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SEP 21 2015  
STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

5 **IN PRO PER**

7 STATE BAR COURT  
8 HEARING DEPARTMENT – LOS ANGELES

10 In the Matter of:

Case Nos. 14-O-04620, 14-O-06207, and 15-O-10408

11 CHRISTOPHER RAMOS MACARAEG,  
12 NO. 222120,

RESPONDENT'S ANSWER TO NOTICE OF  
DISCIPLINARY CHARGES

13  
14 A Member of the State Bar

15  
16 **TO THE COURT, ALL INTERESTED PARTIES HEREIN, AND THEIR ATTORNEYS**  
17 **OF RECORD:**

18 Respondent, Christopher R. Macaraeg (“Respondent”), hereby submits his Response  
19 (“Response”) to the Notice of Disciplinary Charges (“Charges”) filed by the State Bar Court  
20 against him in Case Numbers 14-O-04620, 14-O-06207, and 15-O-10408. The Respondent  
21 asserts his rights to have the information, evidence, and witnesses of this proceedings and its  
22 documents to be privileged to the extent set forth in Code of Civil Procedure Sections 6086.1 and  
23 6094 and under California law.

24 **COUNT ONE: Case No. 14-O-04620**

25 The allegation as it relates to Count One is denied as Respondent was suffering from  
26 anxiety and family crisis due to severe financial problems. This anxiety affected Respondent's  
27 ability to perform competently on behalf of Pedro Gaspar (“Mr. Gaspar”). Therefore, due to the  
28 crisis that Respondent was experiencing at that time, Respondent failed to follow up with Mr.



1 Gaspar (who had been difficult to reach on a few occasions), to address the filing of his appeal  
2 with the Board of Immigration Appeals.

3 **COUNT TWO: Case No. 14-O-0462**

4 The denial of Mr. Gaspar's appeal added to the ongoing anxiety and stress that  
5 Respondent was already experiencing. Respondent attempted to contact Mr. Gaspar, however,  
6 the several attempts by phone were not returned. The distractions surrounding Respondent as  
7 noted above in Count One affected Respondent's reasonable judgment to follow through with  
8 written correspondence or other forms of communication to properly inform Mr. Gaspar.

9 **COUNT THREE: Case No. 14-O-0462**

10 Respondent denies this allegation.

11 **COUNT FOUR: Case No. 14-O-06207**

12 Respondent denies this allegation. Pursuant to his resignation from the Ninth Circuit  
13 Court on November 3, 2014, Respondent was ordered by the Ninth Circuit Court of Appeals to  
14 submit a voluntary dismissal of his representation in the pending matter: Case No. 13-74275,  
15 *Vasquez-Avila v. Holder* by December 8, 2014. Respondent previously met with Mr. Vasquez  
16 Avila to inform him of his suspension from the State Bar and also of the requirement to dismiss  
17 himself from his appeal. Respondent thereafter retained new counsel.

18 **COUNT FIVE: Case No. 14-O-06207**

19 Respondent denies this allegation. See Response to Count Four above.

20 **COUNT SIX: Case No. 14-O-06207**

21 Respondent denies this allegation. Respondent provided the Ninth Circuit with the file of  
22 Mr. Vasquez Avila in his Response to the Ninth Circuit Court referencing Case No. 14-O-80112:  
23 *In re: Christopher R. Macaraeg, Respondent.*

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1 Respondent, explained this to the Ninth Circuit Commissioner during the proceedings  
2 heard on October 28, 2014. Respondent, understood at that time that he had made a grave  
3 mistake. First, he should never have stuck his neck out for these clients. Second, and most  
4 important, he should have dismissed himself for lack of communication from the cases where the  
5 clients became unresponsive to correspondence and other communication.  
6

7  
8 **COUNT SEVEN: Case No. 14-O-06207**

9 Respondent was initially retained by Berta Peraza (“Ms Peraza”) to represent her during  
10 Immigration Removal Proceedings. The Immigration Judge ordered her Removal and we  
11 subsequently filed an appeal with the Board of Immigration Appeals. The BIA thereafter denied  
12 the appeal.

13 Ms. Peraza was on her last chance before the Immigration and Customs Enforcement  
14 officer was going to remove her from the United States. Several occasions, Ms. Peraza came to  
15 me after having a conversation with her officer telling her that she needed to show proof of her  
16 case being determined by the 9<sup>th</sup> Circuit Court. In my haste and desire to do whatever I could to  
17 prevent her from being removed I filed Motions to Reconsider citing that Ms. Peraza never had  
18 the chance to apply for Prosecutorial Discretion with the Department of Homeland Security. I  
19 still believe this to be a valid argument, however, the 9<sup>th</sup> Circuit Court Commissioner alerted me  
20 in October 2014 that I did not need to get the route of filing a Motion for Reconsideration to get  
21 this accomplished. The case eventually proceeded in forma pauperis. Ms. Peraza was finally  
22 granted an opportunity to seek Prosecutorial Discretion with the Immigration and Customs  
23 Enforcment.

24 **COUNT EIGHT: Case No. 14-O-06207**

25 Respondent denies the allegation in Count Eight. The anxiety and family crisis that  
26 Respondent suffered from had been ongoing to the point that Respondent became overwhelmed.  
27 Still, Respondent did what he thought, at the time would prevent the deportation of Ms. Peraza.

28 Respondent did not prepare a declaration pursuant to the October 19, 2012 and February  
1, 2013 orders because it was his intention to file a new motion to reconsider with the Ms.

