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State Bar Court of California  
Hearing Department  
Los Angeles



<p>Counsel For The State Bar</p> <p>Larry DeSha Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1336</p> <p>Bar # 117910</p>	<p>Case Number (s)</p> <p>10-O-02694-DFM</p>	<p>(for Court's use)</p> <p><b>PUBLIC MATTER</b></p> <p><b>FILED</b></p> <p>NOV 10 2010</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Ruben F. Sanchez Calle 21, No. 6 Alto Residencial Santo Domingo Entrada Norte Santo Domingo, Dominican Republic (800) 210-6398</p> <p>Bar # 118309</p>	<p>Submitted to: <b>Assigned 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:</p> <p>RUBEN F. SANCHEZ</p> <p>Bar # 118309</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 June 11, 1985.
- (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."

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- (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."
- (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: three billing cycles following the effective date of the Supreme Court order.  
See Stipulation Attachment, page 13, for grounds for extension of time.  
(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 06-O-15148-DFM.
  - (b)  Date prior discipline effective October 31, 2008.
  - (c)  Rules of Professional Conduct/ State Bar Act violations: Rule 3-300.
  - (d)  Degree of prior discipline Stayed suspension for one year.
  - (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.

- (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.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (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. See Stipulation Attachment, page 11.
- (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. See Stipulation Attachment, page 11.
- (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.

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- (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 two (2) years.
- 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 (3) 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 thirty (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:

**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.

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- (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: Respondent lives outside the United States.
- (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:
  - Substance Abuse Conditions
  - Law Office Management Conditions
  - Medical Conditions
  - 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 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

No MPRE recommended. Reason:

- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 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 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:**

In place of Ethics School, Respondent is required to complete six hours of continuing education courses (MCLE) in general ethics. Within one (1) year of the effective date of the discipline herein, Respondent must provide the Office of Probation satisfactory proof of his completion of the MCLE courses.

All restitution payments shall be applied first to the principal owed to the payee until all principal has been paid in full, and thereafter the payments shall be applied to the accrued interest or other non-interest bearing costs.

The conditions of probation and restitution set forth herein, when approved by the Supreme Court of California, supersede all probation and restitution conditions previously ordered and effective as of October 31, 2008. Prior to approval of these new conditions, Respondent shall continue to make quarterly reports to the Office of Probation as required by the Supreme Court order of October 1, 2008.

In the Matter of	Case number(s):
<b>RUBEN F. SANCHEZ</b>	<b>10-O-02694-DFM</b>
A Member of the State Bar	

**Financial Conditions**

**a. Restitution**

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
<b>Cruz Hernandez</b>	<b>\$3,090.84</b>	<b>October 15, 2010</b>
<b>Cruz Hernandez</b>	<b>\$7,700.29</b>	<b>No interest</b>
<b>Client Security Fund</b>	<b>\$19,000.00</b>	<b>October 15, 2010</b>
<b>Client Security Fund</b>	<b>\$1,646.18</b>	<b>No interest</b>

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

**b. Installment Restitution Payments**

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency
<b>Cruz Hernandez</b>	<b>\$900.00/month</b>	<b>Monthly</b>
<b>Client security Fund</b>	<b>\$900.00/month (after Cruz Hernandez is paid in full)</b>	<b>Monthly, after Cruz Hernandez is paid in full.</b>

**c. Client Funds Certificate**

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

(Financial Conditions form approved by SBC Executive Committee 10/16/2000. Revised 12/16/2004; 12/13/2006.)

