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**State Bar Court of California  
Hearing Department  
San Francisco**

<p>Counsel For The State Bar</p> <p><b>TREVA R. STEWART</b> 180 Howard Street, 7<sup>th</sup> Floor San Francisco, CA 94105</p> <p>Bar # 239829</p>	<p>Case Number (s) 07-O-10806, 08-O-14867</p>	<p>(for Court's use)</p> <p align="center"><b>PUBLIC MATTER</b></p> <p align="center"><b>FILED</b></p> <p align="center">SEP 02 2009 <i>[Signature]</i></p> <p align="center">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p><b>ROBYN BRANSOM</b> 3600 Harbor Blvd., Suite 110-474 Oxnard, CA 93035</p> <p>Bar # 234888</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: <b>ROBERT RUCK</b> 920-1/2 U Street Sacramento, CA 95818</p> <p>Bar # 215712</p> <p>A Member of the State Bar of California (Respondent)</p>		

**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, 2001**.
- (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 entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **14** 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."
- (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."

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- (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):
- until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
  - costs to be paid in equal amounts prior to February 1 for the following membership years: **each membership year following filing of the Supreme Court Order in this matter.**  
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
  - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
  - costs entirely waived

**B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline** [see standard 1.2(f)]
- (a)  State Bar Court case # of prior case
  - (b)  Date prior discipline effective
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **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.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. **Respondent denies responsibility for having caused a default being entered against his client. See Attachment.**
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings. **Respondent initially failed to participate in the State Bar's investigation. See Attachment.**
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.

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- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standard 1.2(e)]. 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 deemed serious.
- (2)  **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating 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 in good faith.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (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 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 convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances**

**D. Discipline:**

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of **one year**.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following:

(b)  The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent must be placed on probation for a period of **three years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3)  **Actual Suspension:**

(a)  Respondent must be actually suspended from the practice of law in the State of California for a period of **30 days**.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following: **pays Alvin Rhodes \$3962.50 and provides proof of said payment to the Office of Probation.**

**E. Additional Conditions of Probation:**

(1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

(2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(3)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

(4)  Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the

probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.

- (5)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions             |

**F. Other Conditions Negotiated by the Parties:**

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951-9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason: .
- (2)  **Rule 955-9.20, California Rules of Court:** Respondent must comply with the requirements of rule 955-9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule

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within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

- (3)  **Conditional Rule ~~955-9.20~~, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule ~~955-9.20~~, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5)  **Other Conditions: See Attachment**

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:        ROBERT RUCK

CASE NUMBER(S):        07-O-10806-PEM, 08-O-14867

**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.

**07-O-10806**

**Facts**

1. Katrina Johnson (hereinafter, "Mrs. Johnson") ran a licensed child care center. On or about November 7, 2006, Mrs. Johnson received an "Order to Licensee of Immediate Exclusion From All Facilities" from the California Department of Social Services (hereinafter, "the Department").
2. On November 21, 2006, Mrs. Johnson hired respondent to represent her in front of State and County Administrative Agencies to withdraw the Order of Exclusion from All Facilities. The investigation was going to include the file of Elbert Johnson (hereinafter "Mr. Johnson"), Mrs. Johnson's husband. Mr. Johnson lived in Mrs. Johnson's home, and his presence in the home, was, in part, the reason for the agency action against Mrs. Johnson.
3. On November 21, 2006, both Mrs. Johnson and respondent executed an "Agreement for Legal Services II". Respondent was paid the sum of \$500 as the first payment towards a \$1,500 fee. The parties agreed to an additional payment schedule of another \$500 on December 16, 2006, and a final payment of \$500 on January 11, 2007.
4. On November 21, 2006, respondent sent the Staff Attorney for the Department, Carol Chappell (hereinafter, "Chappell") a letter advising her that he was retained by Mrs. Johnson. In his letter, respondent identified his address as 900 G Street, Suite 302, Sacramento, California, 95814 (hereinafter, "G Street address").
5. On December 7, 2006, the Department issued an Accusation in CDSS No. 340609501 et. al. The Accusation set forth the factual basis and allegations for the Department's objections to the Johnson day care, and requested that Mrs. Johnson's license to operate a child care facility be revoked. Included with the Accusation was information advising that a Notice of Defense

needed to be filed within fourteen days (December 21, 2006) unless otherwise agreed to by the parties.

