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State Bar Court of California Hearing Department Los Angeles ALTERNATIVE DISCIPLINE PROGRAM		
	Case Number(s): 11-O-16185 - RAH 12-O-13948 12-O-16676 12-O-17033 13-N-10445 13-O-11034 13-J-13576 13-O-11224 [INV]	For Court use only PUBLIC MATTER FILED  OCT 28 2014 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel for the State Bar Charles T. Calix Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1000 Bar # 146853	Submitted to: Assigned Judge	
In the Matter of: CHRISTOPHER JOHN VAN SON Bar # 133440 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS AND CONCLUSIONS OF LAW ALTERNATIVE DISCIPLINE PROGRAM <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 June 6, 1988.
- (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, except as otherwise provided in rule 5.386(D)(2) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the 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 consists of 15 pages, excluding 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".

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- (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 [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 11-O-15166 et al. See attachment at pages 13 and 14.
 - (b) Date prior discipline effective November 16, 2012.
 - (c) Rules of Professional Conduct/ State Bar Act violations: Seven counts each of violating: rule, 1-300(B), Rules of Professional Conduct ("rule(s)") [unauthorized practice of law in another jurisdiction]; rule 3-110(A) [failure to perform with competence]; rule 3-700(A)(2) [abandonment of clients]; 4-200(A) [illegal fees]; and Business and Professions Code section 6106.3 [violation of Civil Code section 2994.7 [charging advanced fees to perform mortgage loan modification].
 - (d) Degree of prior discipline Two years' suspension, stayed, three years' probation with conditions including an actual suspension of 18 months.
 - (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. See attachment at 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. See attachment at 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.
- (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. See attachment at page .
- (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:

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: CHRISTOPHER JOHN VAN SON

**CASE NUMBERS: 11-O-16185, 12-O-13948, 12-O-16676, 12-O-17033,
13-N-10445, 13-O-11034, 13-J-13576, and 13-O-11224**

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 No. 11-O-16185 (Complainants: John Ritoli and Christine Ritoli)

FACTS:

1. On September 1, 2010, John Ritoli and Christine Ritoli (collectively "the Ritolis") employed Respondent to provide mortgage loan modification services and other loan forbearance legal services concerning Wells Fargo Bank ("Wells Fargo"), their mortgage holder.
2. On September 1, 2010, the Ritolis paid Respondent \$1,147 in advanced attorney's fees. On September 28, 2010, the Ritolis paid Respondent an additional sum of \$1,147 in advanced attorney's fees. In total, the Ritolis paid Respondent \$2,294 in advanced attorney's fees prior to performance of any service.
3. Respondent did not fully perform each and every service he had contracted to perform or represented that he would perform for the Ritolis, prior to demanding, charging, collecting or receiving advanced attorney's fees of \$2,294.
4. Between January and March 2011, inclusive, employees of Wells Fargo called the Ritolis frequently to demand outstanding mortgage payments and threaten foreclosure proceedings.
5. On March 22, 2011, the Ritolis hired Respondent for additional services, specifically to include them in the mass joinder litigation against Wells Fargo for the purpose of avoiding foreclosure of their home. The Ritolis agreed to pay Respondent \$5,000 for these services.
6. On April 7, 2011, the Ritolis paid \$2,500 in advanced attorney's fees to Respondent to participate in the mass joinder litigation. On April 30, 2011, the Ritolis paid an additional \$2,500 in advanced attorney's fees to Respondent to participate in the mass joinder litigation. In total, the Ritolis paid \$5,000 in advanced attorney's fees to Respondent to participate in the mass joinder litigation.
7. Respondent did not file the documents necessary for the Ritolis to participate in mass joinder litigation against Wells Fargo or to prevent Wells Fargo from foreclosing on the home owned by the Ritolis after they paid him \$5,000 to participate in the mass joinder litigation.

8. Employees of Wells Fargo continued to call the Ritolis after they had hired Respondent to participate in the mass joinder litigation, and a member of Respondent's staff recommended that the Ritolis file a bankruptcy under Chapter 13 of the Bankruptcy Code to prevent Wells Fargo from foreclosing on their home.

