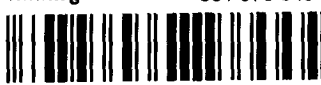


<p>Counsel for the State Bar MARIA J. OROPEZA, #182660 THE STATE BAR OF CALIFORNIA 180 HOWARD STREET, 7th FL. SAN FRANCISCO, CA 94105-1639 TELEPHONE: 415/538-2000</p>	<p>Case number(s) 99-0-11037</p> <p>kwiktag® 031 975 349 </p>	<p>{for Court's use}</p> <p>PUBLIC MATTER</p> <p>FILED <i>[Signature]</i></p> <p>NOV 25 2003</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel for Respondent CHRISTOPHER C. HOHNS 310 HENDERSON STREET GRASS VALLEY, CA 95945 TELEPHONE: 530/274-0668</p> <p>IN PROPRIA PERSONA</p>	<p>Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of CHRISTOPHER C. HOHNS</p> <p>Bar # 118886 A Member of the State Bar of California (Respondent)</p>		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted JUNE 11, 1985
(date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation, are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consist of 15 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) 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. (Check one option only):
 - until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
 - costs to be paid in equal amounts prior to February 1 for the following membership years:
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth under "Partial Waiver of Costs"
 - costs entirely waived

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

8. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b).] Facts supporting aggravating circumstances are required.

(1) Prior record of discipline [see standard 1.2(f)]

(a) State Bar Court case # of prior case _____

(b) date prior discipline effective _____

(c) Rules of Professional Conduct/ State Bar Act violations: _____

(d) degree of prior discipline _____

(e) If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline".

(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 ~~was~~ 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.

(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.

(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 to the victims of his/~~her~~ misconduct and to the State Bar during disciplinary investigation and proceedings. Respondent participated in the latter phase of the investigation.
- (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 in good faith. Respondent did not realize that the check, was made out to him and his clients' and, therefore, did not obtain his clients' signatures.
- (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 were~~ directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) Severe Financial Stress: At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) Family Problems: At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life. ~~which were other than emotional or physical in nature~~
- (11) Good Character: Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) No mitigating circumstances are involved.

Additional mitigating circumstances:

D. Discipline

1. Stayed Suspension.

- A. Respondent shall be suspended from the practice of law for a period of ONE (1) YEAR
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
 - ii. and until Respondent pays restitution to DAVID BUTLER [payee(s)] (or the Client Security Fund, if appropriate), in the amount of \$198.00, plus 10% per annum accruing from 04/08/99 and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
 - iii. and until Respondent does the following: _____

B. The above-referenced suspension shall be stayed.

2. Probation.

Respondent shall be placed on probation for a period of TWO (2) YEARS which shall commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.)

3. Actual Suspension.

- A. Respondent shall be actually suspended from the practice of law in the State of California for a period of 90 DAYS
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
 - ii. and until Respondent pays restitution to DAVID BUTLER [payee(s)] (or the Client Security Fund, if appropriate), in the amount of \$198.00, plus 10% per annum accruing from 04/08/99 and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
 - iii. and until Respondent does the following: _____

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she shall remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent shall report to the Membership Records Office of the State Bar and to the Probation Unit, all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent shall 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. If the first report would cover less than 30 days, that report shall be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (5) Respondent shall be assigned a probation monitor. Respondent shall promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, respondent shall furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the probation monitor.
- (6) Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel 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 (1) year of the effective date of the discipline herein, respondent shall provide to the Probation Unit satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended.
- (8) Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Probation Unit.
- (9) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |
- (10) Other conditions negotiated by the parties:
- Multistate Professional Responsibility Examination: Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit of the Office of the Chief Trial Counsel during the period of actual suspension or within one year, whichever period is longer. Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.
- No MPRE recommended.
- Rule 955, California Rules of Court: Respondent shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.
- Conditional Rule 955, California Rules of Court: If Respondent remains actually suspended for 90 days or more, he/she shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 120 and 130 days, respectively, from the effective date of the Supreme Court order herein.
- Credit for Interim Suspension [conviction referral cases only]: Respondent shall be credited for the period of his/her interim suspension toward the stipulated period of actual suspension.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Christopher C. Hohns, State Bar Number 118886
CASE NUMBER(S): 99-O-11037 ET AL.

