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STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

In the Matter of)
CHRISTOPHER WAYNE CARRUTHERS,)
A Member of the State Bar, No. 263083.)
_____)
Case No. 15-Q-13711
RECOMMENDATION OF
RESIGNATION

On August 3, 2015, Respondent Christopher Wayne Carruthers filed his resignation with charges pending and was transferred to inactive status. On December 28, 2016, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed its report on the resignation. Pursuant to court order, on March 7, 2016, OCTC filed a supplemental report, and the parties filed: "First Amended Stipulation as to Facts and Conclusions of Law." OCTC recommends that the resignation be accepted. In light of the grounds set forth in California Rules of Court, rule 9.21(d),¹ and as set forth in detail below, we also recommend that respondent's resignation be accepted.

I. BACKGROUND

Respondent was admitted to practice law in California on May 28, 2009. His disciplinary history is as follows.

¹ All further references to rules are to this source unless noted.

A. State Bar Court Case No. 11-C-14315

On December 4, 2010, respondent was arrested after he was discovered walking nude in public in Morro Bar, California. During the arrest, he spit on multiple officers, kicked out the window of a police cruiser with his bare feet, kicked one officer and threatened to kill another, and spit on an emergency room physician. He was charged with eight criminal counts—all but one of which was dismissed. On May 26, 2011, respondent plead guilty to a single misdemeanor count of violating Penal Code 69 (resisting an executive officer).

On September 6, 2011, OCTC transmitted respondent's record of conviction (State Bar Court Case No. 11-C-14315) to the Review Department of the State Bar Court. On October 6, 2011, the Review Department referred the case to the Hearing Department for a hearing on the possible disciplinary consequences of respondent's conviction. After referral, OCTC further reviewed the facts and circumstances surrounding respondent's criminal conduct. It learned that after the events of December 4, 2010 but before his conviction, respondent was diagnosed with and treated for schizoaffective disorder. Also before conviction, a second psychiatrist began treating respondent and opined that a psychotic disorder not otherwise specified explained respondent's criminal conduct. That the criminal conduct did not involve drugs or alcohol, clients or the practice of law and because it did not appear to be willful led OCTC to seek the dismissal of the disciplinary case. On January 18, 2012, the court dismissed State Bar Court Case No. 11-C-14315 without prejudice.

B. State Bar Court Case No. 14-C-02158

On February 1, 2012, respondent drove his car southbound in the northbound lane of Highway 101 in Mendocino County, California. The car lights were not on though it was dark, and respondent struck another vehicle, totaling it. Respondent exited his car, stripped naked, and began running southbound on northbound Highway 101. He threw himself into multiple

vehicles and physically confronted other drivers who tried to help him, causing one person a concussion by pushing him to the ground. Six fire fighters were needed to subdue respondent, and he was sedated and taken to a hospital for treatment. Respondent was charged with two felonies, committing an assault with a deadly weapon (his car) and vandalism. The assault charge was dismissed, and respondent plead nolo contendere to a felony violation of Penal Code section 594, subdivision (b)(1) (vandalism of more than \$400). He was sentenced to 36 months of formal probation, with conditions including making restitution to the victim whose car was totaled.

On October 8, 2014, OCTC transmitted respondent's record of conviction (State Bar Court Case No. 14-C-02158) to the Review Department. On December 30, 2014, the Review Department ordered respondent placed on interim suspension in light of his felony conviction and referred the case to the Hearing Department for a hearing on the possible disciplinary consequences of respondent's conviction. The matter is currently pending for adjudication, abated, in the Hearing Department.

Subsequently, respondent filed his resignation. In the "First Amended Stipulation as to Facts and Conclusions of Law," respondent stipulates to the above facts and stipulates that the facts and circumstances surrounding the February 1, 2012 criminal conduct do not involve moral turpitude but do involve misconduct warranting discipline.

II. CONSIDERATION OF THE GROUNDS SET FORTH IN RULE 9.21(d)

We have considered respondent's resignation under the grounds set forth in rule 9.21(d). We summarize below the relevant information for each ground:

1. Whether the preservation of testimony is complete.

OCTC reports that there is no need for perpetuation of the evidence, and that conviction records in the underlying matters provide “all the information and evidence to go forward with a comprehensive evaluation should there be a reinstatement application in the future.”

2. Whether after transfer to inactive status, respondent has practiced law or has advertised or held himself out as entitled to practice law.

OCTC reports that it is not aware that respondent has practiced law or held himself out as entitled to practice law since he tendered his resignation on August 3, 2015.

3. Whether Respondent performed the acts specified in rule 9.20(a)-(b).

OCTC reports that respondent performed the acts specified in rule 9.20(a)-(b).

4. Whether Respondent provided proof of compliance with rule 9.20(c).

Respondent’s rule 9.20 compliance declaration was filed on November 17, 2015.

5. Whether the Supreme Court has filed a disbarment order.

The Supreme Court has not filed a disbarment order.

6. Whether the State Bar Court has filed a decision recommending disbarment.

The State Bar Court has not filed a decision recommending disbarment.

7. Whether Respondent previously resigned or has been disbarred and reinstated to the practice of law.

Respondent has not previously resigned or been disbarred in California.

8. Whether respondent entered a stipulation with OCTC as to facts and conclusions of law regarding pending disciplinary matters.

Respondent and OCTC entered into an amended stipulation as to facts and conclusions of law, which was filed on March 7, 2016.

9. Whether accepting respondent's resignation will reasonably be inconsistent with the need to protect the public, the courts, or the legal profession.

We recommend accepting respondent's resignation for the reasons OCTC presented in its filings in this matter. Respondent: (1) submitted a rule 9.20 compliance declaration; (2) submitted a stipulation to facts and conclusions of law as to the pending disciplinary matter; and (3) has no pending Client Security Fund claims. Respondent has been diagnosed with a serious mental health issue, and his criminal misconduct did not involve clients or the practice of law. OCTC states further that respondent's mental health issues will likely warrant some degree of mitigation and that any discipline recommended by the State Bar Court would be less severe than the requested resignation. Therefore, it asserts that public protection is better served by respondent's resignation than by going forward with the pending case. We agree with OCTC that under the circumstances permitting respondent to resign is entirely consistent with the protection of the public, the courts, and the legal profession.

III. RECOMMENDATION

We recommend that the Supreme Court accept the resignation Christopher Wayne Carruthers, State Bar number 263083. We further recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6068.10, and that such costs be enforceable both as provided in section 6140.7 and as a money judgment.

PURCELL

Presiding Judge

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 Los Angeles, on April 22, 2016, I deposited a true copy of the following document(s):

RECOMMENDATION OF RESIGNATION FILED APRIL 22, 2016

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

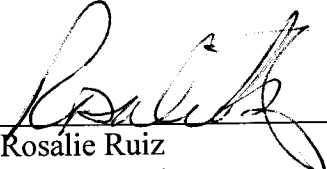
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

CHRISTOPHER W. CARRUTHERS
28817 HARWICK DR
HIGHLAND, CA 92346 - 5080

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

WILLIAM S. TODD, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 22, 2016.



Rosalie Ruiz
Case Administrator
State Bar Court