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**State Bar Court of California  
Hearing Department  
San Francisco  
ALTERNATIVE DISCIPLINE PROGRAM**

<p>Counsel For The State Bar</p> <p><b>Donald R. Steedman</b> Supervising Senior Trial Counsel 180 Howard St. San Francisco, CA 94105 (415) 538-2345</p> <p>Bar # <b>104927</b></p>	<p>Case Number (s) <b>12-C-18195</b></p>	<p>(for Court's use)</p> <p align="center"><b>PUBLIC MATTER</b></p> <p align="center"><b>FILED</b> <i>[Signature]</i></p> <p align="center">APR - 6 2015</p> <p align="center">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p><b>Jonathan I. Arons</b> 100 Bush St Ste 918 San Francisco, CA 94104 (415) 957-1818</p> <p>Bar # <b>111257</b></p>	<p>Submitted to: <b>Program Judge</b></p> <p align="center"><b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: <b>CHRISTOPHER MICHAEL SALAYSAY</b></p> <p>Bar # <b>264317</b></p> <p>A Member of the State Bar of California (Respondent)</p>		

**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 **September 14, 2009**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 804.5(c) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **7** pages, excluding 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."



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- (6) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

**B. Aggravating Circumstances [see Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline**
  - (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 intentional, 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. **See attachment at p. 6.**
- (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 at p. 6.**
- (8)  **Restitution:** Respondent failed to make restitution.
- (9)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. 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, the public, or the administration of justice.
- (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 with a good faith belief that was honestly held and reasonable.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental 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 the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (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 extraordinarily 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:**

**Pretrial Stipulation. See attachment at p. 6.**

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

IN THE MATTER OF:                      CHRISTOPHER MICHAEL SALAYSAY  
CASE NUMBER:                            12-C-18195

**FACTS AND CONCLUSIONS OF LAW.**

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

Case No. 12-C-18195 (Conviction Proceedings)

**PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:**

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.
2. On July 24, 2012, the Santa Clara County District Attorney filed a criminal complaint in the matter, *People v. Salaysay*, Santa Clara County Superior Court, case no. C1237463, charging respondent with one count of violation of Penal Code section 646.9(c)(2) [stalking with a prior conviction for stalking], a felony.
3. On April 28, 2014, the court entered respondent's plea of no contest to violation of Penal Code section 646.9(c)(1) [stalking with a prior conviction for stalking], a misdemeanor, and based thereon, the court found respondent guilty of that count.
4. On June 23, 2014, the court suspended the imposition of sentence and placed respondent on formal probation for a period of three years. The court ordered that respondent serve six months in county jail, but this was changed to allow respondent to participate in the Santa Clara County Electronic Monitoring Program in lieu of incarceration. The court also ordered that respondent, among other things, participate in a domestic violence program and pay fines and fees.
5. On October 23, 2014, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department found that the facts and circumstances surrounding the offense for which respondent was convicted involved moral turpitude or other misconduct warranting discipline.

**FACTS:**

6. During 2011, respondent dated the victim in this matter. After the relationship ended in June 2011, respondent called the victim more than 50 times per day for weeks at a time. Respondent also sent the victim harassing and threatening emails and text messages. In August 2011, respondent called the victim and stated: "If you were here I would kill you." The victim stopped answering calls from

respondent, and in October 2011, reported respondent's conduct to the police. The police did not take any action at that time based on a lack of resources.

7. Respondent continued to send harassing and threatening emails and text messages to the victim. Respondent used aliases to create fake email addresses and Facebook accounts to send threatening messages to the victim. In May 2012, respondent made threats to the victim in text messages sent to the victim's friend. For example, some of the messages stated:

- I am going to make her bleed
- I am coming after her family before I get her
- She won't have to find me, when I'm ready, I'll find her
- It's going to be fun punching her
- it's gonna be fun hittin ur homegirl in the guts
- Imma go after her family before I gut her
- Imma make her bleed Shes not going to have to find me. When I decide, I'll find her

8. During the same time period, respondent posted the following threats on Facebook using an alias: "I want [victim] dead" and "I want [victim] from San Jose dead."

9. Respondent also posed as the victim on several on-line sex websites and distributed the victim's telephone number. The victim received approximately 50 text messages and telephone calls from men who believed they met her online and wanted to confirm arrangements to have sex with her.

10. On May 10, 2012, respondent called the victim from a blocked number. When the victim answered, respondent described in detail how he could get into her apartment once "I get my ducks in a row" and "get" her. That same day, respondent sent the victim an email from one of respondent's known aliases. The email forwarded correspondence from respondent and a person selling a handgun. The email contained a photo of the handgun.

11. The victim felt threatened and was afraid of respondent because she believed that respondent was capable of harming or killing her. The victim again reported respondent's conduct to the police. On May 11, 2012, the victim obtained a temporary restraining order ("TRO") against respondent. Respondent was served with the TRO on May 16, 2012. Thereafter, respondent ceased contacting the victim. The victim still lives in fear of respondent.

12. On July 24, 2012, the Santa Clara County District Attorney filed a criminal complaint in the matter, *People v. Salaysay*, Santa Clara County Superior Court, case no. C1237463, charging respondent with one count of violation of Penal Code section 646.9(c)(2) [stalking with a prior conviction for stalking], a felony. On April 28, 2014, respondent pled no contest to violation of Penal Code section 646.9(c)(1) [stalking with a prior conviction for stalking], a misdemeanor.

