system completely, and it still hasn't happened, thirty
24 years later.

25 So I guess that's my only question is: When

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1 are you going to do something about it and when are you
2 going to take a good, hard look at the kind of people
3 that you're handing out Bar numbers to like it's candy
4 on Halloween, like that guy right there. Thank you for
5 having me.

6 MR. FRANKEL: Thank you, Mr. Papazian.

7 MR. HULL: Okay. Next up is Nancy Keough.

8 MR. FRANKEL: Ms. Keough, good morning.

9 MS. KEOUGH: Good morning.

10 Good morning, ladies and gentlemen. My name
11 is Nancy Keough and I'm a California attorney. I'm no
12 stranger to these proceedings for any of who you were --
13 who were present last year you know that I addressed
14 this body then, and I have subsequently addressed on
15 multiple occasions for the Governors of the State Bar of
16 California, as well as the RAD committee.

17 Indeed, at the specific behest of the
18 immediate past State Bar President Jeff Bleich, I
19 drafted and submitted last March a rather lengthy
20 proposal for modifications and changes to the existing
21 disciplinary system. About six weeks ago I began asking
22 Holly Fujie the current State Bar president and last
23 year's RAD chair, where are my proposals?

24 It didn't take me long to figure out --
25 figure it out. They were at the bottom of her trash

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1 basket. No mention of them appears on any errata,
2 agenda, or minutes, or on any Board of Governors' agenda
3 or minutes, or anywhere else as far as I can determine.
4 Apparently the request to submit my proposals was an
5 effort to mollify.

6 Well, I'm here today to tell you that it did
7 not work. It seems only when I complained about this
8 recently have they suddenly been retrieved from that
9 wastepaper basket, resurrected, and are currently under
10 study for some evaluation and report in March of next
11 year. One whole year to think about that. There's
12 absolutely no doubt in my mind but that if I had not
13 begun making those recent inquiries, they would have
14 remained at the bottom of the State Bar's waste basket,
15 that is because in the last year there have been some
16 cosmetic changes to the whole process which I think the
17 Bar hopes will satisfy critics of the system and was an
18 all-too obvious effort to placate the defense bar.

19 Two days prior to the last Board of
20 Governors' meeting Mr. Drexel submitted his office's
21 evaluation of my proposals. Two days notice for me to
22 respond to his evaluation of my proposals which had been
23 pending for eight months. That seems fair, right? I
24 had no real opportunity to respond. I will in due
25 course respond in detail, but let me just say here that

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1 Mr. Drexel's response was pathetic.

2 It basically consisted of two things: Number
3 1, if we consider Keough's proposals then we're going to
4 have to change some laws; and, number 2, if we consider
5 Keough's proposals we're going to have to get more
6 resources to prosecute these cases.

7 Well, my response today is simple. First, if
8 the laws need to be changed, then let's change them.
9 The legislature is crammed full of lawyers who are
10 exempt from the continuing education requirements that
11 all the rest of us have to satisfy. It will be a
12 learning experience for them, and it's going to be a
13 benefit to the public; and, second, if more resources
14 are needed to do an adequate job then, Mr. Drexel, I say
15 to you, do the job which you're not presently doing then
16 tell the Board of Governors you need more resources and
17 put those resources into place to protect the public.

18 1,260 days. That's how long my clients'
19 complaint has been pending, or more precisely, if the
20 case actually goes to trial on March 15th of 2009, which
21 quite frankly I doubt, given the repeated continuances
22 that have taken place over the strenuous objection of my
23 clients, it will then be a mere 99 days short of four
24 years.

25 Four years during which the Respondent has

PUBLIC HEARING

1 continued to wreck havoc upon my clients and the public.
2 Four years during which the Respondent has perpetrated
3 fraud upon fraud on the State Bar court. Armed with
4 overwhelming evidence of these lies and deceit the
5 Office of the Chief Trial Counsel has done absolutely
6 nothing as of this morning to bring those frauds to the
7 attention of the court.

8 The case has been in the hands of either five
9 or seven different trial counsel. Over my client's
10 objection, it has been continued again and again and
11 again. One trial counsel actually had the nerve to tell
12 me that although the case had been reassigned to her
13 about a month -- I'm sorry, earlier, and she had just
14 made a court appearance on the very day we spoke, she
15 couldn't discuss the case with me because she hadn't
16 obtained the file from the prior trial counsel.

