

PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES

FILED

FEB 16 2010

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

In the Matter of)	Case No.: 06-O-13457, 06-O-13460
)	
BRIAN G. MAGRUDER,)	ORDER GRANTING REQUEST FOR
)	JUDICIAL NOTICE AND MOTION FOR
Member No. 229675,)	RELIEF FROM ACTUAL SUSPENSION
)	(Rules Proc. of State Bar, rule 205.)
<u>A Member of the State Bar.</u>)	

On February 2, 2010, respondent **Brian G. Magruder** (Respondent), acting in propria persona, filed a motion to terminate his actual suspension pursuant to rule 205, Rules Proc. of State Bar (rule).¹ On February 2, 2010, the Office of the Chief Trial Counsel, by Deputy Trial Counsel Bitu Shasty, filed a response indicating no opposition to the motion.

Where a respondent has complied with the requirements of rule 205(c) and has agreed to comply with probation conditions to be imposed, there is a presumption in favor of granting the motion. (Rule 205(f).) Here, Respondent has met his burden. Further, evidence sufficient to rebut the presumption has not been adduced. Accordingly, the motion is **GRANTED** and the actual suspension imposed by the Supreme Court in its order no. S169275, filed February 24, 2009, will terminate subject to the probation conditions set forth below. He shall be entitled to resume the practice of law in this State upon payment of all applicable State Bar fees and costs.

¹By order filed on February 24, 2009, and effective thirty days thereafter, the Supreme Court imposed discipline of two years' stayed suspension; ninety (90) days actual suspension and until Respondent complied with rule 205. (Supreme Court order no. S169275 (State Bar Court case no. 06-O-13457).)

As a condition of terminating Respondent's actual suspension, **IT IS ORDERED** that Respondent be placed on probation for a period of three years, subject to the following conditions:

1. During the period of probation, Respondent shall comply with the State Bar Act and the Rules of Professional Conduct.
2. Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all the conditions of this probation.
3. Respondent must maintain, with the State Bar's Membership Records Office *and* the State Bar's Office of Probation, his current office address and telephone number or, *if no office is maintained*, an address to be used for State Bar purposes. (Bus. & Prof. Code, § 6002.1, subd. (a).) Respondent must also maintain, with the State Bar's Membership Records Office *and* the State Bar's Office of Probation, his current home address and telephone number. (See Bus. & Prof. Code, § 6002.1, subd. (a)(5).) Respondent's home address and telephone number will *not* be made available to the general public. (Bus. & Prof. Code, § 6002.1, subd. (d).) Respondent must notify the Membership Records Office and the Office of Probation of any change in any of this information no later than 10 days after the change.
4. Respondent must report, in writing, to the State Bar's Office of Probation no later than January 10, April 10, July 10 and October 10 of each year or part thereof in which Respondent is on probation (reporting dates).² However, if Respondent's probation begins less than 30 days before a reporting date, Respondent may submit the first report no later than the second reporting date

² To comply with this requirement, the required report, duly completed, signed and dated, must be received by the Office of Probation on or before the reporting deadline.

after the beginning of his probation. In each report, Respondent must state that it covers the preceding calendar quarter or applicable portion thereof and certify by affidavit or under penalty of perjury under the laws of the State of California as follows:

- (a) in the first report, whether Respondent has complied with all the provisions of the State Bar Act, the Rules of Professional Conduct, and all other conditions of probation since the beginning of probation; and
- (b) in each subsequent report, whether Respondent has complied with all the provisions of the State Bar Act, the Rules of Professional Conduct, and all other conditions of probation during that period.

During the last 20 days of this probation, Respondent must submit a final report covering any period of probation remaining after and not covered by the last quarterly report required under this probation condition. In this final report, Respondent must certify to the matters set forth in subparagraph (b) of this probation condition by affidavit or under penalty of perjury under the laws of the State of California.

- 5. Subject to the proper or good faith assertion of any applicable privilege, Respondent must fully, promptly, and truthfully answer any inquiries of the State Bar's Office of Probation that are directed to Respondent, whether orally or in writing, relating to whether Respondent is complying or has complied with the conditions of this probation.
- 6. Within one year after the effective date of this order, Respondent must attend and satisfactorily complete the State Bar's Ethics School and provide satisfactory proof of such completion to the State Bar's Office of Probation. This condition of probation is separate and apart from respondent's California

Minimum Continuing Legal Education (MCLE) requirements; accordingly,
Respondent is ordered not to claim any MCLE credit for attending and
completing this course. (Rules Proc. of State Bar, rule 3201.)

7. The period of probation shall commence on the effective date of this order.

This order shall be effective immediately upon service.

Dated: February 12, 2010



DONALD F. MILES
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; 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 February 16, 2010, I deposited a true copy of the following document(s):

ORDER GRANTING REQUEST FOR JUDICIAL NOTICE AND MOTION FOR RELIEF FROM ACTUAL SUSPENSION

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

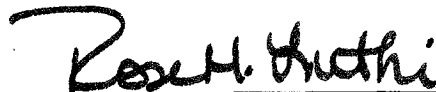
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

BRIAN G. MAGRUDER
PO BOX 952
NORTH HOLLYWOOD, CA 91603

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

BITA SHASTY, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 16, 2010.



Rose Luthi
Case Administrator
State Bar Court