

PUBLIC MATTER

FILED

DEC 23 2015

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

1 STATE BAR OF CALIFORNIA
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8
9 STATE BAR COURT
10 HEARING DEPARTMENT - SAN FRANCISCO
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12 In the Matter of:) Case No.: 15-O-10868
13 JAN ELIZABETH VAN DUSEN,)
14 No. 142700,) NOTICE OF DISCIPLINARY CHARGES
15 A Member of the State Bar.)

16 **NOTICE - FAILURE TO RESPOND!**

17 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE**
18 **WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT**
19 **THE STATE BAR COURT TRIAL:**

- 20 (1) **YOUR DEFAULT WILL BE ENTERED;**
21 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
22 **WILL NOT BE PERMITTED TO PRACTICE LAW;**
23 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**
24 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**
25 **AND THE DEFAULT IS SET ASIDE, AND;**
26 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
27 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
28 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

The State Bar of California alleges:

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JURISDICTION

1. Jan Elizabeth Van Dusen ("respondent") was admitted to the practice of law in the State of California on December 11, 1989, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE
Case No. 15-O-10868
Business and Professions Code, section 6106
[Moral Turpitude - Misrepresentation]

2. On or about December 1, 2014, respondent stated in writing to State Bar Court that:

“I notified all opposing counsel or adverse parties not represented by counsel in matters that were pending on the date upon which the order comply with rule 9.20 was filed by certified or registered mail, return receipt requested, of my disqualification to act as an attorney after the effective date of my suspension, disbarment, or the Supreme Court’s acceptance of my resignation, and filed a copy of my notice to opposing counsel/adverse parties with the court, agency or tribunal before which litigation was pending for inclusion in its files.”

when respondent knew or was grossly negligent in not knowing the statement(s) were false, as respondent had not notified the Bankruptcy Trustee in *In re Querida* 12-40504 and *In re Nguyen* 12-47975 and had not filed the notice in the court file and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT TWO
Case No. 15-O-10868
Business and Professions Code, section 6068(d)
[Seeking to Mislead a Judge]

3. On or about December 1, 2014, respondent filed her Rule 9.20 Compliance Declaration with State Bar Court in response to an August 28, 2014, Review Department Order in case no. 11-C-18557, in which respondent stated:

1 "I notified all opposing counsel or adverse parties not represented
2 by counsel in matters that were pending on the date upon which the
3 order comply with rule 9.20 was filed by certified or registered
4 mail, return receipt requested, of my disqualification to act as an
5 attorney after the effective date of my suspension, disbarment, or
6 the Supreme Court's acceptance of my resignation, and filed a
7 copy of my notice to opposing counsel/adverse parties with the
8 court, agency or tribunal before which litigation was pending for
9 inclusion in its files."

10 and respondent knew the statement was false, as respondent had not notified the Bankruptcy
11 Trustee in *In re Querida* 12-40504 and *In re Nguyen* 12-47975 and had not filed the notice in the
12 court file, and thereby sought to mislead the judge or judicial officer by an artifice or false
13 statement of fact or law, in willful violation of Business and Professions Code, section 6068(d).

14 COUNT THREE

15 Case No. 15-O-10868

16 Business and Professions Code, section 6103

[Failure to Obey a Court Order]

17 4. Respondent disobeyed or violated an order of the court requiring respondent to do or
18 forbear an act connected with or in the course of respondent's profession which respondent ought
19 in good faith to do or forbear by failing to notify the Bankruptcy Trustee in *In re Querida* 12-
20 40504 and *In re Nguyen* 12-47975 and by failing to file the notice required by California Rules
21 of Court, rule 9.20(a)(4) and by failing to file a declaration of compliance with California Rules
22 of Court, rule 9.20(c) with the clerk of the State Bar Court by September 9, 2014 as Ordered by
23 the Review Department of the State Bar of California in its Orders of August 5, 2014 and August
24 28, 2014, in case no. 11-C-18557, suspending respondent effective September 12, 2014 and
25 requiring respondent to comply with Rule 9.20, California Rules of Court, by performing the acts
26 specified in subdivisions (a) and (c) within 30 and 40 days, respectively, after the effective date
27 of the Order, in willful violation of Business and Professions Code, section 6103. (A true and
28

1 correct copy of the August 5, 2014 rule 9.20 order and August 28, 2014 order is attached hereto
2 as Exhibit 1 and is incorporated by reference.)

