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

Counsel For The State Bar  <b>Wonder J. Liang</b> <b>Deputy Trial Counsel</b> <b>180 Howard Street</b> <b>San Francisco, California 94105</b> <b>(415) 538-2372</b>	Case Number (s)  <b>07-O-10284, et al, &amp; 08-O-13186 (cons.)</b> <b>[07-O-11086, 07-O-11537,</b> <b>07-O-11993, 07-O-12854,</b> <b>07-O-13193, 07-O-13195]</b>	(for Court's use) <div style="text-align: center; font-size: 2em; font-weight: bold;">PUBLIC MATTER</div>  <div style="text-align: center; font-size: 2em; font-weight: bold;">FILED</div> <div style="text-align: center; font-size: 1.5em; font-weight: bold;">SEP 09 2009</div> <div style="text-align: center;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</div>
Bar # <b>184357</b>  In Pro Per Respondent  <b>Keith G. Jordan</b> <b>720 S.W. Washington Street, Ste 750</b> <b>Portland, Oregon 97205</b> <b>(408)271-9500</b>	Submitted to: <b>Settlement Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
Bar # <b>171267</b>  In the Matter Of:  <b>KEITH G. JORDAN</b>  Bar # <b>171267</b>  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 **June 7, 1994**.
- (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 **30** 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."
- (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 284, Rules of Procedure.
  - ☐ costs to be paid in equal amounts prior to February 1 for the following membership years:  
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
  - ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
  - ☐ costs entirely waived

**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 **04-O-13740, et al. (Supreme Court case no. S 151381)**
  - (b) ☒ Date prior discipline effective **June 28, 2007**
  - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **rules 3-110(A) (7 cts), 3-700(D)(2) (2 cts); and section 6068(m) (4 cts).**
  - (d) ☒ Degree of prior discipline **Two (2) years, stayed; three (3) years of probation with nine (9) months actual suspension.**
  - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (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. **Aside from clients not receiving their files and the return of unearned fees, respondent's failure to perform competently caused harm to his clients' immigration petitions.**
- (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. **From 2003 to 2007, respondent's misconduct shows 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.
- (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. **SEE ADDITIONAL MITIGATING CIRCUMSTANCES BELOW.**
- (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

If called to testify, respondent would testify that he began representing a criminal defense client in 2002 in connection with an unprecedentedly large 13 co-defendant criminal case. Respondent continuously represented his client until February of 2005. Respondent was not allowed to withdraw from the case by the Superior Court Judge. The course of representation included a jury trial which lasted one year. Respondent did so despite being paid a very small amount by his client in 2002. Respondent suffered severe financial hardship as a direct result.

### D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of **THREE (3) 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 1.4(c)(ii) 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 (3) 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 (2) 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 1.4(c)(ii), 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 general law, pursuant to standard 1.4(c)(ii), 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 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 954-9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

☒ No MPRE recommended. Reason: **Respondent took and passed the MPRE on November 3, 2007. The MPRE is not required in this case for the protection of the public or the interests of the respondent..**

- (2) ☒ **Rule 955-9.20, California Rules of Court:** Respondent must comply with the requirements of rule 955-9.20, 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 955-9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955-9.20, 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:**

In the Matter of

Case number(s):

KEITH G. JORDAN, SBN 171267

07-O-10284, et al, &amp; 08-O-13186 (Consol.)

A Member of the State Bar

**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
Juan Antonio Orozco Esqueda	\$2,400	February 25, 2004
Cruz Alberto Guzman Rolon	\$5,000	April 6, 2007
Lomeli Prieto	\$1,250	August 7, 2006
Rigoberto Villeda	\$6,000	April ;17, 2006

- ☐ 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

**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:
- a. 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";

(Financial Conditions form approved by SBC Executive Committee 10/16/2000. Revised 12/16/2004; 12/13/2006.)

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.



IN THE MATTER OF: KEITH G. JORDAN, SBN 171267

CASE NUMBER(S): ET AL. 07-O-10284, ET AL, & 08-O-13186 (Cons.)

**Facts: Case no. 07-O-11537: Count One:**

- Attachment Page 1

"EOIRC") and acknowledged that Orozco had received a notice of removal. This is the first time that Orozco met respondent. The matter was set for hearing for May 25, 2005.

10. On or about November 22, 2004, respondent filed documents for the cancellation of removal proceedings. Respondent did not prepare any of the documents. Orozco met with either Sandoval, or Marina Guzman, to prepare the documents.

11. Respondent met with Orozco the week of May 16, 2005, to prepare for the May 25<sup>th</sup> hearing.

12. On or about the third week of May 2005, Sandoval advised Orozco to stop paying respondent and that respondent was not coming to the office. Sandoval advised that she was unable to contact respondent and would have another attorney, Maad Abu-Ghazalah, appear on their behalf at the asylum hearing. Orozco consented because he felt he had no alternative due to the exigency of the circumstances.

13. Orozco agreed to pay \$3,000.00 to Maad Abu-Ghazalah for the continued representation.

14. On May 25, 2005, Maad Abu-Ghazalah appeared for Orozco. The matter was continued to August 25, 2005, after testimony was presented.

15. On August 26, 2005, the EOIRC, issued an opinion in file A 98 159 034, denying Orozco's request for asylum. In its decision, the Court noted that Orozco's wife was a U.S. citizen and had a pending visa petition. Orozco was permitted voluntary departure.

16. In September 2005, Maad Abu-Ghazalah entered an appearance on behalf of Orozco with the Board of Immigration Appeals (hereinafter "BIA"), and filed an appeal on his behalf.

17. In April 2006, Sean Olendar substituted in on behalf of Orozco before the BIA.

18. On or about January 19, 2007, the BIA affirmed the decision of the immigration judge, also noting that Orozco's wife had a pending visa petition on his behalf.