9. On May 11, 2011, a member of Respondent's staff provided the Ritolis with a partially prepared propria persona Voluntary Petition under Chapter 13 of the Bankruptcy Code, which was missing schedules, statements, and the Chapter 13 plan. The staff member instructed the Ritolis how to file the petition, and the Ritolis filed the propria persona Voluntary Petition ("*Ritoli P*").

10. On June 1, 2011, the U.S. Bankruptcy Court filed and served an Order and Notice of Dismissal for Failure to File Schedules, Statements, and the Chapter 13 plan in *Ritoli I* within 14 days of the petition. The Ritolis received the Order and thereafter told a member of Respondent's staff that the Bankruptcy had been dismissed.

11. On June 15, 2011, a member of Respondent's staff provided the Ritolis with a second partially prepared Voluntary Petition under Chapter 13 of the Bankruptcy Code, which was missing schedules, statements, and the Chapter 13 plan. The staff member instructed the Ritolis how to file the petition, and the Ritolis filed the Voluntary Petition, which listed Respondent as the attorney of record ("*Ritoli IP*").

12. On July 6, 2011, the U.S. Bankruptcy Court filed and served on Respondent an Order and Notice of Dismissal for Failure to File Schedules, Statements, and/or Chapter 13 Plan in *Ritoli II*. Respondent received the Order, but did not take any action to set aside the dismissal of the Voluntary Petition in *Ritoli II* or to file a new Voluntary Petition.

13. On July 19, 2011, the Ritolis mailed a letter to Respondent requesting a refund of the \$5,000 in advanced attorney's fees that they had paid to Respondent in connection with the mass joinder litigation. Respondent received the letter, but failed to respond to the Ritolis or provide a refund. Between July 19, 2011 and August 18, 2011, the Ritolis called Respondent's office on numerous occasions to obtain a refund of the \$5,000 in advanced attorney's fees that they had paid to Respondent in connection with the mass joinder litigation. Respondent received the messages requesting that he refund the \$5,000 or call the Ritolis, but failed to provide a refund or respond to the Ritolis.

14. On July 30, 2011 and August 18, 2011, the Ritolis mailed letters to Respondent requesting a refund of the \$5,000 in advanced attorney's fees that they had paid to Respondent in connection with the mass joinder litigation. Respondent received the letters, but failed to respond to the Ritolis or provide a refund.

15. On August 14, 2011, Wells Fargo foreclosed on the Ritolis's home.

16. Respondent provided no legal services of value to the Ritolis. Respondent did not earn any portion of the \$7,294 (\$2,294 + \$5,000) in advanced attorney's fees that he received from the Ritolis. At no time did Respondent refund any portion of the \$7,294 in unearned advanced attorney's fees that he received from the Ritolis.

CONCLUSIONS OF LAW:

17. By failing to fully perform each and every service he had contracted to perform or represented that he would perform for the Ritolis, prior to demanding, charging, collecting or receiving advanced attorney's fees of \$2,294, Respondent engaged in conduct that violated Civil Code section 2994.7(a)(1) and Business and Professions Code section 6106.3.

18. By failing to provide any legal services of value to the Ritolis, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in violation of rule 3-110(A), Rules of Professional Conduct.

19. By failing to refund the \$7,294 in unearned advanced attorney's fees that he received from the Ritolis, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in violation of rule 3-700(D)(2), Rules of Professional Conduct.

Case No. 12-O-13948 (Complainant: Antoinette Cooks)

FACTS:

20. In March 2011, Antoinette Cooks ("Cooks") received a letter from Wells Fargo Bank ("Wells Fargo"), her mortgage lender, stating that it intended to foreclose on her home and a sale date had been set for on April 19, 2011. Thereafter, Wells Fargo foreclosed on her home.

