

PUBLIC MATTER

FILED

FEB 21 2012

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

1 STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL  
2 JAYNE KIM, No. 174614  
ACTING CHIEF TRIAL COUNSEL  
3 PATSY J. COBB, No. 107793  
DEPUTY CHIEF TRIAL COUNSEL  
4 JOSEPH R. CARLUCCI, No. 172309  
ASSISTANT CHIEF TRIAL COUNSEL  
5 AGUSTIN HERNANDEZ, No. 161625  
SENIOR TRIAL COUNSEL  
6 1149 South Hill Street  
Los Angeles, California 90015-2299  
7 Telephone: (213) 765-1713

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9  
10 STATE BAR COURT

11 HEARING DEPARTMENT - LOS ANGELES

12  
13 In the Matter of: ) Case Nos. 09-O-18767  
14 STEPHEN ADRIAN RODRIGUEZ, ) 10-O-09784  
No. 219019, ) NOTICE OF DISCIPLINARY CHARGES  
15 )  
16 A Member of the State Bar )

17 **NOTICE - FAILURE TO RESPOND!**

18 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE**  
19 **WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT**  
20 **THE STATE BAR COURT TRIAL:**

- 21 (1) **YOUR DEFAULT WILL BE ENTERED;**  
22 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**  
23 **WILL NOT BE PERMITTED TO PRACTICE LAW;**  
24 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**  
25 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**  
26 **AND THE DEFAULT IS SET ASIDE, AND;**  
27 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**  
28 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**  
**OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**  
**ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**  
**FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,**  
**RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

The State Bar of California alleges:

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1 knowledgeable and experienced attorney. Mele discussed with Rodriguez that his son-in-law  
2 needed protection from a neighbor. After Mele discussed his problems with Rodriguez and  
3 answered Rodriguez's questions, Rodriguez advised Mele that his son-in-law should seek a  
4 temporary restraining order ("TRO"). During this consultation, Rodriguez told Mele that  
5 Respondent would provide all of the necessary legal services for \$1,000 in attorney fees. Mele  
6 told Rodriguez that he wanted to meet Respondent before he retained him. On this date,  
7 Rodriguez told Mele that he would arrange a meeting with Respondent and gave Mele one of  
8 Respondent's business cards which stated, "Law Offices of Stephen A. Rodriguez, Jr." and  
9 "Attorney At Law."

10 6. Rodriguez's consultation with Mele, assessment of Mele's son-in-law's legal issues,  
11 giving of legal advice and recommendation of a TRO, determination that Respondent would  
12 accept Mele's son-in-law as a client, and setting of legal fees, constituted the practice of law.

13 7. By allowing Rodriguez, who was not entitled to practice law, to engage in acts  
14 constituting the practice of law, Respondent aided a person or entity in the unauthorized practice  
15 of law.

16 COUNT TWO

17 Case No. 09-O-18767

18 Business and Professions Code, section 6068(a)

19 [Failure to Comply With Laws- Unauthorized Practice of Law]

20 8. Respondent wilfully violated Business and Professions Code, section 6068(a), by  
21 advertising or holding himself out as practicing or entitled to practice law or otherwise practicing  
22 law when he was not an active member of the State Bar in violation of Business and Professions  
23 Code, sections 6125 and 6126, as follows:

24 9. The allegations of Count One are incorporated by reference.

25 10. Effective on or about August 3, 2009, Respondent was placed on not entitled status  
26 for failing to pass the Multistate Professional Responsibility Examination ("MPRE").  
27 Respondent remained enrolled on not entitled status until December 15, 2009, when he passed  
28 the MPRE. At all relevant times, Respondent was aware that he was enrolled on not entitled  
status effective on August 3, 2009.



1 17. The allegations of Counts One and Two are incorporated by reference.

2 18. By charging Mele \$1,000 in attorney fees and accepting a check for \$500 from Mele  
3 for a advanced attorney fees when he was not entitled to practice law, Respondent entered into  
4 an agreement for, charging, or collecting an illegal fee.

5 COUNT FOUR

6 Case No. 10-O-09784  
7 Rules of Professional Conduct, Rule 1-300(A)  
8 [Aiding the Unauthorized Practice of Law]

9 19. Respondent wilfully violated Rules of Professional Conduct, rule 1-300(A), by aiding  
10 a person or entity in the unauthorized practice of law, as follows:

11 20. The allegations of Paragraph 3 are incorporated by reference.