17 Well, either that's an out-and-out lie, or if
18 it's true it is an example of complete incompetence. I
19 complained about this attorney to Mr. Drexel repeatedly
20 in writing again, and again, and again, and again. He
21 has systematically ignored my complaints. This is the
22 same trial counsel of that office who lied to me
23 previously about the case, and how do I know that? I
24 know that because in a related piece of civil litigation
25 I subpoenaed the State Bar records and determined that

PUBLIC HEARING

1 her statement to me about what action she had taken on
2 the case on behalf of the Office of the Chief Trial
3 Counsel was a lie.

4 In the office of the Chief Trial Counsel
5 there is simply no accountability. They do what they
6 want, when they want, and they have absolutely no regard
7 for the rights of victims, such as my clients.
8 Presently they apparently answer to no one and the State
9 Bar Court is not without responsibility. It seems that
10 the two favorite terms utilized by the court as
11 reflected on the court dockets are: Not held or held
12 continued. In the case in which my clients are the
13 victims the docket includes 18 separate entries of
14 scheduled court actions that are listed as not held, 15
15 separate entries of held continued, or some similar
16 entry.

17 I looked at the dockets of just one judge for
18 the period from today, December 11th, to January 30th of
19 2009, this is just one judge, and here's what I found:
20 There's one case that began in 1994 and it's still
21 pending. There's one that began in 1998, it's still
22 pending. There's one that began in 1999, it's still
23 pending. Three began in the year 2000, they're still
24 pending. One case began in 2001, it's still pending.
25 Three cases began in 2002, they're still pending. Two

PUBLIC HEARING

1 cases began in 2003, they're still pending, and multiple
2 cases that began in 2004 and are still pending, and that
3 doesn't even count the other cases.

4 I counted on that one calendar, 14 lawyers
5 who had multiple cases pending. I counted at least two
6 lawyers who had four separate cases pending. An
7 example, there's one lawyer on that judge's docket
8 calendar who has had complaints that are currently
9 pending filed in 2002, 2006, 2007, and 2008.

10 How can that be, Mr. Drexel? How can the
11 public be subjected to this type of behavior and you and
12 your office not only stand by and allow it to happen but
13 you're complicit in the commission of these grave
14 injustices. And who suffers? The offending attorney?
15 Heavens no. I'll tell you who suffers. It's innocent
16 victims, such as my clients, and then we lawyers wonder
17 why the public has no respect for our profession.

18 So how do you defend this, Mr. Drexel? How
19 does Ms. Fujie as president of the Bar and last year's
20 RAD committee chair allow this system to be so
21 dysfunctional? How does the Board of Governors and the
22 RAD committee stand by and allow this to happen? Does
23 the defense bar have that much influence?

24 The system is broken. This is not an
25 isolated case. Those in positions of authority whose

PUBLIC HEARING

1 responsibility it is to make it function in an efficient
2 and just way for both Respondents and Victims are
3 failing to take the actions necessary to make it work in
4 its present form. Nothing short of massive reform is
5 needed. It should be accomplished from within, but if
6 the reform is not accomplished from within it will be
7 accomplished from the outside, and those who bear the
8 responsibility for this mess will be held accountable.

9 When I testified last year my remarks were
10 not correctly reported. I wrote to the court reporter
11 to make corrections. I contacted the Bar to make
12 corrections. No one was willing to see that the record
13 was correct; therefore, I'm submitting my written
14 remarks as I have presented them here today and I ask
15 that they be included in the record in addition to
16 whatever record is prepared by the Reporter. Thank you.

17 Do you want me to give that to you or to the
18 court reporter?

19 MR. FRANKEL: To the court reporter, please.

20 MR. HULL: Okay. At this point there's no
21 one else who is signed in. I will run down to check to
22 see if there is anyone in the lobby.

23 MR. FRANKEL: All right. Let's go off the
24 record. We'll reconvene in ten minutes.

25 (Off the record from 10:28 a.m. to 11:04

PUBLIC HEARING

1 a.m.)

