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State Bar Court of California Hearing Department Los Angeles DISBARMENT		
Counsel For The State Bar Hugh G. Radigan Deputy Trial Counsel 845 South Figueroa Street Los Angeles, California 90017-2515 213-765-1206 Bar # 94251	Case Number(s): 14-O-04620 -WKM 14-O-06207 15-O-10408	For Court use only <div style="text-align: center;"> FILED MAR 14 2016 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
In Pro Per Respondent Christopher Ramos Macaraeg 424 F Street, Suite C San Diego, California 92101 619-235-2525 Bar # 222120	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT DISBARMENT <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: CHRISTOPHER RAMOS MACARAEG Bar # 222120 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 3, 2002**.
- (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 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."



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- (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):
- ☒ Costs to be awarded to the State Bar.
- ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
- ☐ Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

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

- (1) ☒ **Prior record of discipline**
- (a) ☒ State Bar Court case # of prior case **12-O-10144**
- (b) ☒ Date prior discipline effective **May 19, 2012**
- (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **Rule 3-110(A)**
- (d) ☒ Degree of prior discipline **Private reproof**
- (e) ☒ If respondent has two or more incidents of prior discipline, use space provided below:
- State Bar Case No. 13-H-13169; effective date November 13, 2014; violation of Rule 1-110; sixty (60) days actual, one year stayed suspension, two years probation.**
- (2) ☐ **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) ☐ **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4) ☐ **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (5) ☐ **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.
- (6) ☐ **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code or the Rules of Professional Conduct.

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- (7) ☐ **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.
- (8) ☒ **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. **See attachment at page 13.**
- (9) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) ☐ **Lack of Candor/Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) ☒ **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See attachment at page 13.
- (12) ☐ **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) ☐ **Restitution:** Respondent failed to make restitution.
- (14) ☐ **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(i) & 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 likely to recur.
- (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 or to the State Bar during disciplinary investigations and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps demonstrating spontaneous 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 objectively 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

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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 subsequent rehabilitation.
- (13) ☒ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

D. Discipline: **Disbarment.**

E. Additional Requirements:

- (1) **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.
- (2) ☐ **Restitution:** Respondent must make restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____. If the Client Security Fund has reimbursed _____ for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than _____ days from the effective date of the Supreme Court order in this case.
- (3) ☐ **Other:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: CHRISTOPHER RAMOS MACARAEG

CASE NUMBERS: 14-O-04620, 14-O-06207 and 15-O-10408-WKM

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. 14-O-04620 (Complainant: Pedro Gaspar)

FACTS:

1. In or about 2010, Pedro Gaspar ("Gaspar") employed respondent to represent him in an immigration removal matter, *In the Matter of Pedro Gonzalez-Gaspar*, file number A200 630 195.
2. Respondent had represented Gaspar during the course of his removal proceedings for approximately three years and had represented to Gaspar that he would pursue an appeal from a June 21, 2013, order denying his requested relief and removing Gaspar to Guatemala. No new retainer was executed by the parties and it was verbally agreed and understood no additional attorney's fees would be paid to pursue the appeal.
3. Respondent timely filed a notice of appeal. He requested, and the court granted, an extension of time to file the appellate brief or statement of issues. However, respondent failed to file an appellate brief or statement of issues required to perfect the appeal. As a result, on June 4, 2014, the court summarily dismissed the appeal. Respondent did not advise Gaspar that he failed to perfect the appeal and that the court dismissed the appeal.
4. After discovering his case was dismissed, on June 27, 2014, Gaspar retained Ruben Espinoza, Esq., to reopen his case. On July 1, 2014, Espinoza informed respondent he would be appearing in Gaspar's immigration matter in place of respondent. Espinoza asked respondent to return Gaspar's file immediately.
5. On July 22, 2014, Espinoza renewed his request to respondent for Gaspar's file, noting that Gaspar was confronted with the imminent expiration of his voluntary departure period on August 6, 2014, and that the return of Gaspar's file was urgently required.
6. On August 5, 2014, Espinoza filed a motion to reopen Gaspar's case on appeal based upon the ineffectiveness of respondent in failing to submit an appeal brief or statement to the Board of Immigration Appeals ("BIA").
7. The motion to reopen disclosed that respondent had abandoned Gaspar and that he continued to ignore his responsibilities to his client by failing to return his file materials to Espinoza despite repeated requests.

