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**State Bar Court of California  
Hearing Department  
San Francisco  
ACTUAL SUSPENSION**

<p>Counsel For The State Bar</p> <p><b>Robin B. Brune</b> Senior Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2218</p> <p>Bar # 149481</p>	<p>Case Number(s): 12-O-15501; 12-O-17153; 12-O-17256; 12-O-17308; 13-O-15490 (inv); 13-O-17199 (inv)</p>	<p>For Court use only</p> <p><b>PUBLIC MATTER</b></p> <p><b>FILED</b> <i>[Signature]</i></p> <p><b>FEB 13 2014</b></p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p><b>Robert Glen V. Campbell</b> Campbell Law Office 1400 Coleman Ave., D16 Santa Clara, CA 95050 (408) 988-3200</p> <p>Bar # 212149</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: <b>ROBERT GLEN V. CAMPBELL</b></p> <p>Bar # 212149</p> <p>A Member of the State Bar of California (Respondent)</p>		

**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 **January 2, 2001**.
- (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 consists of **20** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

(Effective January 1, 2014)



Actual Suspension

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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) 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.
- (8) 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 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) 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.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.

**B. Aggravating Circumstances [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
  - (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.
- (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.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. **See Attachment, p. 17.**
- (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.

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- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See Attachment, p. 17.**
- (8)  **Restitution:** Respondent failed to make restitution. **See Attachment, p. 17.**
- (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.
- (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.

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- (13)  No mitigating circumstances are involved.

**Additional mitigating circumstances:**

**No Prior Discipline - See Attachment, p. 17.**  
**Pre-Filing Stipulation - See Attachment, p. 17.**

**D. Discipline:**

- (1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of **three years**.

- 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 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:

(b)  The above-referenced suspension is stayed.

- (2)  **Probation:**

Respondent must be placed on probation for a period of **three years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

- (3)  **Actual Suspension:**

(a)  Respondent must be actually suspended from the practice of law in the State of California for a period of **two years**.

- 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 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- 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 must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of

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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)  Within thirty (30) days from 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 of the period of probation. 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 proceeding. If the first report would cover less than 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 probation.

- (6)  Respondent must be assigned a probation monitor. Respondent must 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 must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7)  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.
- (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation 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. Reason:
- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  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 checked="" type="checkbox"/> Financial Conditions  |

#### F. Other Conditions Negotiated by the Parties:

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation 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 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**

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- No MPRE recommended. Reason:
- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5)  **Other Conditions:**

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In the Matter of: <b>ROBERT GLEN V. CAMPBELL</b>	Case Number(s): <b>12-O-15501 12-O-17153; 12-O-17256; 12-O-17308; 13-O-15490; 13-O-17199</b>
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## 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
Elizabeth Yap	\$2,835	October, 2012
Sofia Beltran	\$4,515	October, 2012
Katherine Ong	\$3,005	November, 2013

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

### 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";

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:        ROBERT GLEN V. CAMPBELL

CASE NUMBERS:        12-O-15501; 12-O-17153; 12-O-17256; 12-O-17308; 13-O-15490;  
13-O-17199

**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. 12-O-17256 (Complainant: Elizabeth Yap)

**FACTS:**

1. On November 7, 2010, Elizabeth Yap ("Yap") hired Respondent in her immigration matter. Respondent was to obtain a permanent residence status ("green card") for Yap based upon a labor certification, and obtain permanent status for her four dependents. Yap also hired Respondent to obtain an extension of her H-1B Visa.
2. Yap paid Respondent a total of \$4,335 as advanced fees.
3. On August 1, 2011, Yap emailed Respondent and requested the case numbers associated with her immigration matters, specifically, the case number for her labor certification application. Respondent received the email.
4. On August 4, 2011, Respondent emailed Yap and advised her that the filing date for her labor certification application was May 4, 2011, the case number was A1130671658, and the matter would take about seven to eight months to process.
5. In truth and in fact, Respondent failed to file a request for labor certification on behalf of Yap. Respondent's statement to Yap that he had filed her labor certification application was false. Respondent knew that his statement was false at the time he made this statement to Yap.
6. On April 25, 2012, Respondent agreed to process extension of Yap's H-1B Visa. Respondent failed to seek an extension of Yap's H-1B Visa.
7. In February, 2012, approximately nine months after Respondent purportedly filed Yap's labor certification application, Yap sent Respondent an email requesting an update on the status of her labor certification application. Respondent received the email.
8. On March 14, 2012, Respondent emailed Yap and falsely advised her that that her application was delayed because the petitioner (Lodi School District) was a governmental unit.

