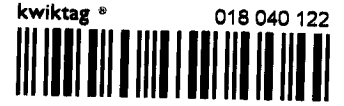


(Do not write above this line.)

State Bar Court of California
Hearing Department
Los Angeles



Counsel For The State Bar Bitu Shasty 1149 South Hill Street Los Angeles, CA 90015 Bar # 225177	Case Number (s) 09-C-14179, 10-C-01429, 10-C-07083, 10-J-01249	(for Court's use) <p style="text-align: center;">FILED</p> <p style="text-align: center;">NOV - 5 2010</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p style="text-align: center;">PUBLIC MATTER</p>
In Pro Per Respondent Christian De Olivas 5225 Canyon Crest Drive, Suite 71-184 Riverside, CA 92507 Bar # 249608	Submitted to: Assigned Judge	
In the Matter Of: CHRISTIAN DE OLIVAS Bar # 249608 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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 5, 2007.
- (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 14 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."

(Do not write above this line.)

- (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: Three billing cycles following the effective date of the Supreme Court Order.
(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
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Dishonesty:** Respondent's misconduct was 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. See Attachment page
- (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.
- (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

SEE ATTACHMENT PAGE 11

D. Discipline:

(1) **Stayed Suspension:**

- (a) Respondent must be suspended from the practice of law for a period of 1 year.
 - i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
 - ii. and until Respondent pays restitution 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 2 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 60 days.
 - i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
 - ii. and until Respondent pays restitution 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 type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule **9.20**, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:

- (5) **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: CHRISTIAN DE OLIVAS

CASE NUMBERS: 09-C-14179, 10-C-01429, 10-C-07083, 10-J-01249

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDINGS

CASE NOS. 09-C-14179, 10-C-01429, 10-C-07083

1. This is a proceeding pursuant to sections 6106 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.
2. On April 7, 2010, Respondent pled no contest and was convicted of one count of Penal Code section 242, battery, a misdemeanor, in case no. 09SM03795 (State Bar case no. 10-C-07083, which occurred on February 23, 2009).
3. On September 23, 2010, the Review Department of the State Bar Court issued an order in case 10-C-07083 referring the matter to the Hearing Department on the following issues: hearing and decision recommending the discipline to be imposed in the event that the hearing department finds that the facts and circumstances surrounding the misdemeanor violation of Penal Code section 242 (battery), involved moral turpitude or other misconduct warranting discipline.
4. On October 14, 2009, Respondent pled guilty to and was convicted of violating California Vehicle Code sections 23152, subdivision (a) driving under the influence of alcohol and subdivision (b) driving with blood alcohol level of 0.08% or more which occurred on May 14, 2009, in case no. SWM086766 (State Bar case no. 10-C-01429). Both counts were misdemeanors.
5. On May 21, 2010, the Review Department of the State Bar Court issued an order in case no. 10-C-01429 referring the matter to the Hearing Department on the following issues: hearing and decision recommending the discipline to be imposed in the event that the hearing department finds that the facts and circumstances surrounding the misdemeanor violations of Vehicle Code sections 23152, subdivisions (a) (driving under the influence of alcohol and/or drugs) and (b) (driving with blood alcohol level of .08% or more), involved moral turpitude or other misconduct warranting discipline.
6. Also, on October 14, 2009, Respondent pled guilty to and was convicted of violating Vehicle Code sections 23152, subdivision (a) driving under the influence of alcohol, subdivision (b) driving with blood alcohol level of 0.08% or more with an allegation of section 23578 (having a concentration of alcohol in his blood of .15% or more) and section 12500(a), driving without a valid license which occurred on June 20, 2009, in case no. SWM087587 (State Bar case no. 09-C-14179). All counts were misdemeanors.
7. On May 21, 2010, the Review Department of the State Bar Court issued an order in case no. 09-C-14179 referring the matter to the Hearing Department on the following issues: hearing and decision recommending the discipline to be imposed in the event that the hearing department finds that the facts and circumstances surrounding the misdemeanor violations of Vehicle Code sections 23152,

subdivisions (a) (driving under the influence of alcohol and/or drugs) and (b) (driving with blood alcohol level of .08% or more), and 12500 subdivision (a) (driving without a valid license), involved moral turpitude or other misconduct warranting discipline.

Respondent Christian De Olivas ("Respondent") pleads nolo contendere to the following facts and violations in the following four cases:

CASE NO. 10-J-01249

FACTS

Respondent entered into a settlement agreement with the United States Department of Justice Executive Office for Immigration Review Immigration Court which is incorporated herein. See **Exhibits 1 and 2.**

CONCLUSIONS OF LAW (COUNT ONE)

By failing to report to the United States Department of Justice Executive Office for Immigration Review Immigration Court that he had been suspended from the practice of law by the District Court for a period of one (1) year on September 24, 2008, Respondent failed to report his imposition of discipline by a professional disciplinary agency, in violation of Business and Professions Code, section 6068(o)(6).

By submitting at least 18 EOIR-28 forms to EOIR in 17 cases stating that he was not subject to any order of any court suspending or otherwise restricting him in the practice of law when he had been suspended from the practice of law for one year by the District Court, Respondent willfully committed acts involving moral turpitude, dishonesty or corruption, in violation of Business and Professions Code section 6106.

CASE NO. 10-C-01429

FACTS

1. On May 14, 2009, Riverside County CHP officers responded to a radio call of a vehicle blocking the #2 lane of Interstate 215. The officers found Respondent, the sole occupant of the vehicle, asleep in the rear seat with the vehicle ignition key in his jacket pocket. Respondent was arrested for driving under the influence of alcohol.
2. On June 26, 2009, a misdemeanor complaint was filed in Riverside County Southwest Superior Court case no. SWM086766 charging Respondent with violating Vehicle Code sections 23152(a), (driving under the influence of alcohol) and 23152(b) (driving with blood alcohol .08% or more), both misdemeanors, with Vehicle Code section 23578 allegations as to both counts of (having a concentration of alcohol in blood of .15% or more). Respondent's blood alcohol content finding was .23 %.
3. On October 14, 2009, Respondent pled guilty to and was convicted of both charges. On the same day and concurrent with the following matter, he was sentenced to 48 months summary probation; with conditions that included, among others, that he spend 25 days in the custody of Riverside County

Sheriff; complete the SB 38 Drunk Driver Program; and, obey all laws.

