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STATE BAR COURT  
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## STATE BAR COURT OF CALIFORNIA

### HEARING DEPARTMENT - LOS ANGELES

In the Matter of	)	Case Nos. 16-O-10513
	)	(16-O-10876)-DFM
	)	
JOHN PETER CHRISTENSON,	)	DECISION AND ORDER OF
	)	INVOLUNTARY INACTIVE
	)	ENROLLMENT
A Member of the State Bar, No. 184900.	)	
_____	)	

Respondent John Peter Christenson (Respondent) was charged with failing to (1) cooperate in a State Bar investigation (two counts); (2) obey a court order (two counts); and (3) report judicial sanctions. Even though Respondent had notice of the trial dates in this matter, he failed to appear at trial and his default was entered. Thereafter, the Office of Chief Trial Counsel of the State Bar of California (State Bar) filed a petition for disbarment under rule 5.85 of the Rules of Procedure of the State Bar.<sup>1</sup>

Rule 5.85 provides the procedure to follow when an attorney fails to appear at trial after receiving adequate notice and opportunity. The rule provides that, if an attorney's default is entered for failing to appear at trial and the attorney fails to have the default set aside or vacated

<sup>1</sup> Unless otherwise indicated, all further references to rules are to the Rules of Procedure of the State Bar of California.

within 45 days, the State Bar will file a petition requesting the court to recommend the attorney's disbarment.<sup>2</sup>

In the instant case, the court concludes that all of the requirements of rule 5.85 have been satisfied and, therefore, grants the petition and recommends that Respondent be disbarred from the practice of law.

### **FINDINGS AND CONCLUSIONS**

Respondent was admitted to the practice of law in California on December 5, 1996, and has been a member of the State Bar since then.

#### **Procedural Requirements Have Been Satisfied**

On September 26, 2016, the State Bar filed and properly served a Notice of Disciplinary Charges (NDC) by certified mail, return receipt requested, addressed to Respondent at his membership records address in San Diego, California.

Respondent filed an answer to the NDC on November 3, 2016.

On November 8, 2016, notice of the trial dates was served by first-class mail, postage paid, addressed to Respondent at his membership records address and at the address in his response to the NDC. (Rule 5.81(A).)

Respondent did not appear for the pretrial conference in this matter held on January 9, 2017. On January 10, 2017, the court filed a Minute Order stating that the trial was set for January 11, 2017. The Minute Order was served on Respondent by first-class mail, postage prepaid, addressed to Respondent at (1) his membership records address; (2) the address set forth in Respondent's answer to the NDC; (3) another address in San Diego, California, and (4) an address in Santee, California.

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<sup>2</sup> If the court determines that any due process requirements are not satisfied, including adequate notice to the attorney, it must deny the petition for disbarment and take other appropriate action to ensure that the matter is promptly resolved. (Rule 5.85(F)(2).)

The State Bar appeared for trial on January 11, 2017, but Respondent did not. The court entered Respondent's default in an order filed on January 11, 2017. The order was properly served by certified mail, return receipt requested, addressed to Respondent at his membership records address. (Rule 5.81(B).) The order was also served by first-class mail, postage prepaid, addressed to Respondent at (1) his membership records address; (2) the address set forth in Respondent's answer to the NDC; (3) an address in Santee, California; and (4) another address in San Diego, California. The order notified Respondent that, if he did not timely move to set aside his default, the court would recommend his disbarment. The order also placed Respondent on involuntary inactive status under Business and Professions Code section 6007, subdivision (e), effective three days after service of the order, and he has remained inactively enrolled since that time.

Respondent did not seek to have his default set aside or vacated. (Rule 5.83(C)(2) [attorney has 45 days after order entering default is served to file motion to set aside default].) On March 3, 2017, the State Bar properly filed and served a petition for disbarment on Respondent.<sup>3</sup> As required by rule 5.85(A), the State Bar reported in the petition that: (1) the State Bar has not received any contact from Respondent since his default was entered; (2) there are no other investigations or disciplinary charges pending against Respondent; (3) Respondent does not have a prior record of discipline; and (4) the Client Security Fund has not paid out any claims as a result of Respondent's misconduct. Respondent did not respond to the petition for disbarment or move to set aside or vacate the default. The case was submitted for decision on March 29, 2017.

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<sup>3</sup> The petition for disbarment was served by certified mail, return receipt requested, addressed to Respondent at his membership records address and the Santee, California address. The petition for disbarment was also served by U.S. first-class mail, addressed to Respondent at the address in Respondent's answer to the NDC and by electronic transmission to Respondent's more recent public and private email addresses.

