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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
<b>Counsel For The State Bar</b>  Jean Cha Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1000  Bar # 228137	<b>Case Number(s):</b> 11-J-18569  <b>PUBLIC MATTER</b>	<b>For Court use only</b>  <b>FILED</b> <b>JAN - 9 2012</b> STATE BAR COURT CLERK'S OFFICE LOS ANGELES
<b>In Pro Per Respondent</b>  D. Chip Venie 833 Lomas Blvd NW Albuquerque, NM 87102 (505) 766-9000  Bar # 204954	<b>Submitted to: Assigned Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
<b>In the Matter of:</b> David Chipman Venie,  Bar # 204954  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 December 8, 1999.
- (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 15 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 5.130, Rules of Procedure.
  - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: 2013, 2014 & 2015. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - ☐ Costs are entirely waived.

**B. Aggravating Circumstances [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 08-O-11949 (06-O-14316), Supreme Court Order S 185982
  - (b) ☒ Date prior discipline effective November 26, 2010
  - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: Rules of Professional Conduct rule 1-400(D) - misleading advertising in mailing to inmates & Business and Professions Code section 6106 - misrepresentation to gain employment.
  - (d) ☒ Degree of prior discipline one-year stayed suspension, two-years probation, with 90-days 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.

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- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☐ **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

N/A

**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. Respondent has agreed to discipline without requiring a hearing. Respondent has been candid and cooperative. (Std. 1.2(e)(v); Silva-Vidor v. State Bar (1989) 49 Cal.3d 1071, 1079; Pineda v. State Bar (1989) 49 Cal.3d 753, 760.)
- (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.

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- (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:**

N/A

**D. Discipline:**

(1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law 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:
- (b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of Two (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 Six (6) Months.
- 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 the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

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- (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: As a condition of Respondent's prior discipline in case no. 08-O-11949 S185982, Respondent was required to complete Ethics School. Respondent completed Ethics School on August 18, 2011. Therefore, Respondent is not required to take Ethics School as a condition to the discipline herein.
- (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:**

(Effective January 1, 2011)

Actual Suspension

- (1) ☐ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- ☒ No MPRE recommended. Reason: As a condition of Respondent's prior discipline in case no. 08-O-11949 S185982, Respondent was required to take and pass the MPRE. Respondent passed the MPRE November 2011 MPRE and provided proof thereof. Therefore, the MPRE is not a required condition to this discipline.
- (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 language (if any):

**ATTACHMENT TO  
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:      DAVID CHIPMAN VENIE, 204954  
CASE NUMBER:            11-J-18569

Respondent David Chipman Venie, admits the facts set forth in the stipulation are true and that he is culpable of violations of the specified statutes and State Bar Act.

**PROFESSIONAL MISCONDUCT IN A FOREIGN JURISDICTION**

**FACTS**

1. On July 21, 2011, the United States District Court for the District of New Mexico ordered that Respondent be disciplined upon findings that Respondent had committed professional misconduct in that jurisdiction as set forth in the *Order in the matter of David Chipman Venie*, No. MC 11-31 BB/JCH/JAP. Thereafter, the decision of the foreign jurisdiction became final. Respondent was suspended from practicing in the United States District Court for the District of New Mexico for a period of six months and placed on a one-year probation commencing when he is readmitted, if he is readmitted.

2. A certified copy of the final order of disciplinary action of the foreign jurisdiction is attached, as Exhibit 1, and incorporated by reference. The attached findings and final order are conclusive evidence that Respondent is culpable of professional misconduct in this state

**CONCLUSIONS OF LAW**

3. Respondent's culpability as determined by the foreign jurisdiction constitutes a violation of the following California statutes:

A. By failing to comply with all conditions attached to any disciplinary probation Respondent violated Chief Judge Black's order imposing a one-year disciplinary probation on February 14, 2011, in wilful violation of Business and Professions Code section 6068(k)

B. By asking questions during the examination of a witness regarding mandatory minimum penalties and sentencing in violation of Judge Parker's order that "[c]ounsel on

both sides are to totally avoid any questions or comments or statements regarding the possible penalty” in a matter entitled *United States v. Bassols*, No. CR 10-2077 JAP, Respondent disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of Respondent’s profession which he ought in good faith to do or forbear in wilful violation of Business and Professions Code section 6103.

C. By failing to refrain from making speaking objections in the presence of the jury on April 5, 2011, April 6, 2011, and April 7, 2011, in the *Bassols* matter, in violation of Judge Herrera’s order and admonition that speaking objections in the presence of the jury would not be tolerated, Respondent disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of Respondent’s profession which he ought in good faith to do or forbear in wilful violation of Business and Professions Code section 6103.