- b. Respondent has kept and maintained the following:
- i. A written ledger for each client on whose behalf funds are held that sets forth:
    1. the name of such client;
    2. the date, amount and source of all funds received on behalf of such client;
    3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
    4. the current balance for such client.
  - ii. a written journal for each client trust fund account that sets forth:
    1. the name of such account;
    2. the date, amount and client affected by each debit and credit; and,
    3. the current balance in such account.
  - iii. all bank statements and cancelled checks for each client trust account; and,
  - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
- i. each item of security and property held;
  - ii. the person on whose behalf the security or property is held;
  - iii. the date of receipt of the security or property;
  - iv. the date of distribution of the security or property; and,
  - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

**d. Client Trust Accounting School**

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

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

**IN THE MATTER OF**

**RUBEN F. SANCHEZ**

**CASE NO.:**

**10-O-02694-DFM**

**FACTS:**

1. On October 1, 2008, the California Supreme Court filed an order in case no. S165556 disciplining Respondent and requiring him to complete three years of State Bar probation, with conditions. The discipline was imposed because Respondent had borrowed \$20,000.00 from a former client without following the procedures required by rule 3-300 of the Rules of Professional Conduct. The order was properly served by the Clerk of the California Supreme Court, and was not returned by postal authorities. The probation period began on October 31, 2008.
2. The order included the following conditions of probation:
  - a. Respondent must contact the Office of Probation within 30 days from the effective date of the discipline and schedule a meeting with his assigned probation deputy to discuss the terms and conditions of probation. The last day for the ordered contact was December 1, 2008.
  - b. 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. The quarterly reports must state under penalty of perjury whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. The first of such quarterly reports was due on January 10, 2009, and the last quarterly report is due on October 10, 2011.
  - c. Respondent must pay restitution in the amount of \$31,000.00, with annual interest at the rate of 10 percent accruing from June 5, 2008, to Cruz Hernandez. If the Client Security Fund ("CSF") reimburses Cruz Hernandez, Respondent will pay CSF for the amounts reimbursed, plus applicable interest and costs.
  - d. The restitution shall be by monthly payments in the amount of \$886.00. The restitution must be completed by a final payment made no later than October 31, 2011.
  - e. Respondent must provide satisfactory proof of the restitution payments to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation.
3. Respondent violated the ordered conditions of probation as follows:
  - a. He did not contact the Office of Probation by December 1, 2008. His first contact was on May 12, 2009, which was five months and 12 days late.

- b. He did not submit his first quarterly report on January 10, 2009. He submitted it on July 9, 2009.
  - c. He did not submit his second quarterly report on April 10, 2009. He submitted it on July 9, 2009.
  - d. On July 7, 2010, he filed the quarterly reports due on July 10, 2009, October 10, 2009, January 10, 2010, April 10, 2010, and July 10, 2010.
  - e. Respondent failed to make any of the monthly restitution payments.
4. On August 16, 2006, Cruz Hernandez obtained a default judgment against Respondent for \$30,480.51, consisting of \$21,695.84 owed on the promissory note and \$8,784.67 for contract damages not related to the amount owed on the promissory note. Costs of \$395.00 were also awarded for a total judgment of \$30,975.51. The contract damages is not a subject of either disciplinary action filed against Respondent.
  5. On December 31, 2009, the Client Security Fund paid \$19,000.00 to Cruz Hernandez, which was the amount of principal owed by Respondent on the promissory note to Cruz Hernandez on that date. As of October 15, 2010, Respondent owed \$20,646.18 to the Client Security Fund, consisting of unpaid principal of \$19,000.00, accrued interest of \$1,499.18, and a processing cost of \$147.00. Interest continues to accrue on the unpaid principal of \$19,000.00 at the legal rate of 10 percent per annum simple interest from October 15, 2010.
  6. As of December 31, 2009, Respondent still owed Cruz Hernandez \$10,547.25 on the promissory note, consisting of prejudgment interest of \$2,695.84, postjudgment interest of \$7,456.41, and costs of \$395.00. As of October 15, 2010, the amount required to satisfy the judgment was \$10,791.13. Interest continues to accrue on the \$3,090.84 of costs and prejudgment interest at the legal rate of 10 percent per annum simple interest from October 15, 2010.
  7. Respondent alleges under penalty of perjury that he did not receive the Supreme Court order of October 1, 2008 until May 8, 2009. He attributes that to poor mail service in the Dominican Republic, where he resides. The State Bar acknowledges that it had difficulties in sending mail to Respondent. When the Notice of Disciplinary Charges ("NDC") for this matter was served on Respondent on April 26, 2010, the local agent of United Parcel Service ("UPS") in the Dominican Republic failed to deliver it and eventually acknowledged having destroyed it per falsely alleged instructions of the State Bar, due to a bad membership records address. The address was good in fact, and the UPS had successfully delivered a letter from the State Bar to Respondent at that same address on March 31, 2010, and had provided a proof of delivery.
  8. Respondent was well aware of the unreliable mail delivery in the Dominican Republic, but he failed to inquire of the status of his pending disciplinary order after he submitted the signed Stipulation re Facts, Conclusions of Law, and Disposition to the State Bar on or about May 15, 2008, nearly one year before May 8, 2009, the date he alleges he received the Supreme Court's order of October 1, 2008.
  9. On May 20, 2009, Respondent filed a motion in State Bar Court to stay the start of restitution payments until November 5, 2009. The motion was denied because Respondent failed to provide a financial declaration or any other convincing evidence of financial hardship.

