

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT - LOS ANGELES

In the Matter of)	Case Nos.: 13-O-14478-PEM;
)	13-H-15892 (Cons.)
OSCAR ARTURO RUIZ DE CHAVEZ,)	
)	DECISION
Member No. 108605,)	
)	
A Member of the State Bar.)	
)	

Introduction¹

In this contested reproof violation proceeding, respondent Oscar Arturo Ruiz de Chavez is charged with professional misconduct in two separate matters. The charged acts of misconduct includes failing to cooperate and participate in a disciplinary investigation in State Bar Court case No. 13-O-14478 and failing to comply with the conditions attached to a private reproof, previously imposed on him by the State Bar Court in its Order Approving Stipulation, in State Bar Court case numbers 10-O-11314; 11-O-13943 (consolidated).

The court finds, by clear and convincing evidence, that respondent is culpable of the charged misconduct in both counts. Based on the nature and extent of culpability, as well as the applicable mitigating and aggravating circumstances, in conjunction with meeting the goals of attorney discipline, the court recommends, among other things, that respondent be actually suspended from the practice of law for a minimum of two years and must remain suspended until

¹ Unless otherwise indicated, all references to rules refer to the State Bar Rules of Professional Conduct. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

he provides proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law.

Significant Procedural History

The State Bar of California, Office of the Chief Trial Counsel (State Bar) initiated this proceeding by filing a Notice of Disciplinary Charges (NDC) on December 11, 2013.

Thereafter, on January 15, 2014 the State Bar filed a First Amended NDC. On May 16, 2014, respondent filed his response to the First Amended NDC.

On May 20, 2014, the parties submitted a Stipulation as to Facts and Admission of Documents, which was filed with the court. The court hereby approves that stipulation.

A hearing was held on May 20, 2014. The State Bar was represented by Senior Trial Attorney Murray Greenberg. Respondent represented himself. Following closing arguments on May 20, 2014, the court took this matter under submission.

Findings of Fact and Conclusions of Law

Respondent was admitted to the practice of law in California on June 3, 1983, and has been a member of the State Bar of California at all times since that date.

The following findings of fact are based on the parties' May 20, 2014 Stipulation as to Facts and Admission of Documents (the May 20, 2014 Stipulation), and the testimony and documents admitted into evidence at trial.

Case No. 13-O-14478 – The State Bar Investigation Matter

Facts

On July 15, 2013, an investigator from the State Bar sent respondent a letter informing respondent that the State Bar was in receipt of a complaint, which had been filed against him. The complainant was identified in the July 15th letter. The letter asked respondent to file a written response to the allegations made by the complainant on or before July 25, 2013. (Exh.

18.) Having received no response from respondent as of August 19, 2013, the State Bar sent another letter to respondent on August 19, 2013. (Exh. 19.) An identifying case number, which had been assigned to the matter, was noted in the August 19, 2013 letter as case No. 13-O-14478. In that letter, the State Bar investigator again requested that respondent provide a written response to the allegations made by the complaining witness. Respondent admits that he did not provide a written response to the State Bar's July 25 and August 19, 2013 letters.

Conclusions

Count One - (§ 6068, subd. (i) [Failure to Cooperate])

Section 6068, subdivision (i), provides that an attorney has a duty to cooperate and participate in any disciplinary investigation or other regulatory or disciplinary proceeding pending against the attorney.

By failing to provide a written response to the State Bar investigator's July 15 and August 19, 2013 letters regarding the allegations in case No. 13-O-14478, respondent failed to cooperate and participate in a disciplinary investigation, in willful violation of section 6068, subdivision (i).

Case No. 13-H-15892 - The Violation of Reapproval Conditions Matter

Facts

On January 31, 2012, respondent executed a stipulation in *In the Matter of Oscar Arturo Ruiz de Chavez*, State Bar Court case numbers 10-O-11314; 11-O-13943 (consolidated) (hereafter *De Chavez I*). The State Bar signed the stipulation on February 1, 2012. On February 16, 2012, the State Bar Court filed an order approving the stipulation. Effective March 8, 2012, respondent was privately reapproved for a period of one year by the State Bar Court.

