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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Shane C. Morrison Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017-2515 (213) 765-1000 Bar # 284115	Case Number(s): 14-O-03658-PEM	For Court use only PUBLIC MATTER FILED <i>JLR</i> FEB 19 2015 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel For Respondent Christopher J. DeSalva 45-902 Oasis St #D Indio, CA 94102 (760) 347-2648 Bar # 172209	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: RUBEN DANIEL SANCHEZ Bar # 164289 A Member of the State Bar of California (Respondent)		

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 4, 1993**.
- (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 **12** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".



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- (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 5.130, Rules of Procedure.
 - Costs are 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 in this matter.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case **07-O-13599, et al. (See Attachment to Stipulation at p. 9.)**
 - (b) Date prior discipline effective **December 19, 2012.**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rules 1-300(A), 3-110(A), 3-700(D)(2), and 3-700(A)(2); Business and Professions Code sections 6068(m), 6068(j), 6068(a), 6125, and 6126.**
 - (d) Degree of prior discipline **Two years of stayed suspension, three years of probation, and six months of actual suspension.**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.

05-O-04553, et al. (See Attachment to Stipulation at pp. 8-9.)
- (2) **Dishonesty:** Respondent's misconduct was intentional, 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.

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- (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. **(See Attachment to Stipulation at p. 9.)**
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. 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, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental 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 the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily 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:

Pretrial Stipulation (See Attachment to Stipulation at p. 9.)

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **two 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 1.2(c)(1) 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**, 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 **one year**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1), 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 the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

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- (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 completed Ethics School on June 19, 2014 in connection with State Bar Court case number 07-O-13599, et al.**
- (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**

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further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.

No MPRE recommended. Reason: **Respondent passed the MPRE on August 17, 2013 in connection with State Bar Court case number 07-O-13599, et al.**

- (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:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: RUBEN DANIEL SANCHEZ

CASE NUMBER: 14-O-03658-PEM

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of the violation of the specified statute.

Case No. 14-O-03658 (State Bar Investigation)

FACTS:

1. On November 19, 2012, the California Supreme Court filed order number S205213(State Bar Court Case Numbers 07-O-13599, 08-O-11153, 08-O-12852, 08-O-12955, and 09-O-11251) ("Disciplinary Order"), which ordered that respondent be suspended from the practice of law for two years, with execution of that period of suspension stayed, and that respondent be placed on probation for three years, subject to the conditions of probation recommended by the Hearing Department in its July 12, 2012 Decision, including the condition that respondent be actually suspended for six months.
2. The conditions of probation recommended by the Hearing Department in its July 12, 2012 Decision included, among other things, the following requirements:
 - a. Submitting to the Office of Probation quarterly reports on each January 10, April 10, July 10, and October 10 of the period of probation attesting to respondent's compliance with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation; and
 - b. Providing to the Office of Probation proof of attendance at a session of State Bar Ethics School, and passage of the test given at the end of that session, within one year of the effective date of discipline.
3. The Disciplinary Order became effective on December 19, 2012.
4. Pursuant to the Disciplinary Order, respondent was required to submit his first quarterly report on April 10, 2013 and thereafter to submit quarterly reports on each January 10, April 10, July 10, and October 10 of the period of probation. Respondent was also required to provide proof of attendance at a session of State Bar Ethics School, and passage of the test given at the end of that session, no later than December 19, 2013.
5. On December 12, 2012, the Office of Probation mailed a letter to respondent outlining all of the probation conditions, as well as reminding respondent of the deadlines discussed above. Respondent received the letter.
6. On August 20, 2013, respondent submitted to the Office of Probation the quarterly report that was due on July 10, 2013. The quarterly report was filed forty-one days late.

7. On November 8, 2013, respondent submitted to the Office of Probation the quarterly report that was due on October 10, 2013. The quarterly report was filed twenty-nine days late.

8. Respondent failed to submit to the Office of Probation proof of completion of State Bar Ethics School by December 19, 2013 and failed to submit the quarterly report that was due on January 10, 2014.

9. Accordingly, on March 25, 2014, the Office of Probation mailed a non-compliance letter to respondent. The letter notified respondent that he had failed to submit his January 10, 2014 quarterly report, and that he had failed to submit proof of completion of State Bar Ethics School by December 19, 2013. Respondent received the letter.

10. On May 1, 2014, respondent submitted to the Office of Probation the quarterly reports that were due on January 10, 2014 and April 10, 2014, but they were rejected by the Office of Probation because they were faxed and did not bear original signatures.

11. On July 10, 2014, respondent submitted to the Office of Probation proof of attendance at the June 19, 2014 session of State Bar Ethics School and completion of the test given at the end of that session. The proof of completion of Ethics School was filed two-hundred-three days late.

12. On September 16, 2014, respondent submitted to the Office of Probation new copies of the quarterly reports that were due on January 10, 2014 and April 10, 2014. Both reports bore original signatures and were therefore filed by the Office of Probation. The quarterly reports were filed two-hundred-forty-nine days late and one-hundred-fifty-nine days late, respectively.

