

ORIGINAL

(Do not write above this line.)

State Bar Court of California Hearing Department <input checked="" type="checkbox"/> Los Angeles <input type="checkbox"/> San Francisco		
Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL LEE AN KERN, DEPUTY TRIAL COUNSEL 1149 SOUTH HILL STREET LOS ANGELES, CALIFORNIA 90015 TELEPHONE: 213.765.1272 Bar # 156623	Case number(s) 05-J-01099 <div style="text-align: center; font-size: 2em; font-weight: bold;">PUBLIC MATTER</div> kwiktag® 035 130 219 	(for Court's use) <div style="text-align: center; font-size: 1.5em; font-weight: bold;">FILED</div> <div style="text-align: center; font-size: 1.2em; font-weight: bold;">MAY 31 2005</div> <div style="text-align: center; font-size: 0.8em; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
<input type="checkbox"/> Counsel for Respondent <input checked="" type="checkbox"/> In Pro Per, Respondent DANA CHRISTIAN 421 SOUTH YELLOWSTONE STREET LIVINGSTON, MONTANA 59047 TELEPHONE: 406.222.5812 Bar # 107611	Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING REPROVAL <input type="checkbox"/> PRIVATE <input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of DANA CHRISTIAN Bar # 107611 A Member of the State Bar of California (Respondent)		

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 February 16, 1983
(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 20 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) 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.

(Do not write above this line.)

(8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- (a) costs added to membership fee for calendar year following effective date of discipline (public reproof)
- (b) case ineligible for costs (private reproof)
- (c) costs to be paid in equal amounts for the following membership years:
_____ (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- (d) costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- (e) costs entirely waived

(9) The parties understand that:

- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquires and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
- (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
- (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

B. 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 _____

(Do not write above this line.)

- (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "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 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.
- (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 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.

(Do not write above this line.)

- (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.
- (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 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 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:

(Do not write above this line.)

D. Discipline:

- (1) Private reproof (check applicable conditions, if any, below)
- (a) Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2) Public reproof (check applicable conditions, if any, below)

E. Conditions Attached to Reproval:

- (1) Respondent must comply with the conditions attached to the reproof for a period of one (1) year
- (2) During the condition period attached to the reproof, 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 and to the Office of Probation of the State Bar of California ("Office of Probation"), 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) Within 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 condition period attached to the reproof. 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 the reproof during the preceding calendar quarter. Respondent must also state in each report 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 thirty (30) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (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 such reports as may be requested, in addition to quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the monitor.

(Do not write above this line.)

- (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 conditions attached to the reprobation.
- (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 of the Ethics School and passage of the test given at the end of that session.
- No Ethics School ordered. Reason: See attachment, page 9
- (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 required to be filed with the Office of Probation.
- (10) 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 within one year of the effective date of the reprobation.
- No MPRE ordered. Reason: _____
- (11) 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 |

F. Other Conditions Negotiated by the Parties:

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: DANA CHRISTIAN

CASE NUMBER(S): 05-J-01099

The disciplinary proceeding against Respondent is brought pursuant to California Business and Professions Code section 6049.1 and rule 620 through 625, Rules of Procedure of the State Bar of California.

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.

1. Respondent was admitted to practice law in the State of Montana on July 21, 1987. In or about the year 2000, Respondent was charged with a misdemeanor criminal offense in Park County, Montana, case number DC-01-19. As a result, Respondent was placed on six months interim suspension from the practice of law in the State of Montana. The criminal charges were later dismissed.

PROFESSIONAL MISCONDUCT IN ANOTHER JURISDICTION

2. On or about January 5, 2005, Respondent filed with the Commission on Practice a Conditional Admissions and Affidavit of Consent admitting to a violation of rule 5.5(a), Montana Rules of Professional Conduct (Unauthorized Practice of Law).¹
3. On or about February 1, 2005, the Adjudicatory Panel of the Commission on Practice of the Supreme Court of Montana found by clear and convincing evidence that Respondent violated rule 5.5(a), recommended approval of Respondent's tendered admission, and made and entered the following facts:
 - A. "On or about October 8, 2000, Ed Dobrowski ("Dobrowski") obtained Respondent's assistance to proceed pro se in a divorce action. At the time, Respondent was suspended from the practice of law. Respondent and Dobrowski entered into a 'paralegal agreement' dated October 11, 2000. The agreement contains language disclaiming that Respondent was acting as an attorney. The agreement indicates several charges for services Respondent

¹ The text of rule 5.5(a), Montana Rules of Professional Conduct, is set forth under Tab 1.

rendered prior to October 12, 2000, including research and drafting.

