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State Bar Court of California Hearing Department <input type="checkbox"/> Los Angeles <input checked="" type="checkbox"/> San Francisco PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES		
Counsel for the State Bar Cydney Batchelor Deputy Trial Counsel 180 Howard St., 7th Fl. San Francisco, CA 94105 Tele: 415/538-2204 Bar # 114637	Case Number(s) PUBLIC MATTER 03-0-02401-JMR 04-0-15650 RECEIVED JUL 25 2006 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO	(for Court use) CONFIDENTIAL LODGED SEP 05 2006 <i>ROS</i> STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO FILED <i>Ron</i> DEC 19 2007 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
<input type="checkbox"/> Counsel for Respondent <input checked="" type="checkbox"/> In Pro Per G. Scott Christenson 3909 Middlefield Rd., Apt B Palo Alto, CA 94303 Tele: 650/451-2865 Bar # 135434	Submitted to Program Judge STIPULATION RE FACTS AND CONCLUSIONS OF LAW <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of G. SCOTT CHRISTENSON Bar # 135434 A Member of the State Bar of California (Respondent)		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted August 15, 1988
(date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on Respondent or the State Bar.
- (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, except for Probation Revocation Proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consists of 9 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts." **See attached**
- (5) Conclusions of law, drawn from and specifically referring to the facts, are also included under "Conclusions of Law." **See attached**

(Do not write above this line.)

- (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 and will pay timely any disciplinary costs imposed in this proceeding.

B. Aggravating Circumstances [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 S 132286 (03-0-2632)
- (b) ☒ Date prior discipline effective June 26, 2005
- (c) ☐ Rules of Professional Conduct/State Bar Action violations _____
- (d) ☒ Degree of prior discipline 60 days actual suspension and until restitution and rule 205, Rules of Procedure motion is granted; 1 year stayed
- (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline" (above)
- (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 the victims of his/her misconduct or the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct.
See attached
- (8) ☐ **No aggravating circumstances are involved.**

Additional aggravating circumstances:

None

C. Mitigating Circumstances [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 ~~State Bar during disciplinary investigation and proceedings.~~ **See attached**
- (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 of 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.
See attached
- (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 were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs 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 attached

ATTACHMENT TO
STIPULATION RE FACTS AND CONCLUSIONS OF LAW

IN THE MATTER OF: **G. SCOTT CHRISTENSON**

CASE NUMBERS: **03-O-02401; 04-O-15650**

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the State Bar Act and/or Rules of Professional Conduct.

Case No. 03-O-2401 (Vera)

Facts:

1. In June 2002, respondent was employed by Alejandro and Trinidad Vera (herein, "the Vera family") to represent Mark Vera (herein, "Mr. Vera") in a criminal appeal matter.
2. Respondent failed to prepare or enter into a written fee agreement. However, the Vera family paid respondent \$10,000.00 over time in advanced attorney fees for the representation (\$2000.00 on June 9, 2002; \$1000.00 on August 4, 2002; \$7,000.00 on July 2, 2002).
3. In late June or early July 2002, respondent visited Mr. Vera in custody. That was the only time that respondent ever spoke to Mr. Vera or communicated with him, and respondent provided no further legal services on behalf of Mr. Vera.
4. Beginning in August 2002 until he filed a complaint about respondent with the State Bar in May 11, 2003, Mr. Vera wrote several letters to respondent to request a status report on his criminal appeal and for an accounting of the funds that the Vera family paid for the representation. Respondent failed ever to reply, or to provide an accounting.
5. Respondent also failed to refund the unearned \$10,000.00 in attorney fees to the Vera family or to Mr. Vera.

Conclusions of Law:

By repeatedly failing to complete the legal services for Mr. Vera, respondent failed to perform with competence the legal services for which he was employed, in violation of Rule of Professional Conduct 3-110(A). By willfully failing to respond to Mr. Vera's numerous letters from August 2002 to May 2003, respondent failed to respond to

Rule of Professional Conduct 3-110(A). By willfully failing to respond to Mr. Vera's numerous letters from August 2002 to May 2003, respondent failed to respond to reasonable status inquiries from his client, in violation of Business and Professions Code section 6068(m). By willfully failing to provide an accounting to Mr. Vera upon his repeated request, respondent failed to render appropriate accounts to a client regarding all funds of the client coming into his possession, in violation of Rule of Professional Conduct 4-100(B)(3). By willfully failing to refund to Mr. Vera or the Vera family any portion of the \$10,000.00 advanced attorney fee that he had not earned, respondent failed to refund unearned fees to his client, promptly or at all, in violation of Rule of Professional Conduct 3-700(D)(2).

