

State Bar Court of California Hearing Department San Francisco		ORIGINAL
Counsel For The State Bar Terrie Goldade Bar # 155348 Nolan DelCampo Law Office Nolan DelCampo 3900 Villa Ct. Fair Oaks, CA 95628 Bar # 152113 In the Matter Of: Nolan DelCampo Bar # 152113 A Member of the State Bar of California (Respondent)	Case Number (s) 10-PM-08533	(for Court's use) PUBLIC MATTER FILED <i>R</i> NOV 16 2010 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
		Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PROBATION VIOLATION—"PM" PROCEEDING <input type="checkbox"/> PREVIOUS STIPULATION REJECTED

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 February 11, 1991.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 10 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6066.10 & 6140.7. (Check one option only):



- costs added to membership fee for calendar year following effective date of discipline (no actual suspension).
- until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure (actual suspension).
- costs to be paid in equal amounts prior to February 1 for the following membership years: (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- costs entirely waived

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

- (1) **Prior record of discipline [see standard 1.2(f)]**
- (a) State Bar Court case # of prior case 99-O-11347, et al.
- (b) Date prior discipline effective August 7, 2004
- (c) Rules of Professional Conduct/ State Bar Act violations: RPC rules 1-310, 1-320, 3-110(A), and 3-700(D)(2), and Business and Professions Code sections 6068(d), 6068(o)(3), 6103, and 6106
- (d) Degree of prior discipline one year suspension stayed, and two years probation conditioned on 90 days actual suspension
- (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline. In State Bar Court Case No. 08-O-12090, effective July 16, 2009, Respondent was found to be in violation of Business and Professions Code section 6068(k). He received one year suspension stayed, and two years probation conditioned on 120 days actual suspension.
- (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. Respondent violated multiple conditions of his probation.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

See Other Circumstances Considered in Resolving This Matter, page 9, infra.

D. Discipline (choose only one):

- (1) **Probation extended:** Respondent's probation in _____ is extended for _____.
- (2) **Probation revoked; Probation Reinstated; Actual Suspension:** Respondent's probation is revoked and reinstated for two years on the same terms and conditions as previously imposed in S172346. The terms of probation remain the same as in the prior order except as indicated below. In addition, Respondent must be actually suspended from the practice of law for 60 days.

- (3) **Probation revoked; Probation Reinstated; No Actual Suspension:** Respondent's probation is revoked and reinstated for _____ on the same terms and conditions as previously imposed in _____ The terms of probation remain the same as in the prior order except as indicated below.
- (4) **Probation revoked; Probation not Reinstated; Actual Suspension:** Respondent's probation is revoked. Respondent must be suspended from the practice of law for _____

E. In addition to conditions previously imposed by the Supreme court in its prior order, the following new conditions are recommended by this stipulation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state in each report whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.

No Ethics School recommended. Reason:

- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
 - Substance Abuse Conditions
 - Law Office Management Conditions
 - Medical Conditions
 - Financial Conditions

F. Other Conditions Negotiated by the Parties:

- (1) Probation Conditions Deleted or Modified: _____ :
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the provisions of subdivisions (a) and (c) of rule 9.20, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the provisions of subdivisions (a) and (c) of rule 9.20, California Rules of Court, within 120 and 130 days, respectively, from the effective date of the Supreme Court order herein.

Attachment language (if any):
FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statute.

1. On December 9, 2008, the State Bar Court filed and served upon Respondent a Stipulation re Facts, Conclusions of Law and Disposition and Order Approving in State Bar Court Case No. 08-O-12090 ("Order Approving Stipulation").

2. On June 16, 2009, the California Supreme Court filed an Order in Case No. S172346 (State Bar Court Case No. 08-O-12090) that Respondent be suspended from the practice of law for a period of one year, that execution of suspension be stayed and that Respondent be placed on probation for a period of two years on condition that he be actually suspended for one hundred twenty days and that he be subject to the conditions of probation as recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 9, 2008.

a. As a condition of probation, Respondent was ordered to comply with the Rules of Professional Conduct and the State Bar Act and to report such compliance under penalty of perjury to the Office of Probation each January 10, April 10, July 10, and October 10.