FACTS AND CONCLUSIONS OF LAW.

Statement of Facts: Count Two¹ (Case No. 99-O-11037)

1. Respondent, Christopher C. Hohns ("respondent"), was admitted to the practice of law in the State of California on June 11, 1985. He was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

2. On or about January 19, 1995, David Butler ("Butler") and twelve other carpenters employed respondent to represent them regarding a claim for unpaid wages and fringe benefits against Tahoe Truckee Unified School District, Sierra Builders of Nevada and Sequoia Construction Company.

3. On November 17, 1995, respondent filed a complaint on behalf of Butler and the other twelve carpenters in the matter *David Robert Regans et al v. Sequoia Construction Company et al*, Nevada County Superior Court, Case number TS95/282, including a count for enforcement of stop notices.

4. On or about November 30, 1995, Sierra Builders' counsel, Cook, Brown, Rediger & Prager, sent respondent a letter via facsimile requesting updated figures for respondent's attorneys fees and the interest that had accrued on the carpenters' stop notice claims.

5. On or about November 30, 1995, respondent sent a letter to Cook, Brown, Rediger & Prager requesting a check for \$6,284.39. Respondent stated that the figure was comprised of \$3,709.93 in attorney's fees and \$2,574.46 in interest on the unpaid wages.

6. On or about April 22, 1996, respondent sent a letter to Cook, Brown, Rediger & Prager advising them that the carpenters would dismiss the cause of action for enforcement of stop action upon the payment of \$6,314.19 less \$30, as stated in respondent's November 30, 1995 letter.

7. On or about June 25, 1996, Cook, Brown, Rediger & Prager sent respondent a letter enclosing a check for \$6,284.39. The check was payable to respondent and his clients.

8. On or about July 17, 1996, respondent deposited the check into his attorney-client trust account respondent maintained at Bank of America, account number 16640-02312 "trust

¹The Count numbers listed in this stipulation are from the Notice of Disciplinary Charges filed in the matter.

account.” Respondent did not obtain his clients’ signature on the check before he deposited it.

9. Respondent never notified his clients that he had received \$2,574.46 on their behalf as payment for the interest on unpaid wages and \$3,709.93² as payment for attorney’s fees.

10. Pursuant to respondent’s November 30, 1995 letter, respondent was entitled to \$3,709.93 of the amount deposited for payment of attorney’s fees. The remainder of \$2,574.46 was interest on the unpaid wages and belonged to his thirteen clients which should have been maintained in respondent’s trust account until it was disbursed to thirteen clients.

11. Starting on or about July 17, 1996, respondent should have maintained \$2,574.46 in trust on behalf of his clients.

12. On November 7, 1996, respondent’s trust account balance fell to \$2,103.32.

13. On November 25, 1996 respondent’s trust account balance fell to \$1,003.32.

14. On February 7, 1997, respondent’s trust account balance fell to \$1,503.32.

15. On March 10, 1997, respondent’s trust account balance fell to \$703.32.

16. On September 30, 1997, respondent’s trust account balance fell to \$103.32 .

17. On March 31, 1998 respondent’s trust account balance fell to \$86.32 .

18. Respondent closed the account on November 28, 2000, by withdrawing the \$86.32.

19. Respondent never paid any of his clients any portion of the \$2,574.46 he deposited on their behalf for the interest on their unpaid wages.

Conclusions of Law: Count Two (Case No. 99-O-11037)

20. By failing to maintain \$2,574.46 in his trust account from July 17, 1996 until paid to his clients, respondent failed to maintain funds in trust for his clients, a wilful violation of rule 4-100(A) of the Rules of Professional Conduct.

Statement of Facts: Count Three (Case No. 99-O-11037)

21. On or about June 25, 1996, Cook, Brown, Rediger & Prager sent respondent a letter enclosing a check for \$6,284.39. The check was payable to respondent and his clients.

22. On or about July 17, 1996, respondent deposited the check into his attorney-client trust account respondent maintained at Bank of America, account number 16640-02312 “trust account.” Respondent did not obtain his clients’ signature on the check before he deposited it.

