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AUG 13 2015

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES

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| In the Matter of |) | Case Nos. 11-O-16185-LMA (12-O-13948; |
| |) | 12-O-16676; 12-O-17033; 13-N-10445); |
| |) | 13-O-11034-LMA; 13-J-13576-LMA; |
| CHRISTOPHER JOHN van SON, |) | 13-O-11224-LMA; 14-O-03181-LMA |
| |) | (Consolidated.) |
| Member No. 133440, |) | |
| |) | DECISION; ORDER TERMINATING |
| |) | INACTIVE ENROLLMENT; AND ORDER |
| <u>A Member of the State Bar.</u> |) | SEALING CERTAIN DOCUMENTS |

I. Introduction¹

In this consolidated disciplinary proceeding, respondent **CHRISTOPHER JOHN van SON²** was accepted for participation in the State Bar Court's Alternative Discipline Program (ADP). (Rules Proc. of State Bar, rule 5.380 et seq.) Thereafter, respondent failed to comply with the conditions of the ADP. Accordingly, at a status conference on May 18, 2015, the court terminated respondent's participation in the ADP and took the matter under submission for decision.

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¹ Unless otherwise indicated, all references to rules are to the State Bar Rules of Professional Conduct. Furthermore, all statutory references are to the Business and Professions Code unless otherwise indicated.

² Respondent was admitted to the practice of law in this state on May 6, 1988, and has been a member of the State Bar of California since that time.

In light of respondent's admitted misconduct, the court will recommend, inter alia, that respondent be placed on three years' stayed suspension and three years' probation on conditions, including an eighteen-month actual suspension that will continue until respondent makes restitution with interest in six client matters for unearned fees totaling \$15,994. (See Rules Proc. of State Bar, rule 5.384(A)(2).)

II. Pertinent Procedural History

Case Number 11-O-16185

On April 29, 2013, the Office of the Chief Trial Counsel of the State Bar of California (State Bar) filed the notice of disciplinary charges (NDC) in case number 11-O-16185 (which includes correlated case numbers 12-O-13948; 12-O-16676; 12-O-17033; and 13-N-10445). Respondent filed a response to that NDC on July 18, 2013.

Case Number 13-O-11034

On July 8, 2013, the State Bar filed the NDC in case number 13-O-11034. Respondent filed a response to that NDC on August 23, 2013.

Case Number 13-J-13576

On July 8, 2013, the State Bar filed the NDC in case number 13-J-13576. Respondent filed a response to that NDC on August 23, 2013.

Consolidation

On August 8, 2013, case numbers 11-O-16185; 13-O-11034; and 13-J-13576 were consolidated for all purposes.

Respondent's Evaluation and Acceptance into the ADP

At a settlement conference on October 1, 2013, case numbers 11-O-16185; 13-O-11034; and 13-J-13576 (consolidated) were referred for evaluation of eligibility to participate in the ADP.

In October 2013, respondent contacted the State Bar's Lawyers Assistance Program (LAP) for assistance with his mental health issues.

On October 3, 2013, respondent submitted a Nexus Statement, which he executed under penalty of perjury. That Nexus Statement establishes the existence of a nexus between (1) respondent's mental health issues and (2) the misconduct in case numbers 11-O-16185; 13-O-11034; and 13-J-13576 (consolidated) as well as investigation number 13-O-11224.

In November 2013, the parties entered into a Stipulation Regarding Facts and Conclusions of Law in case numbers 11-O-16185; 13-O-11034; and 13-J-13576 (consolidated) and investigation number 13-O-11224, which was approved by the court on October 24, 2014,³ and then filed on October 28, 2014 (October 28, 2014, Stipulation). The October 28, 2014, Stipulation sets forth the agreed-upon factual findings, legal (i.e., culpability) conclusions, and mitigating and aggravating circumstances with respect to the misconduct charged in case numbers 11-O-16185; 13-O-11034; 13-J-13576; and 13-O-11224 (consolidated).

In December 2013, the parties submitted briefs on the issue of discipline with respect to the misconduct charged in case numbers 11-O-16185; 13-O-11034; 13-J-13576; and 13-O-11224 (consolidated).

On June 17, 2014, respondent signed a LAP Participation Plan.

On October 24, 2014, the court executed a Confidential Statement of Alternative Dispositions and Orders (Confidential Statement), which sets forth (1) the discipline that the court will recommend to the Supreme Court if respondent successfully completes the ADP (the low level of discipline) and (2) the discipline that the court will recommend if respondent fails to successfully complete the ADP (the high level of discipline). Respondent agreed to those alternative dispositions. Also, on October 24, 2014, respondent executed a Contract and Waiver

³ When the court approved the Stipulation, investigation matter number 13-O-11224 became case number 13-O-11224.

for Participation in the State Bar Court's ADP (Contract) and, as noted *ante*, the court signed an order approving the October 28, 2014, Stipulation. Also, on October 24, 2014, the court accepted respondent for participation in the ADP beginning on that same day.