CONCLUSIONS OF LAW

The parties stipulated that the facts and circumstances surrounding Respondent's May 14, 2009 driving under the influence and driving without a valid license and the resulting convictions [Vehicle Code section 23152(a) and (b)] do not involve an act of moral turpitude, but do involve misconduct warranting discipline. Respondent acknowledges that by the conduct described above, he failed to support the laws of the State of California in willful violation of California Business and Professions Code, section 6068(a).

CASE NO. 09-C-14179

FACTS

1. On June 20, 2009, on Interstate 215 in Riverside County, California, Respondent made an unsafe turning movement onto the right shoulder and hit a concrete wall, he then steered to the left crossing two traffic lanes and into the center divider where he hit another concrete wall. Respondent was treated onsite by emergency personnel for his injuries. A Riverside County CHP officer responded to the collision call. Respondent was identified at the scene by an expired CA driver's license and a current DS 367 form of suspension. The officer detected the distinct odor of an alcoholic beverage emitting from Respondent's vehicle. After being transported to the hospital, Respondent was asked by the officer to submit a blood specimen to be tested for alcohol. After initially refusing, Respondent complied. He was arrested for driving under the influence.
2. On July 28, 2009, a misdemeanor complaint was filed in Riverside County Southwest Superior Court case no. SWM087587 charging Respondent with violating Vehicle Code sections 23152(a), (driving under the influence of alcohol), and 23152(b) (driving with blood alcohol .08% or more) with a Vehicle Code section 23578 allegation as to those counts (having a concentration of alcohol in blood of .15% or more) and with a violation of Vehicle Code section 12500(a) (driving without a valid driver's license) all misdemeanors. Respondent's blood alcohol content finding was .23 %.
3. On October 14, 2009, (at the same time as his resolution of his May 14, 2009 drunk driving described-above) Respondent pled guilty to and was convicted of all charges. On the same day, he was concurrently with his May 14, 2009 drunk driving sentenced to 48 months summary probation; 25 days custody of Riverside County Sheriff; the SB 38 Drinking Driver Program and to obey all laws.

CONCLUSIONS OF LAW

The parties stipulated that the facts and circumstances surrounding Respondent's June 20, 2009 driving under the influence, driving without a valid license and the resulting convictions [Vehicle Code section 23152(a), (b) and 12500 (a)] do not involve an act of moral turpitude, but do involve misconduct warranting discipline. Respondent acknowledges that by the conduct described above, he failed to support the laws of the State of California in willful violation of California Business and Professions Code, section 6068(a).

FACTS

1. On February 23, 2009, at a Post Office in San Juan Capistrano, California, the following incident occurred:
2. Respondent was sitting in the front right passenger's side of a vehicle, driven by his wife, that pulled into the post office lot to drop off mail and drove up to the drive-through mail box. A man [the "victim"] was in his vehicle in line behind Respondent's vehicle. Respondent exited and went to the trunk of his vehicle. He pulled out some mail and put it into the mail box. After placing the mail in the box, Respondent re-entered his vehicle but it did not pull forward.
3. Respondent then exited his vehicle again and went to the rear of his vehicle. Respondent got a beer out of the trunk and began to drink it. Then Respondent got back into his car, but the car still did not move. At this point, the victim yelled out of his window toward the Respondent's vehicle for the vehicle to move and commented about Respondent drinking beer.
4. After Respondent's vehicle still did not move, the victim parked his vehicle and began to walk up to the post office. Victim and Respondent exchanged words and the victim walked toward Respondent's vehicle. Respondent jumped out of his vehicle and charged the victim, slapped him in the face him and began punching him. Then Respondent grabbed the victim by the collar, pulled him onto the ground, and continued punching him.
5. Respondent's wife was still in the vehicle and was yelling at Respondent to stop hitting the victim. When a witness approached to stop the confrontation, Respondent ran back to his vehicle, got in, and it drove away.
6. The victim sustained a swollen red and bloodshot left eye, and abrasions to his neck and shoulder.
7. On October 23, 2009, the Orange County District Attorney's Office filed a misdemeanor complaint in Orange County Harbor Superior Court case no. 09SM03795 charging Respondent with violating Penal Code section 242 (battery), a misdemeanor.
8. On April 7, 2010, Respondent pled no contest to the charge and was convicted. On that same day, Respondent was sentenced to three (3) years informal probation with conditions that included he violate no law and that he serve 30 days in the Orange County jail (by Cal Trans/Physical labor).

CONCLUSIONS OF LAW

The parties stipulated that the facts and circumstances surrounding Respondent's February 23, 2009 battery and the resulting misdemeanor conviction [Penal Code section 242] do not involve an act of moral turpitude, but do involve misconduct warranting discipline. Respondent acknowledges that by the conduct described above, he failed to support the laws of the State of California in willful violation of California Business and Professions Code, section 6068(a).

PENDING PROCEEDINGS

The disclosure date referred to on Page 2, paragraph A.(7), was made on October 15, 2010.

COSTS OF DISCIPLINARY PROCEEDINGS

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of October 15, 2010, the costs in this matter are approximately \$4,857.00. 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 costs of further proceedings.

COMPLIANCE WITH CONDITIONS OF PROBATION IN UNDERLYING CRIMINAL MATTER

Respondent shall comply with all conditions of probation imposed in the underlying criminal matters and shall so declare under penalty of perjury in conjunction with any quarterly report required to be filed with the Office of Probation.

AGGRAVATING CIRCUMSTANCES

Multiple Acts of Misconduct. (Standard 1.2(b)(ii))

Respondent committed multiple acts of misconduct, which is an aggravating circumstance under standard 1.2(b)(ii). Respondent was convicted of three separate driving under the influence of alcohol matters. In addition, Respondent was suspended by the District court for one year.

MITIGATING CIRCUMSTANCES

Family Problems and Emotional Difficulties

Respondent asserts that he was put on an antidepressant medication to help with anxiety and depression. However, Respondent combined alcohol with the antidepressant medication which led to his hospitalization in July 2008. Respondent was advised he had severe liver damage. At this same period of time, Respondent's wife was seven months pregnant in a pregnancy that had been classified as high risk.