8. The court granted Espinoza's motion to reopen Gaspar's case.
9. To date respondent has not returned Gaspar's file.

CONCLUSIONS OF LAW:

10. By failing to file an appellate brief or other pleading necessary to perfect the appeal in an immigration removal matter, *In the Matter of Pedro Gonzalez-Gaspar*, file number A200 630 195, resulting in the summary dismissal of the appeal on June 4, 2014, respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

11. By failing to inform the client, Gaspar, that he failed to file the appropriate brief or otherwise perfect the client's appeal, and that as a result Gaspar's appeal had been dismissed on or about June 4, 2014, respondent failed to keep Gaspar reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

12. By failing to release promptly, after the termination of respondent's employment on or about July 1, 2014, to Pedro Gaspar's new attorney, all of Gaspar's papers and property following multiple requests for Gaspar's file, respondent willfully violated the Rules of Professional Conduct, rule 3-700(D)(1).

Case No. 14-O-06207 (State Bar Investigation)

FACTS:

August 22, 2014 Order to Show Cause

13. On August 22, 2014, the Ninth Circuit Court of Appeals issued an order to show cause (OSC) in Case No. 14-80112, styled *In re: Christopher R. Macaraeg, Respondent*, directed to respondent giving him twenty-eight days to show cause why he should not be sanctioned \$2000, suspended, or disbarred for repeated violations of the court's rules and orders and rules of professional conduct, and for conduct unbecoming a member of the court's bar. Respondent received the order.

14. The order was prompted by the large number of petitions for review filed by respondent that were dismissed for failure to prosecute, and the fear that respondent was charging fees for services that were not being properly rendered.

15. The order required respondent to submit copies of retainer agreements with respect to several cases he filed in the Ninth Circuit and to file an opening brief or a dismissal in *Vasquez-Avila v. Holder*, case no. 13-74275 within 14 days. Respondent did not provide any retainer agreements to the court as ordered and did not timely dismiss the *Vasquez-Avila* appeal.

16. On December 8, 2014, more than three months after he was ordered to do so, respondent filed a voluntary dismissal of the appeal in *Vasquez-Avila*, case no. 13-74275. Respondent signed the dismissal as attorney of record for Vasquez-Avila. When respondent filed the dismissal, he was not

authorized to practice law because he was serving a 60-day disciplinary suspension that took effect November 13, 2014. Respondent knew he was not authorized to practice law when he filed the dismissal.

CONCLUSIONS OF LAW:

17. By filing a voluntary dismissal of a pending appeal in the Ninth Circuit Court of Appeals, Case No. 13-74275, styled *Vasquez-Avila v. Holder* on or about December 8, 2014, respondent held himself out as entitled to practice law and actually practiced law when respondent was not an active member of the State Bar in violation of Business and Professions Code, sections 6125 and 6126, and thereby willfully violated Business and Professions Code, section 6068(a).

18. By filing a voluntary dismissal of a pending appeal in the Ninth Circuit Court of Appeals, Case No. 13-74275, styled *Vasquez-Avila v. Holder* on or about December 8, 2014, respondent held himself out as entitled to practice law and actually practiced law when respondent knew he was not an active member of the State Bar and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

19. By failing to comply with the Ninth Circuit Court of Appeals order filed on August 22, 2014 in case no. 14-80112 to submit retainer agreements and file an opening brief or a dismissal in *Vasquez-Avila v. Holder*, respondent violated an order of the court requiring him to do or forbear an act connected with or in the course of his profession which he ought in good faith to do or forbear in willful violation of Business and Professions Code, section 6103.