### **SUPPORTING AUTHORITY**

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, to preserve public confidence in the profession, and to maintain the highest possible professional standards for attorneys.<sup>1</sup>

Standard 2.6 of the Standards for Attorney Sanctions for Professional Misconduct, Rules Proc. Of State Bar, Title IV, provides for disbarment or suspension depending on the gravity of the offense or harm when an attorney violates section 6068 or 6103 of the Business and Professions Code. Standard 1.7(a) provides for an increase in discipline where a prior discipline exists.

The standards are guidelines<sup>2</sup> and are afforded great weight<sup>3</sup> but they are not applied in a talismanic fashion.<sup>4</sup> The determination of discipline involves an analysis of the standards on balance with any mitigation and aggravation.<sup>5</sup>

Here, a six-months actual suspension is sufficient to protect the public.

### **PENDING PROCEEDINGS.**

The disclosure date referred to on page two, paragraph A.(7), was December 15, 2011.

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<sup>1</sup> *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1025; Std. 1.3.

<sup>2</sup> *Drociak v. State Bar* (1991) 52 Cal.3d 1085, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.

<sup>3</sup> *In re Silvertown* (2005) 36 Cal.4th 81, 91-92.

<sup>4</sup> *In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 994.

<sup>5</sup> Std. 1.6(b); *Segal v. State Bar* (1988) 44 Cal.3d 1077, 1089; *Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-11.



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

Respondent acknowledges that he was informed that as of December 15, 2011, the estimated prosecution costs in this matter are approximately \$2,797.00. Respondent acknowledges that this figure is an estimate only and that it might not include State Bar Court costs (see Bus. & Prof. Code section 6068.10(c)) or taxable costs (see C.C.P. section 1033.5(a)), which will be included in any final cost assessment. Respondent further acknowledges that if this stipulation is rejected or if relief from the stipulation is granted, the costs may increase due to further proceedings. Note that if Respondent fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision(c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 5.130 (old rule 286)). Payment of costs is enforceable as provided in Business and Professions Code section 6140.7 and as a money judgment.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

IN THE MATTER OF  
D. CHIPMAN VENIE, ESQUIRE,

No. MC 11-31 BB/JCH/JAP

AN ATTORNEY ON ACTIVE STATUS  
IN THE STATE BAR OF NEW MEXICO

**ORDER**

In November 2010, the California Supreme Court suspended David Chipman Venie from the practice of law for ninety (90) days and placed him on probation for a period of two (2) years. Based on the California decision, the New Mexico Supreme Court also placed Mr. Venie on probation in December 2010. Ironically, Mr. Venie failed to appear before Judges Black and Hansen at scheduled hearings in the fall of 2010. Based on these occurrences, Chief Judge Black scheduled a hearing for Mr. Venie to show cause why he should not be suspended from practicing law before this Court.

At the conclusion of a disciplinary hearing held before Judge Black on February 14, 2011, the Court made the following statement to Mr. Venie:

THE COURT: All right. I'm going to basically put you on a watch for one year. I will solicit my colleagues with some regularity and see if any of them are having problems. If I don't hear any negative reports, then the matter will be dropped. If I do, obviously, we'll set another hearing and determine what would be the appropriate penalties or sanctions

Transcript of February 14, 2011, hearing.

Despite having been placed on this one-year probationary period, the following three issues arose regarding Mr. Venie's conduct during the trial of *United States v. Bassols*, 10-CR-2077, in April, 2011:

(1) Mr. Venie violated Judge Parker's order that "[c]ounsel on both sides are to totally avoid any questions or comments or statements regarding the possible penalty in the case," Transcript of Pretrial Conference (Doc. No. 105 in 10-cr-2077) at 7, by engaging in the following exchange with Agent David Smith:

MR. VENIE: Isn't it true that drug traffickers are aware of certain penalties they have as a result of mandatory minimum amounts?

AGENT SMITH: I think that would depend on the individual

MR. VENIE: Are you aware that drug traffickers sometimes break down their loads to avoid mandatory minimum sentences?

AGENT SMITH: I've heard of that

MR. VENIE: Does the amount in this case trigger a mandatory minimum sentence?

Trial Tr. at 307.

(2) Mr. Venie misrepresented to Judge Herrera that "Judge Parker's order doesn't say that when the government put on their witness, I couldn't talk to him about [punishment]." Trial Transcript at 311; and

(3) On April 5, April 6, and April 7, Mr. Venie repeatedly violated Judge Herrera's orders that the parties refrain from making speaking objections in front of the jury.

On May 26, 2011, the Court entered an Order to Show Cause (Doc. No. 4) requiring Respondent D. Chipman Venie, Esq. to appear before a three-Judge panel on June 27, 2011 to

explain “why he should not be disciplined, suspended, or disbarred from practice before this Court for violating the terms of the one-year disciplinary probation imposed on February 14, 2011, and the Court’s orders in *United States v. Bassols*, No. CR 10-2077 JAP.” Order to Show Cause at 1. On June 2, 2011, Venie filed Respondent’s Motion For A More Definite Statement (Doc. No 6). In response the Court entered a Statement of Violations (Doc. No. 7) on June 13, 2011. On the morning of June 27, 2011, a few hours prior to the hearing, Respondent filed a Response (Doc. No. 8) to the Court’s Order to Show Cause. Later that day, Respondent appeared pro se before Chief United States District Court Judge Bruce D. Black, United States District Court Judge Judith C. Herrera, and Senior United States District Court Judge James A. Parker at the hearing on the Order to Show Cause.