Conclusions of Law: Case no. 07-O-11537: Count One:

19. By failing to counsel Orozco to proceed on obtaining legal residency through his wife's U.S. citizenship instead of commencing an asylum petition; by allowing Sandoval to make ill-advised recommendations, to file for asylum, on his behalf without providing supervision of Sandoval; by allowing Sandoval to present his fee agreement to Orozco, and obtain Orozco's consent to the fee agreement; and by delegating the client interview to Sandoval, respondent failed to supervise Sandoval and failed to perform, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

Facts: Case no. 07-O-11537: Count Two:

20. The allegations of Count One are hereby incorporated by reference.

Conclusions of Law: Case no. 07-O-11537: Count Two:

21. By failing to appear for the May 25, 2005 asylum hearing, and by failing to respond to Sandoval's efforts to reach him prior to the hearing, respondent failed to perform, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

Facts: Case no. 07-O-11537: Count Three:

22. By failing to respond to Sandoval's inquiries prior to the May 2005 hearing, requiring her to enlist the aid of Maad Abu-Ghazalah, and by failing to appear at the May 25, 2005 hearing, respondent constructively terminated his representation of Orozco.

23. When respondent constructively terminated his representation of Orozco, he did not notify Orozco; he did not notify the EOIRC, and he left Orozco without representation less than two weeks from Orozco's hearing date.

Conclusions of Law: Case no. 07-O-11537: Count Three:

24. By failing to notify Orozco, notify the EOIRC, and by failing to take reasonable steps to avoid reasonably foreseeable prejudice to Orozco, respondent failed to properly withdraw, in wilful violation of Rules of Professional Conduct, rule 3-700(A)(2).

Facts: Case no. 07-O-11537: Count Four:

25. Orozco paid respondent the sum of \$1,800.00 in monthly fees, plus the \$600.00 initial fee for representation of his asylum petition.

26. Any services respondent performed were preliminary in nature. He did not prepare any paperwork that was all prepared by Sandoval. Respondent did not appear for the hearing.

27. Because he did not appear for the hearing nor prepare the paperwork, respondent's fees were unearned. Respondent failed to refund \$2,400.00 to Orozco.

Conclusions of Law: Case no. 07-O-11537: Count Four:

28. By failing to refund the \$2,400.00 he received from Orozco which he did not earn, when he constructively terminated his services to Orozco, respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

Facts: Case no. 07-O-11993: Count Five:

29. On or about November 16, 2006, Amelia Juarez, a.k.a. Amelia Juarez Rojas (hereinafter "Juarez") hired respondent to obtain U.S. citizenship (greencard) for her husband, Javier Neri (hereinafter "Neri"). Juarez paid respondent \$1,500.00. When she initially met with respondent, she gave him copies of documents that would assist the immigration matter, including translated birth certificates.

30. Respondent took no action on behalf of Neri.

31. On or about January 18, 2007, Lorena, Juarez's mother, requested a refund from respondent on behalf of her daughter.

32. On or about January 26, 2007, Juarez signed a Fixed Fee Agreement-Attorney-Client Contract with respondent, for \$4,000.00 to obtain an immigration visa (I-130/I-485) on behalf of Juarez's husband. The fee agreement called for an initial payment of \$1,500.00, already paid, and an additional payment of \$1,250.00 after "proof INS received petition, balance before final appointment."

33. Thereafter, respondent took no action on Neri, or Juarez's behalf.

Conclusions of Law: Case no. 07-O-11993: Count Five:

34. By taking no action on Neri or Juarez's behalf, to obtain legal citizenship or residency for Neri, respondent failed to perform, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

Facts: Case no. 07-O-11993: Count Six:

35. The allegations of Count Five are hereby incorporated by reference.

36. On or about February 1, 2007, Juarez called respondent to request a status of her case. She left a message for him. Respondent received the message and failed to return the call or otherwise update Juarez and/or Neri on the status of the immigration matter.

37. Juarez called again on the following dates: February 23, 2007, February 24, 2007 and February 26, 2007. Each time, she left a message for respondent. Respondent received the messages and failed to return the call or otherwise update Juarez and/or Neri in the status of the immigration matter.

Conclusions of Law: Case no. 07-O-11993: Count Six:

38. By failing to respond to Juarez's telephone calls requesting the status of Neri's case, respondent failed to respond promptly to reasonable status inquiries of a client, in a matter in which respondent had agreed to provide legal services, in wilful violation of Business & Professions Code § 6068(m).

Facts: Case no. 07-O-11993: Count Seven:

39. The allegations of Counts Five and Six are hereby incorporated by reference.

40. In or about April 2007, Juarez called and requested a full refund of the fees. Juarez's daughter, Lorena Mendoza, also requested a refund of the fees on behalf of Juarez.

41. Respondent told Lorena Mendoza that he could not refund all the money because he had worked on the file for two hours, reviewing the paperwork, and he would return only \$700.00. In fact, if respondent reviewed the case, his actions were preliminary in nature and he performed no benefit to Juarez/Neri. Therefore, the full amount was due back to the client.

Conclusions of Law: Case no. 07-O-11993: Count Seven:

42. By failing to refund \$1,500.00 to Juarez, respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

Facts: Case no. 07-O-11993: Count Eight:

43. The allegations of Counts Five, Six, and Seven are hereby incorporated by reference.

44. On or about November 29, 2007, Juarez sent respondent a fax, requesting the return of her paperwork in the *Neri* matter "since you didn't have time to assist us." She stated, "I need all of my paperwork back as soon as possible."

45. Respondent received the fax. He failed to return the paperwork or otherwise respond to the fax.

Conclusions of Law: Case no. 07-O-11993: Count Eight:

46. By failing to return Juarez's paperwork to her, respondent failed, upon termination of services, to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(1).

Facts: Case no. 07-O-13195: Count Nine:

47. On or about February 2007, Cruz Alberto Guzman Rolon (hereinafter "Guzman") hired respondent to file an application for asylum on his behalf. On or about February 14, 2007, respondent filed a Notice of Entry of Appearance as Attorney Representative (form G-28) with the U.S. Department of Justice, Immigration and Naturalization Service, advising that he was entering an appearance on behalf of Guzman.

48. On or about April 6, 2007, the parties executed a "Fixed Fee Agreement-Attorney Client Contract." Guzman agreed to pay respondent the sum of \$10,000.00 for an asylum petition. Five thousand was due by May 1, 2007, the balance was to be paid in payments, with payment in full before the asylum interview.

49. Guzman gave respondent a check for \$4,000.00 on April 6, 2007, and another check for \$1,000.00 on April 25, 2007.

50. Thereafter, respondent performed no services of any benefit to Guzman. He failed to file an asylum petition on Guzman's behalf.