9. Continuing from March 14, 2010 to September 2012, Yap repeatedly asked Respondent for the status of her labor certification application and H-1B Visa, by both phone calls and email messages. Respondent received Yap's phone calls and email messages.

10. On August 8, 2012, Yap emailed Respondent and asked for a copy of her labor certification application. Respondent received Yap's email request.

11. In response to her numerous requests for information about the status of her immigration matter, Respondent repeatedly assured Yap that the certification had been filed and gave various excuses as to why he could not send her a copy. The excuses included the following:

- On August 17, 2012, Respondent sent Yap an email stating that he was unable to send her copies of the labor certification receipt and/or application because he had not been to his San Jose office but that he would send them over the weekend;
- On August 27, 2012, Respondent emailed Yap and advised that he would have his secretary prepare the documents for pick-up;
- On August 28, 2012, Respondent emailed Yap and advised her that his secretary was sick and he did not know when she would be back;
- On August 31, 2012, Respondent emailed Yap and told her that her documents could be picked up "next week"; and;
- On September 17, 2012, Respondent emailed Yap and told her "I know it has been frustrating. I will do this as soon as I can."

12. Respondent's statements to Yap were false and misleading. Respondent had not filed a labor certification application for Yap, nor had he filed for an extension of her H-1B Visa. Respondent knew that his statements were false at the time he made them to Yap.

13. On October 15, 2012, Yap terminated Respondent's services and hired new counsel to pursue her immigration matter.

14. On October 20, 2012, Yap emailed Respondent and requested an accounting and refund of the fees she had paid the Respondent. Respondent received the email.

15. Respondent failed to provide Yap with an accounting.

16. Respondent did not provide any services of value to Yap. Respondent owes a full refund to Yap. Respondent paid Yap \$1,500 at the time of termination on October 15, 2012. Respondent owes Yap an additional \$2,835 (plus interest) in unearned fees.

17. Between October 15, 2012 and November 1, 2012, Yap's new counsel notified Respondent that he was now representing Yap and requested the return of Yap's file.

18. Respondent received the requests, but failed to provide Yap's file.

## CONCLUSIONS OF LAW:

19. By failing to pursue Yap's labor certification and H-1B Visa matters, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

20. By making intentionally false and misleading statements to Yap about her labor certificate and H-1B Visa matters, Respondent committed acts involving moral turpitude, dishonesty or corruption, in willful violation of Business and Professions Code section 6106.

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

22. By failing to promptly refund the full \$4,335 to Yap after Respondent was terminated, 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).

23. By failing to return Yap's client's file after Yap terminated Respondent's services, Respondent failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

### Case No. 12-O-17308 (Complainant: Sofia Beltran)

## FACTS:

24. On September 10, 2010, Sofia Beltran ("Beltran") hired Respondent in her immigration matter. Respondent was to obtain a permanent residence status ("green card") for Beltran based upon a labor certification, and obtain permanent status for her two dependents. Beltran also hired Respondent to file an applicant to extend her non-immigrant status (I 539) and a petition for a non-immigrant worker (I 129).

25. Beltran paid Respondent a total of \$5,515 as advanced fees.

26. On August 2, 2011, Respondent gave Beltran a filing number, case no. A11019-47059, and told her that the application for labor certification was filed on February 12, 2011, and that the process generally takes eight months.

27. In truth and in fact, Respondent failed to file a request for labor certification on behalf of Beltran. Respondent's statement to Beltran that he had filed her labor certification application was false. Respondent knew that his statement was false at the time he made this statement to Beltran. Respondent failed to file a request for labor certification on behalf of Beltran.