Rehabilitation

Respondent contends that he has maintained complete sobriety since his last arrest for driving under the influence of alcohol and continues to work on his sobriety.

Cooperation and Remorse

Respondent has been very cooperative during these proceedings with the State Bar. Respondent recognizes his mistakes and the wrongfulness of his actions and is remorseful. Respondent demonstrated acknowledgment of his mistakes by readily admitting he was willing to stipulate to all of his misconduct and agreed to a stipulation in the 10-J-01249 matter prior to the Notice of Disciplinary Charges being filed with the State Bar Hearing Department, thus, saving the Office of Chief Trial Counsel and the State Bar Court from expending further time and resources on this matter.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.3, Title IV, Standards for Attorney Sanctions for Professional Misconduct, provides that the primary purposes of the disciplinary system are: "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession."

Standard 2.3 provides that "[c]ulpability 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."

Standard 2.6(a) provides that Respondent's violations of Business and Professions Code, section 6068 *shall* result in suspension or disbarment "depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3."

Standard 3.4 states that "[f]inal conviction of a member of a crime which does not involve moral turpitude inherently or in the facts and circumstances surrounding the crime's commission but which does involve other misconduct warranting discipline shall result in a sanction as prescribed under part B of these standards appropriate to the nature and extent of the misconduct found to have been committed by the member."

In re Kelley (1990) 52 Cal.3d 487.

Respondent *Kelley* was convicted of a second DUI, only 36 months after, and while still on probation her first DUI conviction. *Kelley* had no prior discipline. This second conviction triggered *Kelley's* first disciplinary proceeding with the State Bar of California. Despite the facts that *Kelley* had two DUI convictions in 36 months, and that her second DUI took place while she was still on probation for the first, and that she acted in violation of a court order, the Court found that her conduct did not involve moral turpitude. The *Kelley* court found that Respondent's "repeated criminal conduct calls into question her judgment and fitness to practice law in the absence of disciplinary conditions designed to prevent recurrence of such conduct. *Kelley* was convicted of her second DUI conviction, but was involved in her first disciplinary proceeding. The court found substantial mitigation. Aside from the fact that *Kelley* had no priors, the court also found that she had been cooperative throughout the disciplinary proceeding and was extensively involved in community service. The Court held that a public reproof was enough to protect the public. *Kelley*, (1990) 52 Cal.3d at 498.

The parties further submit that the intent and goals of Standard 1.3 are met in this matter by the imposition of 60 days actual suspension and two years of probation with conditions articulated herein, including that Respondent attend Ethics School.

In the Matter of
CHRISTIAN DE OLIVAS, No. 249608

Case number(s):
09-C-14179, 10-C-01429, 10-C-07083, 10-J-01249

A Member of the State Bar

NOLO CONTENDERE PLEA TO STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

Bus. & Prof. Code § 6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a Notice of Disciplinary Charges or other pleading which initiates a disciplinary proceeding against a member:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) **Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere shall be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court shall find the member culpable. The legal effect of such a plea shall be the same as that of an admission of culpability for all purposes, except that the plea and any admission required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based. (Added by Stats. 1996, ch. 1104.) (emphasis supplied)**

Rule 133, Rules of Procedure of the State Bar of California **STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

(a) A proposed stipulation as to facts, conclusions of law, and disposition must set forth each of the following:

- (5) a statement that Respondent either
 - (i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or
 - (ii) **pleads nolo contendere to those facts and violations. If the Respondent pleads nolo contendere, the stipulation shall include each of the following:**
 - (a) **an acknowledgement that the Respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation; and**
 - (b) **if requested by the Court, a statement by the Deputy Trial Counsel that the factual stipulations are supported by evidence obtained in the State Bar investigation of the matter (emphasis supplied)**

I, the Respondent in this matter, have read the applicable provisions of Bus. & Prof. Code § 6085.5 and rule 133(a)(5) of the Rules of Procedure of the State Bar of California. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea must be considered the same as an admission of culpability except as state in Business and Professions Code section 6085.5(c).

Date

10-19-10

Signature

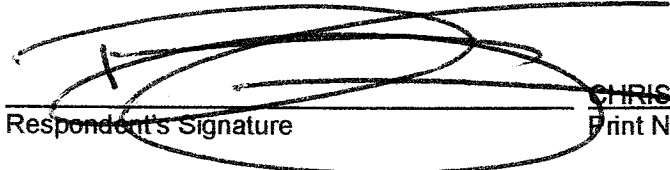
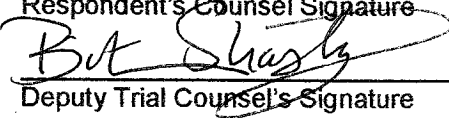
CHRISTIAN DE OLIVAS
Print Name

(Do not write above this line.)

In the Matter of CHRISTIAN DE OLIVAS, No. 249608	Case number(s): 09-C-14179, 10-C-01429, 10-C-07083, 10-J-01249
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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>10-19-10</u> Date	 Respondent's Signature	<u>CHRISTIAN DE OLIVAS</u> Print Name
<u>10-20-10</u> Date	 Respondent's Counsel Signature Deputy Trial Counsel's Signature	<u>BITA SHASTY</u> Print Name

Exhibit

1

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS**

In the Matter of)

CHRISTIAN DE OLIVAS,)

Respondent.)