21. On April 25, 2011, a non-attorney employee in Respondent's law office placed an unsolicited telephone call to Cooks. During the telephone call, Cooks told the employee that Wells Fargo had foreclosed on her home and asked if there was anything that could be done to recover her home. The employee told Cooks that Respondent's law office could help her and set an appointment for Cooks to come into Respondent's law office to discuss hiring Respondent to recover her home.

22. Prior to April 25, 2011, Cooks had no family or prior professional relationship with Respondent or his law firm.

23. On April 27, 2011, after receiving further assurances that Respondent and an associate named Philip A. Kramer ("Kramer") could recover her home, Cooks hired Respondent and Kramer to represent her with regard to the recovery of her home. Cooks did not pay advanced fees to Respondent or Kramer to recover her home.

24. On May 6, 2011, Cooks and Respondent entered into a second agreement whereby Respondent agreed to defend her in an unlawful detainer action, and Cooks paid Respondent \$1,250 in advanced attorney's fees under the agreement.

25. Thereafter, Respondent failed to provide any legal services of value to Cooks in connection with the recovery of her home or the unlawful detainer action.

26. On August 15, 2011, the Superior Court for the County of Los Angeles assumed jurisdiction over Respondent's law practice pursuant to Business and Professions Code section 6190, which permits the Court to assume jurisdiction of a law practice on a finding that the attorney is incapable of providing the quality of service necessary to protect the interests of a client. Respondent was unable to provide services to Cook after the Superior Court assumed jurisdiction over his law.

CONCLUSIONS OF LAW:

27. By causing an unsolicited telephone call to be made to Cooks concerning Respondent's availability for professional employment, Respondent caused a solicitation to be made on his behalf to a prospective client with whom he had no family or prior professional relationship for his pecuniary gain in violation of rule 1-400(C), Rules of Professional Conduct.

28. By failing to provide any legal services of value to Cooks between on April 27, 2011 and on August 15, 2011, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in violation of rule 3-110(A), Rules of Professional Conduct.

Case No. 12-O-16676 (Complainants: Gerardo Linares and Patricia Linares)

FACTS

29. On May 27, 2011, Gerardo Linares and Patricia Linares (collectively the "Linareses"), met with a member of Respondent's staff. During their meeting, the staff member told the Linareses that Respondent would charge them \$1,500 to negotiate a mortgage loan modification with their lender. If the negotiations were unsuccessful, Respondent would charge them an additional \$3,500 to be included in mass joinder litigation against their lender. The Linareses employed Respondent to negotiate a mortgage loan modification and provide other loan forbearance legal services.

30. On June 10, 2011, Gerardo Linares paid Respondent \$1,500 in advanced attorney's fees to negotiate a mortgage loan modification.

31. Respondent did not fully perform each and every service he had contracted to perform or represented that he would perform for the Linareses, prior to demanding, charging, collecting or receiving advanced attorney's fees of \$1,500.

32. At no time did Respondent provide to the Linareses the separate statement required by section 2944.6(a) of the Civil Code as follows:

It is not necessary to pay a third party to arrange for a loan modification or other form of forbearance from your mortgage lender or servicer. You may call your lender directly to ask for a change in your loan terms. Nonprofit housing counseling agencies also offer these and other forms of borrower assistance free of charge. A list of nonprofit housing counseling agencies approved by the United States Department of Housing and Urban Development (HUD) is available from your local HUD office or by visiting www.hud.gov.

CONCLUSIONS OF LAW:

33. By failing to fully perform each and every service he had contracted to perform or represented that he would perform for the Linareses, prior to demanding, charging, collecting or receiving advanced attorney's fees of \$1,500, in violation of Civil Code section 2994.7(a)(1), Respondent violated Business and Professions Code section 6106.3.

34. By failing to provide to the Linareses the separate statement required by section 2944.6(a) of the Civil Code, Respondent violated Business and Professions Code section 6106.3.

Case No. 12-O-17033 (Complainant: Wendy Hoffman)

FACTS:

35. On December 5, 2010, Wendy Hoffman ("Hoffman") employed Respondent to represent her in a dispute concerning the division of real property owned by her deceased step-mother. Hoffman signed a fee agreement prepared by Respondent that stated that she would pay \$2,500 to Respondent for the anticipated legal services.