12 21. In or about 2010, one of Lorena Flores's (Flores) creditors filed an action to garnish  
13 her wages.

14 22. On or about April 26, 2010, Respondent sent an advertisement to Flores indicating  
15 that he could help protect her financial interests and stop the garnishment action.

16 23. After receiving Respondent's April 26, 2010 advertisement, Flores called  
17 Respondent's law office. Rodriguez answered the telephone and spoke with Flores. During this  
18 telephone conversation, Rodriguez scheduled an appointment for Flores to come in and meet  
19 with Rodriguez on May 15, 2010, and told her to bring a money order for \$299 with her to the  
20 appointment.

21 24. On or about May 15, 2010, Flores went to Respondent's office and met with  
22 Rodriguez. During this initial consultation, Flores met and spoke with Rodriguez only.  
23 Respondent was not present at any time during this initial consultation. During this consultation,  
24 Rodriguez asked Flores questions about the garnishment, her debts and her finances. After  
25 Flores answered Rodriguez's questions, Rodriguez advised Flores that she needed to file a  
26 Chapter 7 bankruptcy petition. During this consultation, Rodriguez told Flores that Respondent  
27 would provide the necessary legal services for \$1,200 in attorney fees plus \$299 for the filing  
28 fee. Based upon Rodriguez's advice and recommendation, Flores agreed to hire Respondent to  
represent her in her bankruptcy petition. On this date, Flores gave Rodriguez a money order for

1 \$299 and a personal check in the amount of \$200 for attorney fees, with the remaining balance of  
2 \$1,000 to be paid in monthly installments.

3 25. On or about June 30, 2010, July 30, 2010, and August 31, 2010, Flores paid  
4 Respondent \$300, \$300, and \$400, respectively, in attorney fees.

5 26. Rodriguez's consultation with Flores, assessment of her legal issues, giving of legal  
6 advice and recommendation that she file for bankruptcy, acceptance of her as a client on behalf  
7 of Respondent, and setting of legal fees, constituted the practice of law.

8 27. By allowing Rodriguez, who was not entitled to practice law, to engage in acts  
9 constituting the practice of law, Respondent aided a person or entity in the unauthorized practice  
10 of law.

11 COUNT FIVE

12 Case No. 10-O-09784  
13 Rules of Professional Conduct, rule 3-700(A)(2)  
14 [Improper Withdrawal from Employment]

15 28. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(A)(2), by  
16 failing, upon termination of employment, to take reasonable steps to avoid reasonably  
17 foreseeable prejudice to his client, as follows:

18 29. The allegations of Paragraph 3 and Count Four are incorporated by reference.

19 30. At no time did Respondent or any of his employees inform Flores that she needed to  
20 complete a course in personal financial management in order to receive a discharge order from  
21 the bankruptcy court.

22 31. On or about July 1, 2010, Respondent filed a Chapter 7 bankruptcy petition on behalf  
23 of Flores in the United States Bankruptcy Court, Central District of California, Case No. 2:10-  
24 bk-37133-BR ("bankruptcy petition").

25 32. On or about July 1, 2010, the bankruptcy court served a notice on Respondent  
26 indicating that if a certificate of completion of a course in personal financial management was  
27 not filed, Flores's bankruptcy petition would be closed. Respondent received the notice. At no  
28 time did Respondent notify Flores that he had received this notice from the court.

1           33. At no time did Respondent file with the court a certificate of completion of a personal  
2 financial management course on behalf of Flores.

3           34. Effective on July 25, 2010, Respondent was placed on not entitled status and  
4 therefore, not entitled to practice law. At all relevant times, Respondent was aware that he was  
5 placed on not entitled status effective on July 25, 2010, and not entitled to practice law.

6           35. On or about August 11, 2010, the court served Respondent with notice that the  
7 meeting of creditors pursuant to §341(a) of the Bankruptcy Code was continued to September 3,  
8 2010 ("341 hearing"). Respondent received the notice.

9           36. Thereafter, in or about August 2010, Respondent's employee, "Vanessa," called  
10 Flores and told her that Respondent was going to be on vacation during the time of the  
11 September 3, 2010  
12 341 hearing, and that Respondent would send another attorney to represent her at the 341  
13 hearing.