Disciplinary Case No. D2009-031

IMMIGRATION AND NATURALIZATION SERVICE
 OFFICE OF THE CHIEF OF CONSULAR AFFAIRS
 OFFICE OF THE CHIEF OF FIELD OFFICES
 OFFICE OF THE CHIEF OF INSPECTION AND COMPLIANCE
 OFFICE OF THE CHIEF OF INVESTIGATION
 OFFICE OF THE CHIEF OF LEGAL ATTACHES
 OFFICE OF THE CHIEF OF POLICE AND SECURITY
 OFFICE OF THE CHIEF OF TRAINING AND PROFESSIONAL DEVELOPMENT
 OFFICE OF THE CHIEF OF VISAS AND ENTRY
 OFFICE OF THE CHIEF OF WORKER PROTECTION AND COMPLIANCE

2009 FEB 27 P 3:33

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

MOTION TO AMEND NOTICE OF INTENT TO DISCIPLINE

On February 11, 2009, the Executive Office for Immigration Review's (EOIR) Disciplinary Counsel filed a Notice of Intent to Discipline (NID) in the above-captioned case. The Notice of Intent to Discipline contained one charge alleging Respondent's suspension from the practice of law before a federal court. The EOIR Disciplinary Counsel obtained a certified copy of the federal court's order of suspension and filed a Petition for Immediate Suspension and the NID based on Respondent's suspension. However, based on the initial referral of Respondent's suspension, the EOIR Disciplinary Counsel had reason to believe that Respondent had not been properly and truthfully indicating his suspension on Form EOIR-28s filed subsequent to his suspension by the federal court. The EOIR Disciplinary Counsel's inquiry has now been completed and sufficient evidence has been obtained to warrant charging Respondent with an additional disciplinary offense. The EOIR Disciplinary Counsel, therefore, requests that the Board of Immigration Appeals (Board) allow it to file an amended NID in which Charge I is identical to the charge in the original NID and Charge II reflects the new charge against Respondent. The EOIR Disciplinary Counsel is seeking the amendment of the NID so that these related charges can be adjudicated together.

As of the date of this motion, the EOIR Disciplinary Counsel has not received a copy of an answer from Respondent to the originally filed NID. The answer is not due for 12 days. Therefore, the EOIR Disciplinary Counsel acknowledges that Respondent would not need to file an answer to the original NID and could file a single answer to the Amended NID 30 days from the date on the Proof of Service of the Amended NID.

The EOIR Disciplinary Counsel's request to add an additional charge is not unprecedented. In the case *Matter of Gadda*, 23 I&N Dec. 645, 647 (BIA 2003), the NID was twice permitted to be amended to bring new charges. In its decision in *Gadda*, the Board treated the second amended NID (i.e., the January 29, 2003 notice) as the charging document and the Board's decision ultimately turned on allegations stated in the amended charges. *See id.* at 647-648.

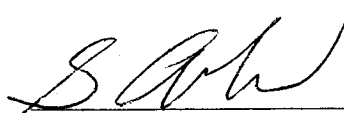
The Board's decision to permit amendments is appropriate, especially in this case where Respondent has not yet filed a responsive pleading, *see* Federal Rules of Civil Procedure, R. 15(a), and there is no prejudice.

Therefore, the EOIR Disciplinary Counsel respectfully requests that the Board permit it to file an Amended NID in this matter to add an additional charge.

Respectfully submitted,

Dated:

2/27/09



SCOTT ANDERSON
Deputy Disciplinary Counsel
Executive Office for Immigration Review
U.S. Department of Justice
5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041
Tel. (703) 305-0470

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS**

In the Matter of

CHRISTIAN DE OLIVAS,

Respondent.

Disciplinary Case No. D2009-031

AMENDED NOTICE OF INTENT TO DISCIPLINE

Pursuant to the Rules and Procedures of Professional Conduct for Practitioners (Rules) for the Executive Office for Immigration Review (EOIR), found at 8 C.F.R. §§ 1003.103(b) and 1003.105(a), as amended by 73 Fed. Reg. 76,914 (December 18, 2008) (to be codified at 8 C.F.R. §§ 1003.101-108), the EOIR Disciplinary Counsel hereby initiates summary disciplinary proceedings based on the above-named practitioner's suspension from the practice of law before the United States District Court for the Southern District of California. Further, following a preliminary inquiry, the EOIR Disciplinary Counsel finds that sufficient evidence exists to warrant charging Respondent with additional professional misconduct that occurred before EOIR. This is an original charge not arising under the summary disciplinary procedures. This Amended Notice is intended to supersede the previous one filed on February 11, 2009.

Statement of Charges

Charge I

Respondent, having been subject to a final order of suspension issued by a federal court, is subject to reciprocal discipline under 8 C.F.R. § 1003.102(e)(1).

Allegations

1. Respondent was admitted to the practice of law in the State of California on June 5, 2007, and was later admitted to practice law before the United States District Court for the Southern District of California (District Court).
2. On September 24, 2008, the District Court issued an order suspending Respondent from the practice law before the District Court for a period of one (1) year from the date of the order. [A certified copy of the order is attached as Attachment 1 to the Petition for Immediate Suspension, which was filed with the Board of Immigration Appeals (Board) on February 11, 2009, in this matter.]

3. The District Court issued the suspension order based on a disciplinary action filed by the District Court's Standing Committee for Discipline and a settlement between Respondent and the Standing Committee for Discipline.

Charge II

Respondent knowingly or with reckless disregard made a false or misleading communication about his qualifications to serve as a practitioner before the Board and the Immigration Courts in violation of the Rules at 8 C.F.R. §§ 1003.102(f).

Allegations

4. The EOIR Disciplinary Counsel re-pleads and incorporates by reference the allegations in paragraphs 1 through 3 above.
5. Subsequent to Respondent's suspension from the practice of law before the District Court, Respondent continued to practice before the Board and Immigration Courts.
6. Since September 24, 2008, Respondent has submitted at least 18 EOIR-28 (Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court) forms to EOIR in the following 17 cases:
 - a. Alien Number (A#) 034-617-931 (form filed December 02, 2008);
 - b. A# 042-795-176 (form dated January 26, 2009, filed on or about January 27, 2009);
 - c. A# 071-602-087 (form dated November 26, 2008, and filed on or about that date);
 - d. A# 072-343-397 (form dated November 13, 2008, filed on November 26, 2008);
 - e. A# 074-109-208 (form dated and filed on December 2, 2008);
 - f. A# 074-423-854 (form dated January 28, 2009, filed on or about that date);
 - g. A# 077-335-466 (form dated and filed on January 7, 2009);
 - h. A# 086-960-545 (form dated and filed November 26, 2008);
 - i. A# 086-960-546 (form dated and filed November 26, 2008);
 - j. A# 086-960-547 (form dated and filed November 26, 2008);
 - k. A# 088-108-112 (form dated December 31, 2008, and filed on or about that date);
 - l. A# 088-720-520 (form dated January 19, 2009, filed January 20, 2009);
 - m. A# 091-709-835 (form dated and filed November 13, 2008);
 - n. A# 094-947-219 (form dated and filed November 21, 2008);
 - o. A# 095-694-438 (form dated October 30, 2008, and filed on or about that date);
 - p. A# 099-625-471 (first form dated October 22, 2008 and filed October 23, 2008, second form dated and filed November 21, 2008); and
 - q. A# 099-875-769 (form dated January 14, 2009, and filed on or about that date).