23. Respondent never notified his clients that he had received \$2,574.46 on their behalf as payment for the interest on unpaid wages and \$3,709.93³ as payment for attorney’s

²Divided equally among each of his thirteen clients, each client would be entitled to \$198 of the \$2,574.46 paid in interest on the unpaid wages.

³Divided equally among each of his thirteen clients, each client would be entitled to \$198 of the \$2,574.46 paid in interest on the unpaid wages.

fees.

Conclusions of Law: Count Three (Case No. 99-O-11037)

24. By failing to notify his clients soon after June 25, 1996 that he had received a check on their behalf, which included \$2,574.46 in interest on unpaid wages, respondent failed to notify his clients promptly that he had received their funds, a wilful violation of rule 4-100(B)(1) of the Rules of Professional Conduct.

Statement of Facts: Count Four (Case No. 99-O-11037)

25. On or about January 28, 1997, Cook, Brown, Rediger & Prager sent respondent a letter which included a settlement offer of \$10,000 in exchange for the plaintiffs agreement to dismiss the entire case against Sierra Builders.

26. Respondent never notified any of his clients that he received the settlement offer contained in Cook, Brown, Rediger & Prager's January 28, 1997 letter.

Conclusions of Law: Count Four (Case No. 99-O-11037)

27. Respondent failed to notify his clients promptly, or at all, the terms of the settlement contained in Cook, Brown, Rediger & Prager's January 28, 1997 letter, respondent wilfully violated rule 3-510, of the Rules of Professional Conduct.

Statement of Facts: Count Five (Case No. 99-O-11037)

28. On or about May 27, 1997 and on or about June 6, 1997, Cook, Brown, Rediger & Prager sent respondent letters regarding his failure to respond to discovery.

29. On or about June 6, 1997, respondent sent a letter to Cook, Brown, Rediger & Prager requesting additional time to respond to the outstanding discovery.

30. On June 20, 1997, defendants filed a motion to compel on the grounds that respondent failed to respond to outstanding discovery.

31. On July 17, 1997, the court issued an order compelling respondent to respond to the outstanding discovery and imposing monetary sanctions of \$404 on plaintiffs and/or respondent. On July 21, 1997, respondent was properly served with a copy of the July 17, 1997 order. Respondent never notified his clients of the July 17, 1997 order, never provided the discovery responses and never paid the sanctions.

32. On August 8, 1997, defendants filed a motion to compel responses to discovery and for monetary sanctions. On August 18, 1997, attorney Thomas Thompson ("Thompson") specially appeared on behalf of respondent. Thompson filed an opposition and served the August 8, 1997 motion to the defendants. Thompson's declaration stated that the respondent was diagnosed with severe depression and was on medication to treat the depression and as such could not respond to the propounded discovery.

33. On September 8, 1997, the court granted defendants' motion to compel and ordered respondent and/or his clients to pay sanctions of \$1,328. The order was properly served on respondent. Respondent never notified his clients of the September 8, 1997 order, never provided the discovery responses and never paid the sanctions.

34. On October 17, 1997, the defendants filed a Motion for Order Imposing Issuing Sanctions.

35. On November 3, 1997, the court conducted a hearing on the motion. Respondent appeared at the hearing on behalf of plaintiffs. The court denied the motion for order imposing issuing sanctions, but deemed requests for admission admitted and ordered plaintiffs and/or respondent to pay the sanctions of \$404 imposed on July 17, 1997, the sanctions of \$1,328 imposed on September 8, 1997 and to pay an additional \$450 in sanctions. At the hearing, the court ordered respondent to provide the outstanding discovery and to arrange for the payment of the outstanding sanctions by December 3, 1997. Respondent never notified his clients of the order, never provided the discovery responses and never paid any of the sanctions.

36. On November 14, 1997, respondent submitted a declaration in *New Age Church of Being of California v. Leonard Orr*, Sierra County Superior Court, case no. 5226, another matter in which he was counsel of record. In the declaration, respondent stated the following:

That he suffered from an excess production of serotonin. As a result, he suffered from overwhelming feelings of anxiety and depression;

Although he said the problem had been going on for sometime, he was able to function until last year;

Things became increasingly worse and he found it harder to open his mail, return calls or perform the most mundane tasks;

In August 1997 respondent was referred to a doctor who prescribed medications. The medications put him in a sedated state in September and October 1997;

Beginning at the end of October 1997 his brain cleared up and he was able to concentrate again and work all day; and

"In short, I have been so sick for the past eight or nine months that I have been unable to perform even the simplest and most mundane of tasks."