2 MR. FRANKEL: We'll go back on the record.
3 The time is approximately 11:05. There are no other
4 persons that have presented themselves to provide any
5 other testimony so at this time I'd like to thank the
6 members of the State Bar for being here, and this
7 hearing is concluded. Great. Thank you.

8 (Whereupon, the hearing concluded at 11:05
9 a.m.)

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PUBLIC HEARING

CERTIFICATE OF REPORTER

I, CELIA A. ZARATE, License No. 10769, State of California, certify that the foregoing proceedings were taken before me at the time and place herein set forth;

That the public hearing was stenographically recorded by me to the best of my ability and were thereafter transcribed by the use of computer-aided transcription;

That the foregoing public hearing, as printed, is a true record of the proceedings.

Witness my hand this 5th day of Jun., 2009.



CELIA A. ZARATE, CSR 10769

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Attachments

Attachment 1 Sign in Sheet

Attachment 2 Documents submitted by Gilbert "Gib" Papazian

Attachment 3 Remarks by Nancy Keough

Attachment 1

Sign in sheet

ANNUAL PUBLIC HEARING
pursuant to Business and Professions Code 6095(a)

December 11, 2008

10:00 a.m.

State Bar of California

Board Room

180 Howard Street, 4th Floor

San Francisco

Chair: Richard Frankel

TIME	NAME (Please Print)	AFFILIATION (circle one)	CITY	TOPIC
9:55	Richard Frankel	Speaker Press Panelist State Bar		
	William Hebert	Speaker Press Panelist State Bar		
	Richard Rubin	Speaker Press Panelist State Bar		
	Colin Wong	Speaker Press Panelist State Bar		
	Jeff Dal Cerro	Speaker Press Panelist State Bar		
	Randy Difuntorum	Speaker Press Panelist State Bar		
	Gayle Murphy	Speaker Press Panelist State Bar		
9:45	Doug Hull	Speaker Press Panelist State Bar		
9:49 am	Htel Berrio	Speaker Press Panelist State Bar	SAN FRANCISCO	
		Speaker Press Panelist State Bar		

Attachment 2

Documents
submitted by
Gilbert “Gib”
Papazian

Interim Suspension

TO BE FILED IN THE COURT OF APPEAL

APP-008

COURT OF APPEAL, FIRST APPELLATE DISTRICT, DIVISION TWO	Court of Appeal Case Number: <p style="text-align: center;">A121527</p>
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, title bar number, and address): HENRY JAMES KOEHLER SBN: 52339 P.O. Box 1019 Rancho Mirage, CA 92270	Superior Court Case Number: <p style="text-align: center;">F 071764</p>
TELEPHONE NO.: (310) 247-7100 FAX NO. (310) 247-7100 E-MAIL ADDRESS (optional): ATTORNEY FOR (Name): Amy Papazian, Appellant	FOR COURT USE ONLY
APPELLANT: AMY PPAZIAN	
RESPONDENT: GILBERT PPAZIAN II	
APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF (CIVIL CASE)	

Notice: Please read Information on Appeal Procedures for Unlimited Civil Cases (Judicial Council form APP-001) before completing this form.

1. I (name): **Henry James Koehler**
 request that the time to file appellant's opening brief (AOB) respondent's brief (RB) appellant's reply brief (ARB), now due on (date): **Dec. 8, 2008** be extended to (date): **February 8, 2009**

2. I have have not received a rule 8.220 notice.

3. I have received:

- no previous extensions to file this brief.
 the following previous extensions:
 (number of extensions): _____ extensions by stipulation totaling (total number of days): _____
 (number of extensions): _____ extensions from the court totaling (total number of days): _____

4. I am unable to file a stipulation to an extension because

- the other party is unwilling to stipulate to an extension.
 other reason (please specify): **I called opposing counsel at her offices in L.A. City Atty's office. No response.**

5. The reason I need an extension to file this brief is (please specify; see Cal. Rules of Court, rule 8.63, for factors used in determining whether to grant extensions):

I have a reply due on 12/14/08 in related appeal and an AOB due Jan 8. I am a sole practitioner. See attachm.