13. Respondent's was previously convicted of stalking a different woman in violation of Penal Code section 646.9(a), a felony, as follows: Respondent dated this victim between November 1998 and April 1999, at which point the victim ended the relationship. In May 1999, respondent began calling the victim and making death threats. In the morning of May 6, 1999, while they were driving separate vehicles, respondent followed the victim on her way to work. After the victim tried to evade pursuit, respondent tried to run his victim's car off of the freeway. On May 6, 1999, the victim obtained a restraining order against respondent. Respondent was served with the order on May 8, 1999, but

continued to call the victim and make death threats. On the night of June 7, 1999, respondent was arrested after the victim called police to report that he was trespassing on her property. The victim was only alerted to respondent's presence because her dog started barking. The victim initially spotted respondent standing in the bushes across the street from her house. She then saw respondent cross the street to enter her property. Police arrested respondent on the victim's property. Respondent resisted arrest and injured a peace officer during the arrest. At the time of his arrest, respondent was wearing rubber gloves and carrying a kitchen knife with a five-inch blade. On July 15, 1999, respondent pled no contest in *People v. Salaysay*, Alameda County Superior Court Case No. 184467, to violation of Penal Code section 646.9(b) [stalking], a felony, with an enhancement. The sentencing transcript indicates that the enhancements was based on an allegation that respondent committed the violations while released on bail. However, the parties believe that the enhancement was based on an allegation that respondent committed the crime after he became aware of the restraining order. On the same date, the court suspended the imposition of sentence and placed respondent on formal probation for a period of five years. The court ordered that respondent serve one year in county jail, but respondent indicates that he was released early based on good behavior while in custody. The court also ordered that respondent, among other things, pay fines and fees. On March 4, 2005, the charge against respondent was reduced to a misdemeanor. On May 20, 2005, the court issued an order vacating the plea and dismissing the action pursuant to Penal Code section 1203.4a. The victim of this crime still lives in fear of respondent.

#### CONCLUSIONS OF LAW:

14. The facts and circumstances surrounding the above-described violation involved moral turpitude. (See *In the Matter of Elkins* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 160 [numerous threatening and harassing voicemail messages to administrators and court officers constituted moral turpitude]; *In the Matter of Torres* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 138, 147 [numerous phone calls to client resulting in harassment and intentional infliction of emotional distress constituted acts of moral turpitude].)

#### AGGRAVATING CIRCUMSTANCES.

**Harm (std. 1.5(f)):** Respondent's threats and harassment caused significant harm to the victims of his misconduct. Both victims still live in fear of respondent.

**Multiple Acts of Wrongdoing (Std. 1.5(b)):** Respondent's two convictions for stalking- and the multiple instances of harassment and threats underlying the convictions- represent multiple acts of misconduct.

#### MITIGATING CIRCUMSTANCES.

**Pretrial Stipulation:** Respondent is entitled to mitigation for entering into a stipulation with the Office of Chief Trial Counsel prior to trial in the above referenced disciplinary matter, thereby saving State Bar Court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

#### COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of January 6, 2015, the prosecution costs in this matter are \$2,447. Respondent further acknowledges that

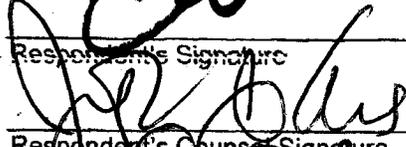
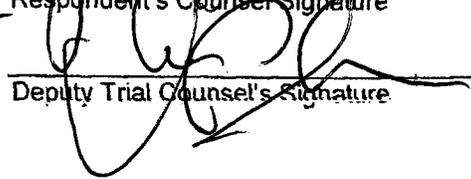
should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

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In the Matter of: CHRISTOPHER MICHAEL SALAYSAY	Case number(s): 12-C-18195
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**SIGNATURE OF THE PARTIES**

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

<u>2/10/2015</u> Date	 Respondent's Signature	<u>Christopher M. Salaysay</u> Print Name
<u>Jan 12, 2015</u> Date	 Respondent's Counsel Signature	<u>Jonathan I. Arons</u> Print Name
<u>February 13, 2015</u> Date	 Deputy Trial Counsel's Signature	<u>Donald R. Steedman</u> Print Name

(Do not write above this line.)

In the Matter of: CHRISTOPHER MICHAEL SALAYSAY	Case Number(s): 12-C-18195
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**ALTERNATIVE DISCIPLINE PROGRAM 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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 5.58(E) & (F) and 5.382(D), Rules of Procedure.)

Date Apr 16, 2015 Ly M  
Judge of the State Bar Court  
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**CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on April 6, 2015, I deposited a true copy of the following document(s):

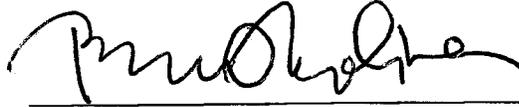
**STIPULATION RE FACTS AND CONCLUSIONS OF LAW**

By personally delivering a copy of said document(s) to:

JONATHON I. ARONS  
180 HOWARD STREET, 6<sup>TH</sup> FLOOR  
SAN FRANCISCO, CA 94105

DONALD R. STEEDMAN  
180 HOWARD STREET, 6<sup>TH</sup> FLOOR  
SAN FRANCISCO, CA 94105

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on April 6, 2015.



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Bernadette Molina  
Case Administrator  
State Bar Court