### **The Admitted Factual Allegations Warrant the Imposition of Discipline**

Upon entry of a respondent's default, the factual allegations in the NDC are deemed admitted and no further proof is required to establish the truth of such facts. (Rule 5.82.) As set forth below in greater detail, the factual allegations in the NDC support the conclusion that Respondent is culpable as charged, except as otherwise noted, and therefore violated a statute, rule or court order that would warrant the imposition of discipline. (Rule 5.85(F)(1)(d).)

#### **Case Nos. 16-O-10513 and 16-O-10876**

Count One - Respondent willfully violated Business and Professions Code section<sup>4</sup> 6068, subdivision (i) (failing to cooperate/participate in a disciplinary investigation), by failing to provide a substantive response to the State Bar's May 5, 2016, and May 20, 2016 letters, and the State Bar's May 5, 2016, and May 24, 2016 emails. Those communications, which Respondent received, requested Respondent's response to the allegations of misconduct being investigated in case No. 16-O-10513.

Count Two – Respondent willfully violated section 6103 (failure to obey a court order) by failing to comply with six orders, dated June 30, 2015, July 2, 2015, July 7, 2015, November 23, 2015, December 14, 2015, and December 18, 2015, ordering him to appear in court on designated days in *People v. Schroeder*, San Diego County Superior Court, case No. M200522.

Count Three – Respondent willfully violated section 6103 by failing to comply with the January 22, 2016 court order, which he received, requiring him to pay judicial sanctions to the court in the sum of \$1,500 in *People v. Schroeder*, San Diego County Superior Court, case No. M200522.

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<sup>4</sup> All further references to section(s) refer to provisions of the Business and Professions Code.

Count Four – The allegations of this count fail to prove that Respondent willfully violated section 6068, subdivision (o)(3) (failure to report sanctions), as there is no factual allegation as to the basis for the imposition of the judicial sanctions which Respondent failed to report to the State Bar. (Bus. & Prof. Code, § 6068, subd. (o)(3) [sanctions for failing to make discovery do not need to be reported to the agency charged with attorney discipline].) The court therefore dismisses this count with prejudice.

Count Five - Respondent willfully violated section 6068, subdivision (i), by failing to provide a substantive response to the State Bar's May 5, 2016, and May 20, 2016 letters, and the State Bar's May 5, 2016, and May 24, 2016 emails, which Respondent received, requesting his response to the allegations of misconduct being investigated in case No. 16-O-10876.

**Disbarment is Recommended**

Based on the above, the court concludes that the requirements of rule 5.85(F) have been satisfied and Respondent's disbarment is recommended. In particular:

- (1) the NDC was properly served on Respondent under rule 5.25;
- (2) Respondent had adequate notice of the trial dates prior to entry of the default;
- (3) the default was properly entered under rule 5.81; and
- (4) the factual allegations in the NDC, deemed admitted by the entry of the default, support a finding that Respondent violated a statute, rule or court order that would warrant the imposition of discipline.

Despite adequate notice and opportunity, Respondent failed to appear for trial in this disciplinary proceeding. As set forth in the Rules of Procedure of the State Bar, the court recommends disbarment.

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## RECOMMENDATION

### Disbarment

The court recommends that respondent John Peter Christenson be disbarred from the practice of law in the State of California and that his name be stricken from the roll of attorneys.

### California Rules of Court, Rule 9.20

The court also recommends that Respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding.

### Costs

The court further recommends 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.

## ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

In accordance with Business and Professions Code section 6007, subdivision (c)(4), the court orders that **John Peter Christenson**, State Bar Number 184900, be involuntarily enrolled as an inactive member of the State Bar of California, effective three calendar days after the service of this decision and order. (Rule 5.111(D).)

Dated: April 25, 2017

  
DONALD F. MILES  
Judge of the State Bar Court

## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on April 25, 2017, I deposited a true copy of the following document(s):

### DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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

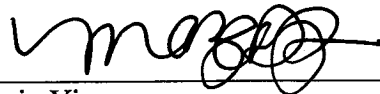
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JOHN P. CHRISTENSON  
6549 MISSION GORGE RD # 185  
SAN DIEGO, CA 92120 - 2306

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

ANAND KUMAR, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 25, 2017.



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Mazie Yip  
Case Administrator  
State Bar Court