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3:02-CR-01457 USA V. RAMIREZ
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8 Attorneys for Defendant
9 SALVADOR JOSE RAMIREZ

FILED

02 AUG -2 PH 3:30

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: *V. Sherrill* DEPUTY

10 UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA

11 HON. JEFFREY T. MILLER /

12 UNITED STATES OF AMERICA,

No. 02CR1457-JM

13 Plaintiff,

**AFFIDAVIT OF DAVID R. STEINMAN IN
SUPPORT OF MOTION TO WITHDRAW AS
COUNSEL OF RECORD AND TO APPOINT
NEW COUNSEL**

14 v.

15 SALVADOR JOSE RAMIREZ,

Hon. JEFFREY T. MILLER

16 Defendant.

Date: August 16, 2002
Time: 11:00 a.m.

17 I, David R. Steinman, being duly sworn, state:

18 1. I am the counsel of record for defendant Salvador Jose
19 Ramirez in the above styled action.

20 2. I recently received an offer of employment from the
21 United States Attorney's Office for the District of Colorado.

22 3. This potential change of employment creates an actual
23 conflict of interest for my continuing representation of
24 Mr. Ramirez.

25 4. According to the California Rules of Professional
26 Conduct, Rule 3-310(C), a member "shall not, without the informed
27 consent of each client: (2) Accept or continue representation of

1 more than one client in a matter in which the interest of the
2 clients actually conflict."

3 5. Further, Rule 3-310(C)(3) provides that a member may
4 not "represent a client in a matter and at the same time in a
5 separate matter accept as a client a person or entity whose
6 interest in the first matter is adverse to the client in the
7 first matter."

8 6. The Department of Justice, through its various United
9 States Attorney's Offices, is the adverse party to Mr. Ramirez.

10 7. The above mentioned job opportunity with the United
11 States Attorney's Office creates a direct conflict with
12 Mr. Ramirez's interests.

13 8. Rule 3-310 does not permit an attorney to continue
14 representing "more than one client in a matter in which the
15 interest of the clients actually conflict."

16 9. I spoke with Mr. Ramirez on August 1, 2002, and
17 explained that a conflict of interest now exists with my
18 continuing representation of his case.

19 10. I also explained that I would be seeking to withdraw as
20 counsel of record.

21 11. Mr. Ramirez stated that he understood the conflict and
22 wanted me to stay on as counsel of record despite the conflict.

23 12. I am willing to remain as counsel of record for
24 Mr. Ramirez at the discretion of this Court.

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1 13. I declare that this motion to withdraw as counsel of
2 record and request that the Court appoint new counsel has been
3 prepared in good faith and will not adversely affect the
4 interests of Mr. Ramirez nor will Mr. Ramirez be prejudiced by
5 the appointment of new counsel at this stage of the proceedings.
6 Dated: August 2, 2002.

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8 Respectfully submitted,
9 GRAY CARY WARE & FREIDENRICH LLP

10 By 
11 DAVID ROBERT STEINMAN
12 Attorney for Defendant
13 SALVADOR JOSE RAMIREZ
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