36. In December 2010, Hoffman paid the total sum of \$2,500 in advanced attorney's fees to Respondent.

37. Between December 5, 2010 and October 10, 2011, Respondent provided no legal services of value to Hoffman.

38. On October 10, 2011, Respondent sent an email to Hoffman stating that that: (a) he would soon be placed on involuntarily inactive status as a result of the assumption of jurisdiction over his law practice by the Superior Court; (b) he owed her a refund of \$1,100; and (c) he was unable to pay the refund to her, because his assets had been seized. Hoffman received the email.

39. On October 10, 2011, Hoffman sent an email to Respondent disputing that Respondent had earned \$1,400 in advanced attorney's fees. Respondent received the email, but did not provide a response, refund, or an accounting.

40. On December 22, 2011, Hoffman mailed a letter via certified mail to Respondent demanding a refund of the \$2,500 in advanced attorney's fees that she had paid to him. Respondent received the letter, but did not provide a refund, accounting, or response.

41. Respondent provided no legal service of value to Hoffman. Respondent did not earn any portion of the advanced attorney's fees that he received from Hoffman. At no time did Respondent refund any portion of the \$2,500 in advanced attorney's fees that he received from Hoffman.

42. On October 10, 2012, the State Bar opened an investigation, Case No. 12-O-17033, pursuant to a complaint submitted by Hoffman.

43. On November 28, 2012 and December 13, 2012, a State Bar Investigator mailed letters to Respondent requesting that he respond in writing to specified allegations of misconduct being investigated by the State Bar in the Hoffman matter. The letters requested written responses on or before December 12 and 27, 2012, respectively. Respondent received the letters, but did not respond to the letters or otherwise communicate with the Investigator.

CONCLUSIONS OF LAW:

44. By failing to perform any legal services of value between on December 5, 2010 and on October 10, 2011, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in violation of rule 3-110(A), Rules of Professional Conduct.

45. By failing to provide Hoffman with an accounting, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession in violation of rule 4-100(B)(3), Rules of Professional Conduct.

46. By failing to refund the unearned fees of \$2,500 to Hoffman, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in violation of rule 3-700(D)(2), Rules of Professional Conduct.

47. By failing to provide a written response to the allegations in the Hoffman matter or otherwise cooperating in the investigation of the Hoffman matter, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent in violation of Business and Professions Code section 6068(i).

Case No. 13-N-10445 (Failure to Obey Rule 9.20, California Rules of Court)

FACTS:

48. On October 17, 2012, the California Supreme Court issued Order No. S204058 ("Disciplinary Order"). The Disciplinary Order included a requirement that Respondent comply with Rule 9.20, California Rules of Court, by performing the acts specified in Rule 9.20 (a) and (c) within 30 and 40 days, respectively, after the effective date of the Disciplinary Order.

49. On October 17, 2012, the Clerk of the Supreme Court of the State of California transmitted a copy of the Disciplinary Order to Respondent. Respondent received the Disciplinary Order.

50. On October 25, 2012, a probation deputy in the Office of Probation of the State Bar of California mailed a letter to Respondent with information regarding the terms and conditions of the Disciplinary Order, and supporting documents. Respondent received the letter.

51. The Disciplinary Order became effective on November 16, 2012, 30 days after it was filed. Thus, Respondent was ordered to comply with Rule 9.20 (a) and (b) no later than December 10, 2012, and was ordered to comply with Rule 9.20 (c) no later than December 26, 2012.

52. On December 4, 2012, a probation deputy met in person with Respondent and they discussed the terms and conditions of his discipline. During the meeting, Respondent acknowledged receipt of the letter dated October 25, 2012 and supporting documents.

53. On December 14, 2012, Respondent filed a declaration of compliance with Rule 9.20(a) and (b) (the "December 14th declaration"), accompanied by a declaration stating that refunds were owed to 14 named former clients and that Respondent was unable to make refunds due to court-ordered freezes on his bank accounts.