51. On or about June 28, 2007, respondent was ineligible to practice law. He remained ineligible for nine months. Thereafter, he was unable to lawfully provide any legal services to Guzman.

Conclusions of Law: Case no. 07-O-13195: Count Nine:

52. By failing to file an asylum petition on Guzman's behalf, between February 2007 and June 27, 2007, respondent failed to perform, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

Facts: Case no. 07-O-13195: Count Ten

53. The allegations of Count Nine are hereby incorporated by reference.

54. On or about June 2007, Guzman hired a new attorney, Karla Kraus (hereinafter "Kraus").

55. On June 18, 2007, Kraus wrote a letter to respondent, advising that she now represented Guzman. She requested a refund of \$5,000.00 on behalf of Guzman.

56. On or about June 18, 2007, respondent advised an attorney from Kraus' office, Katie Jo Keppinger, that he, respondent, did not have any documents to forward and had not performed any work on the case.

57. Respondent received the letter and was aware of its contents.

58. Respondent did not refund the \$5,000.00 to Guzman, or to Kraus on Guzman's behalf.

Conclusions of Law: Case no. 07-O-13195: Count Ten:

59. By failing to refund the \$5,000.00 to Guzman, or to Kraus on Guzman's behalf, respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

Facts: Case no. 07-O-10284: Count Eleven:

60. In or about July 2005, client Lomeli Prieto (hereinafter "Lomeli") responded to a radio advertisement of Sandoval's immigration services. Through Sandoval, Lomeli was referred to attorney Sean Olender (hereinafter "Olender"). Lomeli paid Olender \$2,500.00 to file a motion to reopen Lomeli's immigration matter. On or about September 22, 2005, Olender filed a Motion to Reopen, *In the matter of Lomeli Prieto*, Case Number A79-262-405, before the BIA.

61. On or about November 3, 2005, the BIA granted Lomeli's Motion to Reopen, filed by Olender.

62. In or about August 2006, Sandoval contacted Lomeli and informed him that he had to hire a new attorney, respondent, or another attorney, Daniel Chavez. Sandoval recommended respondent. Sandoval made an appointment with Lomeli for August 7, 2006.

63. On or about August 7, 2006, Lomeli met with respondent at The Offices of Sandoval located at 1660 S. Amphlett Boulevard, Suite 100, San Mateo, California 94402, and both Lomeli and respondent signed an attorney-client fee agreement for \$2,500.00. The fixed fee agreement called for

assistance in the following matter: "other" and for an "immigration petition." Respondent met with Lomeli for approximately thirty minutes.

64. On or about August 7, 2006, Lomeli paid respondent the sum of \$1,250.00, for one half of the charged legal fees.

65. Thereafter, Lomeli never met with, or spoke to, respondent again. Respondent filed no pleadings and submitted no evidence in the *In the matter of Lomeli Prieto*, Case Number A79-262-405, nor did he enter an Appearance as Attorney for Lomeli in this matter.

66. In or about September 2006, Sandoval contacted Lomeli and asked him to make an appointment for October to fill out some papers related to his immigration case. Sandoval advised Lomeli that her father, Jorge, would assist Lomeli in preparing the papers. Lomeli became concerned because Lomeli understood that Jorge was a limousine driver.

67. Instead of meeting with Sandoval or Jorge, as Sandoval requested, Lomeli sought to consult with respondent. He telephoned respondent on three occasions in or about October 2006. Respondent received the telephone messages and did not return the calls or otherwise communicate with Lomeli.

68. On or about October 27, 2006, Lomeli traveled to Sandoval's office, to request the return of all his papers related to his immigration matter. Neither Sandoval nor respondent was present. A woman named Lilliam, who was Sandoval's mother, was present, and had possession of Lomeli's files. Lilliam indicated that she could not return the papers without Sandoval's approval. Lilliam advised Lomeli that respondent had moved to Portland, Oregon. Lomeli left message with Lilliam to have Sandoval and respondent contact him.

69. Neither Sandoval nor respondent contacted Lomeli.

70. In or about December 2006, Lomeli re-hired attorney Sean Olender to complete his immigration case. Olender filed supporting evidence on behalf of Lomeli's (re-opened) petition before the BIA.

Conclusions of Law: Case no. 07-O-10284: Count Eleven:

71. By failing to take any action on behalf of Lomeli, after the BIA granted Lomeli's petition to re-open, respondent failed to perform, in wilful violation of the Rules of Professional Conduct, rule 3-110(A).

Facts: Case no. 07-O-10284: Count Twelve:

72. The allegations of Count Eleven are hereby incorporated by reference.

73. Respondent failed to respond to Lomeli's three phone calls of October 2006, regarding his case and the preparation of his documents.

74. Respondent relocated to Portland, Oregon, in or about October 2006.

75. Respondent failed to advise Lomeli, prior to his move, of his relocation to Portland, Oregon

Conclusions of Law: Case no. 07-O-10284: Count Twelve:

76. By failing to respond to Lomeli's phone calls of October 2006, respondent failed to respond to the reasonable status inquiries of his client; and by failing to notify Lomeli when he relocated to Portland, Oregon, respondent failed to keep his client reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, all in wilful violation of Business & Professions Code § 6068(m).

Facts: Case no. 07-O-10284: Count Thirteen:

77. The allegations of Counts Eleven and Twelve are hereby incorporated by reference.

78. By relocating to Oregon without informing Lomeli; and by failing to respond to Lomeli's inquiries of October 2006, respondent in effect constructively terminated his services to Lomeli.

79. Respondent provided no services of any value to Lomeli. Respondent's fee was not earned.

80. Lomeli also terminated respondent's services when he appeared at the Sandoval offices and sought the return of his papers.

81. Respondent failed, upon termination of services, to refund the \$1,250.00 to Lomeli.

Conclusions of Law: Case no. 07-O-10284: Count Thirteen:

82. By failing to refund \$1,250.00 to Lomeli, respondent failed, upon termination of his services, to refund promptly any part of a fee paid in advance that had not been earned, in wilful violation of R Rules of Professional Conduct, rule 3-700(D)(2).

Facts: Case no. 07-O-10284: Count Fourteen:

83. The allegations of Counts Eleven through Thirteen are hereby incorporated by reference.

84. Respondent failed to return Lomeli's file to him.

Conclusions of Law: Case no. 07-O-10284: Count Fourteen:

85. By failing to return Lomeli's file to him after Lomeli made the request to respondent, (through Lilliam) respondent failed to release promptly, upon termination of the client, all the client papers and property, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(1).