7. On each of the EOIR-28 forms, Respondent indicated that he was in good standing to practice law with the Supreme Court of California.
8. On each of the EOIR-28 forms, Respondent answered the following question: "I am not (or am - explain fully on reverse side) subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law and the courts listed above comprise all of the jurisdictions (other than federal courts) where I am licensed to practice law" by placing a mark next to the words "I am not."
9. Respondent did not otherwise indicate on any of the EOIR-28 forms in the cases indicated in paragraph 6 above that he was suspended from the practice of law before the District Court.
10. At a hearing held in the case for A# 072-343-397 on December 2, 2008, Immigration Judge Henry Ipema questioned Respondent concerning the EOIR-28 form he submitted, and asked Respondent if he was subject to proceedings before the District Court and if it was correct that the September 24, 2008 District Court order stated that Respondent was suspended from the practice of law before the District Court from the date of the order.
11. Respondent told Judge Ipema that he did not consider himself to be suspended because the disciplinary case at the District Court would be dismissed once Respondent met all of the conditions in the District Court's order.
12. By letter dated December 4, 2008, EOIR's Office of the Chief Immigration Judge informed Respondent it intended to remove Respondent's name from EOIR's list of free legal services due to the District Court's suspension; the Office of the Chief Immigration Judge's letter did not discuss or reference how Respondent was completing or should complete EOIR-27 or 28 forms.
13. In Respondent's December 31, 2008 letter responding to the Office of the Chief Immigration Judge, Respondent discussed why he does not indicate on EOIR-28 forms that he is suspended by a court and stated that he would continue to indicate he is not suspended by a court on all EOIR-28 forms "until a court of appeals **reviews** and **renders** a decision regarding this response." (Emphasis in original.)
14. Respondent has submitted at least 2 EOIR-27 (Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals) forms to EOIR in the following cases since September 24, 2008:
 - a. A# 094-947-219 (form dated January 15, 2009, filed on or about January 21, 2009); and
 - b. A# 095-727-321 (form dated December 26, 2008, filed January 5, 2009).

15. On each of the EOIR-27 forms, Respondent indicated that he was in good standing to practice law with the Supreme Court of California.
16. On each of the EOIR-27 forms, Respondent answered the following question: "I am not (or am - explain fully on reverse side) subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law and the courts listed above comprise all of the jurisdictions (other than federal courts) where I am licensed to practice law" by marking the box next to the words "I am not."
17. Respondent indicated on each form to see an explanation "below."
18. On each of the EOIR-27 forms, Respondent stated on the "Additional Information" section on the back of the forms that he was in litigation with the Office of the Chief Immigration Judge regarding the issue of whether he should indicate on EOIR forms that he was suspended.
19. Respondent also characterized his District Court suspension as "self-imposed" and based on a settlement agreement he "voluntarily entered into."
20. On January 27, 2009, Respondent appeared before Judge Ipema at a hearing in the case A# 042-795-176 in which Judge Ipema asked Respondent if everything was accurate on the EOIR-28 form he had submitted.
21. Respondent told Judge Ipema: "That is correct."
22. Respondent further stated that there was an issue being litigated with the Chief Immigration Judge, that he was waiting for instructions, and would amend the form if necessary.
23. Judge Ipema asked Respondent: "Okay, so what you are telling me is that there is an ongoing inquiry of some type, but you believe that you are not at this time subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting you in the practice of law and the courts listed above comprise all of the jurisdictions, other than federal courts, where you are licensed to practice law?"
24. Respondent replied: "That is correct. That is my belief and like I said it is being litigated. As soon as I get a response I will make amended. . . ."

Grounds for EOIR to Discipline Respondent

Respondent is subject to reciprocal discipline under 8 C.F.R. § 1003.102(e)(1) because Respondent has been suspended from the practice of law by a federal court.

Respondent is subject to disciplinary sanctions under 8 C.F.R. § 1003.102(f)(1) because Respondent made, either knowingly or with reckless disregard, false or misleading communications about his qualifications, which contained material misrepresentations of fact and/or law, and/or omitted facts necessary to make the statement, considered as a whole, not materially misleading.

Proposed Discipline

In regard to Charge I, EOIR shall impose discipline on a practitioner based on another jurisdiction's disciplinary order unless the practitioner proves, by clear and convincing evidence, that one of the exceptions to imposing reciprocal discipline applies. 8 C.F.R. § 1003.103(b)(2). The Board has generally accepted the principle, as recommended by the American Bar Association (ABA) in its Model Rules for Lawyer Disciplinary Enforcement R. 22(d) and Model Federal Rules of Disciplinary Enforcement R. II(d), that identical reciprocal discipline should be imposed unless there is an affirmative showing that some other sanction is warranted. *See Matter of Truong*, 24 I&N Dec. 52, 55 (BIA 2006); *Matter of Ramos*, 23 I&N Dec. 843, 848 (BIA 2005); *Matter of Gadda*, 23 I&N Dec. 645, 649 (BIA 2003). On that basis, the EOIR Disciplinary Counsel proposes that Respondent be suspended for one (1) year from practice before the Board and the Immigration Courts because Respondent has been suspended from the practice of law before a federal court for one (1) year.