1 Peraza's filing fees. Respondent believed that the "deficiencies" referenced in the Court's  
2 dismissals were in large part due to the failure to submit an appropriate filing fee. Errors like  
3 this caused Respondent to make the decision to resign from practicing before the 9<sup>th</sup> Circuit. As  
4 the Court Commissioner said during the hearing on October 28, 2014, it would appear that he  
5 was more an attorney more suited to practicing law in the trial courts as opposed to the Appellate  
6 Courts. Respondent realized at that time to resign because he was not suited to be an appellate  
7 lawyer.

8  
9 **COUNT NINE: Case No. 14-O-06207**

10 Respondent admits to failing to file a response for the order to show cause. Respondent's  
11 continuing anxiety and family crisis affected his ability to provide a response to the Ninth  
12 Circuit. Eventually, Respondent was sanctioned \$2000.00.

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14 **COUNT TEN: Case No. 14-O-06207**

15 The Respondent admits the allegation in this charge. Unfortunately, Respondent did not  
16 report Ninth Circuit Court sanction to the Bar. It was not until he attended the Bar Ethics School  
17 on February 18, 2015 that he became aware of the duty to inform the Bar of any sanction over  
18 \$1000.00. Had he known this, he would have informed the Bar especially since he was already  
19 under probation. These sanctions have been paid in full.

20  
21  
22 **COUNT ELEVEN: Case No. 14-O-06207**

23 The Respondent denies this allegation. The *Collazos* matter was Respondent's first Ninth  
24 Circuit case. The client, Walter Collazos ("Mr. Collazos") retained Respondent to prepare and  
25 file an appeal in his case. Shortly after Respondent prepared the Notice of Appeal, Mr. Collazos  
26 either moved away from San Diego or completely out of the Country. Respondent was never  
27  
28

1 successful in reaching him. To Respondent's fault he did not file a motion to withdraw from the  
2 case.

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4 **COUNT TWELVE: Case No. 14-O-06207**

5 Respondent denies this allegation. Please see Response to Count Twelve above.

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7 **COUNTS THIRTEEN and FOURTEEN: Case No. 14-O-06207**

8 The Respondent denies the charges in counts thirteen to fourteen. The *Gutierrez-Correa*  
9 ("Mr. Gutierrez") matter involved a client who was in detention in El Centro, California.  
10 Respondent and Mr. Gutierrez had a disagreement on how his Appeal should be written and Mr.  
11 Gutierrez decided to file his own brief. To Respondent's fault, he didn't file a Motion to  
12 Withdraw as his counsel.

13  
14 **COUNTS FIFTEEN to TWENTY-FOUR: Case No. 14-O-06207**

15 The Respondent denies the charges in counts fifteen to twenty-four. The Respondent  
16 directs the Court to his introduction regarding the Representation of Clients in the Ninth Circuit  
17 Courts. Respondent in essence attempted to assist the clients listed in charges fifteen to twenty  
18 four respectively to preserve their appellate rights. Unfortunately, after Respondent provided  
19 them with a document showing their appeal had been filed, the clients were never seen by  
20 Respondent again. Respondent is aware that some of these clients simply decided to leave the  
21 country on their own. Again, to Respondent's fault, a motion to withdraw was not filed so that  
22 Respondent could be relieved as Counsel.

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24 **COUNTS TWENTY-FIVE to TWENTY-SEVEN: Case No. 15-O-10408**

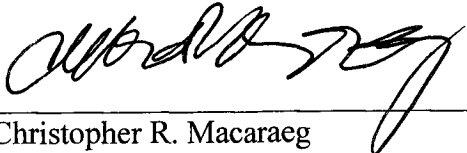
25 Respondent admits to the allegations with respect to these charges. In Response to these  
26 charges regarding the representation of Reyna Juana Tello-Tello ("Ms. Tello's), Respondent  
27 defers to the Declaration he provided to Ms. Tello's new attorney to assist her in re-opening her  
28



1 Respondent has also taken prompt objective steps whenever he could demonstrating his  
2 remorse. Specifically in the Tello matter, Respondent willfully provided a declarations  
3 explaining his actions to aid Ms. Tello in reopening her Immigration case.

4 Finally, Respondent will make the Court aware that he has been an active member of his  
5 legal community and has received numerous awards for his community service. He has also  
6 been a respected colleague in his legal community. These attorneys are aware of Respondent's  
7 current charges and can provide character references on his behalf.  
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9  
10 Dated: September 18, 2015

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12 By:   
13 Christopher R. Macaraeg  
14 In Pro Per  
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2 **PROOF OF SERVICE**

3 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

4 I am employed in the County of San Diego, State of California; I am over the age of  
5 18 years and am not a party to the within action. My business address is 424 F Street, Suite  
6 C, San Diego, California 92101.

7 On September 18, 2015, I served the following document described as:

8 **RESPONSE OF CHRISTOPHER R. MACARAEG TO THE NOTICE OF  
9 DISCIPLINARY CHARGES**

10 on the interested parties in said action by enclosing the document in a sealed envelope  
11 address as follows:

12 State Bar of California  
13 Office of the Chief Trial Counsel  
14 Jayne Kim  
15 Joseph Carlucci  
16 Melanie Lawrence  
17 Brooke Schafer  
18 Hugh Radigan  
19 845 South Figueroa Street  
20 Los Angeles, CA 90017-2515

21 *USPS Priority Mail*

22 X ~~BY FEDEX EXPRESS:~~ I personally placed the document into a <sup>USPS</sup> ~~FedEx~~  
23 ~~Express-Envelope~~ and sent to the above address.

24 X I declare under penalty of perjury under the State of California that the  
25 above is true and correct.

26 Executed on September 18, 2015 at San Diego, CA.

27  
28  
  
Juan Huerta