CONCLUSIONS OF LAW:

1. By failing to timely submit to the Office of Probation the quarterly reports that were due on July 10, 2013, October 10, 2013, January 10, 2014, and April 10, 2014, and by failing to submit to the Office of Probation proof of attendance at a session of State Bar Ethics School, and completion of the test given at the end of that session, by December 19, 2013, respondent failed to comply with the conditions attached to his disciplinary probation in State Bar Court Case Numbers 07-O-13599, 08-O-11153, 08-O-12852, 08-O-12955, and 09-O-11251 in willful violation of Business and Professions Code section 6068(k).

AGGRAVATING CIRCUMSTANCES.

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

First Prior

S169574 (State Bar Court Case Numbers 05-O-04533, 07-O-11476): Respondent was suspended for two years and until he was able to prove to the State Bar Court that he was rehabilitated, fit to practice law, and had present learning and ability in the general law under standard 1.4(c)(ii) and until payment of restitution and sanctions, execution of that period of suspension was stayed, and respondent was placed on probation for three years with conditions including ninety days actual suspension and until payment of restitution and sanctions, effective April 3, 2009, pursuant to a stipulation in which respondent acknowledged that he: failed to perform legal services with competence (in willful violation

of rule 3-110(A) of the Rules of Professional Conduct) and failed to refund unearned fees (in willful violation of rule 3-700(D)(2) of the Rules of Professional Conduct) in two client matters; failed to communicate (in willful violation of Business and Professions Code section 6068(m)) in one client matter; disobeyed a court order requiring him to pay sanctions (in willful violation of Business and Professions Code section 6103); and failed to cooperate in a disciplinary investigation (in willful violation of Business and Professions Code section 6068(i)). The misconduct occurred between 2002 and 2005. The misconduct was aggravated by respondent's multiple acts of misconduct, and mitigated by respondent's lack of prior discipline.

Second Prior

S205213 (State Bar Court Case Numbers 07-O-13599, 08-O-11153, 08-O-12852, 08-O-12955, and 09-O-11251): Respondent was suspended for two years, execution of that period of suspension was stayed, and placed on probation for three years with conditions including six months' actual suspension, with credit given for inactive enrollment from August 15, 2011 through April 25, 2012, effective December 19, 2012, pursuant to a stipulation in which Respondent acknowledged that he: aided the unauthorized practice of law (in willful violation of rule 1-300(A) of the Rules of Professional Conduct), failed to perform legal services with competence (in willful violation of rule 3-110(A) of the Rules of Professional Conduct), failed to communicate (in willful violation of Business and Professions Code section 6068(m)), and improperly withdrew from employment (in willful violation of rule 3-700(A)(2) of the Rules of Professional Conduct) in two client matters; failed to refund unearned fees (in willful violation of rule 3-700(D)(2) of the Rules of Professional Conduct) in three client matters; failed to update his membership records (in willful violation of Business and Professions Code section 6068(j)); and engaged in the unauthorized practice of law (in willful violation of Business and Professions Code sections 6068(a), 6125, and 6126) in four client matters. The misconduct occurred between 2005 and 2008. The misconduct was aggravated by respondent's prior record of discipline, and mitigated by respondent's candor, cooperation, and successful completion of the Alternative Discipline Program.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent violated five conditions of his disciplinary probation.

MITIGATING CIRCUMSTANCES.

Additional Mitigating Circumstances:

Pretrial Stipulation: While the facts of this matter are easily provable, respondent has cooperated with the State Bar by entering into this pretrial stipulation as to facts and conclusions of law, thereby obviating the need for a trial and saving State Bar resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigating credit was given for entering into a stipulation as to facts and culpability].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See Std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the Standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the Standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given Standard, in addition to the factors set forth in the specific Standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member’s willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

Standard 2.10 provides that actual suspension is appropriate for a failure to comply with a condition of discipline. (Business and Professions Code section 6068(k).) The degree of sanction depends on the nature of the condition violated and the member’s unwillingness or inability to comply with disciplinary orders. Here, respondent has failed to comply with five conditions of his disciplinary probation. Although respondent has violated multiple conditions of his disciplinary probation, he belatedly completed Ethics School, submitted all outstanding quarterly reports, submitted his most recent quarterly report timely, and is in the process of paying restitution. Respondent has not demonstrated an unwillingness or inability to comply with disciplinary orders.

Standard 1.8(b) provides that “if a member has two or more prior records of discipline, disbarment is appropriate in the following circumstances, unless the most compelling mitigating 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 demonstrate a pattern of misconduct, or (3) the prior disciplinary matters coupled with the current record demonstrate the member’s unwillingness or inability to conform to ethical responsibilities.”