14           37. At no time prior to the September 3, 2010 341 hearing did Respondent inform Flores  
15 that he was placed on not entitled status effective July 25, 2010.

16           38. On or about September 3, 2010, the 341 hearing was held. Flores appeared at the  
17 hearing, but no attorney appeared on her behalf. At the 341 hearing, the bankruptcy trustee  
18 informed Flores that Respondent was not entitled to practice law. This was Flores's first  
19 knowledge that Respondent was not entitled to practice law.

20           39. On or about November 9, 2010, the court closed Flores's bankruptcy petition for  
21 failure to file a certificate of completion of a personal financial management course.

22           40. By failing to inform Flores while he was entitled to practice law that she needed to  
23 complete a personal financial management course, failing to inform Flores that he was placed on  
24 not entitled status, and failing to arrange for another attorney to appear at the 341 hearing on  
25 behalf of Flores, Respondent constructively withdrew from his employment with Flores, on July  
26 25, 2010.

27           41. Respondent did not inform Flores of his intent to withdraw from representation or  
28 take any other steps to avoid reasonably foreseeable prejudice to Flores.







1 59. At no time did Respondent release Flores's documents or file to her.

2 60. By not releasing the client file or documents to Flores, Respondent failed to release  
3 promptly, upon termination of employment, to the client, at the request of the client, all the client  
4 papers and property.

5 COUNT NINE

6 Case No. 10-O-09784  
7 Business and Professions Code, section 6106  
8 [Moral Turpitude]

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

11 62. The allegations of Paragraph 3 and Counts Four, Five, Six, Seven and Eight are  
12 incorporated by reference.

13 63. On or about August 13, 2010, Respondent filed a Rule 9.20 Compliance Declaration  
14 with the State Bar Court ("9.20 Declaration"). Respondent signed the 9.20 Declaration under  
15 penalty of perjury on or about August 11, 2010. In the 9.20 Declaration, Respondent declared  
16 under penalty of perjury that: he had notified all of his clients by certified or registered mail,  
17 return receipt requested, of his suspension from the practice of law; he had delivered to all clients  
18 any papers or property that they were entitled to; and had refunded any unearned fees. At the  
19 time Respondent made these statements, the statements were false and Respondent knew or was  
20 grossly negligent in not knowing that his statements were false. At the time that Respondent  
21 filed the 9.20 Declaration with the State Bar Court, he had not notified Flores by certified or  
22 registered mail, return receipt requested, of his suspension from the practice of law; he had not  
23 delivered to Flores her file or documents; and had not refunded any unearned fees to Flores.

24 64. By knowingly or grossly negligently signing a false 9.20 Declaration under penalty of  
25 perjury and then filing with the State Bar Court, Respondent committed an act involving moral  
26 turpitude, dishonesty or corruption.

27 COUNT TEN

28 Case No. 10-O-09784  
Rules of Professional Conduct, Rule 1-311(B)  
[Employment of Disbarred Member]





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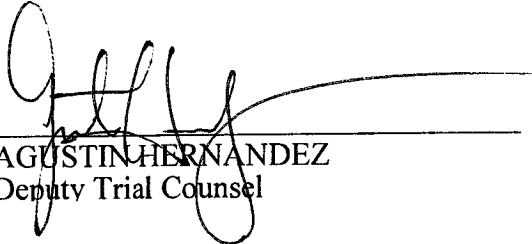
**NOTICE - COST ASSESSMENT!**

**IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.**

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: February 21, 2012

By:   
AGUSTIN HERNANDEZ  
Deputy Trial Counsel

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**DECLARATION OF SERVICE BY CERTIFIED MAIL**

**CASE NUMBER: 09-O-18767, 10-O-09784**

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

**NOTICE OF DISCIPLINARY CHARGES**

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7196 9008 9111 0443 4939, at Los Angeles, on the date shown below, addressed to:

**STEPHEN ADRIAN RODRIGUEZ  
1181 S. Los Robles Ave.  
Pasadena, CA 91106**

A courtesy copy of said document was also placed in a sealed envelope and placed for collection and mailing at Los Angeles, California, by regular US mail, on the date shown below, addressed to:

**STEPHEN ADRIAN RODRIGUEZ  
1181 S. Los Robles Ave.  
Pasadena, CA 91106**

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

DATED: February 21, 2012

Signed: *Sandra Reynolds*  
Sandra Reynolds  
Declarant