As a condition of the private reapproval, respondent was ordered, among other things, to:

1. File a final quarterly report with the State Bar Office of Probation (Office of Probation) no earlier than 20 days before the last day of the condition period and no later than the last day of the condition period, i.e., no later than March 8, 2013;
2. 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 within one year of the effective date of discipline, i.e. by March 8, 2013;
3. Provide to the Office of Probation satisfactory proof of attendance at a session of the Client Trust Accounting School, and passage of the test given at the end of that session within one year of the effective date of discipline, i.e., by March 8, 2013; and
4. Provide proof of passage of the Multistate Professional Responsibility Examination (MPRE) to the Office of Probation within one year of the effective date of the reproof, i.e., by March 8, 2013.

Respondent, however, has admitted that although he submitted quarterly reports, he did not submit the final quarterly report by its due date of March 8, 2013. Additionally, respondent has admitted that he failed to attend a session of the State Bar Ethics School and Client Trust Accounting School within one year of the effective date of the discipline. Finally respondent has admitted that he did not take the MPRE within one year of the effective date of discipline.

Thus, respondent violated the following conditions attached his private reproof as follows:

1. Respondent did not timely submit a final quarterly report by its due date of March 8, 2013;
2. Respondent failed to attend a session of the State Bar Ethics School within one year of the effective date of discipline, i.e., by March 8, 2013;
3. Respondent did not attend a session of the Client Trust Accounting School within one year of the effective date of discipline, i.e., by March 8, 2013; and
4. Respondent did not provide proof of passage of the MPRE to the Office of Probation within one year of the effective date of the reproof, i.e., by March 8, 2013.

Conclusions

Count Two - (Rule 1-110 [Failure to Comply with Reproval Conditions])

Rule 1-110 provides in pertinent part that an attorney must comply with conditions attached to private reproval imposed by the State Bar Court.

By not timely submitting a final quarterly report to the Office of Probation by March 8, 2013, not attending a session of the State Bar Ethics School within one year of the effective date of discipline, not attending a session of the Client Trust Accounting School within one year of the effective date of discipline, and not providing proof of passage of the MPRE to the Office of Probation within one year of the effective date of the reproval, respondent failed to comply with conditions attached to his private reproval, in willful violation of rule 1-110.

Aggravation²

Prior Record of Discipline (Std. 1.5(a).)³

Respondent has three prior records of discipline.

On February 16, 2012, the Hearing Department of the State Bar Court filed an order approving the stipulation in *In the Matter of Oscar Arturo Ruiz de Chavez*, State Bar Court case numbers 10-O-11314; 11-O-13943 (consolidated) (*De Chavez I*) and imposing a private reproval with conditions attached to the reproval for a period of one year. Respondent stipulated to culpability in one matter for failing to cooperate in a disciplinary investigation and in a second matter for failing to competently perform legal services. No aggravating circumstances were

² All references to standards (Std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

³ The State Bar failed to provide complete prior packages, as it submitted no records pertaining to *De Chavez I*, respondent's first disciplinary matter, and submitted only the Supreme Court Orders for *De Chavez II* and *De Chavez III*. Accordingly, the court takes judicial notice of the pertinent State Bar Court records regarding respondent's prior discipline, admits them into evidence, and directs the Clerk to include copies in the record of this case. (Rules Proc. of State Bar, rule 5.106.)

involved. In mitigation, respondent had no prior record of discipline in over 28 years practice and was candid and cooperative with the State Bar.

On June 6, 2013, in respondent's second prior disciplinary matter, the Supreme Court issued order No. S209770 (State Bar Court case No. 12-H-15739) (*De Chavez II*) suspending respondent from the practice of law for one year, stayed, with a one-year period of probation with conditions, including that he be suspended from the practice of law for the first 30 days of probation. In this second disciplinary matter, respondent stipulated to failing to comply with conditions attached to the private reproof imposed in *De Chavez I* by not timely contacting the Office of Probation to schedule and meet with his assigned probation deputy within 30 days from the effective date of his discipline and with failing to timely submit two quarterly reports to the Office of Probation. In aggravation, respondent had a prior record of discipline and committed multiple acts of misconduct. In mitigation, respondent was given credit for cooperating with the State Bar by entering into a full stipulation with the State Bar prior to the trial in *De Chavez II*.