37. On November 14, 1997, the court issued its order of the November 3, 1997 hearing. Respondent properly was served with a copy of the November 14, 1997 order.

38. On November 17, 1997, defendants filed a Motion for Summary Judgment. On November 26, 1997, Jessavel Delumen, an attorney for Cook, Brown, Rediger & Prager, personally served respondent with a copy of the motion for summary judgment. Respondent never notified his clients that defendants had filed a motion for summary judgment.

39. On or about December 3, 1997, Delumen left respondent a message on his voice mail asking whether the plaintiffs had sent the discovery responses and forwarded the monetary sanctions. Respondent never responded to the message.

40. On December 5, 1997, defendants filed a Motion for Order Imposing Terminating Sanctions. On December 5, 1997, respondent was personally served with the Motion for Order Imposing Terminating Sanctions. Attached to the motion was a declaration by Delumen setting forth the factual basis for the motion, including the \$404 sanctions and discovery ordered on July

17, 1997, the \$1,732 sanctions and discovery ordered on September 8, 1997, the \$450 and discovery ordered on November 3, 1997. The motion was based upon respondent's failure to provide any of the discovery he was ordered to produce in the July 17, 1997, September 8, 1997 and November 3, 1997 orders. Respondent never notified his clients that defendants filed a motion for an order imposing terminating sanctions.

41. Respondent failed to file any response to the Motion for Summary Judgment or Motion for Order Imposing Terminating Sanctions. On December 29, 1997, the Court issued an Order for Entry of Summary Judgment and Order Granting Motion for Terminating Sanctions.

42. Respondent never notified his clients that he failed to respond to the motion for summary judgment and the motion for order imposing terminating sanctions. Respondent also failed to notify his clients that the court granted the Motion for Summary Judgment and Motion for Order Imposing Terminating Sanctions.

43. On January 9, 1998, the Court entered judgment in favor of the defendants. The judgment stated that defendants were entitled to recover their costs of suit. Respondent was properly served with a copy of the judgment. Respondent never notified his clients that judgment had been entered in favor of defendants.

44. On January 23, 1998, Sierra Builders filed a Motion for Attorney's Fees. Respondent was personally served with a copy of the motion and its supporting papers. Respondent failed to notify his clients that the motion had been filed and failed to file any opposition to the motion.

45. On March 2, 1998, the court issued a ruling that defendants were entitled to recover \$22,500 in attorney's fees. The ruling stated that "The present case is one which defendants have essentially won by default. Counsel for plaintiffs fails to respond to discovery and fails to oppose a motion for summary judgment." On March 4, 1998, the court clerk properly served respondent with a copy of the ruling. Respondent never notified his clients of the ruling.

46. On June 17, 1998, the court issued an Order and Judgment on Defendants' Motion for Attorney's Fees. The order required the individual plaintiffs to pay defendants \$22,500 in attorney's fees. On June 22, 1998, defendants properly served respondent with a copy of the order. Respondent never notified his clients of the judgment.

47. Defendants obtained the judgment as a result of respondent's failure to participate on his clients' behalf in the lawsuit.

48. In July 1998, defendants recorded abstracts of judgment against the individuals plaintiffs for the \$22,500 judgment.

49. On or about November 13, 1998, Sierra Builders' attorney Matthew Addison sent respondent a letter stating that Sierra Builders would agree to accept \$1,000 from each of the individual plaintiffs in satisfaction of the June 17, 1998 judgment. Respondent failed to notify his clients that defendants had offered to accept the \$1,000 per plaintiff in satisfaction of the judgment and respondent failed to respond to the letter.

50. On or about December 8, 1998, Butler paid \$1,000 to satisfy his portion of the judgment. Between June 1998 and November 2000, the other individuals plaintiffs paid Sierra Builders \$1,000 to satisfy their portion of the judgment.

