

PUBLIC MATTER

FILED

OCT 07 2008

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

STATE BAR OF CALIFORNIA
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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:) Case No. 08-O-12672
STEPHEN ALLEN RODRIGUEZ SR.,) NOTICE OF DISCIPLINARY CHARGES
No. 158840,)
A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

IF YOU FAIL TO FILE AN ANSWER TO THIS NOTICE WITHIN THE TIME ALLOWED BY STATE BAR RULES, INCLUDING EXTENSIONS, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL, (1) YOUR DEFAULT SHALL BE ENTERED, (2) YOU SHALL BE ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR AND WILL NOT BE PERMITTED TO PRACTICE LAW UNLESS THE DEFAULT IS SET ASIDE ON MOTION TIMELY MADE UNDER THE RULES OF PROCEDURE OF THE STATE BAR, (3) YOU SHALL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOUR DEFAULT IS SET ASIDE, AND (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.

STATE BAR RULES REQUIRE YOU TO FILE YOUR WRITTEN RESPONSE TO THIS NOTICE WITHIN TWENTY DAYS AFTER SERVICE.

IF YOUR DEFAULT IS ENTERED AND THE DISCIPLINE IMPOSED BY THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD OF ACTUAL SUSPENSION, YOU WILL REMAIN SUSPENDED FROM THE PRACTICE OF LAW FOR AT LEAST THE PERIOD OF TIME SPECIFIED BY THE SUPREME COURT. IN ADDITION, THE ACTUAL SUSPENSION WILL CONTINUE UNTIL YOU HAVE REQUESTED, AND THE STATE BAR COURT HAS GRANTED, A MOTION FOR



1 **TERMINATION OF THE ACTUAL SUSPENSION. AS A CONDITION**
2 **FOR TERMINATING THE ACTUAL SUSPENSION, THE STATE BAR**
3 **COURT MAY PLACE YOU ON PROBATION AND REQUIRE YOU TO**
4 **COMPLY WITH SUCH CONDITIONS OF PROBATION AS THE STATE**
5 **BAR COURT DEEMS APPROPRIATE. SEE RULE 205, RULES OF**
6 **PROCEDURE FOR STATE BAR COURT PROCEEDINGS.**

7 The State Bar of California alleges:

8 JURISDICTION

9 1. Stephen Allen Rodriguez Sr. ("Respondent") was admitted to the practice of law
10 in the State of California on June 8, 1992, was a member at all times pertinent to these charges,
11 and is currently a member of the State Bar of California.

12 COUNT ONE

13 Case No. 08-O-12672
14 Business and Professions Code, section 6068(a)
15 [Failure to Comply With Laws]

16 2. Respondent wilfully violated Business and Professions Code, section 6068(a), by
17 failing to support the Constitution and laws of the United States and of this state, as follows:

18 3. On or about April 25, 2008, the Review Department of the State Bar of California
19 filed a decision recommending that Respondent be actually suspended from the practice of law
20 for six months and ordered Respondent to be placed on inactive status effective May 25, 2008.
21 Respondent received said decision and order.

22 4. At all times herein, Respondent knew that he would not be entitled to practice law or
23 hold himself out as entitled to practice law after May 24, 2008.

24 5. On or about May 23, 2008, Respondent appeared and announced ready for trial in Los
25 Angeles County Superior Court case no. GA071589, entitled *People v. Steven Keion Rials*
26 ("Rials criminal matter"). At that time, the court continued the trial to June 2, 2008, and ordered
27 the parties and counsel to appear on that date.

28 6. Respondent did not notify the court or opposing counsel that he would not be entitled
to practice law or otherwise represent Rials after May 24, 2008.

1 7. On or about June 2, 2008, Respondent failed to appear for trial in the Rials criminal
2 matter. Respondent sent an appearance attorney in his place. As a result, the court sanctioned
3 Respondent in the amount of \$1000.00 for his failure to appear.