6. On December 7, 2006, the Department served the Accusation on respondent via United States Mail, postage pre-paid, certified, to the G Street address. In addition, the Department served Mrs. Johnson directly. The certified mail sent to respondent was returned to the Department, unclaimed.

7. On December 8, 2006, Mrs. Johnson received her copy of the Accusation. Shortly thereafter, she contacted respondent to ascertain how to proceed. Respondent advised her that he was ill.

8. On December 13, 2006, the Department re-served the Accusation on respondent via United States Mail, postage pre-paid, at the G Street address. This mail was not returned by the postal authorities.

9. Mrs. Johnson contacted respondent on December 19, 2006. Respondent informed her that he had been in contact with Chapelle.

10. At no time did respondent speak to or schedule a meeting with Chappell after the issuance of the Accusation.

11. In order to contest the proceedings on behalf of Mrs. Johnson, respondent needed to file a Notice of Defense by December 21, 2006. Respondent failed to file a Notice of Defense to the Accusation.

12. Between January 1-5, 2007, Mrs. Johnson tried to contact respondent. She was unable to reach him using the telephone number that he provided, it was disconnected.

13. Between January 8-12, 2007, Mrs. Johnson went to respondent's law offices, however, she was unable to reach him. Individuals who shared space with respondent advised Mrs. Johnson that they had not seen nor heard from respondent for several weeks.

14. On January 21, 2007, Mrs. Johnson hired new counsel, Joseph Martin (hereinafter "Mr. Martin").

15. On January 30, 2007, the Department issued a Decision and Order. In its Decision, the Department found that respondent was appropriately served and had defaulted in the proceedings. By order of the Department, Johnson's child care facilities were decertified. The Decision was ordered to become effective on February 9, 2007.

16. On February 15, 2007, Mr. Martin, on behalf of Mrs. Johnson, moved to set aside the default, on the basis of respondent's malfeasance. The Department set aside the default.

17. The Department attempted to contact respondent on March 6, 2007 at the number listed on his representation letter, but received a message that the phone number was no longer in service.
18. On March 20, 2007, after a contested proceeding, the Department again decertified Johnson's child care center.
19. Respondent took no further action on Mrs. Johnson's case after sending the November 21, 2006 letter, advising the Department he was representing Mrs. Johnson.
20. By taking no further action, when in fact he needed to file a Notice of Defense on behalf of Mrs. Johnson, respondent constructively withdrew from representing Mrs. Johnson.
21. When he withdrew, respondent failed to take reasonable steps to avoid reasonably foreseeable harm to Mrs. Johnson. He failed to notify either Mrs. Johnson, and/or the Department, of his withdrawal. He failed to request an extension to file the Notice of Defense by Mrs. Johnson, so that she would have time to retain new counsel.
22. Mrs. Johnson was in fact prejudiced by respondent's withdrawal. She suffered the default against her, and she had to hire new counsel and move to have the default set aside.
23. Respondent did not earn the \$500 fee he received for representing Mrs. Johnson. He performed no work on the case that was of any benefit to Mrs. Johnson.
24. Respondent failed to maintain a record of the funds he received for Mrs. Johnson and failed to render appropriate accounts to Mrs. Johnson regarding them.

#### **Dismissal of Charges**

Counts One (Failure to Perform with Competence, rule 3-110(A)); Three (Moral Turpitude, Business & Professions code 6106); Five (Failure to Refund Unearned Fees, rule 3-700 (D)(2)) and Six (Failure to Cooperate in State Bar investigation, Business and Professions code 6068 (i)) of the notice of disciplinary charges are hereby dismissed.

#### **Legal Conclusions**

1. By failing to advise Mrs. Johnson of his failure to respond to the Accusation and file a Notice of Defense, respondent failed to keep his client reasonably informed of significant developments in a matter in which he agreed to perform legal services, in wilful violation of Business and Professions Code, section 6068(m).
2. By withdrawing from representation without taking reasonable steps to avoid reasonably

foreseeable harm to Mrs. Johnson, respondent wilfully violated Rules of Professional Conduct, rule 3-700(A)(2).

3. By failing to provide Mrs. Johnson with an accounting of the \$500 respondent received on behalf of Mrs. Johnson, respondent failed to render appropriate accounts to a client regarding all funds or other properties coming into Respondent's possession, in willful violation of Rules of Professional Conduct, rule 4-100(B)(3).