In addition to the one-year suspension, the EOIR Disciplinary Counsel proposes an additional term of suspension for his violations of 8 C.F.R. § 1003.102(f)(1). The ABA's Standards for Imposing Lawyer Sanctions (ABA Standards) provide nationwide guidelines for the imposition of discipline on attorneys who have been found to have committed professional misconduct. After applying Standard 7 and considering the appropriate aggravating and mitigating factors under Standard 9, the ABA Standards would support suspension. The ABA Standards state that a suspension should be no shorter than 6 months nor longer than 3 years. **Therefore, based on the number of violations of EOIR's regulations, in conjunction with a reciprocal suspension of one-year, the EOIR Disciplinary Counsel proposes that Respondent be suspended from practice before the Board and the Immigration Courts for a total period of three (3) years.**

Preliminary Inquiry Report

A preliminary inquiry report is attached as Attachment 1.

Procedure for Filing Answer and Requesting Hearing

Answer: The Rules provide that Respondent shall file **with the Board** a written answer to the Notice of Intent to Discipline within 30 days of the date stated on the Proof of Service attached to this notice. The instructions for filing pleadings appear in the Board's Practice Manual, Chapter 3, found on-line at: <http://www.usdoj.gov/eoir/vll/qapracmanual/apptmtn4.htm>. The telephone number for the Board is (703) 605-1007.

If filing the answer through the U.S. Postal Service (i.e., priority mail, certified mail, registered mail, return receipt requested, but not "Express Mail"), the answer must be sent to the Board at the following address:

Ms. Sue Gearheart
Attorney Discipline Case Docket
Board of Immigration Appeals
Clerk's Office
P.O. Box 8530
Falls Church, VA 22041

If filing the answer by overnight or express delivery (including U.S. Postal Service "Express Mail"), courier, hand delivery, or same day delivery, the answer must be sent to the Board at the following address:

Ms. Sue Gearheart
Attorney Discipline Case Docket
Board of Immigration Appeals
Clerk's Office
5107 Leesburg Pike, Ste. 2000
Falls Church, VA 22041

The Respondent must also serve a copy of the answer on the counsel for the government at the following address:

U.S. Department of Justice
Executive Office for Immigration Review
Attn: Disciplinary Counsel
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041

Contents of Answer: Respondent's answer shall contain a statement of facts that constitute the grounds of defense, and shall specifically admit or deny each allegation set forth above. Every allegation in the Notice of Intent to Discipline that is not denied in Respondent's answer shall be deemed admitted and may be considered as proved without additional evidence. Respondent may affirmatively state special matters of defense and may submit supporting documents, including affidavits or statements, along with the answer. 8 C.F.R. § 1003.105(c). Respondent's attention is drawn to 8 C.F.R. § 1003.103(b)(2), concerning defenses under reciprocal disciplinary proceedings (i.e., Charge I). To learn more about the procedures in these proceedings, Respondent should review 8 C.F.R. §§ 1003.101-106, as established by 65 Fed. Reg. 39,513 (June 27, 2000) (accessible on-line at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2000_register&docid=00-16052-filed.pdf) and amended by 73 Fed. Reg. at 76,914-76,927 (accessible on-line at <http://edocket.access.gpo.gov/2008/pdf/E8-30027.pdf>.)

Request for Hearing: Respondent shall state in the answer whether Respondent requests a hearing in the matter. If no such request is made in the answer, then the opportunity for a hearing will be deemed waived and the matter will be adjudicated by an Adjudicating Official without a full evidentiary hearing. 73 Fed. Reg. at 76,925 (to be codified at 8 C.F.R. § 1003.106(a)(2)(iii)). Although the present case involves both summary disciplinary proceedings (Charge I) and proceedings in original cases (Charge II), the Respondent is advised that in summary disciplinary proceedings, a respondent must make a prima facie showing in the answer that there is a material issue of fact in dispute with regard to the basis for summary disciplinary proceedings or with one or more of the defenses to reciprocal discipline in 8 C.F.R. §§ 1003.103(b)(2)(i)-(iii). 73 Fed. Reg. at 76,925 (to be codified at 8 C.F.R. § 1003.106(a)(1)).

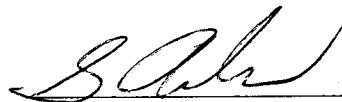
Right to Counsel: Respondent may be represented by counsel at no expense to the government. Counsel shall file an appropriate Notice of Entry of Appearance form. See 8 C.F.R. § 1003.106(a)(1)(iii).

Motion to Extend Time to Answer: Respondent may request an extension of time to answer the Notice of Intent to Discipline for good cause only upon motion to the Board. Any such motion must be received by the Board no later than three (3) working days before the time to answer has expired. Any such motion shall be served by Respondent on the counsel for the government at the address indicated above.

Respectfully submitted,

JENNIFER J. BARNES
Disciplinary Counsel

Dated: 2/27/09



SCOTT ANDERSON
Deputy Disciplinary Counsel
Executive Office for Immigration Review
U.S. Department of Justice
5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041
Tel. (703) 305-0470

ATTACHMENT 1

Preliminary Inquiry Report

The EOIR Disciplinary Counsel was informed that Immigration Practitioner Christian De Olivas had stated to the Office of the Chief Immigration Judge that he would not indicate on EOIR-28 forms that he had been suspended by a court. The EOIR Disciplinary Counsel, having been informed that Mr. De Olivas was suspended from the practice of law before the United States District Court for the Southern District of California for a period of one-year, sought a certified copy of the court order imposing such a suspension. Following receipt of the certified copy of the suspension order, the EOIR Disciplinary Counsel filed a Petition for Immediate Suspension with the Board of Immigration Appeals and initiated a preliminary inquiry into the possibility that Mr. De Olivas was falsely indicating on EOIR-28 forms that he was not suspended from the practice of law by a court. After inquiring with relevant Immigration Courts in Southern California, the EOIR Disciplinary Counsel obtained copies of EOIR-28 forms filed by Mr. De Olivas after the effective date of his suspension showing that he was indicating he was not suspended from the practice of law by a court. The EOIR Disciplinary Counsel also obtained copies of hearing tapes in which Mr. De Olivas was confronted by an Immigration Judge about his EOIR-28 forms. Finally, copies of two EOIR-27 forms were also obtained.

