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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
<p style="text-align: center; font-size: 2em; font-weight: bold; opacity: 0.5;">PUBLIC MATTER</p> <p>Counsel For The State Bar</p> <p>Larry DeSha Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1336</p> <p>Bar # 117910</p>	<p>Case Number(s):</p> <p>08-O-14349-RAP</p>	<p>For Court use only</p> <p style="text-align: center; font-size: 1.5em; font-weight: bold;">FILED</p> <p style="text-align: center;">MAY 11 2011</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Ruth Cecilia Rose 2926 Manchester Blvd.; Ste. 141 Inglewood, CA 90305 (323) 710-5094</p> <p>Bar # 145887</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of:</p> <p>RUTH CECILIA ROSE</p> <p>Bar # 145887</p> <p>A Member of the State Bar of California (Respondent)</p>		

**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 February 20, 1990.
- (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 11 pages, not including the order.

(Effective January 1, 2011)

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- (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".
- (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. (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 [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline** [see standard 1.2(f)]
  - (a)  State Bar Court case # of prior case 06-O-11744-RAP
  - (b)  Date prior discipline effective April 28, 2007
  - (c)  Rules of Professional Conduct/ State Bar Act violations: Business and Professions Code section 6103
  - (d)  Degree of prior discipline Stayed suspension of one year
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  **Dishonesty:** Respondent's misconduct was 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.
- (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.
- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standard 1.2(e)]. 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 or person who was the object of the misconduct. See Stipulation Attachment, page 8.
- (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. See Stipulation Attachment, page 8.
- (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 in good faith.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical 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 Respondent no longer suffers from such difficulties or disabilities.
- (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 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.
- (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:**

**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 present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) 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 two (2) years, 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 thirty (30) days.
- 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 1.4(c)(ii), 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:**

(Do not write above this line.)

- (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 1.4(c)(ii), 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: .
- (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:**

(Effective January 1, 2011)

Actual Suspension

- (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 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason: The protection of the public and the interests of Respondent do not require passage of the MPRE in this case because Respondent took and passed the MPRE in March 2009 in connection with previous discipline.  
See In the Matter of Respondent G (Review Dept. 1992) 2 Ca. State Bar Ct. Rptr. 181, 183..
- (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: RUTH CECILIA ROSE**  
**CASE NO.: 08-O-14349-RAP**

**WAIVER OF VARIANCE:**

The parties waive any variance between the Notice of Disciplinary Charges filed on November 18, 2010 and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

**FACTS:**

1. During the period from May 27, 2008 until June 11, 2009, Respondent was suspended from practicing law as a result of failing to pass the Multistate Professional Responsibility Examination, as required by a disciplinary order of the Supreme Court of California filed on March 29, 2007.
2. The Supreme Court of California also suspended Respondent as of July 1, 2008 for failing to pay her State Bar membership fees for calendar year 2008. That suspension remains in effect.
3. After her suspension in 2008, Respondent kept her office open and performed paralegal and law clerk services for attorneys on a contract basis. On November 3, 2008, a staff assistant for an attorney located in the same building requested Respondent to come to the attorney's office to make a telephonic appearance at 9:00 a.m. the next day for a hearing on a demurrer. The attorney had just been hired by the plaintiff, but was unable to make the appearance because of a schedule conflict. The staff assistant did not know of Respondent's suspension, and Respondent did not mention it. Respondent agreed to make the telephonic court appearance.
4. On November 4, 2008, Respondent made the telephonic appearance in Los Angeles County Superior Court case no. NC-042577, entitled *George Adams v. Mortgage Electronic Registrations, Inc.* She stated her appearance as being from the attorney's office and on behalf of the plaintiff. She did not describe it as a special appearance, nor mention that no attorney was available to take the call. The court stated that the attorney had not substituted into the case, and Respondent explained to the court that the substitution form was supposed to have been filed that morning. Respondent then requested a continuance so that the substitution form could be filed. The court denied the continuance and made its rulings for each count in the demurrer.
5. After ruling on the demurrer, the court mentioned that a demurrer by a second defendant was calendared for hearing on November 6, 2008, and stated its intention to calendar a new case management conference. The court asked, "Is that okay with plaintiff's counsel?" Respondent replied, "Yes, it is, your honor." The court then ordered plaintiff to file a case management conference

statement, to which Respondent replied, "All right, your honor, so noted." The court asked Respondent if she would be appearing for the hearing on November 6, 2008, and Respondent replied that another attorney would make that appearance. The court then encouraged the three parties to confer on the pleadings, to which Respondent replied, "I understand. I'll make that happen, your honor." The hearing was then concluded.

6. Respondent was asked to appear at the telephonic hearing on the second demurrer on November 6, 2008, and she agreed to do so. When the court called the case, Respondent stated her appearance as, "Ruth Rose" from the plaintiff's attorney's office. The court inquired if she was suspended, to which she admitted that she was. The court then asked why she was appearing in the case, and Respondent replied that the attorney was not available. The court forbade Respondent to speak further on the record. The demurrer was overruled on grounds of mootness, since the plaintiff's attorney had filed an amended complaint just before the hearing.