Case No. 04-O-15650 (Noble):

Facts:

1. In December 2003, respondent was employed by Jesse Noble to represent him in two criminal cases, one involving "Proposition 36" and one involving a driving under the influence charge.
2. Respondent quoted Mr. Noble a flat fee of \$500.00 to represent him on the Proposition 36 case, and a flat fee of \$1500.00 to represent him on the DUI case. Respondent failed to provide or enter into a written fee agreement with Mr. Noble.
3. On December 10, 2003, Mr. Noble paid respondent \$1000.00 in advanced attorney fees. On December 11, 2003, respondent appeared with Mr. Noble in court on the Proposition 36 case, and Mr. Noble was remanded into custody.
4. Since Mr. Noble was in custody, on January 12, 2004, Mr. Noble's father paid respondent an additional \$1000.00 in attorney's fees on his son's behalf.
5. Respondent thereafter appeared in court again with Mr. Noble on the Proposition 36 case, and resolved that matter for his client.
6. However, respondent failed to provide any legal services at all on the DUI case. Respondent also failed to appear at two court appearances on the case (March 26, 2004; April 7, 2004). At an appearance on May 16, 2004, Mr. Noble asked the court to terminate respondent's services; the court removed respondent as counsel of record at that time.
7. From January 2004 until May 13, 2004, Mr. Noble and his father left numerous telephone messages for respondent to inquire about the status of the DUI case, and to request that respondent appear in court at the next hearing. Mr. Noble's father also went to respondent's office a couple times to try to talk to him, to no avail. Mr. Noble also wrote respondent a letter to that effect. Respondent failed to respond to any of their efforts to communicate with him.
8. On May 14, 2004, Mr. Noble wrote to respondent to inform him that he had

8. On May 14, 2004, Mr. Noble wrote to respondent to inform him that he had employed another attorney, and to request a refund of the unearned \$1500.00 attorneys fees on the DUI case. Respondent failed to reply, or to refund the unearned fees.

Conclusions of Law:

By repeatedly failing to appear in court with Mr. Noble on the DUI case, or to perform any legal services on that case, respondent failed to perform with competence the legal services for which he was employed, in violation of Rule of Professional Conduct 3-110(A). By willfully failing to respond to Mr. Noble and his father's numerous telephone calls, Mr. Noble's father's visits to respondent's office, and Mr. Noble's letters, respondent failed to respond to reasonable status inquiries from his client, in violation of Business and Professions Code section 6068(m). By willfully failing to refund to Mr. Noble or his father any portion of the \$1500.00 advanced attorney fee that he had not earned on the DUI case, respondent failed to refund unearned fees to his client, promptly or at all, in violation of Rule of Professional Conduct 3-700(D)(2).

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was July 25, 2006.

AGGRAVATING CIRCUMSTANCES.

Facts Supporting Aggravating Circumstances:

Prior record of discipline: As noted in the stipulation, respondent has one prior record of discipline.

Multiple acts of misconduct: As set forth above, the misconduct involved two different clients.

MITIGATING CIRCUMSTANCES.

Candor and cooperation: Respondent has been completely candid and cooperative with the State Bar during the resolution of these cases.

Delay in Finalizing Stipulation: Through no fault of Respondent, through a lack of resources, the State Bar delayed finalizing the stipulation that would have resulted in Respondent being enrolled in the State Bar Court alternative discipline program in a timely manner. As a result, Respondent has already been participating in LAP for over one and one-half years at the time this stipulation was executed. In addition, it should be noted that the discipline became effective on June 26, 2005, and the last act of misconduct in the two cases memorialized herein occurred on May 14, 2004 (although some of the violations herein are ongoing).

ADDITIONAL MITIGATING CIRCUMSTANCES.