3 **NOTICE - INACTIVE ENROLLMENT!**

4 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
5 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**
6 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**
7 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**
8 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**
9 **INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**
10 **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**
11 **RECOMMENDED BY THE COURT.**

12 **NOTICE - COST ASSESSMENT!**

13 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC**
14 **DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS**
15 **INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING**
16 **AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND**
17 **PROFESSIONS CODE SECTION 6086.10.**

18 Respectfully submitted,

19 THE STATE BAR OF CALIFORNIA
20 OFFICE OF CHIEF TRIAL COUNSEL

21 DATED: December 23, 2015

22 By: 
23 Robert A. Henderson
24 Supervising Senior Trial Counsel
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FILED

AUG 05 2014

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT OF CALIFORNIA

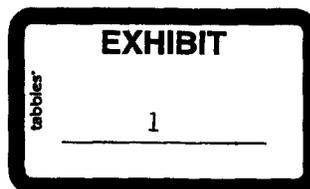
REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 11-C-18557
JAN ELIZABETH VAN DUSEN,)	ORDER
A Member of the State Bar, No. 142700.)	
_____)	

Since respondent Jan Elizabeth Van Dusen, State Bar Number 142700, has been convicted of violating Penal Code section 597, subdivision (b) (cruelty to animals), a felony that may or may not involve moral turpitude, it is ordered pursuant to Business and Professions Code section 6102 that respondent be suspended from the practice of law effective August 20, 2014, pending final disposition of this proceeding. (Cal. Rules of Court, rule 9.10(a).) It is further ordered that respondent comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this suspension.

EPSTEIN
Acting Presiding Judge



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. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on August 5, 2014, I deposited a true copy of the following document(s):

ORDER FILED AUGUST 5, 2014

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

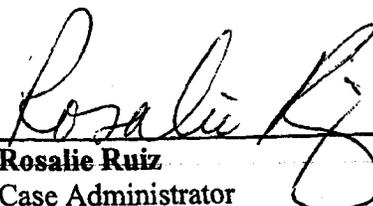
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JAN E. VAN DUSEN
LAW OFFICE OF JAN VAN DUSEN
2340 POWELL ST PMB 293
EMERYVILLE, CA 94608

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

ALLEN BLUMENTHAL, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 5, 2014.



Rosalie Ruiz
Case Administrator
State Bar Court



FILED

AUG 28 2014

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 11-C-18557
JANE VAN DUSEN,)	ORDER
A Member of the State Bar, No. 142700.)	
_____)	

On August 5, 2014, we ordered respondent suspended from the practice of law, effective August 20, 2014, in light of her conviction for violating Penal Code section 597, subdivision (b) (cruelty to animals).

On August 15, 2014, respondent filed a Petition to Vacate Interim Suspension for Conviction of Penal Code Section 597(b) and for such Vacation to be Retroactive to the Date of Suspension. The Office of the Chief Trial Counsel of the State Bar did not file a response.

On August 20, 2014, before respondent's suspension went into effect, we temporarily stayed the suspension so that the full review department could act upon respondent's petition. The full review department having considered the petition and finding no good cause, we deny respondent's petition, and we hereby lift the temporary stay of suspension.

Respondent is suspended from the practice of law pursuant to our August 5, 2014 order, now effective September 12, 2014.

EPSTEIN

Acting Presiding Judge

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. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on August 28, 2014, I deposited a true copy of the following document(s):

ORDER FILED AUGUST 28, 2014

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

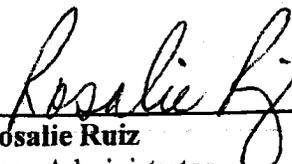
[X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JAN E. VAN DUSEN
LAW OFFICE OF JAN VAN DUSEN
2340 POWELL ST PMB 293
EMERYVILLE, CA 94608

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

ALLEN BLUMENTHAL, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 28, 2014.



Rosalie Ruiz
Case Administrator
State Bar Court