- B. Respondent was re-admitted to practice on October 12, 2000, and continued to assist Dobrowski with his pro se representation until making an appearance as counsel of record on Dobrowski's behalf on February 13, 2001. Respondent continued this representation until Dobrowski terminated him on July 4, 2001.
- C. By performing legal research and writing on behalf of a client, Respondent was 'engaged in the business and duties and perform[ed] such acts, matters, and things as are usually done or performed by an attorney at law in the practice of his profession' within the meaning of § 37-61-201, Montana Code Annotated."²

(Tab 3)

- 4. On or about February 4, 2005, the Adjudicatory Panel filed its recommendation with the Supreme Court of the State of Montana that the Respondent be actually suspended from the practice of law for a period of three years effective January 5, 2005, and that he be assessed with the reasonable costs of the disciplinary proceedings. (Attachment 3)
- 5. On or about February 16, 2005, the Supreme Court of the State of Montana adopted the Commission's findings of fact, conclusions of law, and disciplinary recommendations and ordered that Respondent be disciplined upon findings that Respondent had committed professional misconduct in that jurisdiction as set forth in the Recommendation to Approve Rule 26 Tendered Admission by the Commission on Practice of the Supreme Court of the State of Montana, filed February 4, 2005. (Tab 4)

COUNT ONE: Misconduct in Another Jurisdiction, B&P § 6049.1³

- 6. Paragraphs 1 through 5 are incorporated by reference.
- 7. **LEGAL CONCLUSION:** By performing legal research and writing on behalf of a client when he was not an active member of the Montana Bar, the Adjudicatory Panel of the Commission on Practice of the Supreme Court of Montana, which is authorized to

² The text of § 37-61-201, Montana Code Annotated is set forth under Tab 2.

³ A comparison with the California Rules of Professional Conduct and/or the State Bar Act reveals that rule 5.5, Montana Rules of Professional Conduct, most closely aligns with California Business and Professions Code section 6068(a)---a violation of the law---by means of violating Business and Professions Code section § 6126.

conduct disciplinary proceedings against attorneys, determined that Respondent committed misconduct in Montana by violating rule 5.5(a), Montana Rules of Professional Conduct. Pursuant to, § 6049.1, such finding is conclusive evidence of Respondent's culpability for professional misconduct in this state, subject only to those exceptions enumerated in subdivision (b) of § 6049.1. No exception applies in this matter.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was April 22, 2005.

STATE BAR ETHICS SCHOOL EXCLUSION.

It is not recommended that Respondent attend State Bar Ethics School because Respondent currently resides in the State of Montana and it would be impractical for Respondent to travel to California to attend Ethics School.

In lieu of Ethics School and as an additional condition of his probation, Respondent shall, within one year of the effective date of the discipline herein, attend 6 hours of Mandatory Continuing Legal Education courses in legal ethics in the State of Montana and furnish proof of attendance to the Office of Probation of the State Bar of California.

AUTHORITIES SUPPORTING DISCIPLINE.

The Rules of Professional Conduct “govern the activities of members in and outside this state, except as members lawfully practicing outside this state may be specifically required by a jurisdiction in which they are practicing to follow rules of professional conduct different from these rules.” (Rule 1-100(D)(1), Rules of Professional Conduct.)

In a proceeding under section 6049.1, the appropriate degree of discipline is not presumed by the other state's discipline, but is open for determination in this State. (§ 6049.1, subd. (b)(1) [See *In the Matter of Kauffman* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 213, citing *In the Matter of Jenkins* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 157.]

In *In the Matter of Trousil* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 229, Trousil was suspended for 30 days for accepting employment from a client and appearing in bankruptcy court while suspended. In aggravation, Trousil had a three prior disciplinary proceedings on his record. In mitigation, Trousil suffered from a psychological disorder, followed by an extended period of compliance with the terms of his probation in the prior proceedings.

In the case at bar, Respondent did not misrepresent to his client that he was an attorney. Unlike Trousil, Respondent did not hold himself out the court as a licensed practitioner, nor does he have a prior record of discipline – in either California or in the State of

Montana. As such, Respondent's misconduct is much less serious than of Trousil and therefore a public reproof is appropriate and fulfills the purpose of sanctions for professional misconduct, as set forth in standard 1.3, Standards for Attorney Sanctions for Professional Misconduct.