Facts: Case no. 07-O-10284: Count Fifteen:

86. In or about July 2005, Maria Aguilar (hereinafter "Aguilar") went to Sandoval's office and hired Sandoval for "immigration services." Aguilar paid Sandoval \$7,500.00 for her services. Sandoval advised Aguilar that she, Aguilar, had to hire respondent to be her attorney.



87. In or about August 2005, Aguilar returned to Sandoval's offices and met with respondent. She signed an agreement to pay respondent \$2,500.00 for his legal services, and she made an initial payment of \$250.00 to him. The fixed fee agreement contract called for payment of \$250.00 per month for ten months, for "other" (E-426b).

88. Thereafter, Aguilar never met with respondent or spoke to respondent again. Respondent did not meet with Aguilar to prepare for any immigration hearings, to discuss the witnesses that should attend the hearings, or to discuss the evidence that should be presented at the hearing.

89. On or about November 16, 2005, Sandoval filed an Application for Asylum and Withholding of Removal with the U.S. Department of Homeland Security on behalf of Aguilar.

90. On or about December 6, 2005, respondent filed a Notice of Entry of Appearance as Attorney on behalf of Aguilar with the EOIRC, for her case, *In the matter of Aguilar*, Case Number 98 846926.

91. On or about December 6, 2005, Aguilar attends her immigration hearing.

92. On or about December 6, 2005, respondent hand-delivered, or caused to be hand-delivered, to the court a request to attend the December 6, 2005 hearing by telephone. Respondent did not advise Aguilar that he would not be appearing at her hearing in person. Respondent attended the hearing by telephone.

93. On or about February 1, 2006, EOIRC sent respondent notice that Aguilar's matter, *In the matter of Aguilar*, Case Number A98-846-926, was set for hearing before the immigration court on November 6, 2006 on Kearney Street in San Francisco. The notice was sent to respondent at The Jordan Law Firm located at 1660 S. Amphlett Boulevard, Suite 100, San Mateo, California 94402 (Sandoval's address). Respondent received the notice of the November 6, 2006 hearing date and was aware of its contents.

94. On or about September 21, 2006, the EOIRC sent respondent notice that Aguilar's case, *In the matter of Aguilar*, Case Number A98-846-926, for hearing on November 6, 2006, changed to Montgomery Street. The Court sent notice to respondent at Jordan Law firm, 1010 W. Taylor Street, San Jose, California 95126.

95. Respondent received the notice of the November 6, 2006 hearing date and was aware of its contents.

96. Aguilar went to Sandoval's office on several occasions and met with staff persons regarding the paperwork for her asylum application. She provided documents, as requested, to Sandoval at some time between July 2006 and August 2006.

97. On or about October 26, 2006, Aguilar went to Sandoval's office and gave Lilliam her last ten years of income tax returns. Aguilar observed an employee, Maria Diaz, prepared her paperwork.

98. On or about October 30, 2006, respondent filed documents, Income Tax Declaration, on Aguilar's behalf, for the November 6, 2006 scheduled hearing *In the matter of Aguilar*, Case Number A98-846-926.

99. On or about October 30, 2006, respondent filed documents, pages 1-79, on Aguilar's behalf, for the November 6, 2006 scheduled hearing *In the matter of Aguilar*, Case Number A98-846-926.

100. In fact, all documents filed by respondent on or about October 30, 2006, were filed in an untimely fashion. The documents should have been filed fifteen days prior to the scheduled hearing date of November 6, 2006.

101. On or about October 31, 2006, Sandoval called Aguilar and advised her that respondent could not attend the November 6, 2006 court hearing because his wife was ill.

102. Aguilar advised Sandoval she wished to terminate respondent's legal services.

103. On or about November 1, 2006, Aguilar retained attorney Sean Olender to represent her in her immigrant matter. Olender filed a notice of entry of appearance on Aguilar's behalf, with the EOIR, on November 1, 2006.

104. On or about November 3, 2006, Olender filed a Motion to Accept Late Filed Documents and Motion to Continue *In the matter of Aguilar*, Case Number A98-846-926, before the United States Department of Justice, Executive Office for Immigration Review. In his pleadings, Olender requested that the court accept late filed evidence that was filed with the court by respondent on October 30, 2006, which was short of the fifteen day deadline prior to the November 6, 2006 hearing date. Olender advised the court that Aguilar had given the documents to Sandoval in July 2006 and August 2006.

105. On or about November 6, 2006, Olender filed an additional Motion to Accept Late Filed Documents *In the matter of Aguilar*, Case Number A98-846-926. Olender advised the Court that Aguilar had provided the documents to Sandoval in July and August of 2006.

Conclusions of Law: Case no. 07-O-10284: Count Fifteen:

106. By failing to meet with Aguilar and discuss her case with her; by failing to timely file documents on her behalf *In the matter of Aguilar*, Case Number A98-846-926; and by failing to withdraw in a timely fashion prior to the hearing of November 6, 2006, respondent failed to perform, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

Facts: Case no. 07-O-10284: Count Sixteen:

107. The allegations of Count Fifteen are hereby incorporated by reference.

108. Respondent did not advise Aguilar that he could not attend the December 6, 2005 hearing in person and that he would move the court to appear by telephone.

Conclusions of Law: Case no. 07-O-10284: Count Sixteen:

109. By failing to advise Aguilar that he could not attend the December 6, 2005 hearing in person, respondent failed to keep a client reasonably informed of significant developments in a matter in which he agreed to provide legal services, in wilful violation of Business & Professions Code § 6068(m).

Facts: Case no. 07-O-12854: Count Seventeen:

110. On or about April 5, 2006, Rigoberto Villeda (hereinafter "Villeda") received a Notice to Appear regarding removal proceedings, due to his conviction of an aggravated felony. Villeda had been convicted of a violation of § 288(a) of the penal code, on May 15, 1996.

111. On or about April 17, 2006, Villeda hired respondent to represent him in his immigration matters. Villeda executed a fixed fee agreement-attorney client contract with respondent. The contract stated that respondent was retained for "other" and "deportation defense." On April 17, 2006, Villeda paid respondent the sum of \$6,000.00.