Peraza Matter

20. In *Peraza v. Holder*, Case No. 12-73319, respondent filed a petition for review in the Ninth Circuit Court of Appeals on behalf of Berta Peraza. On October 19, 2012, the court ordered respondent to file within 21 days a motion to proceed in pro per, pay required filing fees or show cause why the matter should not be dismissed for failure to prosecute. Respondent received the order but failed to comply, and the court dismissed the petition for review on November 20, 2012.

21. Respondent successfully moved the court to reopen Peraza's appeal and it granted an extension to file the opening brief no later than September 9, 2013. The court dismissed Peraza's appeal on October 22, 2013, because respondent had not filed an opening brief.

22. In December 2013, respondent requested Peraza's appeal be reopened a second time. On December 18, 2013, the Ninth Circuit Court of Appeals granted the request and ordered respondent to file the opening brief by February 18, 2014. It further ordered respondent to show cause within 14 days why he should not be sanctioned \$2000 for not timely prosecuting the case. Respondent received the order but failed to comply.

23. On February 20, 2014, the court imposed the \$2000 sanction and ordered respondent to pay it within fourteen days. Respondent received the order, but failed to timely pay the sanctions. He also failed to report the imposition of sanctions to the State Bar.

24. On March 7, 2014, the court dismissed Peraza's appeal because respondent failed to file the opening brief.

25. Respondent requested reconsideration of the dismissal which the court denied on April 18, 2014. However, it granted respondent 30 days to renew the request if accompanied by an opening brief. Respondent renewed the request in June and August 2014 without success because he omitted the required opening brief.

CONCLUSIONS OF LAW:

26. By failing to timely file an opening brief resulting in the repeated dismissal of Peraza's appeal, and by repeatedly seeking reconsideration of the dismissal without accompanying it with the opening brief as required by the court, respondent intentionally, recklessly, or repeatedly failed to perform with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

27. By failing to comply with the Ninth Circuit Court of Appeals orders filed on December 18, 2013 and February 20, 2014 in case no. 12-73319 to timely file an opening brief and show cause why he should not be sanctioned \$2000 for failure to prosecute and thereafter to pay sanctions within 14 days, respondent violated an order of the court requiring him to do or forbear an act connected with or in the course of his profession which he ought in good faith to do or forbear in willful violation of Business and Professions Code, section 6103.

28. By failing to report to the State Bar the \$2000 sanction the court imposed in case no. 12-73319, respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time respondent had knowledge of the imposition of judicial sanctions against him in willful violation of Business and Professions Code section, 6068(o)(3).

Collazos Matter

29. In *Collazos v. Holder*, Case No. 05-75152, respondent filed a petition for review in the Ninth Circuit Court of Appeals on behalf of Walter Collazos. On October 28, 2005, the court ordered respondent to file the opening brief no later than December 5, 2005. Respondent received the order but failed to file the opening brief, and the court dismissed the petition for review on April 12, 2006.

CONCLUSIONS OF LAW:

30. By failing to timely file an opening brief resulting in the dismissal of Collazos's appeal, respondent intentionally, recklessly, or repeatedly failed to perform with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

31. By failing to comply with the Ninth Circuit Court of Appeals order filed on October 28, 2005 in case no. 05-75152 to file an opening brief no later than December 5, 2005, respondent violated an order of the court requiring him to do or forbear an act connected with or in the course of his profession which he ought in good faith to do or forbear in willful violation of Business and Professions Code, section 6103.

Gutierrez-Correa Matter

32. In *Gutierrez-Correa v. Holder*, Case No. 12-72072, respondent filed a petition for review in the Ninth Circuit Court of Appeals on behalf of Carlos Gutierrez-Correa. On March 29, 2013, the court ordered respondent to file the opening brief no later than July 5, 2013. Respondent received the

order but failed to file the opening brief, and the court dismissed the petition for review on August 22, 2013.