28. Respondent made several statements to Beltran regarding the status of her case, including the following:

- On January 19, 2012, Respondent sent Beltran an email stating, "Since there is several months delay and no word on your case (still in process) I have requested to speak with a supervisor from labor. I will be speaking to labor supervisor tomorrow afternoon."
- On January 24, 2012, Respondent sent Beltran an email stating, "Hi Sofia, our office spoke to them last Monday and was told that there will be a decision today."

29. Respondent's statements to Beltran were false and misleading. Respondent had not filed a labor certification application for Beltran. Respondent knew that his statements to Beltran were false at the time he made them.

30. On May 3, 2012, Respondent agreed to process the I 539 (Application to Extend non-immigrant status) and I 129 (Petition for non-immigrant worker) applications for Beltran. Respondent failed to process the I 539 and I 129 applications on Beltran's behalf.

31. On October 3, 2012, Beltran sent an email to Respondent, terminating his services and requesting a full refund.

32. Respondent received Beltran's request and was aware of it.

33. Respondent failed to provide an accounting of the funds he retained from Beltran.

34. Respondent did not provide any services of value to Beltran. Respondent owes a full refund to Beltran. Respondent paid Beltran \$1,000 at the time of termination on October 8, 2012, and owes her an additional \$4,515 (plus interest) in unearned fees.

35. On October 3, 2012, when Beltran emailed Respondent and notified him that she was terminating his services, Beltran also requested a copy of the notice or receipt of the visa extension that Respondent purportedly filed on behalf of Beltran. Respondent received the email.

36. On October 8, 2012 Beltran requested her client file, by requesting "all documents we will need to proceed from here" from Respondent. Respondent received the email.

37. Beltran subsequently hired another attorney to retrieve her file.

38. On October 22, 2012, and November 1, 2012, Beltran's new counsel contacted Respondent and requested Beltran's file.

39. Respondent received these requests but failed to provide Beltran's file.

#### CONCLUSIONS OF LAW:

40. By failing to pursue Beltran's labor certification and I 539 and I 129 matters, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

41. By making intentionally false statements to Beltran about her certification matter, Respondent committed acts involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

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

43. By failing to promptly refund the full \$5,515 to Beltran, Respondent failed, upon termination, 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).

44. By failing to return Beltran's file, Respondent failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

Case No. 12-O-15501(Complainant: Renan Esoteris)

FACTS:

45. On October 7, 2007, Renan Esoteris ("Esoteris") hired Respondent to represent him in his family law matters (divorce, child support).

46. Respondent filed suit on behalf of Esoteris, entitled *Esoteris v. Esoteris*, case no. 107FL143577 Superior Court, County of Santa Clara.

47. In March 2009, Respondent submitted the marital settlement agreement and proposed judgment to the Court ("judgment packet").

48. On April 16, 2009, the Court rejected the judgment packet. The Court provided Respondent a notice as to why the packet was rejected, which included, but was not limited, to notice that Respondent's judgment packet failed to comply with Family Code Section 3048 and that Respondent failed to complete all sections of Family Law forms 170 and 144.

49. Respondent received the judgment packet back from the Court and was aware of the Court's rejection.

50. Thereafter, Respondent failed to complete and file the judgment packet.

51. In May 2012, Esoteris terminated Respondent's services.

CONCLUSIONS OF LAW:

52. By failing to complete the judgment from April 2009 to May 2012, a period of three years, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

Case No. 12-O-17153 (Complainant: Janette Gacayan)

FACTS:

53. On September 19, 2010, Janette Gacayan ("Gacayan") hired Respondent in her immigration matter. Respondent was to obtain a permanent residence status ("green card") through a labor certification, and obtain permanent status for her family. Gacayan also hired Respondent to obtain an extension of her own H-1B Visa and an H4 extension for her dependents. The parties did not execute a fee agreement.

54. Gacayan paid Respondent \$1,815 as advanced fees for his services.

55. In February 2011, Respondent advised Gacayan that he had filed a labor certification application on her behalf.

56. In truth and in fact, Respondent failed to request a labor certification, and failed to file for a permanent green card, on behalf of Gacayan. Respondent's statement to Gacayan in February 2011 that he had filed her labor certification application was false. Respondent knew that this statement was false at the time he made this statement to Gacayan.

