

**STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT - LOS ANGELES**

In the Matter of)	Case No. 02-O-15138-RMT; 03-O-00722
)	(Cons.)
ROSEMARIE BURGOS,)	ORDER RE EXTENSION OF TIME TO
)	COMPLETE MPRE AND TO
Member No. 130444,)	RESTRUCTURE PAYMENT PLAN FOR
)	RESTITUTION
<u>A Member of the State Bar.</u>)	

TO ALL PARTIES AND COUNSEL IN THE ABOVE ENTITLED MATTER:

By motion filed February 24, 2006, respondent **ROSEMARIE BURGOS** seeks an extension of time within which to comply with certain probation conditions imposed by the Supreme Court in case No. S128319, filed December 23, 2004.¹ On March 10, 2006, respondent filed a supplement to the motion, stating that she planned to take the MPRE on March 11, 2006, but was requesting an extension through September 2006, in the event that she did not pass the March 11th exam. Respondent urged that if she did not pass the March 2006 MPRE, she could take the August 4, 2006 exam without having to file another motion for an extension of time.

Through her motion respondent also seeks to restructure her restitution payment plan, and thus the time in which she must make restitution.

On March 14, 2006, the State Bar filed a response to respondent’s motion. The State Bar did not oppose extending the time for respondent to pass the MPRE until April 20, 2006. The State Bar also did not oppose respondent’s request to restructure her payment plan for restitution, so that respondent would pay \$350 each month beginning May 1, 2006, and ending on September 1, 2008.

¹The Supreme Court’s final disciplinary order became effective on January 22, 2005. Among other things, the Supreme Court order required that respondent be suspended for one year, stayed, and be placed on probation for three years subject to the conditions of probation, including 120 days actual suspension and until she makes specified restitution.

Respondent would also pay \$10,000 in two quarterly payments of \$5,000 each. Proof of those two quarterly payments would be reported with respondent's quarterly reports due July 10 and October 10, 2006. The State Bar stated that its non-opposition to the restructure plan was conditioned upon extending respondent's probation to September 1, 2008, to permit time for restitution to be completed.²

After considering and reviewing respondent's motion and the State Bar's response thereto, the court **GRANTS** the motion in part and **DENIES** it in part as follows:

1. In view of respondent's personal and financial hardships, the court **GRANTS** respondent's request to extend the time to provide proof of passage of the MPRE to the Office of Probation of the State Bar on or before October 1, 2006.
2. Pursuant to the Supreme Court's order in case No. S128319, respondent is ordered to remain actually suspended until she makes specified restitution. Unless expressly authorized by the Supreme Court, this court does not have jurisdiction to modify an actual or stayed period of suspension. (Rules Proc. of State Bar, rule 550(b).) Since this court would in fact be modifying the period of suspension imposed upon respondent by the Supreme Court if it extended the time in which respondent could make restitution payments, the court **DENIES** respondent's request to extend the time in which she can repay restitution and her request to restructure the payment plan for restitution. Thus, respondent will remain actually suspended until she makes restitution as ordered in Supreme Court case No. S128319.

Dated: March 27, 2006

ROBERT M. TALCOTT
Judge of the State Bar Court

²The request to modify the probation condition regarding restitution, if it were granted, would not affect respondent's obligation to pay restitution. Thus, the requested relief, if granted, would have been inconsequential.