CONCLUSIONS OF LAW:

33. By failing to timely file an opening brief resulting in the dismissal of Gutierrez-Correa's appeal, respondent intentionally, recklessly, or repeatedly failed to perform with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

34. By failing to comply with the Ninth Circuit Court of Appeals order filed on March 29, 2013 in case no. 12-72072 to file an opening brief no later than July 5, 2013, respondent violated an order of the court requiring him to do or forbear an act connected with or in the course of his profession which he ought in good faith to do or forbear in willful violation of Business and Professions Code, section 6103.

Escobedo-Cardona Matter

35. In *Escobedo-Cardona v. Holder*, Case No. 09-72866, respondent filed a petition for review in the Ninth Circuit Court of Appeals on behalf of Mario Escobedo-Cardona. On September 18, 2009, the court ordered respondent to show cause within 21 days why the case should not be dismissed for lack of jurisdiction. Respondent received the order but failed to file a response, and the court dismissed the petition for review on October 19, 2010.

CONCLUSIONS OF LAW:

36. By failing to respond to an order to show cause, resulting in the dismissal of Escobedo-Cardona's appeal, respondent intentionally, recklessly, or repeatedly failed to perform with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

37. By failing to comply with the Ninth Circuit Court of Appeals order filed on September 18, 2009 in case no. 09-72866 to respond to an order to show cause, Respondent violated an order of the court requiring him to do or forbear an act connected with or in the course of his profession which he ought in good faith to do or forbear in willful violation of Business and Professions Code, section 6103.

Aparacio-Pasqual Matter

38. In *Aparacio-Pasqual v. Holder*, Case No. 11-72866, respondent filed a petition for review in the Ninth Circuit Court of Appeals on behalf of Rafael Aparacio-Pasqual. On August 12, 2011, the court ordered respondent to show cause within 21 days why the case should not be dismissed for lack of jurisdiction. Respondent received the order but failed to file a response, and the court dismissed the petition for review on September 19, 2011.

CONCLUSIONS OF LAW:

39. By failing to respond to an order to show cause, resulting in the dismissal of Aparacio-Pasqual's appeal, respondent intentionally, recklessly, or repeatedly failed to perform with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

40. By failing to comply with the Ninth Circuit Court of Appeals order filed on August 12, 2011, in case no. 11-72866 to respond to an order to show cause, respondent violated an order of the court requiring him to do or forbear an act connected with or in the course of his profession which he ought in good faith to do or forbear in willful violation of Business and Professions Code, section 6103.

Claro Matter

41. In *Claro v. Holder*, Case No. 11-72150, respondent filed a petition for review in the Ninth Circuit Court of Appeals on behalf of Silvia Claro. On August 10, 2011, the court ordered respondent to show cause within 21 days why the case should not be dismissed for lack of jurisdiction. Respondent received the order but failed to file a response, and the court dismissed the petition for review on September 13, 2011.

CONCLUSIONS OF LAW:

42. By failing to respond to an order to show cause, resulting in the dismissal of Claro's appeal, respondent intentionally, recklessly, or repeatedly failed to perform with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

43. By failing to comply with the Ninth Circuit Court of Appeals order filed on August 10, 2011, in case no. 11-72150 to respond to an order to show cause, Respondent violated an order of the court requiring him to do or forbear an act connected with or in the course of his profession which he ought in good faith to do or forbear in willful violation of Business and Professions Code, section 6103.

Pedro Matter

44. In *Pedro v. Holder*, Case No. 10-73950, respondent filed a petition for review in the Ninth Circuit Court of Appeals on behalf of Santos Pedro. On June 29, 2011, the court ordered respondent to file the opening brief no later than September 27, 2011. Respondent received the order but failed to file the opening brief, and the court dismissed the petition for review on March 21, 2012.

CONCLUSIONS OF LAW:

45. By failing to file an opening brief, resulting in the dismissal of Pedro's appeal, respondent intentionally, recklessly, or repeatedly failed to perform with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

46. By failing to comply with the Ninth Circuit Court of Appeals order filed on June 29, 2011, in case no. 10-73950 to file an opening brief, respondent violated an order of the court requiring him to do or forbear an act connected with or in the course of his profession which he ought in good faith to do or forbear in willful violation of Business and Professions Code, section 6103.

