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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION			PUBLIC MATTER
Counsel For The State Bar Suzan J. Anderson Senior Trial Counsel 1149 S. Hill Street Los Angeles, California 90015 213-765-1209 Bar # 160559	Case Number(s): 11-O-15166, 11-O-16688, 11-O-16873, 11-O-16983, 11-O-17028, 11-O-17121, 11-O-17264, 11-O-17861, 11-O-18067, 11-O-18083, 11-O-18835, 11-O-19260, 12-O-10979, 12-O-12106	For Court use only <div style="text-align: center;"> FILED JUN 01 2012 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>	
Counsel For Respondent David A. Clare 444 West Ocean Boulevard Suite 800 Long Beach, California 90802 Bar # 44971	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		
In the Matter of: CHRISTOPHER J. VAN SON Bar # 133440 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 June 6, 1988.
- (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 18 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 §§6086.10 & 6140.7. (Check one option only):
 - ☐ Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: Costs to be paid in equal amounts prior to February 1 for the following two billing cycles following the effective date of the Supreme Court Order. (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.

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.
- (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. Please see Attachment, page 14.
- (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. Please see Attachment, page 14.
- (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. Please see Attachment, pages 13 and 14.
- (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. Please see Attachment, pages 13 and 14.
- (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) ☐ **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) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of two (2) years.

i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.

ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. ☐ and until Respondent does the following:

(b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of three (2) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) ☒ **Actual Suspension:**

(a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of eighteen (18) months.

i. ☒ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. ☐ and until Respondent does the following:

E. Additional Conditions of Probation:

(1) ☐ 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 the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

(2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

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- (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 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:
- | | |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** 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 during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without**

further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.

☐ No MPRE recommended. Reason:

- (2) ☒ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (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 requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) ☒ **Other Conditions:** Restitution - Respondent must make restitution as detailed in the Financial Conditions and the Attachment.

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Attachment language (if any):

Please see Attachment, pages 11 through 17.

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In the Matter of: CHRISTOPHER J. VAN SON, 133440	Case Number(s): 11-O-15166, et al.
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Law Office Management Conditions

- a. ☐ Within days/ months/ years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b. ☒ Within days/six (6) months/ years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than six (6) hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. ☐ Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

Other:

In the Matter of: CHRISTOPHER J. VAN SON, 133440	Case Number(s): 11-O-15166, et al.
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Financial Conditions

a. Restitution

- ☒ Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Daniel Belcher	\$1,650	7/27/11
Richard Nerserian	1,650	8/9/11
Charity and Francisco Gonzales	947.50	1/31/10
Please see Attachment, page for further required restitution		

- ☒ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than one month prior to the end of his probationary period.

b. Installment Restitution Payments

- ☐ Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- ☐ 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.

c. Client Funds Certificate

- ☐ 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- ☒ Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: CHRISTOPHER J. VAN SON

CASE NUMBER(S): 11-O-15166, et al.

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.

STATEMENT OF FACTS (11-O-16873, 11-O-16983, 11-O-17264, 11-O-17861, 11-O-18083, 12-O-10979, 12-O-12106)

1. In February 2011, Respondent became associated with another attorney to process clients for mass joinder litigation and loan modifications and formed a company for this association called Consolidated Litigation Group.
2. Consolidated Litigation Group sent out mailers advertising the mass joinder litigation throughout various markets in the United States.
3. Respondent was employed by the following clients to represent them in order to join the mass joinder litigation and/or obtain a modification of their home mortgage loans and charged and collected the fees as detailed below prior to fully performing each and every service he had contracted to perform or represented that he would perform:

Case Number	Client	Date Client employed Respondent	Advanced fees Client paid to Respondent	Client's State of Residence and Location of Property
11-O-16873	Charity and Francisco Gonzales	1/31/11	947.50	California
11-O-16983	Therese Austin	3/9/11	1,610	California
11-O-17264	Leticia and Orlando Bastides	5/13/11	5,000	California
11-O-17861	Joseph Carlos	7/10/11	4,994	California
11-O-18083	Steve Merino	3/1/11	5,000	California
12-O-10979	Maria Pavlova	6/1/11	5,000	California
12-O-12106	Vennie Forks	6/15/11	5,000	California

4. Respondent failed to add the clients listed above to the ongoing mass joinder litigation, failed to negotiate loan modifications for these clients and failed to perform any other legal services of value to the clients listed above.