6. The last brief filed by any party was: AOB RB filed on (date): _____

7. The record in this case is:

	Volumes (#)	Pages (#)	Date filed
Appendix/Clarke Transcript:	4	708	5/10/08
Reporter's Transcript:	3		
Augmentation/other:	1	189	10/21/08

8. For attorneys filing application on behalf of client:

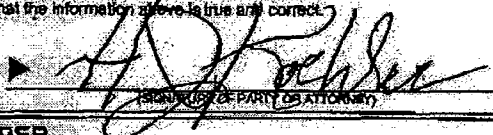
I certify that I have delivered a copy of this application to my client (Cal. Rules of Court, rule 8.50).

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: **12/03/2008**

Henry James Koehler

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

EXTENSION OF TIME IS:

- Granted to _____
 Denied _____

Date:

ORDER

(SIGNATURE OF PRESIDING JUDGE)

Attachment 4 to APP-036

I am a sole practitioner and have a reply brief in a complex related appeal due on 12/14/2008. And I have another due on Jan. 8, 2009 in this Parazian case.

I tried to call opposing counsel, Lindsay Bley, at 555 Montgomery St Ste 505, San Francisco, CA 94111, the address as listed on the appellate court registry in this case. The receptionist at Bley and Bley, informed me that Lindsay Bley does not work at that office. I looked up the information on the State Bar website and found her address listed as:

Lindsay Christine Bley
Los Angeles City Attorney's Office
200 N Main St
Los Angeles, CA, 90012
(213) 978-7840

I left a message early November 19, 2008, at both Bley & Bley's Offices in San Francisco and the Los Angeles City Attorney's office, to ask her agreement to an extension of time but have received no response directly from Ms. Bley. I received a fax from trial court counsel, Samantha Bley DeFem, in the San Francisco office agreeing to the extension of time with contingencies which I rejected since she is not Appellate Court counsel. I have still not had a return call from Ms. Lindsay Bley or other acknowledgment.

I need to finish the reply brief on the related appeals: A117270, A116750 and A114951. As a sole practitioner, I also have to keep up my practice and other obligations. The related appeals are complex and demand detailed research to finish the reply. I am hoping not to need to ask for further extensions in that appeal.

Respondent, Gilbert Parazian, will not suffer any detriment in an extension, since the matter before this court is concerning a Borson motion to preserve jurisdiction on attorney fees. The matter deals with attorney fees to me in the trial court and in this court on the related appeals.

Based on the above facts, I hereby request the extension to preserve my client's rights to appeal. She does not have the money to pay me presently and the trial court denied her request for interim fees on appeal. So I must work this appeal and support myself from other means in the meantime.

CASE NAME:

Amy Papazian v. Gilbert Papazian II

CASE NUMBER:

A121527

NOTICE TO PARTIES: A copy of this document must be mailed or personally delivered to the other party or parties to this appeal. A PARTY TO THE APPEAL MAY NOT PERFORM THE MAILING OR DELIVERY HIMSELF OR HERSELF. A person who is at least 18 years old and is not a party to this appeal must complete the information below and mail (by first-class mail, postage prepaid) or personally deliver the front and back of this document. When the front and back of this document have been completed and a copy mailed or personally delivered, the original may then be filed with the court.

PROOF OF SERVICE

 Mail Personal Service

1. At the time of service I was at least 18 years of age and not a party to this legal action.

2. My residence or business address is (specify):

P.O. Box 1019, Rancho Mirage, CA 92270

3. I mailed or personally delivered a copy of the *Application for Extension of Time to File Brief (Civil Case)* as follows (complete either a or b):

a. Mail. I am a resident of or employed in the county where the mailing occurred.

(1) I enclosed a copy in an envelope and

(a) deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

(b) placed the envelope for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

(2) The envelope was addressed and mailed as follows:

(a) Name of person served: Gilbert Papazian II, Third Parties and their attorneys of record

(b) Address on envelope: Samantha Bley DeJean, Bley & Bley, 555 Montgomery Street, Suite 605, San Francisco, CA 94111; Kirk Andrew Dublin, Perkins Coie LLP, Four Embarcadero Center, Suite 2400, San Francisco, CA 94111

(c) Date of mailing: 12/03/08

(d) Place of mailing (city and state): Rancho Mirage, CA

b. Personal delivery. I personally delivered a copy as follows:

(1) Name of person served:

(2) Address where delivered:

(3) Date delivered:

(4) Time delivered:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 12/03/08

H.J. Koehler

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

UNAccredited School Age 51 ?