54. On December 17, 2012, Respondent served by mail the December 14th declaration on the Office of Probation. The Office of Probation received the December 14th declaration.

55. On December 21, 2012, a probation deputy mailed a letter to Respondent stating that: (a) the Office of Probation was rejecting the December 14th declaration because Respondent had failed to state whether he had returned all unearned fees to former clients other than those listed in the declaration accompanying his December 14th declaration; and (b) his amended declaration was due by December 26, 2012. Respondent received the letter.

56. On December 21, 2012, a probation deputy called Respondent and left a voice mail message for Respondent stating that the Office of Probation had rejected the December 14th declaration, a letter had been mailed to him regarding the rejection, and recommending that he re-submit an amended declaration. Respondent received the message.

57. On January 11, 2013, Respondent filed a declaration of compliance with Rule 9.20 (a) and (b) with the State Bar Court (the "January 11th declaration"). The declaration declared that Respondent could not refund all unearned fees because his funds had been frozen and could not identify all of the clients to whom he owed fees because his client files had been seized pursuant to orders of the Superior Court.

58. On January 14, 2013, a probation deputy mailed a letter to Respondent stating that: (a) the Office of Probation was rejecting January 11th declaration because he had still failed to state that he had returned all unearned fees; and (b) his amended declaration was due by December 26, 2012. Respondent received the letter, but took no action to obtain access to his bank accounts to retrieve the information necessary to comply with Rule 9.20.

59. Respondent failed to file with the clerk of the State Bar Court a declaration of compliance with Rule 9.20 (a) and (b) as required by Rule 9.20(c). Respondent failed to unequivocally state that he has refunded all unearned fees, that he earned all fees paid to him as of the date upon which the order to comply with Rule 9.20 was filed.

CONCLUSIONS OF LAW:

60. By not filing a declaration of compliance in conformity with the requirements of Rule 9.20(c), Respondent failed to timely comply with the provisions of the Disciplinary Order requiring compliance with Rule 9.20. By the foregoing conduct, Respondent willfully violated Rule 9.20.

Case No. 13-O-11034 (Complainant: Al Ross)

FACTS:

61. On June 23, 2011, a non-attorney employee in Respondent's law office placed an unsolicited telephone call to Al Ross ("Ross"). During the telephone call, the employee offered Respondent's legal services, including loan modification services and other loan forbearance legal services, to Ross for \$5,000 in advanced attorney's fees.

62. Prior to June 23, 2011, Ross had no family or prior professional relationship with Respondent or his law firm.

63. On June 23, 2011, Ross employed Respondent for mortgage loan modification services and other loan forbearance legal services. Ross agreed to pay \$5,000 in four payments of \$1,250 per month.

64. On June 23, 2011, Ross paid Respondent \$1,250 in advanced attorney's fees.

65. Respondent did not fully perform each and every service he had contracted to perform or represented that he would perform for Ross prior to demanding and charging advanced attorney's fees of \$5,000, and collecting or receiving advanced attorney's fees of \$1,250.

66. On January 7, 2013, the State Bar opened an investigation, Case No. 13-O-11034, pursuant to a complaint submitted by Ross.

67. On May 23, 2013 and June 13, 2013, a State Bar Investigator mailed letters to Respondent requesting that he respond in writing to specified allegations of misconduct being investigated by the State Bar in the Ross matter. The letters requested written responses on or before June 6 and 20, 2013, respectively. Respondent received the letters, but did not respond to the letters or otherwise communicate with the Investigator.

CONCLUSIONS OF LAW:

68. By causing an unsolicited telephone call to be made to Ross concerning Respondent's availability for professional employment, Respondent caused a solicitation to be made on his behalf to a prospective client with whom he had no family or prior professional relationship for his pecuniary gain in violation of rule 1-400(C), Rules of Professional Conduct.

69. By failing to fully perform each and every service he had contracted to perform or represented that he would perform for Ross prior to demanding and charging advanced attorney's fees of \$5,000, and collecting or receiving advanced attorney's fees of \$1,250, in violation of Civil Code section 2994.7(a)(1), Respondent violated Business and Professions Code section 6106.3.