51. On or about April 8, 1999, Butler sent respondent a letter regarding his failure to advise the plaintiffs about the \$22,500 judgment, his failure to communicate with his clients and his failure to notify his clients that he had received the payment from Sierra Builders' payment of attorney's fees and interest on wages. Butler requested a copy of his file, an accounting and any money that he was owed. He also requested, among others, compensation of the \$1,000 he paid to satisfy his portion of the judgment.

52. Butler sent the letter in a sealed envelope correctly addressed to respondent at his address as maintained by the State Bar in accordance with Business and Professions Code section 6002.1. The letter was properly mailed by first class mail, postage prepaid by depositing it for collection by the United States Postal Service in the ordinary course of business on or about the date on the letter. The United States Postal Service did not return the letter sent to respondent as undeliverable or for any other reason.

53. Respondent never responded to the letter, never provided an accounting, never provided Butler with a copy of his file and never forwarded any money to Butler, although Butler was entitled to approximately \$198 of the interest payment.

54. Respondent constructively terminated his services on or about January 28, 1997, when he failed to inform his clients of Sierra Builders' settlement offer.

55. Prior to July 17, 1999, Butler filed a small claims action against respondent.

56. On or about July 17, 1999, respondent sent Butler an e-mail message indicating that he would pay Butler \$900 in exchange for Butler's agreement to dismiss the small claims action.

57. On or about August 26, 1999, Butler signed an agreement with the respondent agreeing to dismiss the small claims suit in exchange for payment of \$900.00.

Conclusions of Law: Count Five (Case No. 99-O-11037)

58. By failing to notify his clients that Sierra Builders offered to settle the case for \$10,000, failing to comply with the court orders of July 17, 1997, September 8, 1997 and November 3, 1997, failing to respond to the motion for summary judgment, failing to respond to the motion for order imposing terminating sanctions, permitting judgment to be entered against his clients due to his failure to participate in the lawsuit and failing to oppose the motion for attorney's fees, respondent intentionally, recklessly and repeatedly failed to perform legal services with competence a wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

Statement of Facts: Count Ten (Case No. 99-O-11037)

59. On or about April 21, 1999, the State Bar opened an investigation in Case no. 99-O-11037.

60. On or about September March 31, 2000, State Bar Investigator Michael Maacks ("Maacks") wrote to respondent regarding respondent's conduct in the Butler matter by placing

the letter in a sealed envelope correctly addressed to respondent at his address as maintained by the State Bar in accordance with Business and Professions Code section 6002.1. The letter was properly mailed by first class mail, postage prepaid, by depositing for collection by the United States Postal Service in the ordinary course of business on or about the date on the letter. The United States Postal Service did not return the letter sent to respondent as undeliverable or for any other reason.

61. The investigator's letter requested that respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in this matter on or before April 17, 2000. Respondent did not respond to this letter.

62. On or about April 18, 2000, Maacks sent a follow-up letter to respondent reminding him of the March 31, 2000 letter and requesting a response by May 5, 2000. Maacks placed the letter in a sealed envelope correctly addressed to respondent at his address as maintained by the State Bar in accordance with Business and Professions Code section 6002.1. The letter was properly mailed by first class mail, postage prepaid by depositing it for collection by the United States Postal Service in the ordinary course of business on or about the date on the letter. The United States Postal Service did not return the letter sent to respondent as undeliverable or for any other reason. Respondent did not respond to the investigator's letter.

63. On or about May 5, 2000, Maacks telephoned respondent at his telephone number of record and respondent answered the telephone. During the conversation, respondent stated that he had abandoned his clients and stopped communicating with them.

Conclusions of Law: Count Ten (Case No. 99-O-11037)

64. By failing to provide a response to Investigator Maacks letters regarding case no. 99-O-11037, respondent failed to cooperate in a disciplinary investigation, a wilful violation of Business and Professions Code section 6068(i).

ADMISSION OF CULPABILITY.