Important: The Public Records and commercially available data sources used on reports have errors. Data is sometimes entered poorly, processed incorrectly and is generally not free from defect. This system should not be relied upon as definitively accurate. Before relying on any data this system supplies, it should be independently verified. For Secretary of State documents, the following data is for information purposes only and is not an official record. Certified copies may be obtained from that individual state's Department of State. Note: The "possible relatives" listed here have not been confirmed.

Contact Card Report

Date: 11/05/08

Subject Information

Name: RANDY L WARREN
 Date of Birth: 8/27/1953
 Age: 55
 SSN: 113-46-xxxx Issued in New York between 1/1/1969 and 12/31/1971

AKAs (Names Associated with Subject)

RANDY O'BRIEN
 DOB: 8/27/1953 Age: 55 SSN: 113-46-xxxx
 RANDY WARRAN
 DOB: 8/27/1953 Age: 55 SSN: 113-46-xxxx
 RANDY WARREN
 DOB: 8/27/1953 Age: 55 SSN: 113-46-xxxx
 RANDY J WARREN
 DOB: 8/27/1953 Age: 55 SSN: 113-46-xxxx
 RANDY L WARREN
 DOB: 8/27/1953 Age: 55 SSN: 113-46-xxxx
 RANDY W O'BRIEN
 DOB: 8/27/1953 Age: 55 SSN: 113-46-xxxx
 RANDY WARREN O'BRIEN
 DOB: 8/27/1953 Age: 55 SSN: 113-46-xxxx

Indicators

Current Property: Yes
 Corporate Affiliations: Yes

Contact Card List

At Home

	Phone & Listed Name	Name & Possible Relationship	Address
1.	Unlisted BROSS S	RANDY L WARREN - Subject	EL PAVO REAL CIR SAN RAFAEL, CA 94903

At Work

	Phone & Listed Name	Name & Possible Relationship	Company Name & Address
1.	415-479-3847 - PST O'BRIEN S	SUE ELLEN O'BRIEN - Wife	WORLD BUSINESS TRAVEL INC 63 EL PAVO REAL CIR SAN RAFAEL, CA 94903-3520
2.	415-924-8568 - PST BIRKENSTOCK STATION 415-924-1491 - PST JORGENSEN MARGARUTE	RANDY L WARREN - Subject SUE ELLEN O'BRIEN - Wife	A PLACE FOR NAILS 47 TAMAL VISTA BLVD CORTE MADERA, CA 94925-1100

Through Family

	Phone & Listed Name	Name & Possible Relationship	Address
1.	415-479-3847 - PST O'BRIEN S	SUE ELLEN O'BRIEN - Wife HELEN H O'BRIEN - Associate By Shared Associates	63 EL PAVO REAL CIR SAN RAFAEL, CA 94903-3520

Through Associates

	Phone & Listed Name	Name & Possible Relationship	Address
1.	239-775-6041 - EST O'BRIEN HELEN	GERARD J O'BRIEN - Associate By Shared Associates	5766 GREENWOOD CIR 62 NAPLES, FL 34112-8300

PhonesPlus

	Phone & Listed Name	Name & Possible Relationship	Address
1.	415-479-8951 - PST RANDY L WARREN	RANDY L WARREN - Subject	63 EL PAVO REAL CIR SAN RAFAEL, CA 94903-3520

Address Summary (✓ - Probable Current Address)

✓ EL PAVO REAL CIR, SAN RAFAEL CA 94903 (Sep 2004 - Nov 2008)

✓ 63 EL PAVO REAL CIR, SAN RAFAEL CA 94903-3520 (Dec 1995 - Oct 2008)
Phone at address: 415-479-3847 - PST O'BRIEN S

3590 19TH AVE SW, NAPLES FL 34117-6138 (Nov 1990 - Jan 2007)
Phone at address: 239-352-3067 - EST ZIAJKA JOANNE

1150 INDUSTRIAL AVE STE H, PETALUMA CA 94952-6514 (Oct 2002 - Feb 2005)

4463 3RD AVE SW, NAPLES FL 34119-2923 (Feb 1983 - Dec 2002)
Phone at address: 239-455-6205 - EST MOORE D