PROOF OF SERVICE

I hereby certify that a copy of the foregoing Motion to Amend Notice of Intent to Discipline and Amended Notice of Intent to Discipline, together with an attachment, have been sent on Feb. 27, 2009, by certified mail (Article No. 7004-2510-0005-), postage pre-paid to: 3346-3380

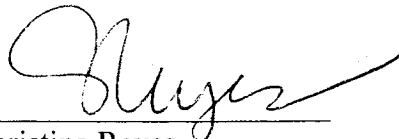
Mr. Christian De Olivas
200 North Bradford Avenue, Suite L
Placentia, CA 92870

This address is the above-named practitioner's last known address because:

- It is the address of record in EOIR's CASE management system for an immigration matter that is currently being adjudicated by EOIR.
- It is the address on record with California, a state jurisdiction that licensed the practitioner to practice law.

Copies of these documents have been hand delivered to:

Ms. Eileen Connolly
Appellate Counsel
U.S. Immigration and Customs and Enforcement
Appellate and Protection Law Division
Department of Homeland Security
5201 Leesburg Pike, Suite 1300
Falls Church, VA 22041



Christina Reyes
Paralegal Specialist

Handwritten note:
Janelia W...
2/18/10

Exhibit

2

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

In the Matter of)
)
)

CHRISTIAN DE OLIVAS,)

Disciplinary Case No. D2009-031)

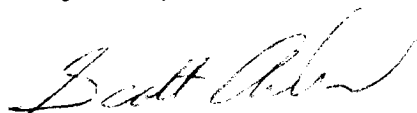
Respondent.)
_____)

MOTION TO APPROVE SETTLEMENT AGREEMENT

Pursuant to 8 C.F.R. § 1003.106(a)(1)(ii) (2009), the Disciplinary Counsel for the Executive Office for Immigration Review hereby submits, for the Adjudicating Official's approval, the attached Settlement Agreement in the above-captioned case.

During a telephonic hearing held in this case on August 9, 2009, the parties informed the Adjudicating Official that it had reached an agreement to settle this matter. The Adjudicating Official indicated that she would accept the submission of a written settlement agreement for review and approval.

Respectfully submitted,



Scott Anderson
Deputy Disciplinary Counsel
Executive Office for Immigration Review
U.S. Department of Justice
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
(703) 305-0992

August 3, 2009

Date

2009 AUG - 3 PM 1:41
D.I.J.

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

In the Matter of <div style="text-align: center;">CHRISTIAN DE OLIVAS,</div> <div style="text-align: center;">Respondent.</div>)))))))	Disciplinary Case No. D2009-031
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SETTLEMENT AGREEMENT

Respondent, *pro se*, and the Disciplinary Counsel for the Executive Office for Immigration Review (EOIR), hereby agree that it would be in the best interests of both parties to affect a speedy resolution to the above-captioned case. Accordingly, the parties adopt the following terms and conditions of this settlement agreement.

1. Respondent agrees that he has carefully read and fully understands all of the terms and conditions of this settlement agreement, and that he is freely and voluntarily entering into this settlement agreement. Respondent declares that he is not subject to coercion or duress, and that he is fully aware of the implications of entering into this settlement agreement.
2. Respondent acknowledges that under 8 C.F.R. § 1003.106, he has the right to be represented by counsel, at no expense to the government, and that Respondent has had an opportunity to engage counsel, but decided to represent himself.
3. Respondent knowingly waives his right under 8 C.F.R. § 1003.106 to a hearing on the charges in the February 27, 2009 Amended Notice of Intent to Discipline (NID). Respondent also knowingly waives his right to file an appeal with the Board of Immigration Appeals (Board) in this matter.
4. Respondent admits that he violated EOIR's regulations at 8 C.F.R. § 1003.102(e)(1) and 1003.102(f), as alleged in the Amended NID, and agrees that disciplinary sanctions should result from his conduct. Respondent also admits that he failed to inform EOIR of his suspension before the U.S. District Court for the Southern District of California in contravention of 8 C.F.R. § 1003.103(c).
5. To date, Respondent has not been reinstated to the practice of law before the U.S. District Court for the Southern District of California.

6. Therefore, Respondent consents to be suspended for a period of two (2) years from the effective date of the Board's March 20, 2009 immediate suspension order. The EOIR Disciplinary Counsel agrees to accept this suspension in lieu of the proposed suspension of three (3) years.
7. Respondent understands that he is prohibited from engaging in *practice* or *preparation* in immigration matters that relate to the jurisdiction of EOIR (i.e., the Immigration Courts and the Board) and the Department of Homeland Security (DHS), as those terms are defined in the regulations.
8. As stated in 8 C.F.R. § 1001.1(i): "The term *practice* means the act or acts of any person appearing in any case, either in person or through the preparation or filing of any brief or other document, paper, application, or petition on behalf of another person or client before or with DHS, or any immigration judge, or the Board."
9. As stated in 8 C.F.R. § 1001.1(k): "The term *preparation*, constituting practice, means the study of the facts of a case and the applicable laws, coupled with the giving of advice and auxiliary activities, including the incidental preparation of papers, but does not include the lawful functions of a notary public or service consisting solely of assistance in the completion of blank spaces on printed Service forms by one whose remuneration, if any, is nominal and who does not hold himself out as qualified in legal matters or in immigration and naturalization procedures."
10. Respondent understands that his ability to provide any services regarding immigration matters is severely restricted under the definitions of *practice* and *preparation*. If Respondent is concerned that his conduct during the suspension may potentially constitute *practice* or *preparation*, but is uncertain, Respondent may consult with the EOIR Disciplinary Counsel or an attorney designated by the EOIR Disciplinary Counsel to learn EOIR's position as to whether Respondent's planned actions would constitute *practice* or *preparation*.
11. Respondent agrees that his suspension will continue until he is reinstated to practice by the Board under 8 C.F.R. § 1003.107. The EOIR Disciplinary Counsel agrees to credit Respondent for the time he has already served under the Board's March 20, 2009 immediate suspension order. See 8 C.F.R. § 1003.103(a)(2). Respondent understands that under 8 C.F.R. § 1003.107, he will need to meet the definition of *attorney* in 8 C.F.R. § 1001.1(f) at the time he files his petition for reinstatement with the Board.
12. Respondent agrees not to file any administrative or court challenge to this agreement.
13. The terms set forth herein constitute the sole agreement between the parties in this matter. The parties agree that prior writings, conversations, communications, perceptions, or impressions shall not form the basis for any inference or conclusions that this settlement agreement extends beyond that which is stated within the four corners of this instrument.