Respondent did not comply as follows:

Due	Filed	Comment
10/10/09	10/9/09	timely
1/10/10	3/30/10	late
4/10/10	9/23/10	late
7/10/10	9/23/10	late
10/10/10	10/13/10	late

b. As a condition of probation, Respondent was required to provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School within one year after the effective date of his discipline—by July 16, 2010. Respondent did not comply because he did not attend Ethics School until October 7, 2010; the Office of Probation obtained proof on October 14, 2010.

3. On July 1, 2009, the Office of Probation mailed a reminder letter to Respondent at his membership records address outlining the terms and condition of his probation. The letter reminded Respondent of his obligations to file quarterly reports and provide proof of completion of Ethics School to the Office of Probation within one year. The letter enclosed numerous attachments including a courtesy quarterly report form with an instructions sheet. Information about Ethics School was included with the letter. Respondent received the letter.

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4. On August 14, 2009, Respondent telephoned the Office of Probation and left a message regarding his initial meeting and asking for a call back.
5. On August 17, 2009, the Office of Probation returned Respondent's call. The meeting was set for Respondent to telephone back on Wednesday at 10 a.m.
6. On August 19, 2009, Respondent telephoned at the agreed-upon time and the meeting was conducted. The terms and conditions of his probation were discussed, including the deadlines for quarterly reporting and Ethics School.
7. On October 7, 2009, Respondent telephoned the Office of Probation and left a voice mail message asking how he could file a motion. That same day, Respondent's telephone call was returned and he was informed he could contact the State Bar Court to dispute disciplinary costs or ask how to file a motion.
8. On February 11, 2010, the Office of Probation mailed Respondent a letter advising him that he was not in compliance with the terms and conditions of his probation because his quarterly report for January 10, 2010 had not been received. Respondent received the letter.
9. On February 17, 2010, Respondent telephoned the Office of Probation and left a voice mail message stating that he had sent his quarterly report due in January 2010 a while back; he asked for a return call at a specified number.
10. On February 25, 2010, the Office of Probation telephoned Respondent at the specified number and left a voice mail message asking him to submit his quarterly report for January 2010 and/or to call back.

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Legal Conclusion: By failing to (1) timely file his Quarterly Reports due January 10, 2010; April 10, 2010; July 10, 2010; and October 10, 2010; and (2) timely attend a session of the State Bar Ethics School and timely submit proof of attendance at a session of the State Bar Ethics School, Respondent willfully violated Business and Professions Code, section 6068(k).

PENDING PROCEDURES.

The disclosure date referred to, on page one, paragraph A.(7) was October 25, 2010.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Probation has informed respondent that as of October 25, 2010, the estimated prosecution costs in this matter are approximately \$1,564. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.6, subsection (a), states that culpability of a member of a violation of Business and Professions Code, section 6068(k), shall result in disbarment or suspension depending upon the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3.

An attorney who violated his probation by failing to timely complete restitution and by failing to timely attend Ethics School, received two years' probation with a condition that he was to be actually suspended for the first 30 days. In the Matter of Gorman (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 567. Neither bad purpose nor intentional evil is required to establish willful violations of disciplinary probation. *Id.* at 572. An attorney's cooperation in stipulating to facts warrants some mitigative consideration. *Id.* More serious sanctions are assigned to probation violations closely related to reasons for imposition of previous discipline or to rehabilitation. *Id.* at 573-574.

