

<p>Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL ENFORCEMENT ERIN MC KEOWN JOYCE, No. 149946 1149 South Hill Street, 10th Flr Los Angeles, CA 90015-2299 Telephone: (213) 765-1000</p>	<p>Case number(s) 03-0-00518</p> <p>kwiktag® 031 974 517</p>  <p>PUBLIC MATTER</p>	<p>(for Court's use)</p> <p>F I L E D</p> <p>MOS SEP 09 2003</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel for Respondent ALLEN C. VAN CAMP 2100 N. Broadway #103 Santa Ana, CA 92706 Telephone: (714) 558-3751</p> <p>IN PRO PER</p>	<p>Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of Allen C. Van Camp</p> <p>Bar #126443</p> <p>A Member of the State Bar of California (Respondent)</p>		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 11, 1986
 (date)
- (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 and order consist of 15 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - costs added to membership fee for calendar year following effective date of discipline
 - costs to be paid in equal amounts prior to February 1 for the following membership years:
2004 and 2005
 (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth under "Partial Waiver of Costs"
 - costs entirely waived

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

B. Aggravating Circumstances [for definition, see Standards for Attorney Actions for Professional Misconduct, standard 1.2(b).] Facts supporting aggravating circumstances are required.

(1) Prior record of discipline [see standard 1.2(f)]

(a) State Bar Court case # of prior case _____

(b) date prior discipline effective _____

(c) Rules of Professional Conduct/ State Bar Act violations: _____

(d) degree of prior discipline _____

(e) If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline".

(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.

(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 to 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 firmly 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) 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.
- (10) 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.
- (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:

- (6) Within one (1) year of the effective date of the discipline herein, respondent shall provide to the Probation Unit 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.
- (7) Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Probation Unit.
- (8) The following conditions are attached hereto and incorporated:
- Substance Abuse Conditions Law Office Management Conditions
- Medical Conditions Financial Conditions
- (9) Other conditions negotiated by the parties:
- See Stipulation Attachment

- Multistate Professional Responsibility Examination: Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit of the Office of the Chief Trial Counsel within one year. Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.
- No MPRE recommended.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ALLEN CHARLES VAN CAMP

CASE NO: 03-O-00518

FACTS AND CONCLUSIONS OF LAW

The parties to this stipulation, Respondent Allen Charles Van Camp, and the State Bar of California, through Deputy Trial Counsel Erin Joyce, stipulate and agree to the following facts and conclusions of law:

COUNT ONE

Case No. 03-O-00518
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), by intentionally, recklessly, or repeatedly failing to perform legal services with competence, as follows:

On or about August 4, 2000, Respondent commenced employment with the law firm of Famiglietti and Larr (the "law firm") as a liability defense attorney. At the time Respondent had thirteen years of experience in civil liability defense. Subsequently, in or about August of 2000, Respondent was assigned by the law firm to represent Albertsons, Inc. ("Albertsons") in a civil action filed in the Riverside County Superior Court entitled Sonia Baruh v. Albertson's, Inc., case no. RIC 344482 (the "Baruh action").

On or about February 23, 2001, Jon B. Miller ("Miller"), counsel for Baruh, propounded written discovery to Albertsons in the Baruh action and properly served R (or the law firm?). However, from and after February 23, 2001, Respondent failed to follow up with Albertsons on the discovery matters and did not take the necessary steps to continue with the discovery process in the Baruh action.

On or about April 5, 2001, Respondent and Miller appeared at status conference in the Baruh action. At the status conference, Respondent requested an extension within which to respond to the propounded discovery. Miller agreed and granted the extension to April 18, 2001. However, Respondent failed to provide responses by the April 18, 2001.

On or about April 20, 2001, Charles P. Murawski ("Murawski"), counsel for Edmondson Construction ("Edmondson") a cross-defendant in the Baruh action, served Respondent with form interrogatories and a request for production of documents. However, Respondent failed to provide responses to Murawski and failed to follow up with Albertsons on the discovery matters.

On or about April 25, 2001, Respondent wrote to Miller and requested a second extension within which to

respond to the propounded discovery. Miller again agreed to extend the date from April 18, 2001 to May 25, 2001. Respondent failed to submit the responses by May 25, 2001.

After not hearing from Respondent, Miller wrote a letter to Respondent on or about June 4, 2001. In the letter, Miller expressed his concerns with Respondent's failure to provide discovery responses after being granted two lengthy extensions. Respondent received the letter, but failed to respond to the letter and did not provide Miller with the discovery responses.