5. To date, Respondent has not provided any refunds to the clients listed above.
6. Due to Respondent's involvement in the mass joinder litigation/loan modification arenas, on August 15, 2011, the Superior Court for the State of California for the County of Los Angeles assumed jurisdiction of Respondent's law practice pursuant to Business and Professions Code section 6190 in Case Number LS021818. That same day the Attorney General's Office obtained a Temporary Restraining Order against Respondent's law office in their complaint entitled, *The People of the State of California v. The Law Offices of Kramer and Kaslow, et al.*, Case Number LC094571. These actions amounted to Respondent's effective withdrawal from representation of the above-listed clients.

CONCLUSIONS OF LAW (11-O-16873, 11-O-16983, 11-O-17264, 11-O-17861, 11-O-18083, 12-O-10979, 12-O-12106)

The parties hereby stipulate and Respondent specifically admits that by his conduct described above, Respondent engaged in acts of serious misconduct warranting the discipline described herein as follows:

1. By failing to add the above-listed clients to mass joinder litigation, failing to negotiate loan modifications for those clients and failing to perform any other legal services of value in the representation of the above-listed clients, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of rule 3-110(A) of the Rules of Professional Conduct.
2. By failing to perform any legal services of value for the above-listed clients in connection with the mass joinder litigations and/or loan modifications, and conducting himself in a manner which allowed the Superior Court to assume jurisdiction of his practice and allowed the Attorney General to obtain a TRO and take control of the law firm, Respondent effectively withdrew from representation of his clients, and failed, upon termination of employment to take reasonable steps to avoid reasonably foreseeable prejudice to his clients, hereby improperly withdrawing from representation and abandoning the above-listed clients in willful violation of rule 3-700(A)(2) of the Rules of Professional Conduct.
3. By negotiation, arranging or offering to perform a mortgage loan modification for a fee paid by a borrower, and demanding, charging, collecting and receiving fees from the above-listed clients in California prior to fully performing each and every service he had contracted to perform or represented that he would perform in violation of subsection (a)(1) of section 2944.7 of the California Civil Code, Respondent willfully violated Business and Professions Code section 6106.3.

STATEMENT OF FACTS (11-O-15166, 11-O-16688, 11-O-17028, 11-O-17121, 11-O-18067, 11-O-18835, 11-O-19260)

7. The facts of paragraphs One, Two, Four, Five and Six are incorporated by reference.
8. Respondent was employed by the following clients to represent them in order to join the mass joinder litigation and/or obtain a modification of their home mortgage loans:

Case Number	Client	Date Client employed Respondent	Advanced Fees Client paid to Respondent	Client's State of Residence and Location of Property
11-O-15166	Daniel Belcher	7/27/11	\$1,650	Florida
11-O-16688	Richard Nerserian	8/9/11	1,650	New Jersey
11-O-17028	Kenneth Preston	6/3/11	5,000	Arizona
11-O-17121	John Burkin	5/11/11	1,500	Nevada
11-O-18067	Dean and Shareece Kowal	7/25/11	1,650	Arizona
11-O-18835	Dania Kreiger	7/18/11	4,300	Arizona
11-O-19260	Darlene Mulvanity	6/2/11	2,500	Delaware

9. Respondent entered into an agreement for, charged, and collected fees from the above referenced clients in a jurisdiction in which he was not admitted to practice law.
10. Each of those clients listed above who resided outside the state of California entered into a contract for legal services with Respondent whereby Respondent agreed to add them to ongoing mass joinder litigation and/or modify their home mortgage loans on properties in the states where they resided. Respondent is not presently, and has never been licensed to practice law in any of the states listed above in paragraph 8. Respondent knew that the clients and their properties were located in jurisdictions in which he was not entitled to practice law. The representation of the above-listed clients would have required that Respondent be licensed to practice in their jurisdictions.

LEGAL CONCLUSIONS

4. By entering into contracts for legal services with clients in states in which Respondent was not entitled to practice, to perform legal services in connection with mass joinder litigation and obtain modifications of home mortgage loans on properties located in those states, Respondent held himself out as able to practice law in jurisdictions where to do so would be a violation of the regulations of the profession in those jurisdictions, in willful violation of rule 1-300(B) of the Rules of Professional Conduct.
5. By entering into agreements for, charging, and collecting legal fees for services from the clients listed above in states other than California, where Respondent is not entitled to practice law, Respondent willfully entered into agreements for, charged, and collected illegal fees in willful violation of rule 4-200(A) of the Rules of Professional Conduct.

FACTORS IN MITIGATION

Respondent was admitted to the State Bar of California in May 1988, and he has no prior record of discipline in over twenty (20) years of practice.

In February 2011, Respondent became associated with another attorney to process clients for mass joinder litigation and loan modifications, and formed a company called Consolidated Litigation Group, as a result of his reliance on misrepresentations of fact made to him by the other attorney concerning the status and success of the subject matter of the litigation. Respondent did not contribute to, nor was he involved in, the false advertising used in contacting prospective clients to join the mass joinder action.