Under paragraph number 5 in the Contract, respondent was required, as a condition of his continued participation in the ADP, to fully comply with his LAP Participation Plan.

On October 28, 2014, the Confidential Statement was lodged; the Contract was filed; and as noted *ante*, the October 28, 2014, Stipulation was filed. Also, on October 28, 2014, the court filed an order enrolling respondent as an inactive member of the State Bar of California under section 6233. (Rules Proc. of State Bar, rule 5.384(E).) Under that order, respondent was enrolled inactive effective October 24, 2014, for a minimum of six months and until he, *inter alia*, paid restitution for unearned fees as set forth in the Contract. Because respondent did not successfully complete the ADP, respondent will not receive any credit for the time he was enrolled inactive under the court's October 28, 2014, order. (Cf. § 6233.) Accordingly, the court will order the termination of respondent's involuntary inactive enrollment under section 6233 even though respondent failed to pay the required restitution for unearned fees.

Case Number 14-O-03181

On December 30, 2014, the parties submitted to the court a stipulation regarding facts and conclusions of law in State Bar investigation matter number 14-O-03181 (December 30, 2014, Stipulation) for inclusion in this ADP proceeding with case numbers 11-O-16185; 13-O-11034; 13-J-13576; and 13-O-11224 (consolidated). At a status conference on May 18, 2015, the court consolidated investigation matter number 14-O-03181, now case number 14-O-03181,

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with case numbers 11-O-16185; 13-O-11034; 13-J-13576; and 13-O-11224 (consolidated) for all purposes.⁴

Respondent's Termination from the ADP

On May 13, 2015, the court received notice from the LAP that respondent was not in compliance with his LAP Participation Plan. At the May 18, 2015, status conference, respondent notified the court that he was withdrawing from the ADP for financial reasons. Accordingly, at that same status conference, the court terminated respondent's participation in the ADP without the necessity of issuing a notice to show cause under Rules of Procedure of the State Bar, rule 5.387.

Because respondent did not successfully complete the ADP, the court now issues this decision recommending that the high level of discipline be imposed on respondent.

III. Findings of Fact and Conclusions Of Law

The October 28, 2014, Stipulation and the December 30, 2014, Stipulation, including the court's orders approving them, are attached hereto and incorporated by reference as if they were fully set forth herein. As set forth *post*, the court finds that respondent is culpable on a total of nineteen counts of misconduct involving nine separate client matters.

Case Number 11-O-16185 (Ritoli Matter)

In the Ritoli matter, respondent willfully violated Civil Code section 2944.7, subdivision (a)(1) by charging and collecting, from the Ritolis, \$2,294 in fees for home-mortgage-loan-modification services or other home-mortgage-loan-forbearance services before respondent had performed all of the agreed upon services. Such Civil Code violations are expressly made disciplinable by section 6106.3, subdivision (a). In addition, respondent willfully violated his

⁴ The court directs a court case administrator to file the December 30, 2014, Stipulation and the court's order approving it.

duty, under rule 3-700(D)(2), to promptly refund unearned fees paid in advance by failing to refund \$7,294 in unearned advanced fees to the Ritolis.

The Court rejects the parties' stipulated violation of rule 3-110(A) in the Ritoli matter, which is based on respondent's failure "to provide any legal services of value to the Ritolis." Rule 3-110(A) does not refer to, much less require, that an attorney provide legal services of value. The fact that legal services lack value does not establish a rule 3-110(A) violation. (CF. *Berk v. Twenty-Nine Palms Ranchos, Inc.* (1962) 201 Cal.App.2d 625, 637 [A "client cannot escape full payment [in accordance with the terms of a fee agreement] merely because the attorney's services prove to be less valuable than the parties had in mind when they entered into the [fee agreement].".]) The stipulated violation of rule 3-110(A) in the Ritoli matter is DISMISSED with prejudice for want of proof. (*In the Matter of Blum* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 403, 410 [State Bar Court has an affirmative duty to independently ensure that stipulations of culpability are adequately supported by the record.])

Case Number 12-O-13948 (Cooks Matter)

In the Cooks matter, respondent willfully violated rule 1-400(C) by causing one of his employees to improperly solicit employment for pecuniary gain from Antoinette Cooks in an unsolicited telephone call the employee made to Cooks. At the time of that telephone call, Cooks was a prospective client with whom respondent did not have a family or prior professional relationship.

The Court rejects the parties' stipulated violation of rule 3-110(A) in the Cooks matter, which is based on respondent's failure "to provide any legal services of value to Cooks between April 27, 2011 and on August 15, 2011." Again, rule 3-110(A) does not refer to, much less require, that an attorney provide legal services of value. The fact that legal services lack value does not establish a rule 3-110(A) violation. (CF. *Berk v. Twenty-Nine Palms Ranchos, Inc.*,

supra, 201 Cal.App.2d at p. 637.) The stipulated violation of rule 3-110(A) in the Cooks matter is DISMISSED with prejudice for want of proof. (*In the Matter of Blum, supra*, 4 Cal. State Bar Ct. Rptr. at p. 410.)

