

PUBLIC MATTER

FILED

AUG 11 2017



STATE BAR COURT CLERK'S OFFICE
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STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of)	Case No. 15-O-13606-PEM
)	
ROBERT GLENN V. CAMPBELL,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
A Member of the State Bar, No. 212149.)	ENROLLMENT
_____)	

Respondent Robert Glenn V. Campbell (respondent) was charged with five counts of violations of the Rules of Professional Conduct and the Business and Professions Code.¹ He failed to appear at the trial of this case and his default was entered. The Office of Chief Trial Counsel (State Bar) filed a petition for disbarment under rule 5.85 of the Rules of Procedure of the State Bar.²

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

¹ Unless otherwise indicated, all further references to section(s) refer to provisions of the Business and Professions Code.

² Unless otherwise indicated, all references to rules are to this source.



within 45 days, the State Bar will file a petition requesting the court to recommend the attorney's disbarment.³

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

FINDINGS AND CONCLUSIONS

Respondent was admitted to practice law in California on January 2, 2001, and has been a member since then.

Procedural Requirements Have Been Satisfied

On June 10, 2016, the State Bar properly filed and served a notice of disciplinary charges (NDC) on respondent. The NDC notified respondent that his failure to appear at the State Bar Court trial would result in a disbarment recommendation. Due to his failure to timely file a response, respondent's default was entered on July 29, 2016.

On December 2, 2016, respondent filed a motion to set aside his default. The court granted his motion on December 12, 2016.

Respondent filed a response to the NDC on December 12, 2016.

At a status conference on January 9, 2017, the trial was set to start on April 11, 2017. The January 9, 2017 order setting the trial date was served on respondent at his membership records address by first-class mail, postage paid. (Rule 5.81(A).)

On April 11, 2017, the State Bar appeared for trial but respondent did not.⁴

³ If the court determines that any due process requirements are not satisfied, including adequate notice to the attorney, it must deny the petition for disbarment and take other appropriate action to ensure that the matter is promptly resolved. (Rule 5.85(F)(2).)

Finding that all of the requirements of rule 5.81(A) were satisfied, the court entered respondent's default by order filed April 11, 2017. The order notified respondent that, if he did not timely move to set aside his default, the court would recommend his disbarment. The order also placed respondent on involuntary inactive status under section 6007, subdivision (e), effective three days after service of the order, and he has remained inactively enrolled since that time.

Respondent did not seek to have his default set aside or vacated. (Rule 5.83(C)(2) [attorney has 45 days after order entering default is served to file motion to set aside default].)

On June 12, 2017, the State Bar properly filed and served the petition for disbarment on respondent at his official membership records address. As required by rule 5.85(A), the State Bar reported in the petition that: (1) there has been no contact with respondent since his default was entered, except in connection with respondent's submission of his resignation with charges pending; there has been no contact with respondent since April 20, 2017; (2) there are two investigations pending against respondent; (3) respondent has one record of prior discipline; and (4) the Client Security Fund (CSF) has paid three claims as a result of respondent's misconduct.

Respondent has not responded to the petition for disbarment or moved to set aside or vacate the default. The case was submitted for decision on July 11, 2017.

Prior Record of Discipline

Respondent has one prior record of discipline. Pursuant to a Supreme Court order filed on June 26, 2014, respondent was suspended for three years, the execution of which was stayed, placed on probation for three years, and actually suspended for two years and until he paid restitution and until he showed satisfactory proof of rehabilitation. Respondent committed

⁴ On April 10, 2017, respondent filed a resignation with charges pending, but the review department has recommended to the Supreme Court to reject the resignation on July 28, 2017. The matter is now currently pending before the Supreme Court.

misconduct in six immigration matters, including failing to perform legal services with competence, making false statements to his clients, failing to render an accounting, failing to refund unearned fees, failing to return client files, and failing to communicate with his client.

The Admitted Factual Allegations Warrant the Imposition of Discipline

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

Case No. 15-O-13606 (Gloria Matter)

Count 1 – Respondent willfully violated rule 3-110(A) of the Rules of Professional Conduct (failure to perform legal services with competence) by stating that his client's personal injury matter had been settled, when the client had not consented to the settlement, and thereafter ceasing all work on the case.

Count 2 – Respondent willfully violated section 6068, subdivision (m) (failure to respond to reasonable client status inquiries and to inform client of significant development), by failing to inform his client regarding a settlement offer and his acceptance of that offer without the client's knowledge.

Count 3 – Respondent willfully violated section 6068, subdivision (d) (seeking to mislead a judge), by filing a notice of settlement, falsely stating that the case had been settled.

Count 4 – Respondent willfully violated section 6106 (moral turpitude, dishonesty, or corruption) by stating that his client had accepted the settlement offer and by filing a notice of settlement, when respondent knew or was grossly negligent in not knowing that the statements were false.

Count 5 – Respondent willfully violated rule 3-700(A)(2) of the Rules of Professional Conduct (improper withdrawal from employment) by failing to inform his client that he was withdrawing from employment and by failing to take reasonable steps to avoid reasonably foreseeable prejudice to the rights of his client when he constructively terminated his employment on March 20, 2013, after filing a notice of settlement.

Disbarment Is Recommended

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

(1) The NDC was properly served on respondent under rule 5.25.

(2) Respondent had actual notice of this proceeding and had adequate notice of the trial date prior to the entry of his default.

(3) The default was properly entered under rule 5.81.

(4) The factual allegations in the NDC, deemed admitted by the entry of the default, support a finding that respondent violated a statute, rule or court order that would warrant the imposition of discipline.

(5) Despite adequate notice and opportunity, respondent failed to appear for the trial of this disciplinary proceeding.

As set forth in the Rules of Procedure of the State Bar, the court recommends his disbarment.

RECOMMENDATIONS

Disbarment

The court recommends that respondent **Robert Glenn V. Campbell**, State Bar number 212149, be disbarred from the practice of law in the State of California and that his name be stricken from the roll of attorneys.

California Rules of Court, Rule 9.20

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


Costs

The court further recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, such costs being enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

In accordance with Business and Professions Code section 6007, subdivision (c)(4), the court orders that **Robert Glenn V. Campbell**, State Bar number 212149, be involuntarily enrolled as an inactive member of the State Bar of California, effective three calendar days after the service of this decision and order. (Rule 5.111(D).)

Dated: August 11, 2017


PAT McELROY
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 August 11, 2017, I deposited a true copy of the following document(s):

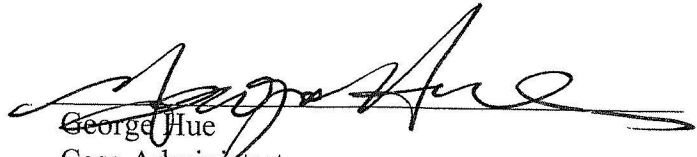
DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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

- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:
- ROBERT GLENN V CAMPBELL
1350 W ROBINHOOD DR STE 5
STOCKTON, CA 95207
- by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- by overnight mail at , California, addressed as follows:
- by fax transmission, at fax number . No error was reported by the fax machine that I used.
- By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Sherrie B. McLetchie, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on August 11, 2017.


George Hue
Case Administrator
State Bar Court