On April 18, 2014, in respondent's third prior disciplinary matter, the Supreme Court issued order No. S209770 (State Bar Court case No. 13-PM -17128) (*De Chavez III*) which, among other things, revoked the probation previously imposed in *De Chavez II*, and ordered that respondent be suspended from the practice of law for one year. Respondent had violated his probation conditions imposed by the California Supreme Court in *De Chavez II* in that: (1) he failed to timely participate in the scheduled telephone "meeting" with his assigned probation deputy on August 7, 2013, as required and (2) he failed to file his quarterly report that was due on October 10, 2013.⁴ In aggravation respondent had two prior records of discipline, committed

⁴ The misconduct in *De Chavez III* took place on or after August 7, 2013. Thus, the misconduct in *De Chavez III* occurred subsequent to the misconduct at issue in the instant matter, as the misconduct in the instant matter occurred when respondent failed to comply with certain

multiple acts of misconduct, and showed indifference toward rectification of and atonement for the consequences of his misconduct by not complying with his probation conditions.

Multiple Acts (Std. 1.5(b).)

Respondent is culpable of multiple acts of misconduct in two separate matters.

Mitigation

Extreme Emotional/Physical/Mental Difficulties (Std. 1.6(d).)

Respondent credibly testified as to serious health problems he incurred in 2012 and 2013, when the misconduct in the instant matter occurred. He underwent quadruple bypass surgery in 2012, and had repair work done to his heart in 2013, which included triple bypass surgery. Additionally, respondent also testified that he and his wife were having marital problems. Respondent and his wife have subsequently reconciled and their marital problems are on the mend. Additionally, during the time this disciplinary matter was occurring, respondent was involved in a lengthy preliminary hearing for a client who had lost her two children, due to a drowning and as a result had been charged with child endangerment. Respondent was representing that client on a pro bono basis. The confluence of physical and emotional problems interfered with his ability to function properly. (*In re Brown* (1995) 12 Cal.4th 205, 222 [fact that attorney was ill at the time he engaged in misconduct was given some mitigation even

reproval conditions by the required deadline of March 8, 2013. Moreover, the State Bar's motion to revoke respondent's probation in *De Chavez III* was not filed until November 19, 2013; the State Bar Court's Order Revoking probation was not issued until January 14, 2014, and the Supreme Court order in *De Chavez III* did not issue until April 18, 2014. Given that the State Bar's motion to revoke respondent's probation in *De Chavez III* was not filed until more than eight months after the misconduct in the current matter occurred, the State Bar Court's Order Revoking probation was not issued until more than 10 months after the misconduct in the current matter occurred, and the Supreme Court order in *De Chavez III* did not issue until 13 months after respondent's misconduct occurred, the aggravating weight of respondent's third prior record of discipline is greatly diminished. Under such circumstances, respondent "did not have an opportunity to appreciate or heed the import of that "prior" discipline." (*In the Matter of Seltzer* (Review Dept. 2013) 5 Cal. State Bar Ct. Rptr. 263, 269.)

though the attorney “offered no expert testimony to establish that his illness was ‘directly responsible’ for his misconduct”]; *In the Matter of Heiner* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 301, 318 [“[T]he Supreme Court has often accepted lay testimony regarding marital difficulties as appropriate mitigation.”]) Accordingly, the court accords mitigating weight to respondent for his physical and emotional difficulties.

Cooperation with the State Bar (Std. 1. 6(e).)
Remorse/Recognition of Wrongdoing (Std. 1. 6(g).)

While respondent had a statutory duty to cooperate in State Bar disciplinary proceedings, by stipulating to all of the facts establishing his culpability (although those stipulated facts would not have been difficult to prove), he obviated the need for the probation deputy, who was assigned to his reproof matter, to testify at trial. By so doing, respondent significantly shortened the length of the trial, which saved judicial resources, as well as the resources of the Office of the Chief Trial Counsel. Thus, the court finds that respondent is entitled to moderate mitigation for his cooperation. (*In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, 913.)

Furthermore, respondent’s willingness to stipulate to facts establishing his culpability shows recognition of wrongdoing, which is an important step in the rehabilitation process. Accordingly, the court also finds that respondent is entitled to mitigation for recognition of wrongdoing.

Discussion

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, to preserve public confidence in the profession, and to maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d. 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d. 1016, 1025; Std. 1.1.)