Case Number 12-O-16676 (Linares Matter)

In the Linares matter, respondent willfully violated Civil Code section 2944.7, subdivision (a)(1) by charging and collecting, from the Linareses, \$1,500 in fees for home-mortgage-loan-modification services or other home-mortgage-loan-forbearance services before respondent had performed all of the agreed upon services. In addition, respondent willfully violated Civil Code section 2944.6, subdivision (a), by failing to give the Linareses a separate written consumer notice stating that it is not necessary to pay a third party to negotiate a loan modification or forbearance. These Civil Code violations are expressly made disciplinable by section 6106.3, subdivision (a).

Case Number 12-O-17033 (Hoffman Matter)

In the Hoffman matter, respondent willfully violated his duty, under rule 3-700(D)(2), to promptly refund unearned fees paid in advance by failing to refund \$2,500 in unearned advanced fees to Hoffman. In addition, respondent willfully violated his duty, under section 6068, subdivision (i), to cooperate with a State Bar disciplinary investigation by failing to provide written responses to two investigation letters that he received from the State Bar regarding the Hoffman matter or to otherwise communicate with the State Bar about those letters.

The court rejects the parties' stipulated violation of rule 3-110(A) in the Hoffman matter, which is based on respondent's failure "to perform any legal services of value between December 5, 2010 and October 10, 2011." Again, rule 3-110(A) does not refer to, much less require, that an attorney provide legal services of value. The stipulated violation of rule 3-110(A) in the Hoffman matter is DISMISSED with prejudice for want of proof.

The court also rejects the parties' stipulated violation of rule 4-100(B)(3) in the Hoffman matter, which is based on respondent's failure to account for \$2,500 in advanced fees. The stipulated facts establish that respondent did not earn any portion of the \$2,500 in advanced fees. Because respondent did not earn any portion of the \$2,500, there was nothing for which he could account. In other words, respondent's duty was not to account for the \$2,500, but to refund it in accordance with rule 3-700(D)(2). The stipulated violation of rule 4-100(B)(3) in the Hoffman matter is DISMISSED with prejudice for want of proof. (*In the Matter of Blum, supra*, 4 Cal. State Bar Ct. Rptr. at p. 410.)

Case Number 13-N-10445 (Rule 9.20 Matter)

In the rule 9.20 matter, respondent willfully violated rule 9.20(c) because his rule 9.20(c) compliance declaration filed in the State Bar Court on December 14, 2012, did not address whether he had or had not refunded all unearned advanced fees. Respondent stated in his December 14, 2012, declaration only that he owed refunds of unearned fees to 14 named former clients and that he was unable to pay those refunds because the superior court that assumed jurisdiction over his law practice had also frozen his bank accounts. Respondent did not specify whether those 14 were the only unearned fees he had not refunded. When this defect was called to respondent's attention, respondent claimed that "he 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."

Respondent's impossibility-of-performance defense fails because respondent did not prove that he asked the superior court for permission to review the seized files to determine whether he owed any other clients refunds and that the superior court denied his request for permission. Thus, respondent is not being disciplined for failing to comply with a Rule of Court with which he lacked the ability to comply. Instead, he is being disciplined for not complying

with rule 9.20(c) without first making a reasonable attempt to comply. (Cf. *In the Matter of Respondent Y* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 862, 868, fn. 4.)

Case Number 13-O-11034 (Ross Matter)

In the Ross matter, respondent willfully violated rule 1-400(C) by causing one of his employees to improperly solicit employment for pecuniary gain from Al Ross in an unsolicited telephone call the employee made to Ross. At the time of that telephone call, Ross was a prospective client with whom respondent did not have a family or prior professional relationship.

In the Ross matter, respondent also willfully violated Civil Code section 2944.7, subdivision (a)(1) by charging Ross \$5,000 and collecting from Ross \$1,250 in fees for home-mortgage-loan-modification services or other home-mortgage-loan-forbearance services before respondent had performed all of the agreed upon services. Such Civil Code violations are expressly made disciplinable by section 6106.3, subdivision (a).

In addition, respondent willfully violated his duty, under section 6068, subdivision (i), to cooperate with a State Bar disciplinary investigation by failing to provide written responses to two investigation letters he received from the State Bar regarding the Ross matter or to otherwise communicate with the State Bar about those letters.

Case Number 13-J-13576 (South Carolina Disciplinary Matter)

Under section 6049.1, a final disciplinary order of the South Carolina Supreme Court establishes that respondent is culpable of (1) violating section 6106 (moral turpitude) by mailing, to South Carolina residents, solicitation letters that contained material misrepresentations and were misleading by omission of relevant facts; (2) violating rule 1-400(D)(4) by failing to mark the letters as "Advertising Material"; and (3) violating section 6068, subdivision (i), by failing to cooperate and participate in the South Carolina disciplinary proceeding when he failed to

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respond to five letters he received from the South Carolina Disciplinary Counsel's office regarding his conduct in that state.