### **CONCLUSIONS OF LAW:**

7. In both of the telephonic court appearances, Respondent willfully engaged in the unauthorized practice of law in violation of section 6125 of the Business and Professions Code. In both telephonic court appearances, Respondent willfully held herself out as entitled to practice law in violation of section 6126(a) of the Business and Professions Code. These violations were a willful failure to support the laws of the State of California and were violations of section 6068(a) of the Business and Professions Code.

8. Respondent willfully committed acts of moral turpitude, dishonesty and corruption by holding herself out to the court and counsel as an attorney entitled to practice law, when she knew she was not an active member of the State Bar, and she thereby violated section 6106 of the Business and Professions Code.

### **MITIGATING CIRCUMSTANCES:**

#### **1. Lack of Harm**

No actual harm resulted to the judicial process, nor to the plaintiff's cause. Respondent's acts did not affect the court's decisions, and they did not cause any delay in the case. [Standard 1.2(e)(iii).]

#### **2. Candor/Cooperation**

After direct inquiry by the court, Respondent promptly admitted that she was not an active member of the State Bar. She has cooperated fully with the State Bar during this proceeding, and has admitted the material facts, her culpability for the two counts, and the appropriate degree of discipline. [Standard 1.2(e)(v).]



## **SUPPORTING AUTHORITY:**

### Standards

Standard 1.7(a) requires that the degree of discipline to be imposed in a second disciplinary proceeding shall be greater than that imposed in the prior proceeding, unless the prior discipline was so remote in time and so minimal in severity that greater discipline would be manifestly unjust.

Standard 2.3 requires that an act of moral turpitude, fraud, or intentional dishonesty toward a court shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct was harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's practice of law.

### Case Law

In *In the Matter of Johnston* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 585, attorney Johnston was found culpable of improperly holding himself out as entitled to practice law at a single meeting with a client, and under circumstances which also amounted to moral turpitude under section 6106. There were lesser counts for abandoning the client and failure to cooperate with the State Bar. The Review Department found a mitigating circumstance for no prior discipline in 12 years, but found aggravating circumstances of significant harm to the client and lack of candor and cooperation. The Review Department recommended an actual suspension for 60 days. This supports an actual suspension of 30 days here, since Respondent caused no significant harm and has cooperated fully in this proceeding.

In *Bach v. State Bar* (1987) 43 Cal.3d 848, attorney Bach was found culpable of misleading the court by falsely stating that he had not received an order to produce his client at a child custody mediation. There was no mitigation and there was an aggravating factor of one prior discipline of a public reproof. The California Supreme Court imposed an actual suspension for 60 days for this one act of moral turpitude in a courtroom.

## **PENDING PROCEEDINGS:**

The disclosure date referred to on page 2, paragraph A.(7), was April 15, 2011.

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**COSTS:**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of April 18, 2011, the costs in this matter are \$3,654.00. 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.

On April 12, 2011, Respondent filed a Financial Declaration in Support of Motion for Relief from or Extension of Time to Pay Disciplinary Costs for State Bar Court case no. 06-O-11744-RAP. This court-approved form is signed under penalty of perjury and demonstrates current financial hardship. Disciplinary costs in this proceeding shall be paid in equal amounts over three years, as shown on page 2, paragraph A.(8) of this stipulation.

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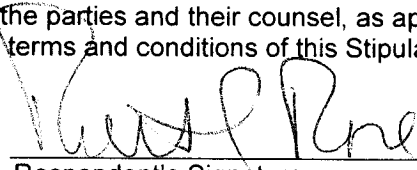
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In the Matter of:  RUTH CECILIA ROSE	Case number(s):  08-O-14349-RAP
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**SIGNATURE OF THE PARTIES**

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.

April 30, 2011  
Date

  
Respondent's Signature

Ruth Cecilia Rose  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent's Counsel Signature

\_\_\_\_\_  
Print Name

May ~~April~~ 3, 2011  
Date

  
Deputy Trial Counsel's Signature

Larry DeSha  
Print Name



**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 May 11, 2011, 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:

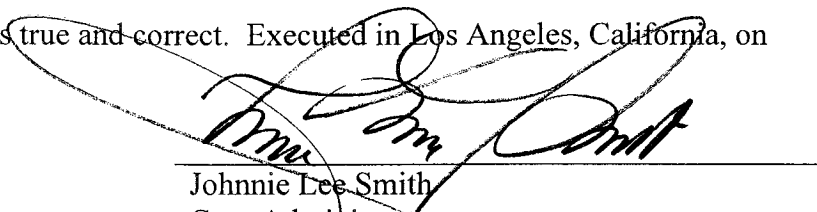
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

RUTH C. ROSE  
RUTH C ROSE, ESQ  
2926 W MANCHESTER BLVD STE 141  
INGLEWOOD, CA 90305

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

Larry Desha, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 11, 2011.



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Johnnie Lee Smith  
Case Administrator  
State Bar Court