112. On or about April 30, 2006, respondent filed a Notice of Entry of Appearance as Attorney before the EOIRC, on behalf of Villeda, *In Re Esmenjaud-Villeda, Rigoberto*, Case Number A92-587-740. Respondent listed his address at 1010 W. Taylor Street, San Jose, California 95126.

113. On or about May 4, 2006, the Court held hearing on whether or not Villeda should have to post bond pending his immigration hearing. Respondent was present in court and represented Villeda during the proceedings. The Court heard testimony from Villeda regarding his criminal conviction, his ties to the community, and his involvement as a pastor of his church. During the course of the proceedings the Court suggested that Villeda provide the court with written information regarding Villeda's employment as a pastor, and testimony from his wife and respondent's stepdaughter, who was the victim of the crime. At the conclusion of the day's proceedings, the Court continued the matter to May 10, 2006 at one o'clock to continue testimony and conclude the proceedings. Respondent was present in court and aware of the court's order.

114. On or about May 10, 2006, the Court called the continued bond hearing in the *Villeda* matter. Respondent failed to appear. The Court proceeded in the absence of respondent. The Court asked Villeda about the information regarding Villeda's employment as a pastor, and testimony from his wife and respondent's stepdaughter. Villeda reported to the court that his wife and or stepdaughter had given papers ("passed some letters") to the respondent to give to the court.

115. Respondent did not submit any letters to the court for the continued bond hearing.

116. On or about May 15, 2006, the immigration court sent respondent a notice to Keith Jordan, The Jordan Law Firm located at 1660 S. Amphlett Boulevard, Suite 100, San Mateo, California 94402, and notified respondent that Villeda had a hearing *In Re Esmenjaud-Villeda, Rigoberto*, Case Number A92-587-740, on June 7, 2006 at nine am. The S. Amphlett Boulevard address was the address of Sandoval's office. Respondent received mail sent to him at this address.

117. On or about June 7, 2006, respondent appeared for the master calendar hearing in Villeda's case. The court set September 5, 2006 as the due date for filing an application for relief under § 212(c) of the INA, and set the hearing before the immigration court for May 17, 2007 at one p.m. at the Kearney Street address. Respondent was present at the hearing and was aware of the orders of the court.

118. Respondent failed to file an application for a waiver under 212(c).

119. On or about September 26, 2006, the U.S. Department of Homeland Security filed a Motion to Pretermitt 212(c) Application/Motion to Advance. In its motion, the U.S. Department of

Homeland Security asked the Court to pretermite respondent's application for a waiver of inadmissibility pursuant to 212(c). The U.S. Department of Homeland Security claimed that Villeda would be ineligible for a 212(c) waiver. The U.S. Department of Homeland Security served copies of its pleadings on respondent at The Jordan Law Firm located at 1660 S. Amphlett Boulevard, Suite 100, San Mateo, California 94402.

120. Respondent received the Motion to Pretermite and was aware of its contents.

121. Respondent failed to respond to the Motion to Pretermite.

122. On or about May 4, 2007, the Court granted the U.S. Department of Homeland Security's Motion to Pretermite.

123. Respondent failed to appear at the May 17, 2007 hearing. The Court ordered Villeda removed to the country of Guatemala.

124. On or about June 12, 2007, Villeda hired new counsel, Bobby Bell (hereinafter "Bell").

125. On or about December 13, 2007, Bell filed a motion in the BIA to re-open Villeda's proceedings and remand the case back to the immigration judge. In his pleadings, Bell argued that Villeda entered a guilty plea on February 20, 1006, and therefore he was eligible to have his petition for relief adjudicated, since his plea pre-dated the April 24, 1996 enactment date of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), and he was therefore eligible for a 212(c) waiver.

Conclusions of Law: Case no. 07-O-12854: Count Seventeen:

126. By failing to appear at Villeda's continued bond hearing on May 10, 2006; by failing to submit the papers requested by the court at the continued bond hearing; by failing to respond to the Department of Homeland Security's Motion to Pretermite, and by failing to attend Villeda's removal proceedings on May 17, 2007, respondent failed to perform, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

Facts: Case no. 07-O-12854: Count Eighteen:

127. The allegations of Count Seventeen are hereby incorporated by reference.

128. On or about June 12, 2007, Bell spoke to respondent. Bell advised respondent that Villeda had hired Bell, and Bell requested that respondent forward Villeda's file to Bell.

129. Respondent assured Bell that he, respondent, would immediately fax Villeda's file to Bell.

130. Respondent failed to fax Villeda's file to Bell or otherwise give Villeda's files and papers to Bell.

Conclusions of Law: Case no. 07-O-12854: Count Eighteen:

131. By failing to forward Villeda's papers and file to Bell, respondent failed to release promptly, upon termination of employment, to the client, at the request of the client, all papers and property, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(1).

Facts: Case no. 07-O-12854: Count Nineteen:

132. The allegations of Counts Seventeen and Eighteen are hereby incorporated by reference.

133. By failing to appear at Villeda's continued bond hearing, by failing to respond to the Department of Homeland Security's Motion to Pretermite, and by failing to appear at Villeda's removal hearing, respondent constructively terminated his representation of Villeda.

134. Respondent, upon termination of employment, failed to take reasonable steps to avoid reasonably foreseeable prejudice to his client. He failed to inform his client that he would no longer be representing him; he failed to inform the Court and the opposing counsel, and he failed to advise the client in sufficient time to obtain new counsel.

Conclusions of Law: Case no. 07-O-12854: Count Nineteen:

135. By failing to take reasonable steps to protect Villeda, upon termination of his services, respondent wilfully violated Rules of Professional Conduct, rule 3-700(A)(2)

Facts: Case no. 07-O-12854: Count Twenty:

136. The allegations of Counts Seventeen through Nineteen are hereby incorporated by reference.

137. Respondent failed to perform according to his fixed fee contract to provide services for "other" and "deportation." Other than appearing for the first day of the bond hearing, and one calendar hearing, respondent performed no services on behalf of Villeda.