Case Number 13-O-11224 (Turner Matter)

In the Turner matter, respondent willfully violated rule 1-400(C) by causing one of his employees to improperly solicit employment for pecuniary gain from Dorothy Turner in an unsolicited telephone call the employee made to Turner. At the time of that telephone call, Turner was a prospective client with whom respondent did not have a family or prior professional relationship.

In the Turner matter, respondent also willfully violated Civil Code section 2944.7, subdivision (a)(1) by charging Turner \$2,500 and collecting from Turner \$2,200 in fees for home-mortgage-loan-modification services or other home-mortgage-loan-forbearance services before respondent had performed all of the agreed upon services. Such Civil Code violations are expressly made disciplinable by section 6106.3, subdivision (a).

In addition, respondent willfully violated his duty, under section 6068, subdivision (i), to cooperate with a State Bar disciplinary investigation by failing to provide written responses to three investigation letters he received from the State Bar regarding the Turner matter or to otherwise communicate with the State Bar about those letters.

Case Number 14-O-03181 (List Matter)

In the List matter, respondent willfully violated Civil Code section 2944.7, subdivision (a)(1) by charging and collecting, from the Lists \$4,994 in fees for home-mortgage-loan-modification services or other home-mortgage-loan-forbearance services before respondent had performed all of the agreed upon services. In addition, respondent willfully violated Civil Code section 2944.6, subdivision (a), by failing to give the Lists a separate written consumer notice

stating that it is not necessary to pay a third party to negotiate a loan modification or forbearance. These Civil Code violations are expressly made disciplinable by section 6106.3, subdivision (a).

In the List matter, respondent also willfully violated his duty, under rule 3-700(D)(2), to promptly refund unearned fees paid in advance by failing to refund \$4,994 in unearned advanced fees to the Lists.

Aggravation

Prior Records of Discipline

The October 28, 2014, Stipulation recites that respondent has one prior record of discipline. Even though respondent had only one prior record of discipline when the parties entered into the October 28, 2014, Stipulation, respondent now has two prior records of discipline. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.5(a).)⁵

van Son I

In 2012, the Supreme Court placed respondent on two years' stayed suspension and three years' probation on conditions, including eighteen months' suspension in case number S204058 (State Bar Court case number 11-O-15166, etc.) (*van Son I*). In *van Son I*, respondent was found culpable of violating rule 3-110(A) (failure to perform); rule 3-700(A)(2) (client abandonment); rule 4-200(A) (illegal fees); rule 1-300(B) (unauthorized practice of law in another jurisdiction); and Civil Code section 2994.7 (charging or collecting advanced fees for home-mortgage-loan-modification services, which is disciplinable under section 6106.3, subdivision (a)). The aggravating weight of *van Son I* is substantially reduced by the fact that respondent committed almost all of the misconduct in the present proceeding during the same time period that he

⁵ All further references to standards (or stds.) are to this source.

committed the misconduct in *van Son I*. (*In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 619.)

van Son II

On February 2, 2015, this court filed a decision in case number 14-PM-03059 finding that respondent violated his probation in *van Son I* by failing to timely submit his quarterly probation reports, by failing to timely take and complete the State Bar's Ethics School and the State Bar's Client Trust Accounting School, and by failing to timely take six hours in Minimum Continuing Legal Education courses in law office management. In accordance with the discipline recommendation in that decision, the Supreme Court filed an order on April 27, 2015, in *van Son I* revoking respondent's probation and suspending respondent for two years and until he makes restitution (with interest) for unearned fees totaling \$45,801.50 in 14 client matters and until he provides proof to the State Bar Court of his rehabilitation, fitness to practice, and learning in the law in accordance with standard 1.2(c)(1) (*van Son II*).⁶ The aggravating weight of *van Son II* is substantially reduced because respondent committed all of the misconduct in the present proceeding before the motion to revoke probation was even filed in *van Son II*.

Multiple Acts

Respondent's misconduct involved multiple acts of misconduct. (Std. 1.5(b).)

Client Harm

Respondent's misconduct caused client harm. (Std. 1.5(f).)

⁶ The State Bar failed to properly supplement the record in this proceeding to reflect that, after February 2, 2015, when this court filed its decision in case number 14-PM-03059, respondent has two prior records of discipline. (Cf. *In the Matter of Kizer* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 87, 93-94 [The State Bar is to proffer a certified copy of a respondent's prior record of discipline into evidence so that it will be made a part of the record for the Supreme Court.].) Thus, the court takes judicial notice of the pertinent State Bar Court records regarding respondent's second prior record of discipline (i.e., *van Son II*), admits them into evidence, and directs a court case administrator to include copies of those documents in the record of this case.

Mitigation

Respondent is entitled to mitigation for his candor and cooperation in stipulating to facts and conclusions of law. (Std. 1.6(e).)

Because respondent did not successfully complete the ADP, he will not receive mitigating credit for his participation in either the ADP or the LAP. Nor will he receive any mitigation credit for his mental health issues because respondent failed to establish that he no longer suffers from them by completing the ADP and LAP.