70. By failing to provide a written response to the allegations in the Ross matter or otherwise cooperating in the investigation of the Ross matter, Respondent failed to cooperate and participate in a disciplinary investigation pending against the member in violation of Business and Professions Code section 6068(i).

Case No. 13-J-13576 (Discipline in Other Jurisdiction)

PROCEDURAL BACKGROUND IN OTHER JURISDICTION:

71. Respondent has never been licensed to practice law in the State of South Carolina.

72. After receiving notice and an opportunity to be heard, the Supreme Court of the State of South Carolina ordered that Respondent's default be entered and that he be disciplined upon findings that Respondent had committed professional misconduct in that jurisdiction as set forth in its Opinion No. 27262, in *In the Matter of Christopher John Van Son*, filed on June 5, 2013. The Opinion of the Supreme Court of the State of South Carolina is now final.

73. The disciplinary proceeding before the Supreme Court of the State of South Carolina provided fundamental constitutional protection.

FACTS FOUND IN OTHER JURISDICTION:

74. The Supreme Court of the State of South Carolina found that Respondent mailed letters to residents of South Carolina notifying them that they were potential plaintiffs in a "national lawsuit" that Respondent's office had recently filed and urging them to contact his office to avoid being "excluded as a plaintiff." The Supreme Court of the State of South Carolina found that the letters contained material misrepresentations of fact or law, and omitted facts necessary to make the statements considered as a whole not misleading.

75. The Supreme Court of the State of South Carolina found that the letters did not state in capital letters and prominent type that they were "ADVERTISING MATERIAL."

76. The Supreme Court of the State of South Carolina found that the letters did not include required disclaimers.

77. The Supreme Court of the State of South Carolina found that Respondent did not respond to five letters requesting that he cooperate and participate in the investigation conducted by its Office of Disciplinary Counsel.

CONCLUSIONS OF LAW:

78. Respondent's culpability of professional misconduct determined in the proceeding in the State of South Carolina warrants the imposition of discipline under the laws and rules binding upon Respondent in the State of California at the time that Respondent committed the misconduct in South Carolina, pursuant to Business and Professions Code section 6049.1(a).

Case No. 13-O-11224 (Complainants: Myron K. Allenstein obo Dorothy Turner)

FACTS:

79. Respondent has never been licensed to practice law in the State of Alabama.

80. In early May 2011, a non-attorney employee in Respondent's law office placed an unsolicited telephone call to Dorothy Turner ("Turner"). During the telephone call, the employee offered Respondent's legal services, including loan modification services and other loan forbearance legal services. Turner resides in Alabama and her home is in Alabama.

81. Prior to May 2011, Turner had no family or prior professional relationship with Respondent or his law firm.

82. On May 11, 2011, Turner hired Respondent to provide mortgage loan modification services and other loan forbearance legal services for her home. Turner signed a fee agreement to pay \$2,500 to Respondent.

83. Between May 12, 2011 and June 20, 2011, Turner paid the total sum of \$2,200 in advanced attorney's fees to Respondent.

84. Respondent did not fully perform each and every service he had contracted to perform or represented that he would perform for Turner prior to demanding and charging advanced attorney's fees of \$2,500, and collecting or receiving advanced attorney's fees of \$2,200.

85. On January 7, 2013, the State Bar opened an investigation, Case No. 13-O-11224, pursuant to a complaint submitted by attorney Myron K. Allenstein on behalf of Turner.

86. On March 29, 2013, April 15, 2013, and July 25, 2013, a State Bar Investigator mailed letters to Respondent requesting that he respond in writing to specified allegations of misconduct being investigated by the State Bar in the Turner matter. The letters requested written responses on or before April 12, 2013, April 29, 2013 and August 1, 2013, respectively. Respondent received the letters, but did not respond to the letters or otherwise communicate with the Investigator.

