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**STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 18-Q-16763
)	
BRUCE EDWARD GRUBAUGH, JR.,)	RECOMMENDATION ON
)	RESIGNATION
A Member of the State Bar, No. 74503.)	
_____)	

On October 10, 2018, respondent Bruce Edward Grubaugh, Jr., filed a resignation with charges pending. On December 10, 2018, the Office of Chief Trial Counsel of the State Bar (OCTC) filed its report on the resignation, and attached the parties' stipulation as to facts and conclusions of law regarding pending investigations, complaints, or proceedings (Stipulation). OCTC recommends that the resignation be accepted. Based on OCTC's recommendation and in light of the grounds set forth in California Rules of Court, rule 9.21(d),¹ as detailed below, we recommend that the Supreme Court accept the resignation.

I. BACKGROUND

Grubaugh was admitted to practice law in California on June 28, 1977. He has not been eligible to practice law in California since July 3, 2018, due to his failure to pay membership dues. He was also placed on voluntary inactive status on October 10, 2018, when he filed his resignation with charges pending.

Grubaugh has two prior records of discipline. First, on August 25, 2003 (filed August 26, 2003), Grubaugh received a private reproof with conditions lasting for one year (State Bar

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

Court Case No. 02-O-12182). In a single client matter, Grubaugh stipulated to a failure to provide legal services with competence under Rule of Professional Conduct 3-110(A) and a failure to respond promptly to reasonable status inquiries of the client and to keep the client reasonably informed of significant developments in matters with regard to which the attorney has agreed to provide legal services under Business and Professions Code section 6068, subdivision (m). No aggravating circumstances were involved. In mitigation, Grubaugh had no prior record of misconduct, his misconduct did not harm his client, he displayed candor and cooperated with the State Bar, and he showed remorse for his misconduct.

Second, on July 13, 2017 (effective August 12, 2017), the Supreme Court ordered Grubaugh suspended for one year, execution stayed, and placed on probation for one year subject to conditions, including a 30-day period of actual suspension. (*In re Bruce Edward Grubaugh, Jr.* (S241511), State Bar Court Case No. 16-O-12199.) Grubaugh was further ordered to take and pass the MPRE within one year of the effective date of the Supreme Court's order. In a single client matter, Grubaugh stipulated to a failure to provide legal services with competence under Rule of Professional Conduct 3-110(A) and a failure to respond promptly to reasonable status inquiries of the client and to keep the client reasonably informed of significant developments in matters with regard to which the attorney has agreed to provide legal services under Business and Professions Code section 6068, subdivision (m). In aggravation, Grubaugh had a prior record of discipline, engaged in multiple acts of misconduct, and caused his client significant harm. In mitigation, Grubaugh entered into a full pretrial stipulation with OCTC.

Charges are currently pending against Grubaugh in his third disciplinary proceeding (State Bar Court Case No. 18-O-15861). On December 10, 2018, the parties filed the Stipulation in which Grubaugh stipulated that he failed to comply with conditions attached to his disciplinary probation in his second discipline case. (Bus. & Prof. Code, § 6068, subd. (k).)

Specifically, he failed to timely (1) contact the Office of Probation (Probation) and schedule a meeting with a probation deputy to discuss his probation requirements by the required due date of September 11, 2017; (2) submit to Probation two quarterly reports, which were due by April 10, 2018, and July 19, 2018, respectively; (3) submit to Probation a final report, which was due by August 12, 2018; and (4) submit to Probation proof of attendance and completion of State Bar Ethics School by the due date of August 12, 2018.

II. CLIENT SECURITY FUND CLAIMS PENDING AT TIME OF RESIGNATION

There were no Client Security Fund (CSF) claims pending at the time of Grubaugh's resignation, nor are there now any such claims. CSF has not paid any claims based on alleged misconduct by Grubaugh.

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

We have considered Grubaugh'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 preservation of the evidence is not necessary in the pending disciplinary matter.

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

OCTC reports that, insofar as it knows, Grubaugh has not practiced law or held himself out as entitled to practice law in California since he became ineligible to practice law on July 3, 2018.

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

Grubaugh filed a rule 9.20 compliance declaration on December 3, 2018 (signed on November 18, 2018), in which he averred under penalty of perjury that he had no clients, had no

papers or property to which clients were entitled, had earned all fees paid to him, and did not represent any clients in pending matters. Accordingly, it appears that Grubaugh performed the acts specified in 9.20(a)-(b).

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

Grubaugh filed a rule 9.20 compliance declaration on December 3, 2018, as noted above.

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

The Supreme Court has not filed a disbarment order regarding this member.

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

The State Bar Court has not filed a decision or opinion recommending disbarment regarding this member.

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

Grubaugh has not previously resigned or been disbarred and reinstated.

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

Grubaugh and OCTC entered into the Stipulation, which was filed on December 10, 2018.

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

We recommend accepting Grubaugh's resignation based on the factors OCTC presented in its filings in this matter. Grubaugh (1) has not practiced law in California since he became ineligible to practice law; (2) filed a rule 9.20 compliance declaration; (3) and cooperated with OCTC by entering into the Stipulation regarding his pending disciplinary matter, which

establishes a complete account of his misconduct and is available to the public and any licensing agency or other jurisdiction. OCTC also reports that Grubaugh is 72 years old; thus, he would be at least 77 years old before he is eligible to seek reinstatement in California. Finally, Grugaugh is residing in Oregon, and has informed the State Bar that he has retired from the practice of law.

Under these circumstances, we do not believe that public confidence in the discipline system will be undermined by accepting Grubaugh's resignation. We further believe that accepting his resignation would be consistent with the need to protect the public, the courts, and the legal profession.

IV. RECOMMENDATION

We recommend that the Supreme Court accept the resignation of Bruce Edward Grubaugh, Jr., State Bar number 74503. 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 Court Specialist 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 January 7, 2019, I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED JANUARY 7, 2019

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

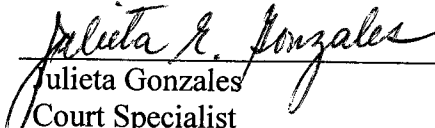
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

BRUCE EDWARD GRUBAUGH, JR.
3255 GATEWAY ST
APT 124
SPRINGFIELD, OR 97477 - 1067

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

Roy S. Kim, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 7, 2019.



Julieta Gonzales
Court Specialist
State Bar Court