On or about June 12, 2001, Miller wrote to Respondent a second time with regard to Respondent's failure to respond to the discovery. Miller indicated that he intended to proceed with a motion to compel responses to written discovery. Respondent received the letter but failed to respond and concealed Miller's intentions from Albertsons and the law firm.

On or about July 9, 2001, Miller spoke with Respondent on the telephone regarding Respondent's failure to respond to the discovery. Respondent told Miller that the responses were already in draft form, but that Albertsons had not yet approved or verified them. Respondent failed to provide the responses to the discovery.

On or about August 7, 2001, Miller filed a motion to compel in the Baruh action. Respondent failed to oppose the motion and failed to inform Albertsons that a motion to compel seeking responses and monetary sanctions had been filed.

On or about August 7, 2001, after not hearing from Respondent as well, Murawski wrote to Respondent with regard to Respondent's failure to provide responses to the discovery served on him on or about April 20, 2001. Murawski also indicated that if Respondent failed to provide responses, he would be forced to file a motion to compel. Respondent received the letter but failed to provide responses to the discovery, failed to respond to Murawski's letter and concealed Murawski's intentions from Albertsons and the law firm.

On or about August 28, 2001, Miller wrote to Respondent and advised Respondent that the motion to compel was scheduled to be heard on September 18, 2001. Miller also advised Respondent that he would be happy to take the matter off calendar if Respondent would provide the long-overdue discovery responses. Respondent received the letter but failed to respond.

On or about September 18, 2001, Burch's motion to compel with regard to the discovery responses was heard and sanctions in the amount of \$623.00 were awarded against Albertsons. Respondent failed to appear at the hearing. Respondent was properly served with notice of the Court's ruling, but failed to make Albertsons aware of the monetary sanctions or the order to respond to discovery.

Respondent failed to provide discovery responses as ordered by the Court on September 18, 2002. Therefore, on or about October 22, 2001, Miller filed a second motion to compel responses.

On or about October 26, 2001, Miller wrote to Respondent and advised him that the court had scheduled the second motion to be heard on November 28, 2001. Respondent received the letter but failed to respond to Miller's letter and concealed the entire matter from Albertsons and the law firm.

Subsequently, on or about November 27, 2001, Respondent faxed a proposal to Miller to avoid having to appear on the second motion to compel and motion for sanctions. Further, Respondent promised Miller that he would send all the discovery responses to Miller's office via messenger the next day. Respondent failed to provide the responses.

On or about November 28, 2001, the court granted the second motion to compel and ordered Respondent to provide the discovery responses by December 18, 2001 and awarded sanctions against Albertsons in the amount of \$627.00. Respondent failed to appear at the hearing on behalf of Albertsons. Although Respondent was served with notice of the Court's ruling, he failed to advise Albertsons of the sanctions and concealed the entire matter from the law firm.

On or about December 19, 2001, the court heard Murawski's motion to compel and awarded sanctions against Albertsons in the amount of \$546.00. Respondent failed to appear at the hearing on behalf of Albertsons and failed to inform Albertsons of the sanctions.

On or about December 19, 2001, Catherine Reid ("Reid"), counsel for Edmondson wrote to Respondent to provide Respondent with a proposed order on the motions to compel responses to form interrogatories and request for production of documents. Reid requested Respondent to provide her office with approval or reason for disapproval within five (5) days. Respondent received the proposed order but failed to respond.

On or about January 28, 2002, Miller filed a third motion to compel responses due to Respondent's failure to provide the responses by December 18, 2001.

On or about February 1, 2002, Murawski wrote to Respondent to remind Respondent that on December 19, 2001, the court had granted the motion to compel discovery and granted the sanctions against Respondent in the amount of \$546.00 and requested payment as well. Respondent received the letter but failed to respond and failed to pay the sanctions.

On or about February 19, 2002, Murawski wrote to Respondent a second time requesting Respondent to pay the sanctions. Respondent received the letter but failed to respond.

Respondent failed to advise Albertsons and the law firm of the motions to compel and the sanctions imposed and his failure to take the appropriate action with respect to responding to the discovery.

As a result, on or about March 7, 2002, the court struck Albertsons' answers and entered a default against Albertsons for \$175,000.00.

On or about April 5, 2002, Murawski wrote to Respondent a third time requesting Respondent to pay the sanctions and to provide responses to the discovery. Respondent received the letter but failed to respond to Murawski's letter.