In August 2011, when the State Bar and the Attorney General's office filed an action in Los Angeles County Superior Court to assume jurisdiction of Respondent's law practice, and the law practices of several other attorneys involved in the subject mass joinder action, Respondent was fully cooperative and candid with the State Bar. In September 2011, Respondent stipulated to a permanent order in the Superior Court action allowing the State Bar to assume jurisdiction over his practice without the need for further litigation. In that same month, he met with the State Bar Attorney and Investigator in charge of the Superior Court action, and candidly discussed his involvement in the mass joinder action, providing them with valuable information and his declaration. He also obtained the declarations of certain of his former employees and associates for use by the State Bar, along with all the relevant records he had. He also turned off his internet website for his law office and did everything asked of him by the State Bar.

Respondent is remorseful for his professional misconduct although he did not fully understand the situation he was getting into when he became involved in the mass joinder action.

FACTORS IN AGGRAVATION

Respondent's clients were seriously harmed by the above described misconduct. Most, if not all, of the clients who hired Respondent to assist them with the home loan modifications did so because they were financially distressed. Thus, the loss of the use of the money they paid to Respondent for services that were not performed, caused significant harm to Respondent's clients. And as there are multiple clients involved in Respondent's misconduct, it evidences that Respondent committed multiple acts of misconduct.

DISCUSSION RE STIPULATED DISCIPLINE

Standard 1.3, Title IV, Standards for Attorney Sanctions for Professional Misconduct, provides that the primary purposes of the disciplinary system are: "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession."

Standard 2.4(b) holds that a failure to perform in individual client matters, not demonstrating a pattern, shall result in reproof or suspension depending on the extent of the misconduct and the extent of harm to the client.

Standard 2.10 holds that the violation of rule 1-300(B), Rules of Professional Conduct [Unauthorized Practice of Law in Another Jurisdiction], rule 4-200(A) [Illegal Fee], and § 6106.3 [Violation of California Civil Code § 2944.7(a) and 2944.6(a)] shall result in reproof or suspension, depending on the gravity of the offense or the harm to the victim.

The Standards call for a level of discipline ranging between reproof and suspension. Based on the facts of this case, a two year suspension with 18 months of actual suspension and three years of probation is an appropriate level of discipline.

Respondent's misconduct consists of seven failures to perform (rule 3-110(A)), seven failures to properly withdraw from employment (rule 3-700(A)(2)), seven violations of SB 94 (§6106.3) and seven counts of the unauthorized practice of law/accepting an illegal fee (rules 1-300(B) and 4-200(A)).

Although there are no cases with a substantially similar fact pattern, case law supports a two year suspension with 18 months of actual suspension and three years of probation.

In *In the Matter of Wells* (Review Dept. 2005) 2005 WL 3293313, the Review Department recommended that the respondent be suspended for two years, stayed, with six months of actual suspension. In *Wells*, the respondent was found to have engaged in the unauthorized practice of law in South Carolina on two occasions. The respondent was also found to have held herself out as entitled to practice in South Carolina when she was not. The respondent charged not only illegal fees, but her fees were found to be excessive and unconscionable. The respondent was found culpable of moral turpitude by lying to both the State Bar and the South Carolina Solicitor's Office during the course of the investigation of her conduct. In aggravation, the respondent had a prior record of discipline, was found to have engaged in multiple acts of wrongdoing, was found to have harmed the public the administration of justice and her clients, and the respondent demonstrated indifference to the consequences of her misconduct.

Although Respondent here has engaged in more instances of the unauthorized practice of law, at the time, Respondent did not understand this to be the unauthorized practice of law, whereas the *Wells* court found that the respondent there was not acting in good faith. Respondent has not engaged in any conduct involving moral turpitude. Respondent here did not charge excessive and unconscionable fees. Respondent has cooperated with the State Bar during these investigations.

In *In the Matter of Harney* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 266, the Review Department placed the respondent on a six month actual suspension for concealing the statutory fee limit under the Medical Injury Compensation Reform Act ("MICRA") from both the court and his client. The respondent collected a fee that was \$266,850 in excess of the MICRA limit. The respondent was found culpable of a number of other violations, including conduct involving moral turpitude.

Respondent's misconduct is surrounded by some aggravating circumstances, specifically that his misconduct evidences multiple acts of wrongdoing. However, the UPL violations occurred within an approximately seven month period when Respondent mistakenly believed that he was not engaging in the unauthorized practice of law.

