

(Do not write above this line.)

**State Bar Court of California  
Hearing Department  
San Francisco  
REPROVAL**

<p>Counsel For The State Bar</p> <p>Treva R. Stewart Deputy Trial Counsel 180 Howard Street San Francisco, California 94105 Telephone: (415) 538-2452</p> <p>Bar # 239829</p>	<p>Case Number(s):</p> <p>11-O-14878; 11-O-16362</p>	<p>For Court use only</p> <p style="text-align: center;"><b>PUBLIC MATTER</b></p> <p style="text-align: center;"><b>FILED</b> <i>MS</i></p> <p style="text-align: center;">APR - 5 2012</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p>Burke J. Hansen</p> <p>Bar # 236030</p>	<p>Submitted to: <b>Settlement Judge</b></p>	
<p>In the Matter of: Burke J. Hansen</p> <p>Bar # 236030</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>PUBLIC REPROVAL</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

**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 May 5, 2005.
- (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".



(Do not write above this line.)

- (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 §§6086.10 & 6140.7. (Check one option only):
- Costs are added to membership fee for calendar year following effective date of discipline (public reproof).
  - Case ineligible for costs (private reproof).
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: three billing cycles following the effective date of the Supreme Court order: 2013, 2014, 2015. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.
- (9) The parties understand that:
- (a)  A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
  - (b)  A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
  - (c)  A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

**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
  - (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 a separate attachment entitled "Prior Discipline."

(Do not write above this line.)

---

- (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 with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. Respondent was cooperative in the State Bar's investigation and the resolution of the instant matter.
- (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.

(Do not write above this line.)

---

- (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. Respondent suffered severe depression as a result of difficulties in his personal life which caused him to neglect his obligations.
- (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:**

**D. Discipline:**

- (1)  **Private reproof (check applicable conditions, if any, below)**
- (a)  Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b)  Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2)  **Public reproof (Check applicable conditions, if any, below)**

**E. Conditions Attached to Reproof:**

- (1)  Respondent must comply with the conditions attached to the reproof for a period of one year.
- (2)  During the condition period attached to the reproof, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (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 condition period attached to the reproof. 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 the reproof during the preceding calendar quarter. Respondent

(Do not write above this line.)

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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (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 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 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 conditions attached to the reprobation.
- (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)  Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year of the effective date of the reprobation.
- No MPRE recommended. Reason: .
- (11)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions             |

**F. Other Conditions Negotiated by the Parties:**

See Stipulation Attachment

**ATTACHMENT TO**

**STIPULATION RE FACTS, CONCLUSIONS OF LAW: AND DISPOSITION**

IN THE MATTER OF:        Burke Hansen

CASE NUMBERS:            11-O-14878; 11-O-16362

**FACTS AND CONCLUSIONS OF LAW:**

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

**Case Number 11-O-14878**

**FACTS:**

1. On September 14, 2010, Respondent filed a Complaint on behalf of Herbert Hockenhull, entitled *Hockenhull v. Wells Fargo Bank, N.A.*, Alameda County Superior Court case number RG10536158 ("*Hockenhull case*").
2. Respondent was ordered to appear for case management conferences ("CMCs") in the *Hockenhull case* on March 28, 2011, May 3, 2011, and June 7, 2011.
3. Respondent received notice and was aware of his court ordered appearances for CMCs on March 28, 2011, May 3, 2011 and June 7, 2011.
4. Respondent failed to appear for CMCs on March 28, 2011, May 3, 2011, and June 7, 2011.
5. Respondent was sanctioned \$500 on March 28, 2011 for his failure to appear.
6. Respondent was sanctioned \$1500 on June 7, 2011 for his failure to appear, payable in 10 calendar days.
7. Respondent was sanctioned a total of \$2000 in the *Hockenhull case*.
8. Respondent received notice of the imposition of sanctions in the *Hockenhull case*.
9. Respondent failed to report in writing to the State Bar within 30 days of Respondent's knowledge of the imposition of judicial sanctions in the *Hockenhull case*.
10. The sanctions were reported to the State Bar by the Superior Court.
11. Respondent has not paid any of the sanctions in the *Hockenhull case*.

///

## CONCLUSIONS OF LAW:

1. By failing to appear for the CMCs on March 28, 2011, May 3, 2011 and June 7, 2011 pursuant to court order, Respondent wilfully disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear, in violation of Business and Professions Code section 6103.
2. By failing to report in writing to the State Bar within 30 days of Respondent's knowledge of the imposition of judicial sanctions in the *Hockenhill* case, Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against Respondent, in violation of Business and Professions Code section 6068(o)(3).