47 TAMAL VISTA BLVD APT A, CORTE MADERA CA 94925-1100 (Jul 1995)

101 SUITE, NAPLES FL 33999 (Aug 1990 - Dec 1992)

4463 3RD AVE, NAPLES FL 33999 (Jun 1985 - Dec 1992)

87 TULANE DR, LARKSPUR CA 94939-1114 (Aug 1991 - Dec 1992)

4500 3RD AVE SW, NAPLES FL 34119-2926 (May 1987 - May 1990)

4500 3RD AVE, NAPLES FL 33999 (Nov 1989)

25 ARBUTUS RD, GREENLAWN NY 11740-1126 (Apr 1984 - Apr 1986)
Phone at address: 631-261-0217 - EST NEWTON HANK

3655 BOCA CIEGA DR APT, NAPLES FL 34112-6818 (Sep 1985)
Phone at address: 239-775-8170 - EST HARPER DON T
239-793-6246 - EST HAWKINS JOHN L

44 63 3RD SW AVE, NAPLES FL 33999 (Apr 1985)

4463 3 AVE, NAPLES FL 33999 (Apr 1985)

4463 3RD AVE AVE, NAPLES FL 33999 (Jul 1984)

200 ARTHUR ST, CENTERPORT NY 11721-1002 (Apr 1984)
Phone at address: 631-427-2367 - EST CRAIG JOHN

4463 3 SW AVE, NAPLES FL 33999 (Jan 1983)

4463 3RD SW AVE, NAPLES FL 33999 (Jan 1983)

1725 COUNTY ROAD 951 APT, NAPLES FL 34116-6069 (Nov 1982)

Bankruptcy Filings

[None Found]

Attachment 3

Remarks by
Nancy Keough

Good morning ladies and gentlemen. My name is Nancy Keough and I am a California attorney.

I am no stranger to these proceedings. For any of you who were present last year you know that I addressed this body then. And I have subsequently addressed on multiple occasions the Board of Governors of the State Bar of California as well as the RAD Committee. Indeed, at the specific behest of Immediate Past State Bar President Jeff Bleich I drafted and submitted last March a rather lengthy proposal for modifications and changes to the existing disciplinary system. About six weeks ago I began asking Holly Fujie, current State Bar President and last year's RAD Chair, where are my proposals? It did not take me long to figure it out. They were at the bottom of her trash basket. No mention of them appears on any RAD agenda or minutes on any Board of Governors agenda or minutes or anywhere else so far as I can determine. Apparently, the request to submit my proposals was an effort to mollify me. Well, I am here to tell you that it did not work. It seems only when I complained about this recently have they suddenly been retrieved from that waste basket, resurrected and are currently "under study" for some evaluation and report in March of next year. One whole year to think about them. There is absolutely no doubt in my mind but that if I had not begun making those recent inquiries they would have remained at the bottom of the State Bar's waste basket. That is because in the last year there have been some rather cosmetic changes to the whole process which I believe the Bar hopes will satisfy critics of the system and was an all too obvious effort to placate the defense bar.

Two days prior to the last Board of Governors meeting Mr. Drexel submitted his office's evaluation of my proposals. Two days notice for me to respond to his evaluation of my proposals which had been pending about eight months. That seems fair, right? I had no real opportunity to respond. I will, in due course, respond in detail. But let me just say here that Mr. Drexel's response was pathetic. It basically consisted of two things:

1. If we consider Keough's proposals we would have to change some laws
2. If we consider Keough's proposals we would have to get more resources to prosecute the cases.

My response today is simple. First, if the laws need to be changed, then let's change them. The legislature is crammed full of lawyers who are exempt from the continuing education requirements all the rest of us have to satisfy. It will be a learning experience for them and a benefit to the public.

Second, if more resources are needed to do an adequate job, Mr. Drexel, which you and your office are presently NOT doing, then tell the Board of Governors that you need more resources and put those resources into place to protect the public.