IV. Discussion

The purpose of State Bar disciplinary proceedings is not to punish the attorney but, rather, to protect the public, preserve public confidence in the legal profession, and maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

After considering the Stipulation, the scope of respondent's acts of misconduct, the aggravating and mitigating circumstances, the standards, the relevant case law, and respondent's declarations regarding the nexus between his mental health issues and the misconduct in this matter, the court advised respondent and the State Bar of the low and high levels of discipline that it which recommend to the Supreme Court depending on whether respondent successfully completed the ADP or was terminated from the ADP. Because respondent was terminated from the ADP, the court will recommend the high level of discipline set forth in the Confidential Statement to the Supreme Court.

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V. Recommendations⁷

Discipline

The court recommends that respondent CHRISTOPHER JOHN van SON, State Bar Number 133440, be suspended from the practice of law in California for three years, that execution of the three-year suspension be stayed, and that he be placed on probation for three years subject to the following conditions:

1. Respondent is suspended from the practice of law in the State of California for the first 18 months of his probation and until respondent pays restitution with interest as set forth in probation condition 8 *post*;⁸
2. Respondent must comply with the provisions of the State Bar Act and the Rules of Professional Conduct of the State Bar of California.
3. Within ten (10) days of any change, respondent must report to the Membership Records Office of the State Bar of California 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 Business and Professions Code section 6002.1.
4. Within thirty (30) days after 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. 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

⁷ As the court indicated in the Confidential Statement, it does not recommend that respondent be ordered to take and pass the Multistate Professional Responsibility Examination because he was ordered to do so by the Supreme Court in *van Son I*.

⁸ The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

In addition, even though the Confidential Statement indicates that respondent's 18-month suspension will continue until respondent provides proof of his rehabilitation, fitness to practice, and learning in the law in accordance with standard 1.2(c)(1), the court has not included such a condition in its discipline recommendation because the Supreme Court attached such a condition to the two-year minimum suspension that it recently imposed on respondent in *van Son II*.

proceeding. If the first report would cover less than thirty (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 the probation period.

6. 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.
7. Within one year after the effective date of the discipline herein, respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.

If respondent has already provided proof to the court of attendance at and passage of the test given at the end of Ethics School during his period of participation in the Alternative Discipline Program or as ordered by the Supreme Court in case no. S204058, filed October 17, 2012, respondent need not again comply with this condition. Otherwise, respondent must comply with this condition as set forth above.

8. Respondent must pay restitution to the following payees in the principal amounts set forth below plus 10 percent interest per annum from the specified interest accrual date (or to the Client Security Fund to the extent of any payment from the fund to each payee, plus interest and costs, in accordance with Business and Professions Code section 6140.5), and furnish satisfactory proof thereof to the State Bar's Office of Probation:

| PAYEE | AMOUNT | INTEREST ACCRUAL DATE |
|----------------------------|---------|-----------------------|
| John & Christine Ritoli | \$2,294 | September 1, 2010 |
| John & Christine Ritoli | \$5,000 | March 22, 2011 |
| Antoinette Cooks | \$1,250 | May 6, 2011 |
| Gerardo & Patricia Linares | \$1,500 | June 10, 2011 |
| Wendy Hoffman | \$2,500 | December 31, 2011 |
| Al Ross | \$1,250 | June 23, 2011 |
| Dorothy Turner | \$2,200 | June 20, 2011 |

Any restitution to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivision (c) and (d). To the extent the CSF has paid only principal amounts, respondent will still be liable for interest payments to each payee as set forth above.

With each written quarterly report required herein, respondent must provide to the Office of Probation satisfactory proof of all restitution payments made by him during that quarter or applicable reporting period.

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To the extent that respondent has paid any restitution prior to the effective date of the Supreme Court's final disciplinary order in this proceeding, respondent will be given credit for such payments provided satisfactory proof of such is or has been shown to the Office of Probation.

9. Respondent must pay, no later than six (6) months before to the termination of his probation, restitution to Jodi and Karl List in the amount of \$4,994 plus 10 percent interest per annum from April 16, 2011 (or to the Client Security Fund to the extent of any payment from the fund to Jodi or Karl List, plus interest and costs, in accordance with Business and Professions Code section 6140.5) and furnish satisfactory proof thereof to the State Bar's Office of Probation in Los Angeles. Any restitution to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivision (c) and (d). To the extent the CSF has paid only principal amounts, respondent will still be liable for interest payments to each payee as set forth above. With each written quarterly report required herein, respondent must provide to the Office of Probation satisfactory proof of all restitution payments made by him during the time period covered by the report.
10. If respondent has not been terminated from the Lawyer Assistance Program (LAP), respondent must comply with all provisions and conditions of his Participation Plan/Agreement with the LAP and must provide the Office of Probation with certification of completion of the LAP. Respondent must immediately report any non-compliance with any provision(s) or condition(s) of his Participation Plan/Agreement to the Office of Probation. Respondent must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and his compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. Respondent will be relieved of this condition upon providing to the Office of Probation satisfactory certification of completion of the LAP.

