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**State Bar Court of California  
Hearing Department  
San Francisco  
ACTUAL SUSPENSION**

<b>Counsel For The State Bar</b>  <b>Susan I. Kagan</b> <b>Supervising Attorney</b> <b>180 Howard St.</b> <b>San Francisco, CA 94105</b> <b>(415) 538-2037</b>  <b>Bar # 214209</b>	<b>Case Number(s):</b> <b>15-O-15845-PEM</b>	<b>For Court use only</b>  <b>PUBLIC MATTER</b>  <b>FILED</b> <b>FEB 08 2018</b> <i>[Signature]</i>  <b>STATE BAR COURT CLERK'S OFFICE</b> <b>SAN FRANCISCO</b>
<b>In Pro Per Respondent</b>  <b>Ronald Marquez</b> <b>Rooney Law Firm</b> <b>1361 Esplanade</b> <b>Chico, CA 95926</b> <b>(530) 343-5297</b>  <b>Bar # 272963</b>	<b>Submitted to: Settlement Judge</b>  <b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</b>  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> <b>PREVIOUS STIPULATION REJECTED</b>	
<b>In the Matter of:</b> <b>RONALD TAN MARQUEZ</b>  <b>Bar # 272963</b>  <b>A Member of the State Bar of California</b> <b>(Respondent)</b>		

**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 **December 1, 2010**.
- (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."

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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 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 discipline. (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(h) & 1.5]. Facts supporting aggravating circumstances are required.**

- (1)  Prior record of discipline
- (a)  State Bar Court case # of prior case
  - (b)  Date prior discipline effective
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  Intentional/Bad Faith/Dishonesty: Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3)  Misrepresentation: Respondent's misconduct was surrounded by, or followed by, misrepresentation.
- (4)  Concealment: Respondent's misconduct was surrounded by, or followed by, concealment.
- (5)  Overreaching: Respondent's misconduct was surrounded by, or followed by, overreaching.
- (6)  Uncharged Violations: Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.

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- (7)  **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.
- (8)  **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. See page 9.
- (9)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10)  **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11)  **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See page 9.
- (12)  **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13)  **Restitution:** Respondent failed to make restitution.
- (14)  **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15)  **No aggravating circumstances are involved.**

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standards 1.2(l) & 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 likely to recur.
- (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 or to the State Bar during disciplinary investigations and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps demonstrating spontaneous 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 objectively 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

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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. See pages 9-10.
- (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. See page 9.
- (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:**

**No Prior Discipline. See page 9.**  
**Pretrial Stipulation. See page 10.**

#### **D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of one (1) year.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general 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 one (1) year, 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 30 days.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct

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- 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 present 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.
- (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:

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- (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:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> 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 6.162(A) & (E), 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:**

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

IN THE MATTER OF:                      RONALD TAN MARQUEZ

CASE NUMBER:                              15-O-15845-PEM

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

**Case No. 15-O-15845-PEM (State Bar Investigation)**

**FACTS:**

1. Prior to April 8, 2014, Roy Cox, Sr. ("Roy") hired respondent to file a conservatorship over Roy's father, Raymond Cox ("Raymond"). On April 8, 2014, respondent filed a petition for appointment of conservator in In Re the Matter of the Conservatorship of Raymond Roy Cox, Tehama County Superior Court Case No. PR15062 ("conservatorship matter").

2. After filing the petition, respondent was required to file an inventory and appraisal ("I&A"). Respondent initially requested a 60-day continuance to file the I&A, which was granted by the court. Thereafter, respondent failed to file the I&A.

3. On January 12, 2015, another attorney specially appeared for respondent at a hearing before the court. At the hearing, the court issued an order requiring respondent to appear on February 17, 2015, and to file the I&A two weeks prior to that date. The court reserved jurisdiction to issue sanctions against respondent and the conservator for failing to timely file the I&A. Respondent received the order.

4. On February 3, 2015, respondent filed a deficient I&A.

5. On February 17, 2015, respondent appeared for the hearing. On February 20, 2015, the court issued an order, stating: "The clerk is directed to strike page 2 of the Inventory & Appraisal as it is not signed by the Probate Referee. Counsel shall submit an amended Order Appointing Probate Conservator with box 20 checked, bond is fixed in the amount of \$500,000.00. A Declaration shall be filed stating when the original Inventory & Appraisal was sent to the Probate Referee and an estimate as to when the Declaration of the Probate Referee will be completed on the Amended Inventory and Appraisal." The court then scheduled the next hearing to take place on March 2, 2015. Respondent received the order.

6. On March 2, 2015, respondent filed a declaration, but failed to post bond and submit an amended order, in violation of the court's February 20, 2015 order. On the same date, another attorney specially appeared for respondent at the hearing before the court.