138. Respondent's services were of nominal value to Villeda. Respondent's \$6,000.00 fee was not earned.

139. Respondent failed, upon the constructive termination of his services, to refund any monies to Villeda.

Conclusions of Law: Case no. 07-O-12854: Count Twenty:

140. By failing to return \$6,000.00 to Villeda, respondent failed to refund promptly any part of a fee paid in advance that had not been earned, in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

Facts: Case no. 07-O-11086: Count Twenty-One:

141. On or about March 22, 2004, Elliot Garcia (hereinafter "Garcia") retained respondent's services to expunge his criminal record and to represent him in his immigration matters. Garcia was

facing pending deportation proceedings, *In the matter of Elliot Nilsson Garcia-Castro*, Case Number A 72 321 175, before the EOIRC. Garcia originally faced deportation in 1997.

142. Garcia signed a "Fixed Fee Agreement-Attorney-Client Contract" for representation in the following matters: 1) I-485 application; 2) I-765 application; 3) N-400 (for Elliot's father); and, 4) "other" -adjustment of status, expungement (of criminal conviction) and early termination of probation.

143. On or about April 20, 2004, Garcia paid respondent \$2,000.00. Over the course of the case, Garcia paid the respondent a total of \$4,500.00.

144. On or about October 7, 2004, the Court granted respondent's motion to re-open the proceedings *In the matter of Elliot Nilsson Garcia-Castro*, Case Number A 72 321 175.

145. On or about November 4, 2004, respondent appeared on behalf of Garcia at a court session in *In the matter of Elliot Nilsson Garcia-Castro*, Case Number A 72 321 175 in Los Angeles. Respondent moved to change venue for the proceedings.

146. On or about March 11, 2005, respondent again appeared on behalf of Garcia at a court session *In the matter of Elliot Nilsson Garcia-Castro*, Case Number A 72 321 175 in San Francisco. The Court granted a motion to re-open the proceedings on the basis of an approved I-130 petition. The Court advised the parties that Garcia was supposed to be obtaining his father's citizenship documentation and the expungement of his conviction. Respondent reported to the Court that he would be traveling to Orange County in March or April of 2005 to address the criminal expungement. Respondent requested that the court set the matter for an individual hearing and respondent would continue with the expungement and the father's citizenship.

147. During the March 11, 2005 proceedings, the Court ordered respondent to file a statement and a brief, with supporting documentation, by May 6, 2005. The Department of Homeland Security was to reply by May 16, 2005. The Court set the matter for a court appearance on May 27, 2005 for further proceedings. The Court ordered respondent to notify the court and the parties of the efforts of expungement, with supporting documentation, as well as a status of the pleadings, and also, a statement or brief setting forth in full all applications for relief which he intends to pursue, with supporting legal brief. Respondent was present in court and aware of the Court's orders.

148. Respondent failed to file the statement and brief ordered by the Court to be filed by May 6, 2005. Respondent filed his statement and brief on the morning of the court hearing, May 27, 2005. In his pleadings, respondent stated that he was working to expunge one conviction and set aside a second conviction on constitutional grounds. Respondent also stated that he anticipated pursuing the following forms of relief: 1) I -485 adjustment of status based upon the valid, approved and current I - 130; 2) I -106 waiver for admissibility/deportability that flows from any remaining conviction (and a hardship to his aging father and brother who is permanently disabled with "MS"); 3) I - 212 waiver for the same reasons included 212 (c) because the convictions are old enough to qualify; 4) I - 589 as several members of his immediate family were granted asylum.

149. On or about May 27, 2005, the Court held further hearing on the *Garcia* matter. Respondent was present in Court. The Court set August 25, 2005 for the deadline for filing all applications on behalf of Garcia. Respondent indicated to the Court that he would be filing an I-485 application and an I-589 application. The Court stated to respondent, "All right, Mr. Jordan, this case

has been pending for some time, as you know, up and down and I want to make it clear to you this is a final deadline for the filing of those applications. Anything not filed by that date will be considered waived and abandoned, is that understood." The Court also ordered that all documents and other evidence to be filed by that date. Respondent indicated that he understood. The Court set the matter for November 22, 2005 at three p.m. Respondent was present in court and aware of the Court's orders.

150. Respondent failed to file an I-485 application and an I-589 application by the Court's deadline.

151. On or between May 27, 2005 and November 22, 2005, Garcia spoke to respondent on one occasion. On that occasion, respondent told Garcia to go to the San Mateo office (Sandoval's office) and meet with a secretary named Marina to fill out the paperwork.

152. Garcia met with Marina on two occasions. On a third appointment, Marina advised respondent that she was not employed by respondent. Marina's boss ( Sandoval) informed Garcia that he would have to pay additional fees to complete the adjustment application. Garcia declined to pay the fee.

153. On the morning of November 22, 2005, Garcia met directly with respondent, and respondent completed the applications and that day, filed them with the Court. Respondent met with Garcia and his family for ten minutes prior to the hearing. Respondent also filed a Motion to Reschedule the Hearing Date. In his motion, he advised the Court he had mistakenly believed that expungement was an administrative matter, and recently found out he can file a motion and get a court date. He also informed the Court that "I did not realize" that Garcia's medical exam was not current.

154. Respondent failed to request an interpreter and respondent failed to file a witness list for the court hearing within the time frame set by the court rules.

155. Due to respondent's failure to timely request an interpreter for the hearing, Garcia's mother, father and brother were unable to testify. The court ruled that the testimony of these parties was waived due to respondent's failure to file a timely witness list.

156. Respondent asked for a continuance for more time to pursue the expungement of the conviction.

157. The Court denied respondent's request for a continuance, stating that respondent had missed prior deadlines (the May 6, 2005 deadline) and had already been granted a continuance from May, to the present date. The Court denied respondent's motion, finding that respondent had ample time to pursue the collateral relief (expungement of the conviction).

158. At the conclusion of the hearing on May 27, 2005, the Court denied all forms of relief and granted Garcia's request to voluntarily depart. The Court ruled that respondent abandoned the application for adjustment of status by failing to timely file a medical form. The Court further ruled the 212(c) application was denied, in part, for failing to file the appropriate I-191 form.

159. In or about February 2006, nine months after the Court's order, Garcia met with respondent and signed documents for the expungement of his criminal record. Respondent moved to have Garcia's criminal record, in *People v. Garcia, Elliot Nilsson*, Case Number 96NF0091, filed in the Superior Court, County of Orange, expunged.