57. On June 30, 2012, Respondent agreed to process an extension of Gacayan's H-1B Visa and H4 extension for her dependents. Respondent failed to seek an extension of Gacayan's H-1B Visa and the H4 extension for her dependents.

58. On July 15, 2012, Respondent advised Gacayan that he had filed for an extension of her H-1B Visa and the H4 extension for her dependents.

59. Respondent's statement to Gacayan on July 15, 2012, that he had filed for an extension of her H-1B Visa and the H4 extension for her dependents was false. Respondent knew that his statement was false at the time he made this statement to Gacayan.

60. On September 24, 2012, Gacayan went to Respondent's office, met with him in person, and asked him again about her H-1B Visa and H4 extensions. Respondent again assured her that they had been filed.

61. Respondent's statement to Gacayan on September 24, 2012 that he had filed for an extension of her H-1B Visa and the H4 extension for her dependents was false. Respondent knew that this statement was false at the time he made this statement to Gacayan.

62. On October 8, 2012, Respondent met with Gacayan and told her that her labor certification had been denied and therefore this was causing problems with the H-1B Visa extensions.

63. Respondent never filed the labor certification on behalf of Gacayan, nor did he file for her H-1B Visa and H4 extensions. Respondent's statements to Gacayan, that he had filed her labor certification, but it had been denied, were false and misleading. Respondent knew that his statements to Gacayan on October 8, 2012, were false at the time he made them.

64. On October 12, 2012, Gacayan terminated Respondent's services and hired another attorney to pursue her immigration matter.

65. From October 12, 2012 through November 21, 2012, Gacayan's new counsel notified Respondent that he was representing Gacayan and requested the return of Gacayan's file.

66. Respondent received the requests, but failed to provide Gacayan's file.

67. On October 12, 2012, Respondent refunded \$1,815 in fees to Gacayan.

**CONCLUSIONS OF LAW:**

68. By failing to pursue Gacayan's labor certification and H-1B Visa matters, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

69. By making intentionally false statements to Gacayan in February 2011, and again in October 2012, about her labor certification and H-1B Visa matters, Respondent committed acts involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

70. By failing to return Gacayan's file, Respondent failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

Case No. 13-O-15490 (Complainant: Katherine Ong)

71. In October 2011, Katherine Ong ("Ong") hired Respondent to represent her in a dissolution action; Ong wanted Respondent to file a divorce petition.

72. In October 2011, Ong paid Respondent \$1,005. She made another payment to him of \$2,000 in December 2011.

73. Respondent failed to file a dissolution action on behalf of Ong.

74. Ong terminated Respondent's services in November 2013. Between October 2011 and November 2013, Respondent failed to provide any services of value to Ong.

75. Respondent owes a full refund to Ong of the \$3,005 he received from Ong as advanced fees. Respondent has not refunded any monies to Ong.

**CONCLUSIONS OF LAW:**

76. By failing to file a dissolution action on behalf of Ong, or perform any services of value, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

77. By failing to promptly refund \$3,005 in unearned fees to Ong, Respondent failed, upon termination, 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).

Case No. 13-O-17199 (Complainant: Maria Enerio)

78. In June 2007, Maria Enerio ("Enerio") hired Respondent to represent her in an ongoing workers' compensation matter. Enerio wanted Respondent to obtain a settlement on her behalf.

79. Between June 2007 and December 2013, Enerio sent Respondent 12 emails requesting the status of her case. Respondent received the emails, but failed to respond or otherwise apprise Enerio of the status of her case. In this same time frame, Enerio also telephoned Respondent 64 times. Although Enerio received return calls from Respondent's office staff on 17 occasions, she did not receive an update on the status of her case.

80. Respondent met with Enerio in September 2013. At that time, Respondent told Enerio that he had sent a letter requesting the compromise of a medical lien to the insurance adjuster on Enerio's behalf, and that he had mailed a copy of the letter to her. This statement was false. In truth and in fact, Respondent did not send a letter to the adjuster requesting the compromise of Enerio's medical lien. Respondent knew the statement was false at the time he made it.

81. Respondent took no action on behalf of Enerio. He failed to negotiate a settlement on her behalf.

82. In November 2013, Respondent withdrew from representing Enerio. Enerio requested the return of her file. Respondent received Enerio's request, but failed to return the file.