7. On March 6, 2015, the court issued an Order to Show Cause ("OSC"), requiring respondent to appear for an OSC hearing on March 23, 2015, and show cause why monetary sanctions should not be imposed. Respondent received the order.

8. On March 20, 2015, respondent filed a declaration in response to the OSC.

9. On March 23, 2015, respondent appeared for the OSC. At the OSC, the court ordered respondent to personally appear at the next hearing on April 20, 2015, and to file the I&A before that date. The court reserved jurisdiction over the issue of sanctions. Respondent received the order, but failed to file the I&A, in violation of the court's March 23, 2015 order.

10. On April 20, 2015, respondent appeared at the hearing. The court ordered respondent to file the I&A by May 11, 2015, and if he could not file a final accounting, the court ordered respondent to file a partial accounting by May 6, 2015. The court then continued the matter until May 11, 2015. Respondent received the order, but failed to file the I&A, final accounting, or a partial accounting, in violation of the court's April 20, 2015 order.

11. On May 4, 2015, the court issued an order imposing sanctions against respondent in the amount of \$250, to be paid by May 20, 2015. Respondent received the order, but failed to timely pay the sanctions.

12. On May 11, 2015, respondent appeared at the hearing and was ordered to file the final accounting by June 5, 2015. The court continued the hearing to June 15, 2015. Respondent failed to file the final accounting by June 5, 2015, in violation of the court's May 11, 2015 order.

13. On June 15, 2015, another attorney specially appeared for respondent at the hearing. The court issued an order requiring respondent to appear on July 20, 2015, and to file the final accounting by July 6, 2015. The court noted that it would consider sanctions for respondent's failure to comply with court orders. Respondent received the order, but failed to file the accounting by July 6, 2015, in violation of the court's June 15, 2015 order.

14. On July 20, 2015, respondent appeared at the hearing. The court continued the hearing to August 17, 2015, and ordered respondent to file the final accounting by that date. The court ordered respondent to appear on August 17, 2015, for an OSC for sanctions based on respondent's failure to comply with the court's orders. Respondent received the order.

15. On August 17, 2015, respondent failed to appear for the OSC, in violation of the court's July 20, 2015 order. On August 21, 2015, the court issued an "Order to Show Cause and Order" wherein it ordered respondent to personally appear on October 26, 2015, and to show cause why sanctions in the amount of \$1,500 should not be imposed based on his failure to comply with court orders. Respondent received the order.

16. Prior to September 30, 2015, Roy terminated respondent's employment and hired a new attorney to handle the conservatorship matter. Soon thereafter, the new attorney filed the required documents and the court issued an order terminating the conservatorship.

17. On October 26, 2015, respondent failed to appear for the OSC, in violation of the court's August 21, 2015 order. On October 30, 2015, the court issued an order imposing sanctions against



respondent in the amount of \$1,500, to be paid no later than November 25, 2015. Respondent received the order, but failed to pay the sanctions and failed to report the sanctions to the State Bar.

18. On November 18, 2015, the court referred the matter to the State Bar. It was not until October 14, 2016, and only after the State Bar notified respondent that it was investigating his conduct in the conservatorship matter, that respondent paid the \$1,500 sanction to the court.

#### **CONCLUSIONS OF LAW:**

19. By failing to obey the court's order of February 20, 2015, requiring respondent to post bond and submit an amended order, by failing to obey the court's order of March 23, 2015, requiring respondent to file an I&A by April 20, 2015, by failing to obey the court's order of April 20, 2015, requiring respondent to file and I&A by May 11, 2015, and file a final or partial accounting, by failing to obey the court's order of May 4, 2015, requiring respondent to pay sanctions in the amount of \$250 by May 20, 2015, by failing to obey the court's order of May 11, 2015, requiring respondent to file a final accounting by June 5, 2015, by failing to obey the court's order of June 15, 2015, requiring respondent to file a final accounting by July 6, 2015, by failing to obey the court's order of July 20, 2015, requiring respondent to appear on August 17, 2015, and file a final accounting, by failing to obey the court's order of August 21, 2015, requiring respondent to appear on October 26, 2015, and by failing to obey the court's order of October 30, 2015, requiring respondent to pay \$1,500 in sanctions by November 25, 2015, respondent willfully disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of respondent's profession which he ought in good faith to do or forbear, in willful violation of section 6103 of the Business and Professions Code.

20. By failing to report to the State Bar the imposition of \$1,500 in sanctions ordered by the court on October 30, 2015, respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time respondent had knowledge of the imposition of any judicial sanctions against respondent, in willful violation of Business and Professions Code section 6068(o)(3).

#### **AGGRAVATING CIRCUMSTANCES.**

**Multiple Acts of Wrongdoing (Std. 1.5(b)):** Respondent's failure to obey numerous court orders demonstrates multiple acts of wrongdoing.