### **08-O-14867**

#### **Facts**

1. On September 30, 2008, respondent met with Alvis Rhodes (herein after "Mr. Rhodes"). Mr. Rhodes employed respondent to represent him in his pending criminal matter. Mr. Rhodes was facing murder charges in the case of *People v. Alvis Rhodes*, case no. 1159280, filed in Superior Court, County of Stanislaus.
2. Mr. Rhodes paid, and respondent received, the sum of \$7,000 as advanced attorney's fees. There was no written fee agreement.
3. On October 23, 2008, respondent met with Mr. Rhodes for a second time. Mr. Rhodes terminated respondent's services and requested a refund of the \$7,000 he paid to respondent.
4. Between September 30, 2008 and October 23, 2008, respondent provided no services of any value to Rhodes. Any work respondent completed on the case was preliminary in nature and was of no benefit to Rhodes.
5. Respondent failed to provide Rhodes with any accounting of the \$7,000 respondent received from Rhodes.

#### **Legal Conclusion**

By failing to provide Rhodes with an accounting of the \$7,000 respondent received from Rhodes, respondent failed to render appropriate accounts to a client regarding all funds or other properties coming into Respondent's possession, in willful violation of Rules of Professional Conduct, rule 4-100(B)(3).

### **AGGRAVATING CIRCUMSTANCES.**

#### **Facts Supporting Aggravating Circumstances.**

Pursuant to standard 1.2(b)(v), respondent has demonstrated indifference toward the harm caused by his misconduct. He unjustifiably denies responsibility for Mrs. Johnson's default being entered and fails to acknowledge the harm his misconduct caused. He has taken no steps towards

rectification.

Pursuant to standard 1.2(b)(vi), respondent displayed a lack of candor with Mrs. Johnson. Further, respondent was also initially uncooperative with the State Bar's investigation of this matter and did not immediately participate in the proceedings following the filing of the Notice of Disciplinary Charges. However, since filing his Answer to the Notice of Disciplinary Charges, respondent has remained consistent in his participation.

## **MITIGATING CIRCUMSTANCES.**

### **Facts Supporting Mitigating Circumstances.**

Pursuant to standard 1.2(e)(i) respondent has no record of prior discipline.

## **AUTHORITIES SUPPORTING DISCIPLINE.**

### Standards:

Standard 2.2(b).  
Standard 2.6.  
Standard 2.10.

### Cases

*Wren v. State Bar* (1983) 34 Cal. 3d 81 (30 days).  
*Calvert v. State Bar* (1991) 54 Cal.3d 765 (60) days.  
*Rossman v. State Bar* (1985) 39 Cal. 3d 539.

## **OTHER CONDITIONS NEGOTIATED BY THE PARTIES.**

### FEE ARBITRATION

1. Respondent is to send to Katrina Johnson an itemized bill and refund of all unearned fees within 30 days of the effective date of the Supreme Court Order in this matter.
2. Respondent is to inform Mrs. Johnson in writing that she is entitled to object to the itemized bill and if Mrs. Johnson does object to respondent's itemized bill, respondent shall offer to Mrs. Johnson, in writing, arbitration of the fee dispute.
3. If Mrs. Johnson chooses fee arbitration, respondent shall agree to participate in binding arbitration of unearned fees.
4. Within 15 days of Mrs. Johnson's notice of election of arbitration, respondent shall contact the appropriate party to schedule the arbitration.
5. Respondent shall pay the cost for arbitration, if any.
6. Respondent shall abide by the arbitration award and pay any award within 30

- days of the award.
7. Respondent shall simultaneously provide written notification to the State Bar Probation Unit on each occasion upon which he makes the required communications with Mrs. Johnson.
  8. Respondent shall provide proof of payment of any award with 15 days of payment.

#### **RESTRICTIONS WHILE ON ACTUAL SUSPENSION.**

1. During the period of actual suspension, respondent shall not:
  - a) Render legal consultation or advice to a client;
  - b) Appear on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, or hearing officer;
  - c) Appear as a representative of a client at a deposition or other discovery matter;
  - d) Negotiate or transact any matter for or on behalf of a client with third parties;
  - e) Receive, disburse, or otherwise handle a client's funds; or
  - f) Engage in activities which constitute the practice of law.
2. Respondent shall declare under penalty of perjury that he or she has complied with this provision in any quarterly report required to be filed with the Office of Probation, pertaining to periods in which the respondent was actually suspended from the practice of law.