4 8. On or about June 2, 2008, Respondent provided the Los Angeles County District
5 Attorney's with a one-page Notice of Motion to Continue the Rials criminal matter. The caption
6 of the Notice identified Respondent as the attorney for Rials and the Notice was signed by
7 Respondent. The Notice was not accompanied by any declaration or motion stating the grounds
8 for continuance.

9 9. On or about June 3, 2008, Respondent filed a motion to continue the Rials criminal
10 matter with the court on the grounds that Respondent was suspended from the practice of law.

11 10. On or about June 3, 2008, the court stayed its sanction order and set for a hearing on
12 June 17, 2008 for Respondent to show cause why sanctions should not be imposed. The court
13 also took judicial notice of Respondent's failure to appear in another case, Los Angeles County
14 Superior Court case no. GA068424, and a similar order for sanctions, which the court had
15 vacated.

16 11. Finding no good cause for Respondent's conduct, on or about June 17, 2008, the
17 court ordered Respondent to pay the aforementioned \$1000.00 sanctions in full by July 17, 2008.

18 12. Respondent did not pay the sanctions until on or about July 18, 2008.

19 13. By remaining Rials attorney after May 24, 2008, preparing and signing a notice of
20 motion to continue, and otherwise engaging in the authorized practice of law and/or holding
21 himself out as entitled to practice law in wilful violation of Business and Professions Code
22 sections 6125, 6126, Respondent failed to support the Constitution and laws of the United States
23 and of this state.

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COUNT TWO

Case No. 08-O-12672
Business and Professions Code, section 6106
[Moral Turpitude]

14. Respondent wilfully violated Business and Professions Code, section 6106, by committing an act involving moral turpitude, dishonesty or corruption, as follows:

15. The allegations in paragraphs 3 through 12 are incorporated by reference.

16. By remaining Rials' attorney after May 24, 2008, preparing and signing a notice of motion to continue, otherwise engaging in the authorized practice of law when he knew he was not entitled, Respondent committed acts involving moral turpitude, dishonesty or corruption.

COUNT THREE

Case No. 08-O-12672
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

17. Respondent wilfully violated Business and Professions Code, section 6103, by wilfully disobeying or violating an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear, as follows:

18. The allegations in paragraphs 3 through 12 are incorporated by reference.

19. By not appearing for trial on June 2, 2008 or making appropriate arrangements for trial, Respondent wilfully disobeyed or violated an order of the court requiring him to do an act connected with or in the course of Respondent's profession, which he ought in good faith to do.

NOTICE - INACTIVE ENROLLMENT!

YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT. SEE RULE 101(c), RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

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Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

By: Jayne Kim
Assistant Chief Trial Counsel

1 **DECLARATION OF SERVICE BY CERTIFIED MAIL**

2 **CASE NUMBER: 08-O-12672**

3 I, the undersigned, over the age of eighteen (18) years, whose business address and place
4 of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California
5 90015, declare that I am not a party to the within action; that I am readily familiar with the State
6 Bar of California's practice for collection and processing of correspondence for mailing with the
7 United States Postal Service; that in the ordinary course of the State Bar of California's practice,
8 correspondence collected and processed by the State Bar of California would be deposited with
9 the United States Postal Service that same day; that I am aware that on motion of party served,
10 service is presumed invalid if postal cancellation date or postage meter date on the envelope or
11 package is more than one day after date of deposit for mailing contained in the affidavit; and that
12 in accordance with the practice of the State Bar of California for collection and processing of
13 mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on
14 the date shown below, a true copy of the within

15 **NOTICE OF DISCIPLINARY CHARGES**

16 in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,
17 Article No.: 7160 3901 9849 2214 8891, at Los Angeles, on the date shown below, addressed to:

18 **STEPHEN A. RODRIGUEZ**
19 **THE LAW OFFICES OF RODRIGUEZ & RODRIGUEZ**
20 **4801 WILSHIRE BLVD., STE 303**
21 **LOS ANGELES, CA 90010**

22 in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

23 **N/A**

24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

26 DATED: October 7, 2008

27 SIGNED: Jessica Seim
28 JESSICA SEIM
 Declarant