**Significant Harm to Client, Public or Administration of Justice (Std. 1.5(j)):** Respondent's misconduct harmed the administration of justice by requiring additional court hearings, unnecessarily delaying the matter and wasting judicial resources.

#### **MITIGATING CIRCUMSTANCES.**

**No Prior Discipline:** Respondent is entitled to nominal weight in mitigation for practicing only five years without discipline. (*In the Matter of Duxbury* (Review Dept. 1999) 4 Cal. State Bar Ct. Rptr. 61, 67.)

**Extraordinary Good Character (Std. 1.6(f)):** Respondent submitted 10 character letters from a wide range of people in the general and legal communities who were aware of the full extent of respondent's misconduct and attest to his integrity, honesty and professionalism.

**Family Problems:** At the time of the misconduct, respondent was suffering from extreme difficulties in his personal life. In 2013, respondent's father was diagnosed with supranuclear palsy, which affected his father's mental and physical health. After the diagnosis, respondent's father and mother moved in with respondent's family and respondent took over the physical and financial care of his father. In July 2015, respondent's father's condition deteriorated to the point where he had to be admitted to a care facility. Thereafter, respondent would visit his father on a daily basis, sometimes multiple times per day. All of this took an emotional toll on respondent and affected his ability to keep up with work. In March 2016, respondent's father passed away.

**Pretrial Stipulation:** By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spalth* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

#### **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 Silverton* (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).)

In this matter, respondent failed to comply with nine court orders and failed to report sanctions to the State Bar. Standard 1.7(a) requires that where a respondent "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed."

The most severe sanction applicable to respondent's misconduct is found in standard 2.12, which applies to respondent's failure to obey court orders. Standard 2.12(a) provides in pertinent part: "Disbarment or

actual suspension is the presumed sanction for disobedience or violation of a court order related to the member's practice of law..." To determine the appropriate level of discipline, consideration must also be given to the aggravating and mitigating circumstances. In aggravation, respondent committed multiple acts of misconduct and caused significant harm to the administration of justice. Respondent is entitled to mitigation for family problems, good character and entering into a pretrial settlement. He is entitled to nominal mitigation for no prior discipline since he only had five years of discipline-free practice at the time of the misconduct.

Based on the nature of the misconduct, which was limited to one client matter, as well as the factors in aggravation and mitigation, discipline at the lower end of the standards is appropriate.

Case law is instructive. In *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, the court recommended a six-month stayed suspension for an attorney who failed to perform in criminal appellate and habeas corpus proceedings, failed to obey two court orders and failed to report sanctions in a single client matter. In aggravation, the court found multiple acts of misconduct and harm. In mitigation, the court found no prior record of discipline in 17 years of practice, no further misconduct, good character and cooperation for entering into a fact stipulation.

Respondent's misconduct is more egregious than that in *Riordan*, since respondent violated nine separate court orders. In light of the foregoing, discipline above that recommended in *Riordan* is appropriate. This is also supported by the fact that the Standards for Attorney Sanctions for Professional Misconduct have changed since *Riordan*, and now require a period of actual suspension at the low end of the standard instead of a stayed suspension.

On balance, a 30-day actual suspension is necessary to protect the public and serve the purposes of attorney discipline.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of January 12, 2018, the discipline costs in this matter are \$5,957. 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.

#### **EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT**



Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: <b>RONALD TAN MARQUEZ</b>	Case number(s): <b>15-O-15845-PEM</b>
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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>1/16/18</u> Date	 Respondent's Signature	<u>Ronald Marquz</u> Print Name
<u>2/5/18</u> Date	 Deputy Trial Counsel's Signature	<u>N/A</u> Print Name
		<u>Susan I. Kagan</u> Print Name

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In the Matter of: RONALD TAN MARQUEZ	Case Number(s): 15-O-15845
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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.

1. On page 4 of the Stipulation, paragraph C.(10), line 2, "See pages 9-10" is deleted, and in its place is inserted "See page 10."
2. On page 9 of the Stipulation, "No Prior Discipline," line 2, "five years without discipline" is deleted, and in its place is inserted "four years before his first act of misconduct."
3. On page 11 of the Stipulation, at the top of the page, line 6, "five" is deleted, and in its place is inserted "four".

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.)**

Feb 8, 2018  
Date

  
LUCY ARMENDARIZ  
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 8, 2018, 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:
- RONALD T. MARQUEZ  
ROONEY LAW FIRM  
1361 ESPLANADE  
CHICO, CA 95926
- by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- by overnight mail at , California, addressed as follows:
- by fax transmission, at fax number . No error was reported by the fax machine that I used.
- By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Susan I. Kagan, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on February 8, 2018.

  
George Hue  
Case Administrator  
State Bar Court