CONCLUSIONS OF LAW:

83. By failing to pursue Enerio's worker's compensation matter, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

84. By failing to promptly respond to Enerio's 12 emails and 64 phone calls requesting the status of her case, Respondent failed to respond to the reasonable status inquiries in a matter in which he agreed to provide legal services, in wilful violation of Business and Professions Code section 6068(m).

85. By making an intentionally false statement to Enerio in September 2013, about her workers' compensation matter, Respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

86. By failing to return Enerio's file to her, Respondent failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).



## AGGRAVATING CIRCUMSTANCES.

**Harm (Std. 1.5(f)):** All of Respondent's clients were significantly harmed by his misconduct. Gacayan returned to the Philippines for one year due to the loss of her immigration status. Beltran is currently scheduled to leave the country due to immigration issues. While it is not clear whether or not either of these clients would have been eligible for permanent immigration status, Respondent deprived them of the timely opportunity to request it. Both Yap and Beltran were deprived of their funds for a significant period of time. All three immigration clients, Yap, Beltran, and Gacayan, suffered harm from Respondent's dishonesty in that they were deprived of knowing the true status of their cases and were misled to believe their cases were pending when they were not. Esoteris suffered significant delay--over three years--in the resolution of his dissolution matter. Ong also suffered significant delay--over three years--in the resolution of her dissolution matter. Enerio suffered five years' delay in her worker's compensation matter.

**Multiple Acts of Wrongdoing (Std. 1.5(b)):** Respondent committed 20 acts of wrongdoing in six separate client matters.

**Failure to Make Restitution (Std. 1.5(i)):** Respondent failed to make full restitution to Yap and Beltran and failed to make restitution to Ong.

## MITIGATING CIRCUMSTANCES.

**No Prior Discipline:** Although Respondent's misconduct is serious, he is entitled to mitigation for having practiced law for approximately ten years without discipline before his misconduct began. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49.)

**Pre-filing Stipulation:** Respondent admitted culpability to the misconduct early in the proceedings and prior to the filing of a Notice of Disciplinary Charges in two of the cases. (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].)

## AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed are "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession." (*In re Morse* (1995) 11 Cal. 4th 184, 205; std. 1.1.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertan* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal. 4th 205, 220 and *In re Young* (1989) 49 Cal. 3d. 257, 267, fn. 11.) Adherence to

the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Respondent admits to committing 20 acts of professional misconduct. Standard 1.7(a) requires that if a member commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed. The most severe sanction applicable to Respondent's misconduct is found in Standard 2.7, which applies to Respondent's violations of Business and Professions Code 6106.

Standard 2.7 specifies that an act of moral turpitude or dishonesty warrants actual suspension to disbarment depending upon the extent to which the victim of the misconduct is harmed or misled, and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law. In this case, Respondent failed to perform on behalf of all six clients. In addition, Respondent falsely and repeatedly advised each of three immigration clients that he had filed their immigration matters. Respondent maintained his false statements for over a year. Each client lost one year's time in legitimately pursuing their immigration matters; they lost the funds they gave to the Respondent; and they lost their trust in an attorney. Due to the lack of resolution of their immigration matters, one client had to relocate to the Philippines for over a year's time, and a second client is scheduled to relocate shortly. Respondent's misconduct not only affected his clients, but also their dependents, whose immigration status depended upon their parents' or spouse's immigration status. In a fourth matter, Respondent failed to timely complete a divorce. In a fifth matter, Respondent received fees and failed to provide any services in a divorce matter. In a sixth matter, Respondent failed to perform in a worker's compensation case over a five year period and misrepresented the status conduct to the client. To date, Respondent has failed to refund \$10,355 in unearned fees. Respondent's misconduct is of significant magnitude, caused significant harm, and is directly related to the practice of law.

In addition to the client harm, the public perception of attorneys is harmed as well, when an attorney fails to perform over an extended period and is dishonest with his clients. In referring to the dishonest acts of an attorney the Supreme Court stated, "These acts manifest an abiding disregard of the fundamental rules of ethics--that of common honesty--without which the profession is worse than valueless in the place it holds in the administration of justice." (*Gadda v. State Bar* (1990) 50 Cal. 3d. 344, at 355.)