14. Any fees, costs, or expenses incurred by either party relating to the above-captioned case are solely the responsibility of the party that incurred them.
15. The parties understand that this settlement agreement will become effective on the date that the Adjudicating Official approves and signs this settlement agreement.
16. Respondent agrees for himself, his successors, and his assigns, to release and forever discharge the U.S. Department of Justice, EOIR, and its officers, agents, and employees, in their official or individual capacities, from any and all claims, liabilities, actions, causes of action, and rights, known and unknown, related to the above-captioned case, up to and including the execution of this settlement agreement.

The parties, by their signatures below, agree to the terms and conditions in this settlement agreement, which contains three (3) pages.

On behalf of EOIR:

Respondent:

Jennifer J. Barnes
 Jennifer J. Barnes
 Disciplinary Counsel
 Office of the General Counsel
 Executive Office for Immigration
 Review
 U.S. Department of Justice
 5107 Leesburg Pike, Suite 2600
 Falls Church, VA 22041

8/3/09
 Date

Christian De Olivas

Christian De Olivas
 200 N. Bradford Avenue
 Suite L
 Placentia, CA 92870

07-20-09
 Date

Order of Adjudicating Official

This matter having come before the undersigned Immigration Judge, serving as the Adjudicating Official in the above-captioned proceedings, IT IS HEREBY ORDERED AS FOLLOWS:

The parties' settlement agreement is hereby APPROVED.

Respondent is SUSPENDED from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security for a period of two (2) years from March 20, 2009.

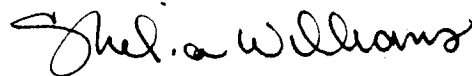
Respondent's suspension shall remain in effect until Respondent secures an order from the Board of Immigration Appeals reinstating him to practice.

ENTERED AS AN ORDER this _____ day of _____, 2009 in Chicago, Illinois.

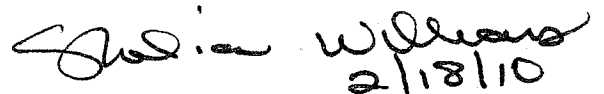
Jennie Giambastiani
Adjudicating Official

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing documents entitled Motion to Approve Settlement Agreement, and Settlement Agreement, have been sent by first class mail, postage pre-paid to Christian De Olivas, 200 N. Bradford Avenue, Suite L, Placentia, CA 92870, and hand-delivered to the Department of Homeland Security, Appellate Counsel's Office, 5201 Leesburg Pike, Room 1300, Falls Church, VA 22041, this 3rd day of August 2009.



Shelia Williams
Program Specialist.



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
CHICAGO, ILLINOIS

IN THE MATTER OF:

Christian DE OLIVAS,

RESPONDENT.

)
)
)
)
)

IN ATTORNEY DISCIPLINE
PROCEEDINGS

Case No: D2009-031

09 AUG 19 PM 2:20

On Behalf of Respondent:

Pro Se
200 N. Bradford Avenue, Suite L
Placentia, CA 92870

On Behalf of EOIR:

Jennifer Barnes, Disciplinary Counsel
Scott Anderson, Deputy Disciplinary Cnsl.
Office of the General Counsel - EOIR
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041

ORDER OF THE ADJUDICATING OFFICIAL

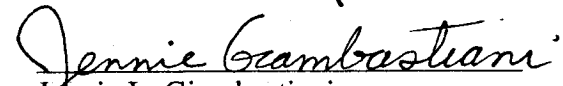
This matter having come before Immigration Judge Jennie L. Giambastiani, serving as the Adjudicating Official in the above-captioned Attorney Discipline Proceedings, IT IS HEREBY ORDERED AS FOLLOWS:

The parties' Settlement Agreement, dated August 3, 2009, is hereby APPROVED.

Respondent is SUSPENDED from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security for a period of two (2) years from March 20, 2009.

Respondent's suspension shall remain in effect until Respondent secures an order from the Board of Immigration Appeals reinstating him to practice.

ENTERED AS AN ORDER this 14th day of August 2009 at Chicago, Illinois.


Jennie L. Giambastiani
Adjudicating Official
Chicago, Illinois

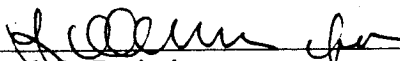
CERTIFICATE OF SERVICE

This Order of the Adjudicating Official on Case D#2009-031 was served on the following persons in the manner so noted on this the 18th day of August 2009:

cc: Eileen M. Connolly
Appellate Counsel
U.S. Immigration and Customs Enforcement
Appellate and Protection Law Division
Department of Homeland Security
5201 Leesburg Pike, Suite 1300
Falls Church, Virginia 22041
(Mail)

Christian De Olivas
200 N. Bradford Avenue, Suite L
Placenta, California 92870
(FedEx)

Jennifer J. Barnes
Bar Counsel
Office of the General Counsel
5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041
(Hand delivery)


Mark L. Pasierb
Chief Clerk of the Immigration Court

Julia Williams
2/18/10

(Do not write above this line.)

In the Matter Of CHRISTIAN DE OLIVAS Member #249608	Case Number(s): 09-C-14179; 10-C-01429; 10-C-07083; 10-J-01249
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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 stipulation to the following modifications:

- Page 1 - Submitted to: Delete – Assigned Judge
Add – Settlement Judge
- Page 2 - Section A. (8) Delete – Three Billing Cycles
Add – Four Billing Cycles
- Page 4 - Section (3) (a) Delete – 60 Days
Add – 6 Months
- Page 5 - Section F. (2) Check the Box

(Do not write above this line.)

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.)**

10-29-10

Date



Richard A. Platel
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 November 5, 2010, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION

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:

**CHRISTIAN DE OLIVAS
DE OLIVAS LAW FIRM, APLC
5225 CANYON CREST DR
STE 71-184
RIVERSIDE, CA 92507**

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

KEVIN TAYLOR, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 5, 2010.



Tammy Cleaver
Case Administrator
State Bar Court