160. On or about April 6, 2006, the Superior Court granted respondent's motion to expunge Garcia's felony conviction.

161. On or about July 28, 2006, respondent appealed on behalf of Garcia to the BIA.

162. On or about January 12, 2007, respondent also filed to remand Garcia's case because of the expungement of the conviction.

163. On or about February, 2007, Garcia terminated respondent's services.

164. On or about March 14, 2007, Garcia's new counsel, Raul Ray and Bernadette Connolly, filed an amended motion for remand. In an amended motion to remand, Ray and Connolly informed the BIA of a second drug related conviction of Garcia's. The motion for remand was denied on October 30, 2007.

165. Attorneys Ray and Connolly filed a timely appeal.

166. On or about June 10, 1008, Rau and Connolly filed an opening brief in the appeal, *Elliot Nilsson Garcia-Castro, vs. Michael Mukasey, Attorney General*, Case Number A72321175, filed in the United States Court of Appeals for the Ninth Circuit. In their brief, attorneys Ray and Connolly argued that respondent improperly failed to pursue relief on behalf of Garcia pursuant to INA 8 C.F.R. § 209 together with a waiver on form I-602, ( caretaker of disabled brother) as a derivative grant of Garcia's father's successful asylum application.

Conclusions of Law: Case no. 07-O-11086: Count Twenty-One:

167. By failing to promptly move for the expungement of Garcia's conviction, as the respondent advised the Court he would do, and instead by waiting until the conclusion of the removal proceedings before seeking expungement; by failing to meet with Garcia between May 27, 2005 and the August 25, 2005 deadline to prepare the appropriate applications; by failing to timely file the documents with the court for the May 6, 2005 and the August 25, 2005 deadlines; by failing to follow court rules to notify the court of witnesses and the request for an interpreter, resulting in the Court ordering that Garcia's witnesses could not testify; and by failing to pursue the alternative relief under INA 8 C.F.R. § 209 together with a waiver on form I-602, respondent failed to perform, in wilful violation of Rules of Professional Conduct, rule 3-110(A).

Facts: Case no. 07-O-11086: Count Twenty-Two:

168. The allegations of Count Twenty-One are hereby incorporated by reference.

169. Respondent filed an appeal on behalf of Garcia on or about December 12, 2005.

170. Respondent failed to notify Garcia that he filed a motion to remand on behalf of Garcia on or about January 4, 2007.

171. Respondent failed to advise Garcia of the results of his efforts to expunge Garcia's conviction.



Conclusions of Law: Case no. 07-O-11086: Count Twenty-Two:

172. By failing to advise Garcia of the motion to remand he filed on January 4, 2007, and the expungement of Garcia's criminal conviction, respondent failed to keep a client reasonably informed of significant developments in a matter in which he agreed to provide legal services, in wilful violation of Business & Professions Code § 6068(m).

Facts: Case no. 07-O-13193: Count Twenty-Three:

173. On or about January 3, 2006, client Jamie Leonardo (hereinafter "Leonardo") hired respondent to represent him in his pending deportation proceedings. Leonardo was convicted of a criminal offense, and faced deportation on that basis.

174. On or about April 26, 2006, the immigration court issued an adverse decision to Leonardo, ordering that he be removed. On or about May 30, 2006, respondent filed an appeal on behalf of Leonardo before the BIA. The appeal was denied on or about August 29, 2006.

175. On or about September 11, 2006, Leonardo wrote to respondent. Leonardo advised that he received information from the immigration "information system" that his case was dismissed. He asked respondent for the status of his case.

176. Respondent received Leonardo's September 11, 2006 letter and failed to respond or otherwise apprise Leonardo of the status of his case.

177. On or about October 2, 2006, Juanita Yu, Leonardo's sister, sent an e-mail to the respondent asking for the status of Leonardo's case.

178. Respondent received the October 2, 2006 email and did not respond or otherwise inform Leonardo of the status of his case.

179. On or about October 9, 2006, Leonardo again wrote to respondent requesting the status of his case. Leonardo complained about respondent's lack of response.

180. Respondent received the October 9, 2006 letter from Leonardo and does not respond or otherwise inform Leonardo of the status of his case.

181. On or about November 8, 2006, Leonardo again wrote to respondent requesting the status of his case. Leonardo complained about respondent's lack of response.

182. On or about November 14, 2006, respondent sent an email to Juanita Yu, advising her that he was still trying to get Leonardo's criminal conviction expunged.

Conclusions of Law: Case no. 07-O-13193: Count Twenty-Three:

183. By failing to respond to Leonardo's letters, and Juanita Yu's emails on behalf of Leonardo, between September 11, 2006 and November 13, 2006, a period of approximately eight weeks after Leonardo, between September 11, 2006 and November 13, 2006, a period of approximately eight weeks after Leonardo, on his own, discovered the adverse decision of August 29, 2006, respondent failed to

respond to the reasonable status inquires of a client in a matter in which he agreed to perform legal services, in willful violation of Business & Professions Code § 6068(m).

**Facts: Case no. 07-O-13193: Count Twenty-Four:**

184. The allegations of paragraphs twenty-three are hereby incorporated by reference.

185. On or about March 12, 2007, Leonardo wrote to the respondent and asked for the status of his case and copies of the Court documents.

186. Respondent received Leonardo's March 12, 2007 letter and did not provide Leonardo with a copy of his papers and Court documents, nor did he respond to his request for a status.

187. On or about May 17, 2007, Leonardo again wrote to the respondent and again asked for copies of his court documents and the status of his case. Leonardo especially needed the results of any criminal action filed by respondent on his behalf that affected his immigration.

188. Respondent received Leonardo's May 16, 2007 letter and failed to provide Leonardo with his court documents.

189. On or about June 28, 2007, respondent was ineligible to practice law. He remained ineligible for nine months. Thereafter, he was unable to lawfully provide any legal services to Leonardo. By his suspension, respondent was constructively terminated from representing Leonardo.

190. Respondent failed to return the file to Leonardo.

**Conclusions of Law: Case no. 07-O-13193: Count Twenty-Four:**

191. By failing to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property, respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(1).

**Facts: Case no. 08-O-13186: Count One:**

192. In or about 2001, Brendan Chute (hereinafter "Chute") hired a non-attorney, Albert Villela (hereinafter "Villela") of Indo/Fijian Immigration Services, in Redwood City, to assist him in his immigration matters. Chute paid Villela approximately \$3,800 for his services.