If respondent has been terminated from the LAP prior to his successful completion of the LAP, respondent must obtain an examination of his mental and physical condition with respect to his mental health issue pursuant to rule 5.68 of the Rules of Procedure of the State Bar of California from a qualified practitioner approved by the Office of Probation (approval may not be unreasonably denied) and must comply with any treatment/monitoring plan recommended following such examination. The examination and any further help/treatment/monitoring recommended by the examining practitioner will be at respondent's own expense. The examination must be conducted no later than thirty (30) days after the effective date of the Supreme Court order in this matter. Help/treatment/monitoring should commence immediately after said examination and, in any event, no later than thirty (30) days after said examination. With each quarterly report, respondent must furnish to the Office of Probation sufficient evidence, as specified by the Office of Probation, that he is so complying with this condition of probation. Treatment/monitoring must continue for the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If the examining or treating practitioner determines that there has been a substantial change in respondent's condition, respondent or the State Bar's Office of Probation may file a motion for modification of this condition with the Hearing Department of the

State Bar Court, pursuant to rule 5.300 of the Rules of Procedure. The motion must be supported by a written statement from the examining or treating practitioner, by affidavit or under penalty of perjury, in support of the proposed modification.

Upon the request of the Office of Probation, respondent must provide the Office of Probation with medical and confidentiality waivers and access to all of respondent's medical records necessary to monitor this probation condition. Revocation of any medical/confidentiality waiver is a violation of this condition. Any medical records obtained by the Office of Probation will be confidential and no information concerning them or their contents will be given to anyone except members of the Office of the Chief Trial Counsel, the Office of Probation, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition.

California Rules of Court, Rule 9.20

It is further recommended that respondent Christopher John van Son be ordered to comply with California Rules of Court, rule 9.20 and to perform the acts specified in subdivisions (a) and (c) of that rule within thirty (30) and forty (40) calendar days, respectively, after the effective date of the Supreme Court order in this matter.

Costs

Finally, it is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and that the costs be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

VI. Order Terminating Inactive Enrollment

The court orders that respondent Christopher John van Son's involuntary enrollment as an inactive member of the State Bar of California under Business and Professions Code section 6233 pursuant to this court's October 28, 2014, order in this proceeding be terminated effective immediately.⁹

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⁹ This order does not affect petitioner's ineligibility to practice law that has resulted or that may hereafter result from any other cause (including, but not limited to, the two-year-minimum suspension imposed on respondent under the Supreme Court's April 27, 2015, order in case number S204058 (State Bar Court case number 14-PM-03059)).

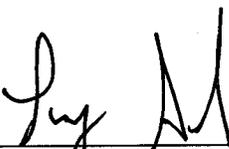
VII. Order Sealing Certain Documents

The court directs a court case administrator to file this Decision, Order Terminating Inactive Enrollment, and Order Sealing Certain Documents. Thereafter, pursuant to rule 5.388(C) of the Rules of Procedure of the State Bar of California, all other documents not previously filed in this matter are ordered sealed under rule 5.12 of the Rules of Procedure.

It is further ordered that protected and sealed material will only be disclosed to: (1) parties to the proceeding and their counsel; (2) personnel of the Supreme Court, the State Bar Court and independent audiotape transcribers; and (3) personnel of the Office of Probation when necessary for their duties. Protected material will be marked and maintained by all authorized individuals in a manner calculated to prevent improper disclosures. All persons to whom protected material is disclosed will be given a copy of this order sealing the documents by the person making the disclosure.

IT IS SO ORDERED.

Dated: August 13, 2015.



LUCY ARMENDARIZ
Judge of the State Bar Court

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| State Bar Court of California Hearing Department Los Angeles ALTERNATIVE DISCIPLINE PROGRAM | | |
| Counsel for the State Bar Charles T. Calix Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1000 Bar # 146853 | 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 |
| | Submitted to: Assigned Judge STIPULATION RE FACTS AND CONCLUSIONS OF LAW ALTERNATIVE DISCIPLINE PROGRAM <input type="checkbox"/> PREVIOUS STIPULATION REJECTED | In the Matter of: CHRISTOPHER JOHN 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 (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".

(Do not write above this line.)

- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

B. Aggravating Circumstances [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 I*").

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 II*").

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 Linares 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 Linares 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.)

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| 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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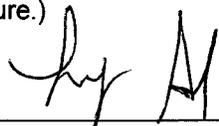
ALTERNATIVE DISCIPLINE PROGRAM ORDER

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

(Do not write above this line.)

| | | |
|---|--|---|
| State Bar Court of California Hearing Department Los Angeles ALTERNATIVE DISCIPLINE PROGRAM | | |
| Counsel For The State Bar Charles T. Calix Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90015-2515 (213) 765-1255 Bar # 146853 | Case Number (s) 14-O-03181 [INV] | (for Court's use) <div style="text-align: center; font-size: 1.2em; font-weight: bold;">PUBLIC MATTER</div> <div style="text-align: center; font-size: 1.5em; font-weight: bold;">FILED</div>  <div style="text-align: center; font-weight: bold;">AUG 13 2015</div> <div style="text-align: center; font-size: 0.8em;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</div> |
| In Pro Per Respondent Christopher John Van Son P.O. Box 1127 Oak View, CA 93022 (805) 789-0719 Bar # 133440 | Submitted to: Program Judge STIPULATION RE FACTS AND CONCLUSIONS OF LAW <input type="checkbox"/> PREVIOUS STIPULATION REJECTED | |
| In the Matter Of: CHRISTOPHER JOHN 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 (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 804.5(c) 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 **10** 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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(Do not write above this line.)

- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

B. Aggravating Circumstances [see Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case (i) 11-O-15166 et al; and (ii) 11-O-16185 et al. See Attachment at pages 8 and 9.
- (b) Date prior discipline effective (i) November 16, 2012; and (ii) October 28, 2014.
- (c) Rules of Professional Conduct/ State Bar Act violations: (i) 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]; and (ii) three counts of violation of rule 1-400(C) [solicitation of a prospective client]; three counts of violation of rule 3-110(A) [failure to perform with competence]; three counts of violation of rule 3-700(D)(2) [failure to return unearned fees;]; three counts of violation of rule 4-100(B)(3) [failure to render accounts of client funds]; one count of violation of Business and Professions Code section 6049.1(a) [professional misconduct in foreign jurisdiction]; three counts of violation of Business and Professions Code section 6068(i) [failure to cooperate in State Bar investigation]; five counts of violation Business and Professions Code section 6106.3 [violation of California Civil Code section 2994.7 by offering/negotiating to perform mortgage loan modification]; and one count of failing to timely file his declaration of compliance in conformity with rule 9.20, California Rules of Court.
- (d) Degree of prior discipline (i) two years' suspension, stayed, three years' probation with conditions including an actual suspension of 18 months; and (ii) the level of discipline with successful completion of the Alternative Discipline Program ("ADP") is a two years' suspension, stayed, two years' probation with conditions including an actual suspension of six months, and the level of discipline after termination from or failure to successfully complete the ADP is a three 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 intentional, 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.

(Do not write above this line.)

- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. **See Attachment at page 9.**
- (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 9.**
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. 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, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental 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 the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (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.

(Do not write above this line.)

- (11) **Good Character:** Respondent's extraordinarily 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:

Profiling Stipulation: See Attachment at page 9.

(Do not write above this line.)

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| In the Matter of: CHRISTOPHER JOHN VAN SON' | Case Number(s): 14-O-03181 |
|---|--------------------------------------|

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 |
|--------------------|------------------|-----------------------|
| Jodi and Karl List | \$4,994 | April 16, 2011 |
| | | |
| | | |

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than six (6) months prior to the termination 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";

(Do not write above this line.)

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 JOHN VAN SON

CASE NUMBERS: 14-O-03181

FACTS AND CONCLUSIONS OF LAW.

Christopher John Van Son ("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. 14-O-03181 (Complainants: Karl and Jodi List)

FACTS:

1. On April 16, 2011, Karl and Jodi List (collectively "the Lists") employed respondent to provide mortgage loan modification services and other loan forbearance legal services concerning IndyMac Bank FSB ("IndyMac"), their mortgage holder.
2. On April 16, 2011, the Lists paid respondent \$4,994 in advanced attorney's fees.
3. At no time did respondent provide to the Lists with the separate written 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.

4. Respondent did not fully perform each and every service he had contracted to perform or represented that he would perform for the Lists, prior to demanding, charging, collecting or receiving advanced attorney's fees of \$4,994.
5. Respondent provided no legal services of benefit to the Lists. Respondent did not earn any portion of the \$4,994 in advanced attorney's fees that he received from the Lists. At no time did respondent refund any portion of the \$4,994 in unearned advanced attorney's fees that he received from the Lists.

CONCLUSIONS OF LAW:

6. By negotiating, arranging or offering to perform a home mortgage loan modification or mortgage loan forbearance for a fee paid by a client and borrower, namely the Lists, in advance of any service and thereafter entering into a fee agreement with the clients without providing the clients, prior

to entering into that agreement, the separate written statement as required by Civil Code section 2944.6, respondent willfully violated Business and Professions Code section 6106.3.

7. By negotiating, arranging or offering to perform a home mortgage loan modification or mortgage loan forbearance for a fee paid by a borrower, and demanding, charging, collecting or receiving advanced attorney's fees from the Lists prior to performing each and every service he contracted to perform or represented he would perform, in violation of Civil Code section 2994.7(a)(1), respondent willfully violated Business and Professions Code section 6106.3.

8. By failing to refund the \$4,994 in unearned advanced attorney's fees that he received from the Lists, respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has two prior records of discipline.

