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PUBLIC MATTER

**State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION**

ORIGINAL

<p>Counsel For The State Bar</p> <p>Jamie Kim Deputy Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-1182</p> <p>Bar # 281574</p>	<p>Case Number(s): 15-O-15949; 16-O-10763</p>	<p>For Court use only</p> <p>FILED</p> <p>DEC 06 2016</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Ruth Rose 433 N Camden Dr. Ste. 600 Beverly Hills, CA 90210 (323) 458-3107</p> <p>Bar # 145887</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: 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 **12** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."



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- (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 [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.
- (4) **Concealment:** Respondent's misconduct was surrounded by, or followed by, concealment.
- (5) **Overreaching:** Respondent's misconduct was surrounded by, or followed by, overreaching.
- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.

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- (7) **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.
- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See attachment, page 9.
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) **Restitution:** Respondent failed to make restitution.
- (14) **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

Prior discipline, see attachment, page 8-9.

C. Mitigating Circumstances [see standards 1.2(i) & 1.6]. 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 likely to recur.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct. **See attachment, page 9.**
- (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 with a good faith belief that was honestly held and objectively reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the

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product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

- (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 extraordinarily 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. **See attachment, page 9.**
- (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:

Community Service, see attachment, page 9.
Prefiling Stipulation, see attachment, page 9.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **two years**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) 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 **three 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 **ninety (90) days**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct

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- 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:

- (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 present learning and ability in the general law, pursuant to standard 1.2(c)(1), 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: .

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- (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:

- (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:
- (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 NUMBERS: 15-O-15949, 16-O-10763

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that she is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 15-O-15949 (State Bar Investigation)

FACTS:

1. On October 19, 2015, respondent issued check, number 7209041, from her Wells Fargo Bank Client Trust Account, account number xxxxxx 8404 ("CTA"), to Slickbite LLC in the amount of \$149.99. The account balance in the CTA was \$1.00 at the time the check was issued. When respondent issued check number 720941, respondent knew that there were insufficient funds in respondent's CTA to pay check number 7209041. The ending daily balance in the CTA after check number 7209041 cleared on October 19, 2015 was \$-148.99.
2. On October 20, 2015, Wells Fargo returned check number 7209041 unpaid, due to insufficient funds.
3. On October 26, 2015, respondent deposited a Western Union Money Order in the amount of \$75.00, into her CTA. The money order had a handwritten notation on it which stated, "Jones v. Johnson."
4. On November 3, 2015, respondent deposited a check issued to respondent by Lendup Loan, in the amount of \$100.00, into respondent's CTA.
5. On November 17, 2015, respondent issued an electronic check to Lendup Loan, which was debited from respondent's CTA, in the amount of \$112.50. The account balance at the time the check was issued was \$1.00. When respondent issued the electronic check to Lendup Loan, respondent knew that there were insufficient funds in respondent's CTA to pay the check. The ending daily balance, after the check to Lendup Loan cleared on November 17, 2015 was \$-111.50.
6. On December 30, 2015, the November 17, 2015 electronic check to Lendup Loan was reversed due to insufficient funds.

CONCLUSIONS OF LAW:

7. By issuing checks on October 19, 2015 and November 17, 2015, from respondent's CTA, when respondent knew that there were insufficient funds in the CTA to pay the checks, respondent

engaged in acts involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

Case No. 16-O-10763 (State Bar Investigation)

FACTS:

8. On December 24, 2015, the balance in respondent's Wells Fargo Bank Client Trust Account, account number xxxxxx 8404 ("CTA"), was \$-34.00.

9. On December 24, 2015, respondent's client, Carlos Jackson, asked respondent to mail Jackson documents from his client file that day. After respondent advised Jackson that respondent did not have sufficient funds to incur the cost of sending him documents, Jackson advised respondent that Jackson would deposit \$200 into respondent's CTA that same day. Jackson did not deposit funds into respondent's CTA on December 24, 2015.