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<p>CURRENT MONTANA RULE OF PROFESSIONAL CONDUCT</p>	<p>THERE IS NO NEW MONTANA RULE OF PROFESSIONAL CONDUCT AT THIS TIME</p>
<p>RULE 5.5 Unauthorized Practice of Law. A lawyer shall not: (a) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or (b) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.</p>	<p>The Montana Supreme Court did NOT adopt the proposed language below. The language proposed below is currently under consideration by the Court in conjunction with their deliberations concerning the State Bar's submitted Petition addressing multi-jurisdictional practice. The proposed Montana Rule is identical to the new ABA Model Rule.</p> <p>RULE 5.5: UNAUTHORIZED PRACTICE OF LAW (a) A lawyer shall not: (a) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or. <u>(b) A lawyer admitted to practice in another jurisdiction, but not in this jurisdiction, does not engage in the unauthorized practice of law in this jurisdiction when:</u> (1) <u>the lawyer is authorized by law or order to appear before a tribunal or administrative agency in this jurisdiction or is preparing for a potential proceeding or hearing in which the lawyer reasonably expects to be so authorized; or</u> (2) <u>other than engaging in conduct governed by paragraph (1):</u> (i) <u>a lawyer who is an employee of a client acts on the client's behalf or, in connection with the client's matters, on behalf of the client's commonly owned organizational affiliates;</u> (ii) <u>the lawyer acts with respect to a matter that arises out of or is otherwise reasonably related to the lawyer's representation of a client in a jurisdiction in which the lawyer is admitted to practice; or</u> (iii) <u>the lawyer is associated in the matter with a lawyer admitted to practice in this jurisdiction who actively participates in the representation.</u></p>

~~(b)~~ (c) A lawyer shall not assist a another person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.



STATE BAR OF MONTANA

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Montana Code Annotated 2003

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37-61-201. Who considered to be practicing law. Any person who shall hold himself out or advertise as an attorney or counselor at law or who shall appear in any court of record or before a judicial body, referee, commissioner, or other officer appointed to determine any question of law or fact by a court or who shall engage in the business and duties and perform such acts, matters, and things as are usually done or performed by an attorney at law in the practice of his profession for the purposes of parts 1 through 3 of this chapter shall be deemed practicing law.

History: En. Sec. 1, Ch. 90, L. 1917; re-en. Sec. 8944, R.C.M. 1921; re-en. Sec. 8944, R.C.M. 1935; R.C.M. 1947, 93-2009.

Provided by Montana Legislative Services

ORIGINAL

BEFORE THE COMMISSION ON PRACTICE OF THE
SUPREME COURT OF THE STATE OF MONTANA

IN THE MATTER OF DANA C. CHRISTIAN,)	Supreme Court Cause No. <u>03-734</u> ,
)	ODC File Nos. 03-030 and 03-135
An Attorney at Law,)	
)	Supreme Court No. <u>03-790</u> ,
Respondent.)	ODC Old Agenda 02-4606
)	
)	Supreme Court No. <u>04-725</u> ,
)	ODC File Nos. 03-170 and 04-054

RECOMMENDATION TO APPROVE
RULE 26 TENDERED ADMISSION

FILED

FEB 04 2005

This matter came on for formal hearing on the merits and pursuant to notice on
January 5, 2005.

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Commissioners present and voting on the Adjudicatory Panel were chairman John Warren, Carey Matovich, Jo Ridgeway, Patricia DeVries, Mike Lamb, Tom Hughes and Gary Davis. Respondent was present and represented by his counsel Robert Emmons.

Prior to the hearing, Count Two of the formal complaint was dismissed (Strong complaint, COP 03-135).

A recess was taken after which Disciplinary Counsel Tim Strauch and Respondent's counsel jointly moved the Commission to convert the proceeding to a Rule 26 hearing, which was granted. Counsel for both sides moved to incorporate three other pending complaints into the hearing: ODC files 3-170 and 4-054, and old agenda file

After consideration of Respondent's affidavit of consent, his tendered admission, and the evidence and arguments of counsel presented during the hearing of this matter the Commission voted unanimously to recommend approval of Respondent's tendered admission, and makes and enters the following:

Findings of Fact

1. On October 8, 2000, Ed Dobrowski ("Dobrowski") obtained Respondent's assistance to proceed pro se in a divorce action. At the time, Respondent was suspended from the practice of law. Respondent and Dobrowski entered into a "paralegal agreement" dated October 11, 2000. The agreement contains language disclaiming that Respondent was acting as an attorney. The agreement indicates several charges for services Respondent rendered prior to October 12, 2000, including research and drafting.