Guerrero Matter

47. In *Guerrero-Villapando v. Holder*, Case No. 09-72266, respondent filed a petition for review in the Ninth Circuit Court of Appeals on behalf of Raul Guerrero-Villapando. On July 20, 2009, the court ordered respondent to file the opening brief no later than December 14, 2009. Respondent received the order but failed to file the opening brief, and the court dismissed the petition for review on January 12, 2010.

CONCLUSIONS OF LAW:

48. By failing to file an opening brief, resulting in the dismissal of Guerrero-Villapando's appeal, respondent intentionally, recklessly, or repeatedly failed to perform with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

49. By failing to comply with the Ninth Circuit Court of Appeals order filed on July 20, 2009, in case no. 09-72266 to file an opening brief, respondent violated an order of the court requiring him to do or forbear an act connected with or in the course of his profession which he ought in good faith to do or forbear in willful violation of Business and Professions Code, section 6103.

Case No. 15-O-10408 (Complainant: Reyna Tello-Tello)

FACTS:

50. On May 5, 2010, respondent entered an appearance in a removal proceeding on behalf of Reyna Tello-Tello (hereinafter "Tello") in the United States Immigration Court, styled *In the Matter of Reyna Juana Tello-Tello*, Case No. A 200-62-830.

51. On April 18, 2011, respondent filed an application for political asylum on behalf of Tello with the court to stay a deportation order.

52. A removal hearing was conducted on July 19, 2012, at which time the court denied the asylum application and ordered Tello's removal.

53. On August 20, 2012, respondent filed a notice of appeal from the immigration judge's decision.

54. On October 9, 2012, respondent was served with a briefing schedule requiring his brief on appeal be filed no later than October 30, 2012. Respondent was aware of the briefing schedule.

55. Respondent failed to file the brief and on December 13, 2013, the court dismissed the appeal. Respondent failed to advise Tello of the dismissal.

56. Tello spoke little English so Tello's sister, Christina Rodriguez Tello and her son Samuel Rodriguez, spoke with respondent on her behalf. On or about February 7, 2014, respondent told them that Tello's appeal was progressing in good order when it had in fact been dismissed on or about December 13, 2013.

57. After Tello learned of the dismissal Tello retained replacement counsel, Carol Carvajal, in an attempt to re-open her matter based upon ineffectiveness of counsel.

58. To facilitate this motion, respondent provided a declaration executed December 29, 2014, wherein he acknowledged his failure to file the appeal brief and admitted misrepresenting to his client that her appeal was pending in response to her inquiry as to how it was progressing. He further

acknowledged that he did not tell her the appeal was summarily dismissed. The motion to re-open was denied.

CONCLUSIONS OF LAW:

59. By failing to file an appellate brief resulting in the summary dismissal of Tello's appeal, respondent intentionally, recklessly, or repeatedly failed to perform with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

60. By telling Tello's sister, Christina Rodriguez Tello and her son Samuel Rodriguez, on or about February 7, 2014, that Tello's appeal was progressing in good order when respondent knew it had in fact been dismissed on or about December 13, 2013, respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

61. By failing to inform Tello that he failed to file the appellate brief, and that as a result the appeal was dismissed on or about December 13, 2013, respondent failed to keep Tello reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline, Standard 1.5(a): Respondent has two prior records of discipline. Respondent stipulated to a private reproof in State Bar Case No. 12-O-10144, effective May 19, 2012. In a single client matter in 2008, respondent failed to competently perform in violation of Rules of Professional Conduct, rule 3-110(A). Mitigation was given for his cooperation and six prior years of discipline free practice. There were no aggravating circumstances.

Effective November 13, 2014, Respondent stipulated to misconduct in Case No. 13-H-13169, accepting a sixty day actual suspension, one year stayed suspension and two years of probation, for failure to comply with the terms of probation during 2012 through 2013 set forth within the private reproof. In aggravation respondent had one prior discipline and there were multiple terms of probation that were violated. Mitigation was afforded for his pre-trial stipulation.