## **CONCLUSIONS OF LAW:**

1. By failing to contact the Office of Probation by November 30, 2008, filing his first six quarterly reports late, and failing to make any restitution payments during the first six quarters of probation, Respondent willfully failed to comply with the conditions attached to a disciplinary probation, in violation of section 6068(k) of the Business and Professions Code.

## **MITIGATING CIRCUMSTANCES:**

1. Candor/Cooperation. When Respondent learned on June 15, 2010, that the State Bar had been unable to serve the Notice of Disciplinary Charges (“NDC”) at his membership records address, he promptly agreed to a meeting at the State Bar to accept personal service of the NDC, which was effected on June 18, 2010. He served his Response to NDC on July 6, 2010, admitting all material allegations except for the alleged date of his receipt of the disciplinary order. He readily admitted his failure to file three probation reports due after he admitted receipt of the disciplinary order. He brought his probation reports up to date on July 7, 2010. He has now stipulated to the provable facts, his culpability for the one count alleged in the NDC, and the appropriate discipline. [Standard 1.2(e)(v).]

2. Severe Financial Stress. The records of the State Bar show that Respondent was suspended from the practice of law from July 1, 2008 until June 26, 2009 for his failure to pay his annual membership fees for calendar years 2008 and 2009. The records further show that the arrearages for membership fees and disciplinary charges were paid by a friend of Respondent. Respondent has produced a financial declaration under penalty of perjury, dated September 8, 2010, which shows a modest lifestyle and no significant assets. The financial declaration is supported by more than 30 pages of financial records. [Standard 1.2(e).]

## **WAIVER OF VARIANCE:**

The parties waive any variance between the Notice of Disciplinary Charges filed on April 26, 2010 and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

## **SUPPORTING AUTHORITY:**

Standard 1.7(a) requires that the second imposition of discipline be greater than the first.

Standard 2.6(a) requires that the discipline imposed for a probation violation under section 6068(k) of the Business and Professions Code shall be “disbarment or suspension depending upon the gravity of the offense or harm, if any, to the victim, with due regard to the purpose of imposing discipline.”

In *In the Matter of Hunter* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 81, attorney Hunter had been disciplined with an actual suspension of 30 days, stayed suspension of one year, and probation for three years. The violations were three counts of misappropriating settlement funds totaling \$2,021. The stipulation for discipline was signed by the parties on November 15, 1990, approved by State Bar Court on November 21, 1990, and approved by the Supreme Court on May 29, 1991. Conditions of probation included quarterly reports and restitution of \$600 to one client by December 31, 1990, a payment of \$583.25 by December 31, 1990 for half of a medical lien, and a payment of \$583.25 by July 31, 1991 for the other half of the medical lien. Hunter failed to submit his first probation report by October 10, 1991, and a motion to revoke his probation was filed on October 21, 1991, alleging no restitution and no probation report. Hunter then failed to submit his second probation report, due on January 10, 1992. On January 30, 1992, Hunter submitted his first probation report, showing proof that he had paid only the \$600 due on December 31, 1990, but still owed the restitution of \$1,166.50. Hunter then failed to submit his third probation report, due on April 10, 1992.