During the course of the hearing, the Court considered Respondent’s statements and his thirty-three page Response. Respondent, who is currently on probation imposed by the New Mexico Supreme Court and had been suspended from the California State Bar, defended the conduct cited in the Statement of Violations by arguing that most of his actions were necessary to vigorously defend his client. While Respondent initially denied having violated Judge Parker’s order to totally refrain from asking any questions related to the punishment his client was facing, Respondent eventually grudgingly admitted that he violated the order.

Based on its review of the transcripts of the proceedings in the *Bassols* case, as well as the Court’s personal knowledge of Respondent’s conduct, the Court finds that Respondent violated Chief Judge Black’s order imposing a one-year disciplinary probation on February 14, 2011, by violating (1) Judge Parker’s order in *Bassols* that “[c]ounsel on both sides are to totally avoid any questions or comments or statements regarding the possible penalty,” Transcript of

Pretrial Conference at 7 (Doc. No. 105 in 10-CR-2077), and (2) Judge Herrera's orders on April 5, 6, and 7, 2011 to refrain from making speaking objections in the presence of the jury.

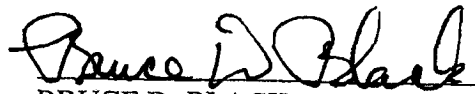
As a consequence of his multiple violations of this Court's orders, the Court concludes that the appropriate sanction is to suspend Respondent from practicing before the United States District Court for the District of New Mexico for a period of six months. This six-month suspension will commence on the date that this order is entered. Further, the Court concludes that Respondent should be suspended from the Criminal Justice Act Panel and that clients who are currently assigned to be represented by Respondent under the Criminal Justice Act should be assigned to new counsel. After the completion of this six-month period of suspension, Respondent may submit a written application for reinstatement to the bar for the United States District Court for the District of New Mexico. If Respondent chooses to reapply for admission after the period of suspension ends, and if it is determined that Respondent should be readmitted to practice before this Court, Respondent will be placed on probation for a period of one year, beginning on the date of his readmission, and will be supervised by a Court-appointed mentor, who will be compensated at Respondent's expense, for the entirety of Respondent's probationary period.


**IT IS THEREFORE ORDERED THAT**


- (1) Respondent D. Chipman Venie is suspended from practicing in the United States District Court for the District of New Mexico for a period of six months;
- (2) Respondent is suspended from the Criminal Justice Act Panel;
- (3) Respondent will be placed on a one-year probation that will commence on the date that Respondent is readmitted to practice in the District of New Mexico, if he is readmitted; and

- (4) Respondent will be required to be supervised, at his own expense, by a Court-appointed mentor during his one-year probationary period, if he is readmitted.

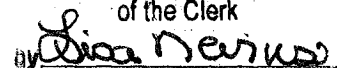
Entered for the Court this 21<sup>st</sup> day of July, 2011.

  
BRUCE D. BLACK  
Chief Judge

  
JUDITH C. HERRERA  
United States District Judge

  
JAMES A. PARKER  
United States District Judge

CERTIFIED a True Copy of the  
original filed in the office  
of the Clerk

by   
Deputy


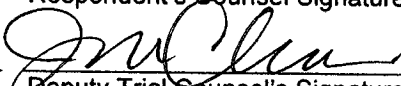
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In the Matter of:  
David Chipman Venie, 204954

Case number(s):  
11-J-18569

### SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

12/16/11		D. Chip Venie
Date	Respondent's Signature	Print Name
12-21-2011		Jean Cha
Date	Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of:  
David Chipman Venie, 204954

Case Number(s):  
11-J-18569

### ACTUAL SUSPENSION ORDER

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

- ☒ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☒ All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date

1/5/12

Judge of the State Bar Court

RICHARD A. HUNN



## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on January 9, 2012, I deposited a true copy of the following document(s):

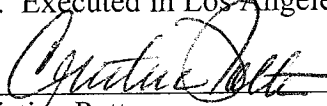
### STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

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 Los Angeles, California, addressed as follows:
- DAVID C. VENIE  
LAW OFC CHIP VENIE  
833 LOMAS BLVD NW  
ALBUQUERQUE, NM 87102
- ☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- ☐ by overnight mail at , California, addressed as follows:
- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.
- ☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Jean Hee Cha, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 9, 2012.

  
Cristina Potter  
Case Administrator  
State Bar Court