Respondent's misconduct is aggravated by the fact that it harmed his clients and deprived them of funds they could have used for their mortgages for a substantial period of time. However, Respondent has cooperated with the State Bar throughout these investigations by providing all information requested of him, and in the assumption of jurisdiction of his office by stipulating to the permanent order pursuant to Business and Professions Code section 6190 and voluntarily taking his website off line. Respondent has also cooperated with the Attorney General's office in their prosecution of the complaint referenced above.

Given the aggravating and mitigating circumstances present in this case, a two year suspension with eighteen months of actual suspension and three years of probation is consistent with the Standards and case law.

Finally, the parties submit that given Respondent's cooperation throughout these matters, the stipulated discipline and probationary conditions in this matter are sufficient to assure that Respondent will conform his future conduct to ethical standards and, therefore, protect the public, courts and profession. This is consistent with Standard 1.3.

PENDING PROCEEDINGS.

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

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of April 16, 2012, the estimated prosecution costs in this matter are \$14,393. 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.

FINANCIAL CONDITIONS, RESTITUTION

Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Therese Austin	\$1,610	3/9/11
Kenneth Preston	5,000	6/3/11
John Burkin	1,500	8/9/11
Leticia and Orlando Bastides	5,000	7/13/11
Joseph Carlos	4,994	7/10/11
Dean and Shareece Kowal	1,650	7/25/11
Steve Merino	5,000	4/1/11
Dania Kreiger	4,300	8/11/11
Darlene Mulvanity	2,500	6/3/11
Maria Pavlova	5,000	8/4/11
Vennie Forks	5,000	6/15/11

Respondent must pay the above-referenced restitution and provide satisfactory proof of payment to the Office of Probation thirty (30) days prior to the termination of his three year probationary period.

Respondent waives any objection to payment by the State Bar Client Security fund upon a claim by any of his clients to unearned attorney fees.

STATE BAR ETHICS AND CLIENT TRUST ACCOUNT SCHOOLS

Because Respondent has agreed to attend State Bar Ethics School and State Bar Client Trust Account School as part of this Stipulation, Respondent may receive Minimum Continuing Legal

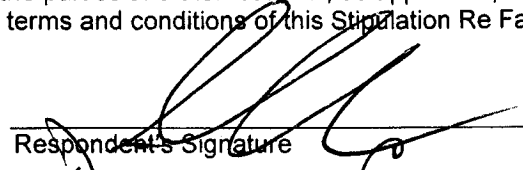
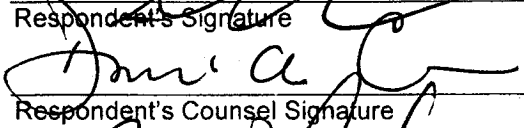
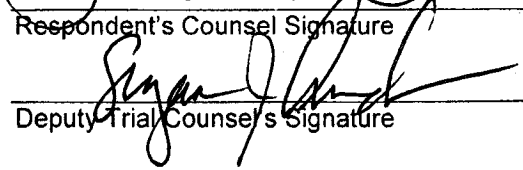
Education Credit upon satisfactory completion of State Bar Ethics School and State Bar Client Trust Account School.

(Do not write above this line.)

In the Matter of: CHRISTOPHER J. VAN SON, 133440	Case number(s): 11-O-15166, et al.
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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, Conclusions of Law, and Disposition.

5/11/12		CHRISTOPHER J. VAN SON
Date	Respondent's Signature	Print Name
5/15/12		DAVID A. CLARE
Date	Respondent's Counsel Signature	Print Name
5/16/12		SUZAN J. ANDERSON
Date	Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of:
CHRISTOPHER J. VAN SON, 133440

Case Number(s):
11-O-15166, et al.

ACTUAL SUSPENSION 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.

PAGE 1 - SECTION A. (1) - DELETE "JUNE" INSERT "MAY"
PAGE 2 - SECTION A. (8) - INSERT "2013 AND 2014" AFTER "MEMBERSHIP 4 YEARS"
PAGE 4 - SECTION D. (2) - DELETE " (2) " INSERT " (3) "
PAGE 5 - SECTION E. (10) - CHECK THE BOX
PAGE 9 - SECTION A. - RESTITUTION - DELETE "1/31/10" INSERT "1/31/11"

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.) **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.)**

Date

MAY 31, 2012

Judge of the State Bar Court

RICHARD A. PLATEL

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 Los Angeles, on June 1, 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 Los Angeles, California, addressed as follows:

DAVID ALAN CLARE
DAVID A CLARE, ATTORNEY AT LAW
444 W OCEAN BLVD STE 800
LONG BEACH, CA 90802

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

Suzan J. Anderson, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 1, 2012.


Johnnie Lee Smith
Case Administrator
State Bar Court