Respondent admits that the foregoing facts are true and that he is culpable of the violations of the specified statutes and/or Rules of Professional Conduct listed in this stipulation.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was October 22, 2003.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations:

<u>Case No.</u>	<u>Count</u>	<u>Violation</u>	<u>Dismissal</u>
99-O-11037	One	Business and Professions Code Section 6106	Duplicative.
99-O-11037	Seven	Rule 3-700(A)(2)	Duplicative.
99-O-11037	Six	Business and Professions Code Section 6068(m)	Duplicative.
99-O-11037	Eight	Rule 4-100(B)(3)	Duplicative.
99-O-11037	Nine	Rule 4-100(B)(4)	Duplicative.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of October 22, 2003, the estimated prosecution costs in this matter are approximately \$2,448.60. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AGGRAVATING CIRCUMSTANCES.

Trust Violation: Trust funds were involved and respondent was unable to account to the client who was the object of the misconduct.

Harm: Respondent's misconduct directly harmed his clients, a judgment of \$22,500.00.

Lack of Cooperation: Respondent displayed a lack of cooperation to the victims of his misconduct.

MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent has no prior record of discipline.

In relation to count ten of this stipulation, respondent was receiving mail from the State Bar relating to his membership dues and inadvertently threw away the letters from the Office of the Chief Trial Counsel. Subsequently, when respondent was contacted by the State Bar investigator respondent cooperated and participated in the latter phase of the investigation.

Respondent represents that he has not practiced law for a period of seven years.

Respondent represents that during the time that the misconduct occurred respondent was diagnosed with depression and the depression had a direct effect on his ability to practice law. Respondent represents that he is currently in treatment for depression/ has completed treatment and no longer suffers from depression.

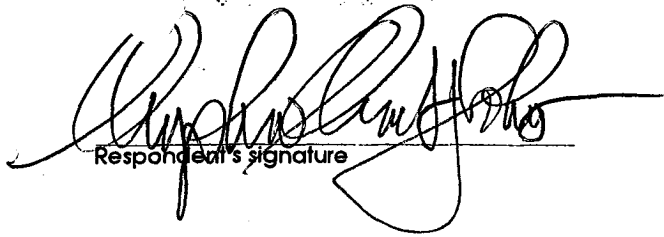
STATE BAR ETHICS SCHOOL.

Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

FINANCIAL CONDITIONS, RESTITUTION.

Within one year from the effective date of discipline in this matter, respondent must make restitution to David Butler or the Client Security Fund if it has paid, in the principal amount of \$198 plus interest at the rate of 10% per annum from April 8, 1999 and furnish satisfactory evidence of restitution to the Probation Unit. Respondent shall include in each quarterly report required herein satisfactory evidence of all restitution payments made by him or her during that reporting period. Respondent will remain on actual suspension until he has made full restitution to David Butler or the Client Security Fund.

11/17/03
Date


Respondent's signature

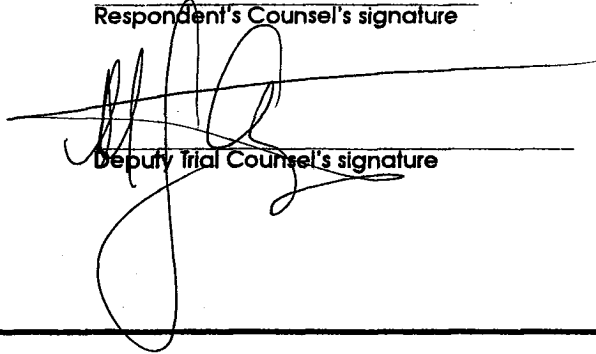
CHRISTOPHER CHARLES HOHNS
print name

Date

Respondent's Counsel's signature

print name

11/20/03
Date


Deputy Trial Counsel's signature

MARIA J. OROPEZA
print name

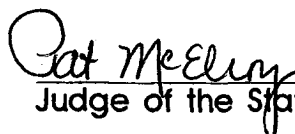
ORDER

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

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953(a), California Rules of Court.)

Nov 25, 2003
Date


Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; 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 San Francisco, on November 25, 2003, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING**

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

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

**CHRISTOPHER CHARLES HOHNS
310 HENDERSON ST
GRASS VALLEY CA 95945**

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

MARIA OROPEZA, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **November 25, 2003.**



Bernadette C. O. Molina

Case Administrator
State Bar Court