CONCLUSIONS OF LAW:

87. By causing an unsolicited telephone call to be made to Turner concerning Respondent's availability for professional employment, Respondent caused a solicitation to be made on his behalf to a prospective client with whom he had no family or prior professional relationship for his pecuniary gain in violation of rule 1-400(C), Rules of Professional Conduct.

88. By failing to fully perform each and every service he had contracted to perform or represented that he would perform for Turner prior to demanding and charging advanced attorney's fees of \$2,500, and collecting or receiving advanced attorney's fees of \$2,200, in violation of Civil Code section 2994.7(a)(1), Respondent violated Business and Professions Code section 6106.3.

89. By not providing a written response to the allegations in the Turner matter or otherwise cooperating in the investigation of the Turner matter, Respondent failed to cooperate and participate in a disciplinary investigation pending against the member in violation of Business and Professions Code section 6068(i).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.2(b)(i)): Respondent has one prior record of discipline. Effective May 16, 2012, the California Supreme Court ordered that Respondent be suspended from the practice of law for 18 months, that execution of the suspension be stayed, and that Respondent be placed on probation for two years with certain terms and conditions. The discipline arose from 14 client matters alleging seven counts of violating each of the following: rule, 1-300(B), Rules of Professional Conduct ("rule(s)") [unauthorized practice of law in another jurisdiction]; rule 3-110(A) [failure to perform with competence]; rule 3-700(A)(2) [abandonment of client]; rule 4-200(A) [illegal fees]; and Business and Professions Code section 6106.3 [violation of California Civil Code section 2994.7 by offering/negotiating to perform mortgage loan modification]. The misconduct occurred between January 31, 2011 and August 15, 2012, when the Superior Court for the County of Los Angeles assumed jurisdiction over Respondent's law practice pursuant to Business and Professions Code section 6190.

The aggravating force of the prior record of discipline is diminished because the misconduct in the present matters, except 13-N-10445, was largely contemporaneous with the misconduct in the prior record of discipline. (See *In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 619 [the totality of the two cases should be considered to determine what the discipline would have been had all the charged misconduct been brought as one case]; and *In the Matter of Freydl* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 349, 360.)

Harm (Std. 1.2(b)(iv)): Respondent took advantage of clients and exploited his fiduciary position by repeatedly charging up-front fees for loan modification services that were prohibited by Civil Code section 2994.7(a)(1) and Business and Professions Code section 6106.3; and by failing to provide any legal services of value after being hired, which placed his clients in a worse position because they were deprived of the much need funds that they had paid to Respondent. (See *In the Matter of Taylor* (Review Dept. 2012) 5 Cal. State Bar Ct. Rptr. 221, 235; *In the Matter of Kreitenberg* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 469, 475 [harm occurred each time that attorney breached his client's trust and by abdicating his fiduciary responsibilities]; and *In the Matter of Scapa & Brown* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 635, 654 [disregarding fiduciary duties to clients constitutes harm to the clients].)

Multiple Acts of Misconduct (Std. 1.2(b)(ii)): Respondent's numerous acts of misconduct in these eight cases constitute multiple acts of misconduct. (See *In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498, 518-521.)

(Do not write above this line.)

In the Matter of: CHRISTOPHER JOHN VAN SON, SBN 133440	Case Number(s): 11-O-16185, 12-O-13948, 12-O-16676, 12-O-17033, 13-N-10445, 13-O-11034, 13-J-13576, and 13-O-11224 [INV]
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ALTERNATIVE DISCIPLINE PROGRAM ORDER

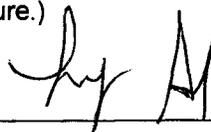
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 5.58(E) & (F) and 5.382(D), Rules of Procedure.)

Oct 24, 2014

Date



Judge of the State Bar Court
Lucy Armendariz

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 October 28, 2014, I deposited a true copy of the following document(s):

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

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:

CHRISTOPHER J VAN SON
LAW OFFICES OF CHRISTOPHER J. VAN SON
PO BOX 1127
OAK VIEW, CA 93022

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

CHARLES T. CALIX, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on October 28, 2014.



Bernadette C.O. Molina
Case Administrator
State Bar Court