In this matter, Respondent's underlying disciplinary violation (8-O-12090/S172346) was in relation to his failure to timely file quarterly reports, failure to timely attend ethics school, and failure to timely pay restitution. The probation conditions violated were related to his original misconduct, important for his rehabilitation, and were intended to assist the State Bar in monitoring Respondent's rehabilitation. However, in light of Respondent's circumstances (set forth below), it is agreed that the degree of discipline set forth in this stipulation is appropriate in relation to standard 2.6 based upon Respondent's eventual completion of his outstanding conditions, his stipulation to his violations, and his agreement to reinstate his probation in order to demonstrate his willingness to prove his rehabilitation.

!!!

(Do not write above this line.)

OTHER CIRCUMSTANCES CONSIDERED IN RESOLVING THIS MATTER

After signing the stipulation in December 2008, Respondent experienced many deaths of family and close friends, causing time commitments for Respondent. He also was involved in a variety of work matters requiring larger than normal time commitments. For example, Respondent's father was diagnosed with ALS in late January 2009. Shortly thereafter, Respondent moved in with his parents to assist in caring for his father and his parents' home. The home is located on a 3-acre property which is prone to fire danger, necessitating that Respondent routinely maintain the trees, shrubs, and wild grasses on the bluff areas; maintenance of two large wooden decks also require a significant investment of Respondent's time. In April 2009, Respondent's father died; Respondent continues to live with his mother to continue the care of the property.

In May and June 2009, Respondent was involved in defending a client in an attempted murder trial. In June 2009, Respondent's great aunt died. In November 2009, a close family friend of Respondent's died. From December 2009 to May 2010, Respondent was defending a minor charged as an adult in a murder case. From January 2010 to the present, Respondent was representing a parent of minor children in a family custody case which also involves over forty counts of contempt of court. In July 2010, two of Respondent's cousins died, as well as a close family friend. In September 2010, another close family friend of Respondent's died.

Respondent now understands that even with personal and professional obligations, he is to comply specifically with each deadline for each condition of his probation

WAIVER OF ANY VARIANCES

The parties stipulate to waive any variance in the language, allegations, and conclusions of law between this stipulation and the Notice of Motion and Motion to Revoke Probation filed on September 13, 2010. Respondent acknowledges that this stipulation contains language, allegations, and a conclusion of law which may differ from the language, allegations, and conclusion of law contained in the Notice of Motion and Motion to Revoke Probation filed on September 13, 2010. The parties further stipulate to waive the right to have any amendment to the Notice of Motion and Motion to Revoke Probation.

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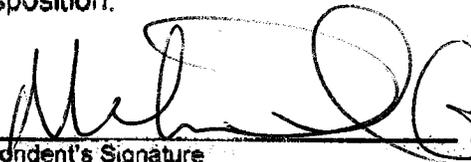
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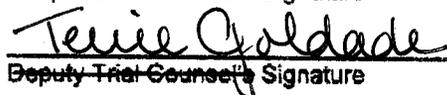
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In the Matter of Nolan DelCampo	Case number(s): 10-PM-08533
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SIGNATURE OF THE PARTIES

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 Fact, Conclusions of Law and Disposition.

Oct. 29, 2010  Nolan DelCampo
 Date Respondent's Signature Print Name

10.28.10  Terrie Goldade, Supervising Attorney
 Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter Of Nolan DelCampo	Case Number(s): 10-PM-08533
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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 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.
- All Hearing dates are vacated.

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 9.18(a), California Rules of Court.)**

Nov. 16, 2010
Date

[Signature]
Judge of the State Bar Court
Lucy Armendariz

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 November 16, 2010, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

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

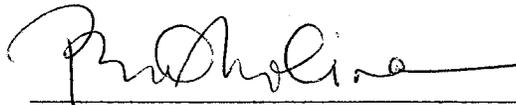
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**NOLAN A. DEL CAMPO
LAW OFC NOLAN DELCAMPO
3900 VILLA CT
FAIR OAKS, CA 95628**

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

TERRIE GOLDADE, Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on November 16, 2010.



Bernadette C.O. Molina
Case Administrator
State Bar Court