However, case law also supports the proposition that not every case in which Standard 1.8(b) applies is automatically appropriate for disbarment. Even in the absence of compelling mitigation, the Supreme Court has not, in every instance, ordered disbarment pursuant to Standard 1.8(b) (formerly Standard 1.7(b)). (*Conroy v. State Bar* (1991) 53 Cal.3d 495.) In *Conroy*, the attorney was found to have abandoned his client and had two prior records of discipline, including a private reproof and a sixty day actual suspension for failing to take the Professional Responsibility Examination, as required by the conditions of his private reproof. (*Id.* at 499.) The attorney presented no evidence in mitigation and the misconduct was aggravated by his prior record of discipline and his failure to cooperate in the proceedings. (*Id.* at 503.) The Supreme Court imposed discipline consisting of five years of stayed suspension and five years of probation with conditions including one year of actual suspension. (*Id.* at 508.)

In the present case, there is no demonstrated pattern of misconduct, and there is no demonstrated unwillingness or inability to conform to ethical responsibilities. While respondent’s priors involved

failures to perform and communicate in various client matters, the most recent prior was for misconduct that occurred between six to nine years ago. Therefore, while respondent's priors constitute a significant aggravating circumstance, they do not clearly demonstrate a pattern of misconduct in the present matter. Additionally, prior to initiation of any proceedings by the Office of the Chief Trial Counsel, respondent belatedly completed Ethics School, timely filed his most recent quarterly report, and has been paying restitution. As such, respondent's prior disciplinary matters, coupled with the current record, do not demonstrate that respondent is unwilling or unable to conform to ethical responsibilities.

The only factor calling for disbarment under Standard 1.8(b) that applies to the instant proceeding is that actual suspension was ordered in both of respondent's prior disciplinary matters. However, the Review Department has instructed that "[m]erely declaring that an attorney has [two or more prior] impositions of discipline, without more analysis, may not adequately justify disbarment in every case. (*In the Matter of Miller* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 131, 136.) Although respondent was actually suspended in both of his prior disciplinary matters, that fact does not render this case appropriate for disbarment, particularly where there is no demonstrated pattern of misconduct, no demonstrated unwillingness or inability to conform to ethical responsibilities, and respondent belatedly complied with the terms of his disciplinary probation prior to initiation of any proceedings by the Office of the Chief Trial Counsel.

Although this case is not appropriate for disbarment under Standard 1.8(b), actual suspension should be imposed under Standard 2.10, which provides that actual suspension is appropriate for a failure to comply with a condition of discipline.

In light of the foregoing, discipline consisting of two years of stayed suspension and three years of probation with conditions including one year of actual suspension will best serve the goals of protecting the public, the courts, and the legal profession; maintaining high professional standards for attorneys; and preserving public confidence in the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

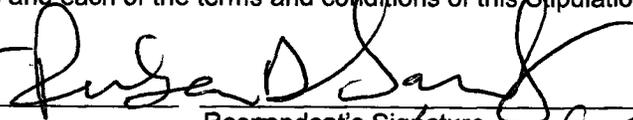
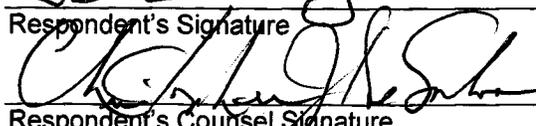
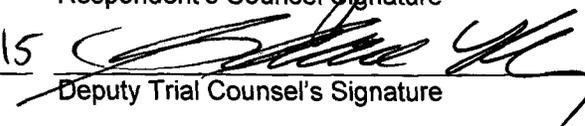
Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of January 5, 2015, the prosecution costs in this matter are \$3,497.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

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In the Matter of: RUBEN DANIEL SANCHEZ	Case number(s): 14-O-03658-PEM
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SIGNATURE OF THE PARTIES

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

<u>7-23-15</u> Date	 Respondent's Signature	<u>Ruben Daniel Sanchez</u> Print Name
<u>7-25-2015</u> Date	 Respondent's Counsel Signature	<u>Christopher J. DeSalva</u> Print Name
<u>Jan. 30, 2015</u> Date	 Deputy Trial Counsel's Signature	<u>Shane C. Morrison</u> Print Name

(Do not write above this line.)

In the Matter of: RUBEN DANIEL SANCHEZ	Case Number(s): 14-O-03658
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ACTUAL SUSPENSION 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:

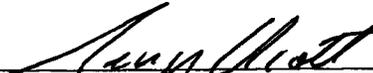
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

On page 1 of the Stipulation in the caption, correct Ruben Daniel Sanchez's State Bar number to 164298.

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 5.58(E) & (F), 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.)**

2-18-15

Date


GEORGE E. SCOTT, JUDGE PRO TEM
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, On February 19, 2015, I deposited a true copy of the following document(s):

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

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

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

CHRISTOPHER J. DESALVA
45-902 OASIS ST #D
INDIO, CA 94102

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

Shane C. Morrison, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on February 19, 2015.


Laretta Cramer
Case Administrator
State Bar Court