### Case Number 11-O-16362

## FACTS:

1. On October 15, 2010 Respondent filed a complaint on behalf of Ronald J. Character, Sr. in the matter, *Ronald J. Character, Sr. v. Wells Fargo Bank, et al.*, Solano Superior Court case number FCS036761 ("*Character case*").
2. Respondent was ordered to appear for a case management conference ("CMC") in the *Character* case on February 4, 2011.
3. Respondent received notice and was aware of his court ordered appearance for the CMC on February 4, 2011.
4. Respondent failed to appear for the CMC on February 4, 2011. An order to show cause ("OSC") was issued on February 11, 2011 and scheduled for hearing on March 8, 2011.
5. Respondent received notice and was aware of the OSC and hearing on March 8, 2011.
6. Respondent failed to appear for the OSC hearing on March 8, 2011.
7. Respondent was also ordered to appear on April 16, 2011, May 20, 2011, July 15, 2011, and August 26, 2011.
8. Respondent received notice and was aware of his court ordered appearances on April 16, 2011, May 20, 2011, July 15, 2011, and August 26, 2011.
9. Respondent failed to appear on April 16, 2011, May 20, 2011, July 15, 2011, and August 26, 2011.
10. Respondent was sanctioned \$150 on May 23, 2011 for his failure to appear.
11. Respondent was sanctioned \$350 on July 15, 2011 for his failure to appear.

12. Respondent was sanctioned \$ 750 on August 29, 2011 for his failure to appear.

13. Respondent was sanctioned a total of \$1250 in the *Character* case.

14. Respondent failed to report in writing to the State Bar within 30 days of Respondent's knowledge of the imposition of judicial sanctions in the *Character* case.

15. The sanctions were reported to the State Bar by the Superior Court.

#### **CONCLUSIONS OF LAW:**

1. By failing to appear on February 4, 2011, March 8, 2011, April 16, 2011, May 20, 2011, July 15, 2011, and August 26, 2011, pursuant to the court's orders, Respondent wilfully disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear, in violation of Business and Professions Code section 6103.

2. By failing to report in writing to the State Bar within 30 days of Respondent's knowledge of the imposition of judicial sanctions in the *Character* case, Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against Respondent, in violation of Business and Professions Code section 6068(o)(3).

#### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was March 15, 2012.

#### **AUTHORITIES SUPPORTING DISCIPLINE.**

Standard 2.6 provides for the imposition of discipline ranging from suspension to disbarment, depending on the gravity of the offense or harm, for violation of B&P section 6103 and/or 6068(o)(3).

However, even a willful violation of a court order may warrant deviation from the standards under certain circumstances. (See *In the Matter of Respondent X* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 592, imposing a private reproof).

Also, in *In the Matter of Respondent Y* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 862, a private reproof was found to be the appropriate discipline for respondent's failure to report and pay sanctions in one matter. Respondent Y had no prior record of discipline and a narrow violation was involved.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of March 15, 2012, the prosecution costs in this matter are approximately

\$3,000. 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.

### **STATE BAR ETHICS SCHOOL**

Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

### **SATISFACTION OF SANCTIONS**

Within 90 days of the effective date of the Supreme Court order, Respondent must provide to the Office of Probation, proof of satisfaction of the sanctions imposed in the *Hocken hull* and *Character* cases.

(Do not write above this line.)

In the Matter of: Burke Hansen	Case number(s): 11-O-14878; 11-O-16362
-----------------------------------	---

### 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, Conclusions of Law, and Disposition.

3/21/2012            Burke Hansen  
Date      Respondent's Signature      Print Name

3/27/12            Treva R. Stewart  
Date      Deputy Trial Counsel's Signature      Print Name

(Do not write above this line.)

In the Matter of: Burke Hansen	Case Number(s): 11-O-14878; 11-O-16362
-----------------------------------	---

### REPROVAL ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, 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 REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department 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 5.58(E) & (F), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

**Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.**

Date Apr. 15, 2012

  
LUCY ARMENDARIZ  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**

[Rules Proc. of State Bar; Rule 5.27(B); 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 April 5, 2012, 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:

BURKE J. HANSEN  
THE LAW OFFICES OF BURKE HANSEN  
252 8TH AVE  
SAN FRANCISCO, CA 94118

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

TREVA R. STEWART, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on April 5, 2012.

  
\_\_\_\_\_  
Mazie Yip  
Case Administrator  
State Bar Court