In mitigation, Respondent has no prior discipline since he began practicing in 2001. He is also stipulating to the misconduct, saving the State Bar time and resources.

In accordance with the standards, a long actual suspension is warranted. Recent case law supports a long year actual suspension for misconduct of this magnitude in immigration matters. *In the Matter of Brockway* (Review Dept. 2006) 4 State Bar Ct. Rptr. 944, on four separate occasions, immigrants, who spoke little or no English, sought the services of the attorney to help with pressing legal problems. In each instance, the attorney accepted several thousand dollars in advanced fees and then failed to perform the agreed-upon legal services. The Review Department found the attorney culpable of 14 counts of misconduct in four client matters, including, *inter alia*, failure to perform services competently, improper withdrawal from employment, failure to render an accounting, failure to promptly return

unearned fees, failure to communicate, and failure to release files. The Court recommended that the attorney be suspended for five years, stayed, and placed on five years' probation on the condition that he be actually suspended for two years and until he proved his rehabilitation, fitness, and learning and ability in the law.

Although Respondent has no prior discipline, and is stipulating to the misconduct, and has made full restitution to one client, his misconduct is serious and involves six client matters. On balance, a two year actual suspension, and until Respondent makes full restitution on all client matters, and proves his rehabilitation, fitness to practice, and present learning and ability in the law, is warranted in this case and will fulfill the primary purpose of discipline.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of January 21, 2014, the prosecution costs in this matter are \$6,293. 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.

#### **EXCLUSION FROM MCLE CREDIT**

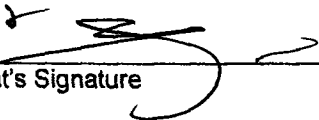
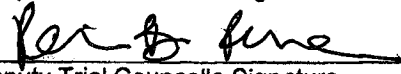
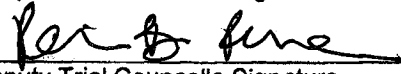
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School and/or any other educational course(s) to be ordered as a condition of reproof or suspension. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: ROBERT GLEN V. CAMPBELL	Case number(s): 12-O-15501 12-O-17153; 12-O-17256; 12-O-17308; 13-O-15490; 13-O-17199
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**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, Conclusions of Law, and Disposition.

<u>1/30/2014</u> Date	 Respondent's Signature	<u>ROBERT GLEN V. CAMPBELL</u> Print Name
<u>2/3/2014</u> Date	 Respondent's Counsel Signature	<u>ROBIN B. BRUNE</u> Print Name
<u>2/3/2014</u> Date	 Deputy Trial Counsel's Signature	<u>ROBIN B. BRUNE</u> Print Name

(Do not write above this line.)

In the Matter of: ROBERT V. GLENN CAMPBELL	Case Number(s): 12-O-15501, et al.
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### ACTUAL SUSPENSION ORDER

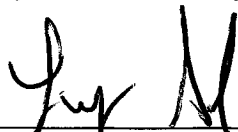
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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.
- All Hearing dates are vacated.

1. Respondent's middle name is hereby corrected to spell "Glenn," and not "Glen" as noted on pp. 1, 7, 9, 20 and 21.
2. On p.10, par. 9, "March 14, 2010" is deleted and "March 14, 2012" is substituted in its place.
3. On p. 16, par. 79, "December 2013" is deleted and December 2012" is substituted in its place.

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 5.58(E) & (F), 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 9.18(a), California Rules of Court.)**

Feb 13, 2014  
Date

  
\_\_\_\_\_  
LUCY ARMENDARIZ  
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 San Francisco, On February 13, 2014, 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:

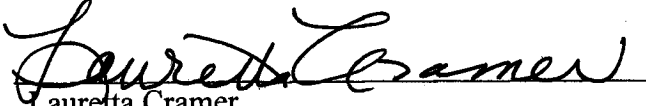
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

ROBERT GLENN V CAMPBELL  
CAMPBELL LAW OFFICE  
1400 COLEMAN AVE #D16  
SANTA CLARA, CA 95050

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

Robin B. Brune, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on February 13, 2014.

  
Laretta Cramer  
Case Administrator  
State Bar Court