



NO. BD-2009-057

S.J.C. Order of Indefinite Suspension entered by Justice Cordy on April 18, 2012.¹

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¹ The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
BD-2009-057

IN RE: JAMES DOUGLAS CHRISTO

MEMORANDUM AND ORDER

This matter is before the court on an Information filed by the Board of Bar Overseers (board) recommending that the respondent be disciplined in light of his conviction in the United States District Court for the Southern District of New York on April 3, 2009, for conspiracy to commit immigration fraud in violation of 18 U.S.C. § 371.¹ Specifically, the board recommends that the respondent be suspended from the practice of law for four years retroactive to November 18, 2009, the date of his temporary suspension, or until the five-year probationary term (to which he was sentenced in Federal court) is terminated, whichever is later.

Bar counsel disagrees with the board's recommendation, and seeks the respondent's disbarment in so far as his conviction is for a felony involving his practice of law - immigration law in

¹ The respondent was convicted of conspiring with his wife to commit a single act of immigration fraud. The fraud itself was never consummated. The respondent was found not guilty on a second count of conspiring to commit immigration fraud.

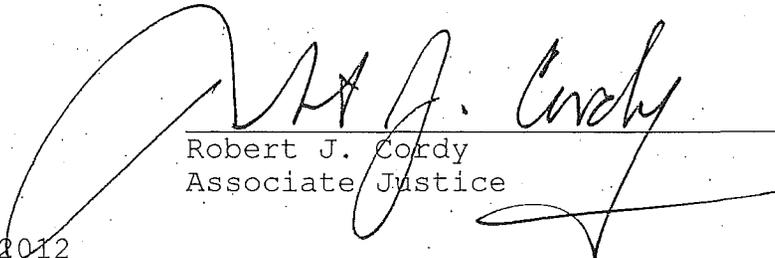
this instance.² The hearing committee, on the other hand, recommended an indefinite suspension after receiving evidence from several witnesses, including the respondent, putting the matter of which he was convicted into a more sympathetic context.

The board's recommendation appears principally to be premised on the four-year suspension from the practice of law that was imposed on the respondent by the Appellate Division of the Supreme Court of New York on May 17, 2011. Bar counsel points out that this is not a reciprocal discipline case and that the respondent would have been disbarred in New York by operation of law (for a felony conviction) but for the fact that the Appellate Division had previously ruled that the felony of which he was convicted (conspiracy to commit immigration fraud) did not have a counterpart in New York penal law. We are, of course, not constrained by New York law, and have repeatedly confirmed that disbarment or indefinite suspension following a felony conviction for conduct related to the practice of law is the usual sanction to be imposed. Matter of Finneran, 455 Mass. 722, 730 (2010). Matter of Driscoll, 447 Mass. 678, 688 (2006).

Having reviewed the findings and reasoning of the hearing panel, and the exhibits admitted at the hearing, I am persuaded

² Much of the respondent's practice was before the Federal immigration courts in New York, Massachusetts, and elsewhere. On July 26, 2011, the respondent was "expelled" from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security.

that the sanction of indefinite suspension is appropriate and not disproportionate to discipline imposed in other comparable cases.



Robert J. Cordy
Associate Justice

Entered: April 18, 2012