One thousand two hundred and sixty days. That is how long my client's complaint has been pending. Or more precisely, if the case actually goes to trial on March 15, 2009 which, quite frankly I doubt given the repeated continuances which have taken place over strenuous objection of my clients, it will be a mere **99 days short of FOUR YEARS.**

Four years during which the Respondent has continued to wreck havoc upon my clients and the public. Four years during which the Respondent has perpetrated fraud upon fraud on the State Bar Court. Armed with overwhelming evidence of these lies and deceit, the OCTC has done absolutely NOTHING as of this morning to bring these frauds to the attention of the Court. The case has been in the hands of either five or seven different trial counsel. Over my client's objections it has been continued again and again and again. One trial counsel actually had the nerve to tell me that although the case had been re-assigned to her about a month earlier and she had just made a court appearance on the case on the day we spoke, she could not discuss the case with me because she still hadn't obtained the file from the prior trial counsel. Either that is an out and out lie or, if true, is an example of complete incompetence. I complained about this attorney to Mr. Drexel REPEATEDLY in writing. Again and again and again and again. He has systematically ignored my complaints. This is the same trial counsel who lied to me previously about the case. And how do I know that? Because in a related piece of civil litigation I subpoenaed the State Bar records and determined that her statement to me about what action she had taken on the case on behalf of the OCTC was a lie. In the OCTC there is simply no accountability. They do what they want, when they want and they have ABSOLUTELY NO REGARD for the rights of victims such as my clients. Presently, they answer to no one.

And the State Bar Court is not without responsibility. It seems that the two favorite terms utilized by the Court as reflected on the dockets are: Not Held or Held, Continued. In the case in which my clients are the victims the docket includes eighteen separate entries of scheduled court actions "Not Held" and 15 separate entries of "Held, Continued" or a similar entry.

I looked at the dockets of just one judge for the period from today December 11 to January 30, 2009.

Here is what I found:

- One case that began in 1994 and is still pending.
- One case that began in 1998 and is still pending.
- One case that began in 1999 and is still pending.
- Three cases that began in 2000 are still pending.
- One case that began in 2001 and is still pending.
- Three cases that began in 2002 and are still pending.
- Two cases that began in 2003 and are still pending.
- Multiple cases that began in 2004 and are still pending.

I counted at least fourteen attorneys who had multiple cases pending.
I counted at least two attorneys who had four separate cases pending against them. An example: an attorney who has complaints from 2002, 2006, 2007 and 2008.

HOW CAN THIS BE, MR. DREXEL?

How can the public be subjected to this type of behavior and you and your office not only stand by and allow it to happen but you are complicit in the commission of these grave injustices. And who suffers? The offending attorney? Heavens no. I'll tell you who suffers.....it is innocent victims such as my clients.

And then lawyers wonder why the public has no respect for our profession.

HOW DO YOU DEFEND THIS MR. DREXEL?

HOW DOES MS. FUJIE AS PRESIDENT OF THE BAR AND LAST YEAR'S RAD COMMITTEE CHAIR ALLOW THIS SYSTEM TO BE SO DYSFUNCTIONAL?

HOW DOES THE BOARD OF GOVERNORS AND THE RAD COMMITTEE STAND BY AND ALLOW THIS TO HAPPEN? Does the defense bar have that much influence?

THIS SYSTEM IS BROKEN. THOSE IN POSITIONS OF AUTHORITY WHOSE RESPONSIBILITY IT IS TO MAKE IT FUNCTION IN AN EFFICIENT AND JUST WAY FOR BOTH RESPONDENTS AND VICTIMS ARE FAILING TO TAKE THE ACTIONS NECESSARY TO MAKE IT WORK IN IT'S PRESENT FORM. NOTHING SHORT OF MASSIVE REFORM IS NEEDED. IT SHOULD BE ACCOMPLISHED FROM WITHIN.

BUT IF REFORM IS NOT ACCOMPLISHED FROM WITHIN IT WILL BE ACCOMPLISHED FROM THE OUTSIDE. AND THOSE WHO BEAR RESPONSIBILITY FOR THIS MESS WILL BE HELD ACCOUNTABLE.

When I testified last year my remarks were NOT correctly reported. I wrote to the court reporter to make corrections. I contacted the Bar to make corrections. No one was willing to see that the record was correct. Therefore, I am submitting my written remarks as I have presented them here today and ask that they be included in the record in addition to whatever record is prepared by the reporter.