#### **STATE BAR ETHICS SCHOOL.**

Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

#### **PENDING PROCEEDINGS.**

The disclosure date referred to on page two, paragraph A.(7), was August 13, 2009.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed

respondent that as of August 13, 2009 the costs in this matter are \$6463.92 (estimated). 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.

**LAP/ADP**

Respondent has been provided with information regarding LAP/ADP by the State Bar Court and the Office of the Chief Trial Counsel. Respondent declines to proceed through ADP.

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In the Matter of <b>ROBERT RUCK</b>	Case number(s): <b>07-O-10806, 08-O-14867</b>
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**SIGNATURE OF THE PARTIES**

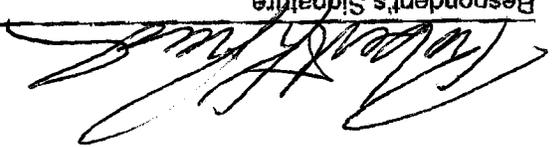
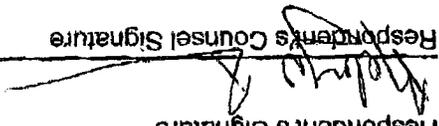
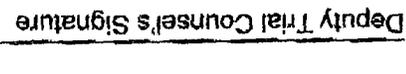
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

Date	Respondent's Signature	Robert Ruck
8/21/09		Print Name
Date	Respondent's Counsel Signature	Robyn Bramson
8/24/09		Print Name
Date	Deputy Trial Counsel's Signature	Treva R. Stewart
		Print Name

Case number(s): 07-O-10806, 08-O-14867	In the Matter of <b>ROBERT RUCK</b> <small>(Do not write above this line.)</small>
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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 Fact, Conclusions of Law and Disposition.

Robert Ruck		Date	8/21/09
Print Name	Respondent's Signature	Date	8/21/09
Robert Bramson		Date	8/21/09
Print Name	Respondent's Counsel Signature	Date	8/21/09
Teva R. Stewart		Date	
Print Name	Deputy Trial Counsel's Signature	Date	

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In the Matter Of <b>Robert K. Ruck</b>	Case Number(s): <b>07-O-10806; 08-O-14867</b>
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### 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.

1. On page 2, paragraph, A.(8),  
DELETE: "each membership year following the filing of the Supreme Court Order in this matter."  
REPLACE with: "2011, 2012, 2013, and 2014. If Robert Kelly Ruck fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately. The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment;"
2. On page 4, paragraph D.(3)(a)(iii),  
DELETE: "pays Alvin Rhodes \$3962.50 and provides proof of said payment to the Office of Probation"  
REPLACE WITH: "makes restitution to Alvin Rhodes in the amount of \$3,962.50 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Alvin Rhodes, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles;"
3. On page 4, paragraph E.(1),  
INSERT: an "X" in the box preceding the words, "If Respondent is actually suspended for two years or more. . . ."; and
4. On page 6, paragraph F.(3)  
INSERT: an "X" in the box preceding the words, "Conditional Rule 9.20, Rules of Court: If Respondent remains actually suspended. . . ."

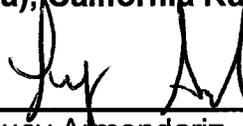
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The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), 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.)**

September 1, 2009

Date



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Lucy Armendariz  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**

[Rule 62(b), Rules Proc.; 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 San Francisco, on September 2, 2009, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING**

in a sealed envelope for collection and mailing on that date as follows:

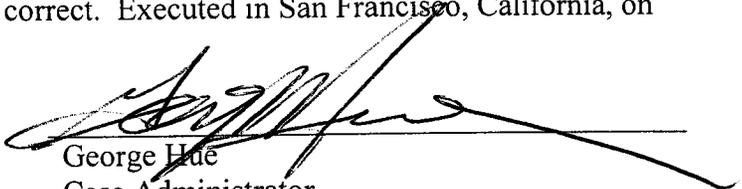
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

ROBYN B. BRAMSON  
LAW OFFICE OF ROBYN B. BRAMSON  
3600 HARBOR BLVD STE 110-474  
OXNARD, CA 93035

- by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- by overnight mail at , California, addressed as follows:
- by fax transmission, at fax number . No error was reported by the fax machine that I used.
- By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Treva R. Stewart, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on September 2, 2009.

  
George Hue  
Case Administrator  
State Bar Court