In determining the level of discipline, the court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d. 1085, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628). Second, the court looks to decisional law. (*Snyder v. State Bar* (1990) 49 Cal.3d. 1302, 1310-1311; *In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 580.)

Standard 1.7(a) provides that if a member commits two or more acts of misconduct and the standards specify different sanctions for each act, the most severe sanction must be imposed. Standard 1.7(b) provides, in pertinent part, if aggravating circumstances are found, they should be considered alone and in balance with any mitigating factors. Standard 1.7(c) provides, in pertinent part, if mitigating circumstances are found, they should be considered alone and in balance with any aggravating factors.

In this case, the standards call for the imposition of a sanction ranging from reproof to actual suspension. (Standards 2.8(b) and 2.10.) The more severe sanction is found at standard 2.10, which provides that actual suspension is appropriate for failing to comply with a condition of discipline.

Due to respondent's prior record of discipline, the court also looks to standard 1.8(b) for guidance. Standard 1.8(b) states that when an attorney has two or more prior records of discipline, disbarment is appropriate in the following circumstances, unless the most compelling mitigation circumstances clearly predominate or the misconduct underlying the prior discipline occurred during the same time period as the current misconduct: (1) actual suspension was ordered in any one of the prior disciplinary matters; (2) the prior disciplinary matters coupled with the current record of discipline demonstrate a pattern of misconduct; or (3) the prior

disciplinary matters coupled with the current record of discipline demonstrate the member's unwillingness or inability to conform to ethical responsibilities.⁵

Here, the State Bar, relying on standard 1.8(b) argues that respondent should be disbarred.

The standards, however, are guidelines and “do not mandate the specific discipline.” (*In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 994.) “[E]ach case must be resolved on its own particular facts and not by application of rigid standards.

[Citation.]” (*In the Matter of Moriarty* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 245, 251.) While the standards are not binding, they are entitled to great weight. (*In re Silverton* (2005) 36 Cal.4th 81, 92.)

However, historically, the California Supreme Court and the Review Department of the State Bar Court have not followed standard 1.8(b) in a rigid fashion. (See *Conroy v. State Bar* (1991) 53 Cal.3d 495; *In the Matter of Meyer* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 697; *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138; *In the Matter of Miller* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 131; *In the Matter of Trousil* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 229.) It has generally been held that standard 1.8(b) is to be applied with due regard to the nature and extent of the attorney's prior record. (*In the Matter of Anderson* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 208, 217.)

Here, in the instant matter, there has been no demonstration by clear and convincing evidence that respondent's present transgressions, i.e., his failure to comply with certain of his reproof conditions and his failure to comply with a State Bar investigation, “harmed significantly a client, the public or the administration of justice.”

⁵ The standards were revised on January 1, 2014. Before that date, former standard 1.7(b) applied to members with two or more records of discipline. Standard 1.8(b) is similar but more limited than former standard 1.7(b).

Additionally, as noted, *ante*, respondent's discipline in *De Chavez II*, i.e., Supreme Court case No. 209770 (State Bar Court case No. 12-H-15739) became effective March 8, 2012.

Respondent was given one year from the effective date of his reproof in which to comply with the reproof conditions at issue in that disciplinary matter. He failed to comply with certain of those conditions, as set forth, *ante*. And, in the State Bar investigation matter, respondent was notified by letters from the State Bar investigator to provide a response to the allegations of the complaining witness, in investigation case No. 13-H-15892. Respondent did not comply.

Respondent's testimony, which the court finds to be credible, reveals that from 2012 through 2013, respondent was faced with serious medical and personal problems. He underwent two major surgeries in that time period – a quadruple bypass surgery in 2012, and “repair work” on his heart, including a triple bypass surgery in 2013. During the same period, his marriage was failing. And, although respondent's serious medical issues and serious personal problems cannot excuse or immunize him from discipline, it is understandable that he was overwhelmed as a result of the confluence of those issues and problems. As such, the facts and circumstances compel the court to look beyond a strict application of standard 1.8(b) and consider the nature and chronology of respondent's record of discipline. (Cf. *In the Matter of Lawrence* (Review Dept. 2013) 5 Cal. State Bar Ct. Rptr. 239, 247-248.) “Merely declaring an attorney has [two or more prior] impositions of discipline, without more analysis, may not justify disbarment in every case. [Citation.]” (*Ibid.*)

Here, respondent has been disciplined on three prior occasions. The first two priors were limited in nature, as evidenced by the fact that the more severe discipline was limited to a 30-day suspension. The third “prior” record of discipline, *De Chavez III*, was more serious and resulted in discipline that included a one-year actual suspension.