On or about July 17, 2002, James L. Chase ("Chase"), attorney for cross-defendant Savant Construction Company ("Savant"), propounded discovery on Albertsons and properly served Respondent.

On or about August 28, 2002, Chase wrote to Respondent regarding Respondent's failure to respond to discovery by the due date of August 22, 2002. In addition, Chase requested Respondent to provide the responses by September 9, 2002. Respondent received the letter but failed to respond to Chase's letter and failed to provide the responses by September 9, 2002.

On or about September 19, 2002, the court deemed admitted the matters in the requests for admissions propounded by Edmondson to Albertsons. Respondent took no action on these matters and concealed this from Albertsons and the law firm. Respondent's failure to act on these matters effectively resulted in a dismissal of any claims or cross-actions Albertsons might have had against Edmondson.

On or about November 20, 2002, the court also deemed admitted the matters in the requests for admissions propounded by Savant to Albertsons. Respondent took no action on these matters as well and concealed this from Albertsons and the law firm. Respondent's failure to act on these matters, effectively resulted in a dismissal of any claims or cross-actions Albertsons might have had against Savant.

Between February of 2001 and October of 2002, Respondent failed to exercise due diligence to act on behalf of Albertsons, to follow up with Albertsons with the discovery matters, concealed correspondence with regard to the Baruh action and failed to discuss significant developments with Albertsons and the law firm. As a result, neither Albertson's nor the law firm were aware of Respondent's failure to perform in the Baruh action.

By failing to respond to discovery on behalf of Albertsons or take other appropriate action on behalf of Albertsons with regard to the responses for the discovery and by failing to exercise due diligence to act on behalf of Albertsons, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence.

COUNT TWO

Case No. 03-O-00518

Business and Professions Code section 6068(m)

[Failure to Inform Client of Significant Developments]

Respondent wilfully violated Business and Professions Code section 6068(m), by failing to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, as follows:

By not informing Albertsons of the discovery, the motions to compel, the sanctions and the subsequent default, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services.

AUTHORITIES SUPPORTING DISCIPLINE

STANDARDS FOR ATTORNEY SANCTIONS

Pursuant to Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct:

The primary purposes of disciplinary proceedings conducted by the State Bar of California and of sanctions imposed upon a finding or acknowledgment of a member's professional misconduct are the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the protection of public confidence in the legal profession.

OTHER CONDITIONS NEGOTIATED BY THE PARTIES

Respondent shall successfully complete six (6) hours of participatory continuing legal education courses in attorney/client relations and provide proof of completion withing one (1) year of the effective date of the disciplinary order imposed as a result of this stipulation re facts, conclusions of law and disposition to the Probation Unit of the State Bar of California.

The six (6) hours of continuing legal education courses shall not count toward completion of California's Minimum Continuing Legal Education (MCLE) requirements, but shall be over and above those required by MCLE rules.

PENDING PROCEEDINGS

The disclosure date referred to on page one, paragraph A.(6) was July 24, 2003.

8/18/03
Date


Respondent's signature

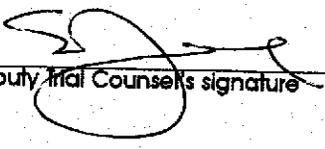
Allen C. Van Camp
print name

Date

Respondent's Counsel's signature

print name

8-19-03
Date


Deputy Trial Counsel's signature

Erin Mc Keown Joyce
print name

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:

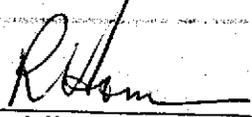
The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.

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

- 1. The box checked at paragraph A. (7) is modified to refer to the years "2005 and 2006".
- 2. On page 6, under Count One, the following portion of the first sentence of paragraph 3 should be modified to read as follows "... and properly served Respondent. However,..."

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953(a), California Rules of Court.)

9/5/03
Date


Judge of the State Bar Court
RICHARD A. HONN

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. 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 September 9, 2003, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING, (Stayed Suspension; No Actual Suspension) filed
September 9, 2003**

in a sealed envelope for collection and mailing on that date as follows:

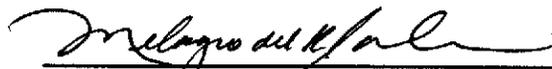
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ALLEN C. VAN CAMP ESQ
GRAY & PROUTY
2100 N BROADWAY #103
SANTA ANA, CA 92706**

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

Erin Joyce, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **September 9, 2003**.



Milagro del R. Salmeron
Case Administrator
State Bar Court