193. On or about February 27, 2001, Villela submitted an asylum petition to the Immigration and Naturalization Service (INS) on behalf of Chute. In the petition, Chute stated he was an ethnic Indian and that he was afraid, if he returned to Fiji, that he would be robbed by Fijian natives and the Fiji police do not protect Indians from the Fijian natives. On or about February 26, 2002, Chute attended his immigration interview without a representative. The Asylum Office referred Chute's application to the United States Immigration Court, *In the Matter of Brendan Peter Clarence Chute*, Case Number A 79 267 094.

194. On or about May 8, 2002, Chute attended an immigration proceeding in his case with

attorney Samuel Stevens. Chute first met Samuel Stevens at the courthouse. The Court set the matter for hearing for February 28, 2003.

195. Thereafter, on or between May 2002 and February 2003, Chute attended a scheduled appointment with Villela at Villela's offices. At that time, Villela introduced Chute to respondent and notified Chute that respondent would be Chute's attorney at the immigration hearing on the petition for asylum. Other than this one meeting, respondent did not otherwise meet with Chute or prepare him for the hearing on his immigration matter.

196. On or about February 28, 2003, respondent appeared on behalf of Chute at the removal hearing, *In the Matter of Brendan Peter Clarence Chute*, Case Number A 79 267 094, before the United States Immigration Court. At the hearing, the Court rendered an oral decision, and denied Chute's request for asylum.

197. On or about March 27, 2003, respondent filed a Notice of Appeal, on behalf of Chute, with the Board of Immigration Appeals (hereinafter "BIA"). In his Notice of Appeal, respondent stated, "Other acts and law will be fully briefed upon receipt of the transcripts." Respondent identified himself as attorney for Chute in the Notice of Appeal, and filed a separate Notice of Entry of Appearance on behalf of Chute. The address respondent provided on the Notice of Appeal and Notice of Entry of Appearance was Villela's office address, 834 Main Street, Redwood City, California 94063. Villela completed the service of the Notice of Appeal.

198. On or about August 19, 2003, the BIA issued a briefing schedule. Respondent had until September 9, 2003 to file his brief. The BIA served respondent via United States mail, postage prepaid, with the Notice of Briefing Schedule, to respondent at 834 Main Street, Redwood City, California 94063-0000. This is the address respondent noted on his pleadings.

199. Respondent received the Notice of Briefing Schedule, and was aware of its contents.

200. Respondent failed to file a brief on appeal on behalf of Chute.

201. On or about September 23, 2003, the Department of Homeland Security (hereinafter "DHS") filed a Motion for Summary Affirmance in the Chute matter. DHS properly served respondent, via United States mail, postage pre-paid, on respondent at 834 Main Street, Redwood City, California 94063-0000. This is the address respondent noted on his pleadings.

202. Respondent received the Motion for Summary Affirmance and was aware of its contents.

203. Respondent failed to file a response to the DHS's Motion for Summary Affirmance.

204. On or about November 2, 2004, the BIA affirmed, without opinion, the results of the decision below, and granted voluntary departure to Chute.

Conclusions of Law: Case no. 08-O-13186: Count One:

205. By failing to timely file an appellate brief on behalf of Chute, and by failing to respond to the DHS's Motion for Summary Affirmance, respondent failed to perform, in willful violation of Rules of Professional Conduct, rule 3-110(A).

## **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(6), was on August 28, 2009.

## **DISMISSALS.**

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
07-O-13193	Twenty –Five	§6106 of the Business and Professions Code
08-O-13186	Two	Rule 1-320(A) of the Rules of Professional Conduct

## **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of August 28, 2009, the prosecution costs in this matter are \$4,920.00. 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.

## **AUTHORITIES SUPPORTING DISCIPLINE.**

Standard 1.7(a) provides that if a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of one prior imposition of discipline as defined by standard 1.2(f), the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust.

Standard 2.3 provides that culpability of a member of an act of moral turpitude, fraud, or intentional dishonesty toward a court, client or another person or of concealment of a material fact to a court, client or another person shall result in actual suspension or 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.

If prior discipline occurred during the same time period as the misconduct in the second matter, the aggravating force of the prior misconduct is "diminished" because the attorney has not been afforded an opportunity to heed the import of the earlier discipline. (*In the Matter of Hagen* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 153, 171.)

## **STATE BAR ETHICS SCHOOL.**

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

## **FINANCIAL CONDITIONS, RESTITUTION.**

Respondent waives any objection to payment by the State Bar Client Security Fund upon a claim for the principal amount of restitution set forth herein.


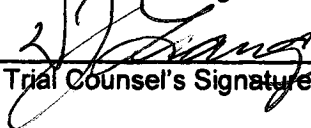
Respondent admits that the above facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

(Do not write above this line.)

In the Matter of  KEITH G. JORDAN, SBN 171267	Case number(s):  07-O-10284, et al, & 08-O-13186 (Consol.)
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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 Fact, Conclusions of Law and Disposition.

<u>8/3/09</u> Date	 Respondent's Signature	<u>Keith G. Jordan</u> Print Name
<u>8/3/09</u> Date	<u>Wonder J. Liang</u> Respondent's Counsel Signature	<u>N/A</u> Print Name
<u>8/3/09</u> Date	 Deputy Trial Counsel's Signature	<u>Wonder J. Liang</u> Print Name

(Do not write above this line.)

In the Matter Of

Case Number(s):

KEITH G. JORDAN, SBN 171267

07-O-10284, et al, & 08-O-13186 (Consol.)

## 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.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)

Date

Sept. 9, 2009

Judge of the State Bar Court

Lucy Armendariz

## 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 San Francisco, on September 9, 2009, 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:

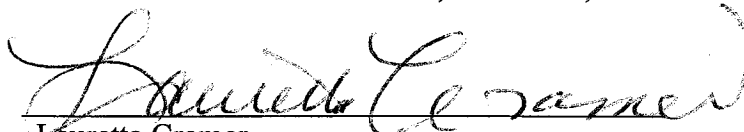
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**KEITH G. JORDAN**  
**720 SW WASHINGTON ST STE 750**  
**PORTLAND, OR 97205**

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

**WONDER LIANG** , Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on September 9, 2009.



Laurretta Cramer  
Case Administrator  
State Bar Court