Specifically, respondent's discipline in his first disciplinary proceeding arose from two separate matters that were minimal in severity and, therefore, resulted in a private reproof in 2012. A 30-day suspension was imposed in the second disciplinary matter in 2013, as a result of respondent's failure to timely contact the Office of Probation within 30 days of the reproof order and belatedly submitting two quarterly reports. A one-year suspension was imposed in the third disciplinary matter in 2014, based on respondent's failure to timely participate in a telephonic meeting with his probation deputy and failing to file a quarterly report. As noted, *ante*, the misconduct involved in the third disciplinary matter took place *after* the misconduct at issue in the instant matter and respondent, therefore, "did not have an opportunity to appreciate or heed the import of that third "prior" discipline. Thus, the aggravating weight of the third discipline matter is "greatly diminished." (*In the Matter of Seltzer* (Review Dept. 2013) 5 Cal. State Bar Ct. Rptr. 263, 269.)

Here respondent's misconduct is similar to, but not as extreme as that of the attorney in *In the Matter of Lawrence, supra*, 5 Cal. State Bar Ct. Rptr. 239, 247, 248. Like respondent, Lawrence had three prior records of discipline. His misconduct in those disciplinary matters involved: (1) a private reproof involving four matters; (2) a 30-day suspension for three separate matters, wherein he: (i) failed to competently perform and keep a client informed, (ii) failed to cooperate with a disciplinary investigation and commingled funds in his client trust account (CTA); and (3) violated probation conditions, resulting in a six-month suspension. The court found that while the misconduct in Lawrence's fourth discipline matter included additional CTA violations and probation violations, as in his prior discipline, there was no evidence of client harm, evil intent or bad faith. Lawrence's wrongdoing extended over a 28-year period of time – his first discipline being imposed in 1981, and his fourth, a suspension for a probation violation being imposed in 2009.

Here, respondent's misconduct in his prior disciplinary matters is not as extensive as the misconduct that underlies each of Lawrence's disciplinary matters. Nor is the nature of respondent's misconduct as serious as that engaged in by Lawrence. As in *Lawrence*, respondent's current, i.e., fourth disciplinary matter, fails to reveal evidence of client harm, evil intent or bad faith. In *Lawrence*, the court concluded that after weighing the standards, case law, and factors in aggravation and mitigation, the public would be adequately protected by a minimum actual suspension of three years and until the attorney provides proof to the State Bar Court of rehabilitation. In the instant matter, as noted, respondent's third imposition of discipline occurred *after* the current misconduct, which was not the case in *Lawrence*. Thus, respondent, herein, was deprived of an opportunity to learn from his third "prior" discipline. Such was not the case in *Lawrence*.

This court also finds further guidance regarding the appropriate level of discipline to be imposed in *In the Matter of Meyer* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 697 (*Meyer III*).

In *Meyer III*, the attorney was found culpable of violating two conditions attached to a private reproof previously imposed on him for failing to file two probation reports and failing to provide proof of completion of six hours of continuing legal education. In aggravation, the attorney had two prior records of discipline. In the first prior record of discipline (*Meyer I*), the attorney was given a private reproof in a single-client matter for: (1) repeatedly failing to respond to a client's reasonable status inquiries and failing to inform the client of significant developments in his case; (2) improperly withdrawing from employment without taking reasonable steps to avoid reasonably foreseeable prejudice to the rights of the client; and (3) failing to forward the client's file to new counsel in accordance with the client's instructions. In the second prior record of discipline (*Meyer II*), a reproof violation proceeding, the attorney

stipulated to violating conditions attached to the reproof in *Meyer I*. The attorney admitted violating the conditions attached to his first reproof by not filing a quarterly report, filing another quarterly report 12 days late, and not timely taking and completing the State Bar's Ethics School in accordance with his reproof conditions.

Additional aggravation in *Meyer III* involved: (1) engaging in multiple acts of misconduct; (2) showing indifference towards rectification; and (3) failing to cooperate – most notably by defaulting at the disciplinary trial.

