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**PUBLIC MATTER**

State Bar Court of California  
Hearing Department  
Los Angeles  
ALTERNATIVE DISCIPLINE PROGRAM

~~CONFIDENTIAL~~

Counsel For The State Bar  
  
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Case Number(s):  
09-O-11251  
  
**FILED**  
  
JUN 02 2011  
STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

For Court use only  
**RECEIVED**  
  
JAN 26 2011  
STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

In Pro Per Respondent  
  
Ruben D. Sanchez  
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52380 Avenida Rubio  
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Bar # 164298

Submitted to: **Assigned Judge**  
  
STIPULATION RE FACTS AND CONCLUSIONS OF LAW  
  
**ALTERNATIVE DISCIPLINE PROGRAM**  
  
 PREVIOUS STIPULATION REJECTED

In the Matter of:  
**RUBEN D. SANCHEZ**  
  
Bar # 164298  
  
A Member of the State Bar of California  
(Respondent)

**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 June 4, 1993.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 5.386(D)(2) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.



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- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 7 pages, excluding the order.
- (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) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

**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 05-O-04553 and 07-O-11476
  - (b)  Date prior discipline effective April 3, 2009
  - (c)  Rules of Professional Conduct/ State Bar Act violations: 3-100(A), 3-700(D)(2), 6068(m), 6103, and 6068(i)
  - (d)  Degree of prior discipline 2 years stayed suspension and until restitution and 3 years probation with 90 days actual suspension.
  - (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.

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- (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:**

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**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.
- (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.
- (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:**

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

IN THE MATTER OF:                      Ruben D. Sanchez

CASE NUMBER:                            09-O-11251

**WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY**

The parties hereby waive any variance between the Notice of Disciplinary Charges (“NDC”) filed on December 2, 2008 in Case Nos. 07-O-13599 and 08-O-11153, the NDC filed on July 22, 2009 in Case Nos. 08-O-12852 and 08-O-12955, and the facts and conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges relating to the case that is the subject matter of this stipulation.

**INCORPORATION OF PRIOR STIPULATION**

This stipulation is an addendum intended to supplement the Stipulation re: Facts and Conclusions of Law in Case Nos. 07-O-13599 and 08-O-11153, which the parties lodged with this Court on April 30, 2009 and the Stipulation re: Facts and Conclusions of Law in Case Nos. 08-O-12852 and 08-O-12955 (the “Prior Stipulations”). The Prior Stipulations are also incorporated as if fully set forth herein.

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.

**FACTS AND CONCLUSIONS OF LAW IN CASE NO. 09-O-11251**

**FACTS**

1. On June 24, 2008, Alejandra Bernal (“Alejandra”) employed Respondent to represent her brother, Gabriel Bernal (“Bernal”), in a criminal case in which Bernal was charged with gross vehicular manslaughter. At that time, Alejandra signed a fee agreement to pay Respondent a flat fee of \$25,000 for his representation of Bernal.

2. On June 25, 2008, Fernando Bernal and Susana Bernal paid Respondent \$13,000 in partial payment of Respondent’s fee for representation of Bernal.

3. During the period from July 1, 2008, through July 25, 2008, Respondent was not entitled to practice law due to non-compliance with Minimum Continuing Legal Education requirements. During that time, Respondent knew that he was not entitled to practice law. At no time did Respondent inform Bernal or any member of Bernal’s family that Respondent was not entitled to practice law during that period.

4. Respondent did not provide any services of value to Bernal. Respondent did not earn any of the \$13,000 in fees he had received for representation of Bernal.

5. At no time did Respondent refund any of the \$13,000 in unearned fees to Bernal or to any member of Bernal's family.

6. On July 7, 2008, Respondent met with Bernal at a rehabilitation center. At that time, Respondent held himself out to Bernal as Bernal's counsel and did not inform Bernal that Respondent was not entitled to practice law.

7. In August 2008, Alejandra learned of Respondent's suspension from the practice of law. At that time, Alejandra and other members of the Bernal family met with Respondent and terminated his representation of Bernal. At that meeting, they also requested that Respondent refund the \$13,000 in fees, and Respondent agreed to make the refund. Thereafter, Respondent did not refund any of the \$13,000 to Bernal or any members of the Bernal family.

8. On August 26, 2008, Bernal was represented by other counsel at an arraignment in his criminal case.

#### CONCLUSIONS OF LAW

9. By holding himself out to Bernal as entitled to practice law on or about July 7, 2008, when he was suspended, Respondent held himself out as entitled to practice law and practiced law in wilful violation of Business and Professions Code, section 6125 and 6126, and thereby failed to comply with the laws of the State of California.

10. By not refunding any of the \$13,000 in unearned fees after his representation was terminated, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in wilful violation of Rules of Professional Conduct, rule 3-700(D)(2).

#### **RESTITUTION CONDITION**

<u>To</u>	<u>Amount</u>	<u>Plus interest at the rate of 10% from</u>
Alejandra Bernal	\$13,000	July 1, 2008

#### **RULE 133 NOTICE OF PENDING PROCEEDINGS**

Respondent was notified in writing of any pending investigations not included in this stipulation, pursuant to Rule 133(12), on January 18, 2011.

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In the Matter of: RUBEN D. SANCHEZ	Case number(s): 09-O-11251
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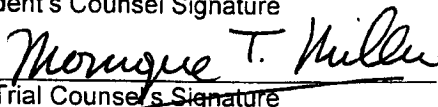
### SIGNATURE OF THE PARTIES

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 and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, this Stipulation will be filed and will become public. Upon Respondent's successful completion of or termination from the Program, the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Confidential Statement of Alternative Dispositions and Orders shall be imposed or recommended to the Supreme Court.

<u>1-24-11</u> Date	 Respondent's Signature	<u>Ruben D. Sanchez</u> Print Name
<u>Jan. 26, 2011</u> Date	 Deputy Trial Counsel's Signature	<u>Monique T. Miller</u> Print Name

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In the Matter of:  
RUBEN D. SANCHEZ

Case Number(s):  
09-O-11251

### ALTERNATIVE DISCIPLINE PROGRAM 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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All court dates in the Hearing Department are vacated.

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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 5.58(E) & (F) and 5.382(D), Rules of Procedure.)

Date

06-02-11

Judge of the State Bar Court

  
RICHARD A. PLATEL



## 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 June 6, 2011, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW**

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

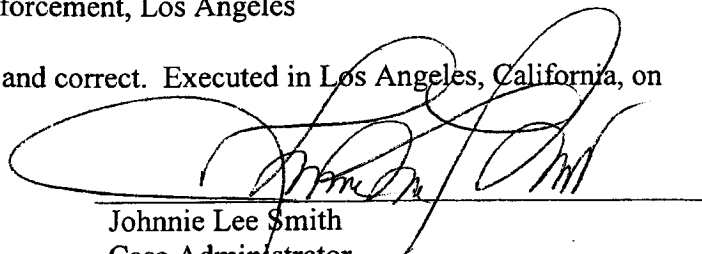
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

RUBEN D. SANCHEZ  
LAW OFFICE OF RUBEN D SANCHEZ  
52380 AVENIDA RUBIO  
LA QUINTA, CA 92253

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

Charles A. Murray, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 6, 2011.



Johnnie Lee Smith  
Case Administrator  
State Bar Court