2. Respondent was re-admitted to practice on October 12, 2000, and continued to assist Dobrowski with his pro se representation until making an appearance as counsel of record on Dobrowski's behalf on February 13, 2001. Respondent continued this representation until Dobrowski terminated him on July 4, 2001.

3. By performing legal research and writing on behalf of a client, Respondent was engaged "in the business and duties and perform[ed] such acts, matters, and things as are usually done or performed by an attorney at law in the practice of his profession" within the meaning of § 37-61-201, MCA.

Based upon the foregoing *Findings of Fact*, the Commission makes the following:

030 and 03-135, Supreme Court No. 03-734 (Dobrowski and Matthews).

Dated this 1st day of February, 2005.

Commission on Practice

By John Warren
Its Chairman

IN THE SUPREME COURT OF THE STATE OF MONTANA

FILED

No. 03-734, 03-790, 04-725

FEB 16 2005

IN THE MATTER OF DANA C. CHRISTIAN,)
)
 An Attorney at Law,)
)
 Respondent.)

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORDER

On January 5, 2005, Respondent Dana C. Christian filed with the Commission on Practice his Conditional Admissions and Affidavit of Consent in this matter pursuant to Rule 26, Montana Rules of Lawyer Disciplinary Enforcement (MRLDE). Following a hearing on that same date, the Commission on Practice filed with this Court on February 1, 2005, its Recommendation to Approve Rule 26 Tendered Admission. The Commission unanimously recommends that Christian's tendered Conditional Admission and Affidavit of Consent be approved and filed in this cause in that Respondent Christian should be disciplined for his admitted violations of Rule 5.5(a)(1), Montana Rules of Professional Conduct. Based upon the contents of the Conditional Admission and Affidavit of Consent, and the Recommendation of the Commission on Practice,

IT IS HEREBY ORDERED as follows:

1. The Commission's Recommendation to Approve Rule 26 Tendered Admission in Complaint No. 03-734 is ACCEPTED.
2. Respondent Dana C. Christian shall be disciplined consistent with his Conditional Admission and Affidavit of Consent and the Recommendation of the Commission on Practice and hereby is suspended from the practice of law for the State of Montana for a fixed term of three years commencing on January 5, 2005.
3. Pursuant to the Commission's Recommendation, Complaint No. 03-790 and Complaint No. 04-725 are dismissed with prejudice.
4. Pursuant to Rule 30 of the Rules for Lawyer Disciplinary Enforcement, Christian shall, within ten days of this Order, notify or cause to be notified by registered or certified

DATED this 15TH day of February 2005.

Thomas T. Conway

Chief Justice

Brian M. Honan

John Warner

Patricia Catter

John S.

W. William Soudant

Jim Rice

Justices

ATTEST: A true copy

Ed Smith

ED SMITH
CLERK OF SUPREME COURT
STATE OF MONTANA

(Do not write above this line.)

In the Matter of Dana C. Christian	Case number(s): 05-J-01099
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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.

4/29/05
Date

Dana Christian
Respondent's signature

Dana C. Christian
Print name

Date

Respondent's Counsel's signature

Print name

5/3/05
Date

Lee Ann Kern
Deputy Trial Counsel's signature

Lee Ann Kern
Print name

(Do not write above this line.)

In the Matter of Dana Christian	Case number(s): 05-J-01099
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ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproval, 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 REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department are vacated.

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 125(b), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

Failure to comply with any conditions attached to this reproval may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

Date

5/27/05

RICHARD A. HONN
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 of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on May 31, 2005, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING, filed May 31, 2005**

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

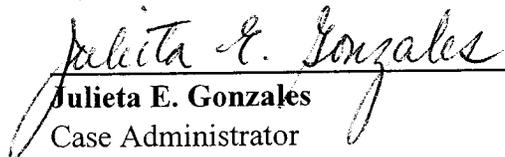
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**DANA CHRISTIAN ESQ
421 S YELLOWSTONE ST
LIVINGSTON MT 59047**

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

Lee A. Kern, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **May 31, 2005**.



Julieta E. Gonzales
Case Administrator
State Bar Court