The Review Department found that Hunter had willfully failed to submit a timely first probation report and willfully failed to pay restitution of the \$583.25 due by December 31, 1990. It found that Hunter had take-home pay of \$3,000 per month in December 1990 and January 1991, and thus had no excuse for failure to make the December payment of \$583.25. The Review Department revoked Hunter's probation and recommended an actual suspension of one year and until Hunter paid the remaining \$1,166.50. In aggravation, the Review Department found the prior discipline of an actual suspension of 30 days, failure to submit timely probation reports for the second and third quarters, indifference to paying the ordered restitution when within his power to do so, and failure to comply with proper pretrial procedures for the hearing. There was a finding in mitigation of emotional difficulties in dealing with family problems, apparently arising after Hunter lost his job in February 1991.

Respondent herein has substantially less in aggravating factors than Hunter. He has only the prior discipline of one year stayed suspension. He has the mitigating factors of candor and severe financial stress. He has participated fully in these proceedings, and he stipulated to culpability and discipline rather than proceed to a hearing.

Hunter owed restitution solely because he had misappropriated funds from two clients. Respondent owes restitution solely because he failed to make the rule 3-300 disclosures required when borrowing money from one former client, and then was unable to make the payments.

The actual suspension for 30 days is within the applicable disciplinary standards and is adequate for protection of the public and the disciplinary system.

#### **PENDING PROCEEDINGS:**

The disclosure date referred to on page 2, paragraph A.(7), was October 14, 2010.

(The remainder of this page is intentionally blank.)

**COSTS:**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that, as of October 13, 2010, the costs in this matter are approximately \$1,636.00. Although this case settled 134 days after the Notice of Disciplinary Charges was filed, the State Bar credits Respondent with a shorter time because he received late service of the NDC through no fault of his own. 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.

Pursuant to rule 284 of the Rules of Procedure, the parties have agreed to an extension of time for the payment of costs over three years due to hardship or special circumstances. The grounds for this extension are that Respondent is being ordered to make restitution payments of at least \$10,800 per year for up to three years.



(Do not write above this line.)

In the Matter Of <b>RUBEN F. SANCHEZ</b>	Case Number(s): <b>010-O-02694</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:

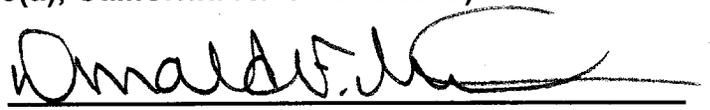
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

Page 6, ¶ (5): The paragraph commencing with the words “The conditions of probation and restitution...” is deleted and is replaced with the following language:

“To the extent that the restitution order contained herein differs from or conflicts with the restitution obligation previously ordered and effective as of October 31, 2008, the terms of the instant restitution order supersede those of the prior order. All other terms and conditions of the previously-ordered probation remain in effect.”

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.)**

11/10/10  
Date

  
Judge of the State Bar Court  
**DONALD F. MILES**

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004; 12/13/2006.)

**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 Los Angeles, on November 10, 2010, 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:

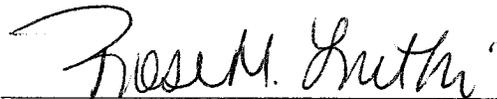
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

RUBEN F. SANCHEZ  
CALLE 21, NO. 6  
RESIDENCIAL SANTO DOMINGO  
ENTRADA NORTE  
SANTO DOMINGO, DOMINICAN REPUB

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

LARRY DESHA, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 10, 2010.



Rose Luthi  
Case Administrator  
State Bar Court