Multiple Acts of Misconduct, Standard 1.5(b): Respondent committed multiple acts of misconduct, specifically violations of Rules of Professional Conduct, rule 3-110(A) [failure to perform], 3-700(D)(1) [failure to return file] and Business and Professions Code sections 6068(m) [failure to communicate significant development], 6068(a) [UPL], multiple violations of section 6103 [failure to obey court order], 6068(o)(3) [failure to report sanctions] and 6106 [moral turpitude].

Harm, Standard 1.5(j): Respondent's misconduct resulted in the dismissal of several matters and severely prejudiced his clients. (*In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, where attorney's loss of client's cause of action constituted significant harm.) Furthermore, multiple clients incurred additional expense when they were forced to hire replacement counsel.

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing

with similar misconduct and surrounding circumstances.” (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member’s willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).).

In this matter, respondent admits to committing twenty-seven acts of professional misconduct. Standard 1.7(a) requires that where a respondent “commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed.”

The most severe sanction applicable to respondent’s misconduct is found in standards 1.8(b) and 2.11. Under standard 1.8(b), respondent’s disbarment is appropriate since he has two prior disciplines and one of them involved a 60-day actual suspension. Although the aggravating weight of respondent’s prior discipline is reduced because some of the present misconduct occurred during the same time frame, disbarment would still have been appropriate had the totality of misconduct been addressed in a single proceeding. This is because respondent’s abandonment of clients spanning approximately nine years evidences an inability to conform to ethical responsibilities and suggests a high risk of future misconduct.

Under standard 2.11, disbarment is appropriate since the magnitude of respondent’s misconduct is significant (misrepresentation, coupled with multiple violations of court orders failure to pay or report sanctions and unauthorized practice), resulted in multiple dismissals which significantly harmed several clients, and was directly related to the practice of law. Further, based upon respondent’s prior discipline and the deception surrounding the current misconduct, disbarment will protect the public.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of March 1, 2016, the prosecution costs in this matter are approximately \$7,431. 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.

(Do not write above this line.)

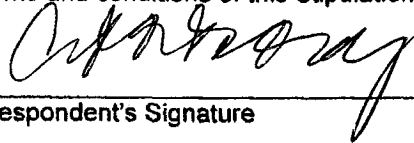
In the Matter of: CHRISTOPHER RAMOS MACARAEG	Case number(s): 14-O-04620-WKM, 14-O-06207, 15-O-10408
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SIGNATURE OF THE PARTIES

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.

3/4/2016

Date



Respondent's Signature

Christopher R. Macaraeg

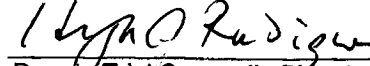
Print Name

Date

March 7 '14

Date

Respondent's Counsel Signature



Deputy Trial Counsel's Signature

Print Name

Hugh G. Radigan

Print Name

(Do not write above this line.)

In the Matter of:
CHRISTOPHER RAMOS MACARAEG

Case Number(s):
14-O-04620-WKM, 14-O-06207, 15-O-10408

DISBARMENT 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:

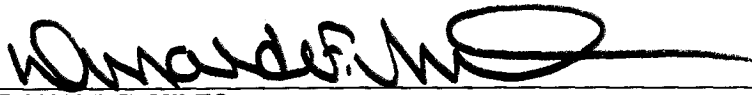
- ☒ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

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.)**

Respondent Christopher Ramos.Macaraeg is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Date

3/14/14


DONALD F. MILES
Judge of the State Bar Court

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 March 14, 2016, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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:

**CHRISTOPHER R. MACARAEG
LAW OFFICES OF CHRISTOPHER R MACARAEG
424 F ST STE C
SAN DIEGO, CA 92101**

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

HUGH GERARD RADIGAN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 14, 2016.



Paul Barona
Case Administrator
State Bar Court