Additional Mitigating Circumstances:

Participation in Lawyer's Assistance Program: On October 8, 2004, Respondent voluntarily contacted the State Bar Lawyer Assistance Program to address his mental health condition. On October 21, 2004, Respondent voluntarily signed a pre-enrollment evaluation plan with LAP. Respondent was then assessed and monitored for a period of time by LAP. On February 24, 2005, Respondent signed a long-term participation plan with LAP. He has remained in full compliance with LAP ever since his first contact.

RESTITUTION.

Respondent waives any objection to immediate payment by the State Bar Client Security Fund upon a claim or claims for the principal amounts of restitution set forth below.

In accordance with the timetable set forth in the Alternative Discipline Contract to be executed between the State Bar Court and Respondent on the captioned cases, Respondent must make restitution as follows:

Alejandro and Trinidad Vera, or the Client Security Fund if it has paid, in the principal amount of \$10,000.00, plus interest at the rate of 10% per annum from August 1, 2002, until paid in full and furnish satisfactory evidence of restitution to the State Bar Office of Probation

Jesse Noble, or the Client Security Fund if it has paid, in the principal amount of \$500.00, plus interest at the rate of 10% per annum from May 15, 2004, until paid in full and furnish satisfactory evidence of restitution to the State Bar Office of Probation.

(Do not write above this line.)

In the Matter of G. SCOTT CHRISTENSON	Case number(s): 03-0-2401-JMR; 04-0-15650
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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 and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

7/25/06
Date


Respondent's signature

G. SCOTT CHRISTENSON
Print name

Date

Respondent's Counsel's signature

Print name

7/25/06
Date


Deputy Trial Counsel's signature

CYDNEY BATCHELOR
Print name

(Do not write above this line.)

In the Matter of G. SCOTT CHRISTENSON	Case number(s): 03-O-02401; 04-O-15650
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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 stipulation as to facts and conclusions of law is APPROVED.
- ☒ The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- ☐ All Hearing dates are vacated.

On page 7, under Restitution, in case no. 04-O-15650 (Noble matter) the reference to \$500 is deleted and replaced with \$1,500. In that matter, respondent must make restitution of \$1,500 plus interest as specified.

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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(d), Rules of Procedure.)

9/5/06
Date


JOANN M. REMKE
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rule 630(b), Rules Proc. of State Bar; Code Civ. Proc., §§ 1011, 1013]

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. Following standard court practices, in the City and County of San Francisco, I served a true copy of the following document(s):

CONFIDENTIAL STATEMENT OF ALTERNATIVE DISPOSITIONS AND ORDERS

CONTRACT AND WAIVER FOR PARTICIPATION IN THE STATE BAR COURT'S ALTERNATIVE DISCIPLINE PROGRAM

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

as follows:

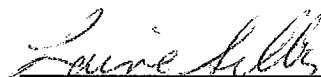
- [X]** By PERSONAL SERVICE by delivering the documents in a sealed envelope or package clearly labeled to identify the attorney being served, addressed as follows:

**G. SCOTT CHRISTENSON
180 HOWARD STREET, 6TH FLR
SAN FRANCISCO, CA 94105**

- [X]** By PERSONAL SERVICE by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

**CYDNEY BATCHELOR
STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
180 HOWARD STREET
SAN FRANCISCO, CA 94105**

I hereby certify that the foregoing is true and correct. Executed at San Francisco, California, on **September 5, 2006.**



Laine Silber
Case Administrator
State Bar Court

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on March 11, 2008, I deposited a true copy of the following document(s):

DECISION AND ORDER SEALING DOCUMENTS

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

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

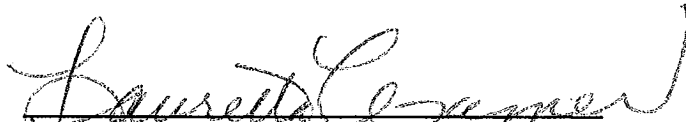
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

G SCOTT CHRISTENSON
2069 EDGEWOOD DR
PALO ALTO, CA 94303

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

MARK HARTMAN , Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **March 11, 2008**.



Laretta Cramer
Case Administrator
State Bar Court