Effective May 16, 2012, the California Supreme Court ordered that respondent be suspended from the practice of law for two years in case nos. 11-O-15166 et seq, that execution of the suspension be stayed, and that respondent be placed on probation for two years with certain terms and conditions, including an 18 month actual suspension. The discipline arose from respondent's stipulation to misconduct in 14 client matters alleging seven counts of violating each of the following: Rules of Professional Conduct ("rule(s)"), rule, 1-300(B), [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, 2011, when the Superior Court of California assumed jurisdiction over Respondent's law practice pursuant to Business and Professions Code section 6190 because of his involvement in meritless mass joinder litigation.

Effective October 28, 2014, the State Bar Court accepted respondent into the Alternative Discipline Program ("ADP") in case nos. 11-O-16185 et seq and ordered that: upon successful completion of the ADP, it would recommend that respondent be suspended from the practice of law for two years, that execution of the suspension be stayed, and that Respondent be placed on probation for two years with certain terms and conditions, including a six month actual suspension; upon termination from or failure to successfully complete the ADP, it would recommend that respondent be suspended from the practice of law for three years, that execution of the suspension be stayed, and that respondent be placed on probation for three years with certain terms and conditions, including an 18 month actual suspension. The discipline arose from respondent stipulating to misconduct in eight matters alleging three counts of violation of rule 1-400(C) [solicitation of a prospective client]; three counts of violation of rule 3-110(A) [failure to perform with competence]; three counts of violation of rule 3-700(D)(2) [failure to return unearned fees]; three counts of violation of rule 4-100(B)(3) [failure to render accounts of client funds]; one count of violation of Business and Professions Code section 6049.1(a) [professional misconduct in foreign jurisdiction]; three counts of violation of Business and Professions Code section 6068(i) [failure to cooperate in State Bar investigation]; five counts of violation Business and Professions Code section 6106.3 [violation of California Civil Code section 2994.7 by offering/negotiating to perform mortgage loan modification]; and one count of failing to timely file his declaration of compliance in conformity with rule 9.20, California Rules of Court. The misconduct, except the failures to timely file his declaration of compliance and cooperate in the State Bar

investigations, occurred between January 31, 2011 and August 15, 2011, when the Superior Court of California assumed jurisdiction over respondent's law practice pursuant to Business and Professions Code section 6190 because of his involvement in meritless mass joinder litigation.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent's failure to provide the separate statement required by section 2944.6(a) of the Civil Code, receiving advanced fees prior to fully performing each and every service he had contracted to perform or represented that he would perform, and failing to refund unearned fees constitutes multiple acts of misconduct. (*In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 646 [two counts of client abandonment and failing to cooperate in a State Bar investigation supported a finding of multiple acts of misconduct].)

Harm (Std. 1.5(f)): Respondent took advantage of clients and exploited his fiduciary position by 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].)

MITIGATING CIRCUMSTANCES.

Prefiling Stipulation: By entering into this stipulation prior to filing, respondent has acknowledged his wrongdoing and conserved the time and resources of the State Bar Court and State Bar. (See *Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

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| In the Matter of: CHRISTOPHER JOHN VAN SON | Case number(s): 14-O-03181 |
|---|-------------------------------|

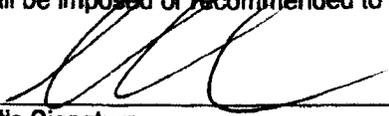
SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts and Conclusions of Law.

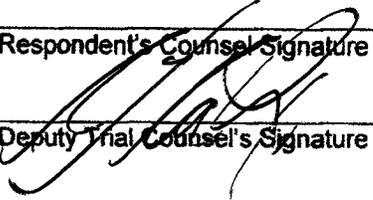
Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

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

If the Respondent is accepted into the Program, this Stipulation will be filed and will become public. Upon Respondent's successful completion of or termination from the Program, the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Confidential Statement of Alternative Dispositions and Orders shall be imposed or recommended to the Supreme Court.

12/19/14 _____  CHRISTOPHER JOHN VAN SON
Date Respondent's Signature Print Name

Date Respondent's Counsel Signature Print Name

12/19/14 _____  CHARLES T. CALIX
Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

| | |
|---|-------------------------------|
| In the Matter of: CHRISTOPHER JOHN VAN SON | Case Number(s): 14-O-03181 |
|---|-------------------------------|

ALTERNATIVE DISCIPLINE PROGRAM ORDER

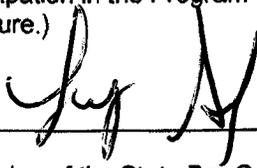
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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.)

Aug. 13, 2015

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 August 13, 2015, I deposited a true copy of the following document(s):

**DECISION; ORDER TERMINATING INACTIVE ENROLLMENT; AND
ORDER SEALING CERTAIN DOCUMENTS**

**STIPULATION RE FACTS AND CONCLUSIONS OF LAW Filed OCTOBER 28,
2014**

**STIPULATION RE FACTS AND CONCLUSIONS OF LAW Filed AUGUST 13,
2015**

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

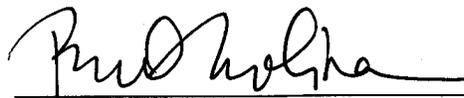
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

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 August 13, 2015.



Bernadette C.O. Molina
Case Administrator
State Bar Court