Nonetheless, the Review Department concluded that the nature and extent of the prior discipline in *Meyer III* did not justify a recommendation of disbarment under standard 1.7(b) – now renumbered as standard 1.8(b). Rather, the attorney was suspended from the practice of law for two years, execution of the suspension was stayed, and he was placed on a three-year probation with conditions, including an actual suspension for the first 90 days of his probation.

Meyer III is in certain ways similar to the matter before this court; and in other ways quite different. Both *Meyer III* and the instant matter involve reproof violations which are quite similar. The attorney in *Meyer III* had two prior records of discipline and engaged in multiple acts of misconduct. But, the *Meyer III* attorney's misconduct was further aggravated by his indifference toward rectification and his lack of cooperation, which included his failure to appear at trial.

In the instant matter, respondent has three prior record of discipline and engaged in multiple acts of misconduct. However, the misconduct in respondent's third prior occurred after the current misconduct and is thus greatly diminished. (*In the Matter of Seltzer, supra*, 5 Cal. State Bar Ct. Rptr. 263, 269.) Moreover, the mitigating circumstances in the present matter are more extensive than that in *Meyer III*, where no mitigating circumstances were found. And, as noted, respondent herein has demonstrated his cooperation and recognition of wrongdoing by

stipulating to all facts establishing culpability. Whereas, in *Meyer III*, the attorney was not cooperative, even to the point of defaulting at trial.

Thus, after considering the nature and chronology of respondent's misconduct, the surrounding aggravation and mitigation, as well as the discipline imposed in similar matters, this court has grave doubts regarding the appropriateness of disbarring respondent. After carefully considering the totality of the circumstances, including the fact that the present misconduct occurred during a period of time when respondent was experiencing significant medical and personal issues and difficulties, the court has determined that a recommendation of disbarment would be excessive and unnecessarily punitive. Disbarment will not protect the public to any greater degree than would a lengthy suspension that includes a requirement that respondent remain suspended until he demonstrates his rehabilitation under standard 1.2(c)(1).

Accordingly, after weighing the standards, the case law, and factors in mitigation and aggravation, and determining that the public will be adequately protected by the imposition of discipline that is short of disbarment, the court concludes that a two-year minimum period of actual suspension that will continue until respondent provides proof to the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law will achieve the primary purposes of attorney discipline, most notably public protection.

Recommendations

It is recommended that respondent Oscar Arturo Ruiz de Chavez, State Bar Number 108605, be suspended from the practice of law in California for three years, that execution of that period of suspension be stayed, and that he be placed on probation⁶ for a period of four years subject to the following conditions:

⁶ The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

1. Respondent Oscar Arturo Ruiz de Chavez is suspended from the practice of law for a minimum of the first two years of probation, and respondent will remain suspended until the following requirement is satisfied:
 - A. Respondent must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std 1.2(c)(1).)
2. Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of respondent's probation.
3. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including respondent's current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, respondent must report such change in writing to the Membership Records Office and the State Bar's Office of Probation.
4. Within 30 days after 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.⁷
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 he has complied with the State Bar Act, the Rules of Professional Conduct, and all of the conditions of his probation during the preceding calendar quarter. In addition to all quarterly reports, a final report, containing the same information, is due no earlier than 20 days before the last day of the probation period and no later than the last day of the probation period.
6. Subject to the assertion of applicable privileges, respondent must answer fully, promptly, and truthfully, any inquiries of the Office of Probation or any probation monitor that are directed to respondent personally or in writing, relating to whether respondent is complying or has complied with his probation conditions.

At the expiration of the probation period, if respondent has complied with all conditions of probation, respondent will be relieved of the stayed suspension.

⁷ It is not recommended that respondent be ordered to attend the State Bar Ethics School as on April 19, 2014, he was ordered to do so by the Supreme Court in case No. S209770 (State Bar Court case No. 13-PM-17128).

Multistate Professional Responsibility Examination

It is recommended that respondent be ordered to take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

California Rules of Court, Rule 9.20

It is further recommended that respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding. Failure to do so may result in disbarment or suspension.

Costs

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Dated: August ____, 2014

PAT E. McELROY
Judge of the State Bar Court