10. On December 24, 2015, respondent issued a check from her CTA, check number 00000, in the amount of \$41.41, payable to FedEx for mailing documents to Jackson. At the time when respondent issued check to FedEx, the balance in respondent's CTA was \$-34.00. When respondent issued the check to FedEx, respondent was grossly negligent in not knowing that there were insufficient funds in respondent's CTA to pay the check because she did not verify whether Jackson had deposited sufficient funds into her CTA to issue the check to FedEx.

11. On December 29, 2015, the check to FedEx was cashed, which rendered the balance in respondent's CTA \$-75.41. The check were returned by the bank due to insufficient funds on December 29, 2015.

CONCLUSIONS OF LAW:

12. By issuing a check on December 24, 2015, from respondent's CTA, when respondent was grossly negligent in not knowing that there were insufficient funds in the CTA to pay the check, respondent engaged in an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has two prior records of discipline.

Effective April 28, 2007, the Supreme Court ordered in State Bar case number 06-O-11744 (S149813), that respondent be suspended from the practice of law in California for one year, that execution of the suspension be stayed, and that respondent be placed on probation for two years. In this matter, respondent stipulated to violating Business and Professions Code section 6103 in one client matter. Respondent had failed to appear for an OSC and failed to pay a \$500 sanction. The misconduct occurred in 2005. Respondent's misconduct was mitigated by the absence of a prior record of discipline.

Effective September 30, 2011, the Supreme Court ordered in State Bar case number 08-O-14349 (S194352), that respondent be suspended from the practice of law in California for one year, that execution of the suspension be stayed, and that respondent be placed on probation for two years

including a 30-day actual suspension. Respondent stipulated that while she was administratively suspended for failing to take and pass the Multistate Professional Responsibility Examination pursuant to the disciplinary order in her prior discipline, she engaged in the practice of law, an act which involved moral turpitude. The misconduct occurred in 2008-2009. Respondent's misconduct was mitigated by the absence of harm and respondent's cooperation in the State Bar's investigation.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent engaged in three acts of misconduct by issuing three NSF checks.

MITIGATING CIRCUMSTANCES.

Extraordinary Good Character (Std. 1.6(f)): Eight character references attested to respondent's good character. Seven of the character references have knowledge of the full extent of the underlying misconduct. The character references represent a broad range of professional backgrounds, which include a paralegal, a businessperson, two attorneys, a recruiter, a former client, an accountant and a real estate broker. The references have known respondent for an extended period of time spanning three to 30 years. Five of the references have known respondent for over 15 years. The character references attested to respondent's good moral character and integrity.

Remorse (Std. 1.6(g)): Respondent voluntarily attended the October 7, 2016 session of Client Trust Account School, so as to prevent future misconduct. Respondent passed the test administered at the end of the session.

Community Service: Three of respondent's character references attested to respondent's history of pro bono work. One of her character references was a former client who has received pro bono legal services from respondent from 2013-2016. Respondent has also volunteered for the Center for Family Law from 1995-2014 by providing free legal services. (*In the Matter of Respondent K* (Review Dept. 1003) 2 Cal. State Bar Ct. Rptr. 335, 359 [civic service and charitable work can be mitigation as evidence of good character].)

Prefiling Stipulation: By entering into this stipulation, respondent has acknowledged her misconduct and is entitled to mitigation for saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to standards are to this source.) The standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertan* (2005) 36 Cal.4th 81, 92, quoting *In re*

Brown (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member’s willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

Standard 2.11 provides that disbarment or actual suspension is the presumed sanction for an act of moral turpitude, dishonesty, fraud, corruption, intentional or grossly negligent misrepresentation or concealment of a material fact. In case no. 15-O-15949, respondent committed an act of moral turpitude by issuing two NSF checks despite knowledge of insufficient funds in her CTA. In case no. 16-O-10763, respondent committed an act of moral turpitude through gross negligence by issuing an NSF check, in reliance on a purported deposit to respondent’s CTA by a client and without verifying whether there were sufficient funds in her CTA to pay the check.

Standard 1.8(a) provides that if a member has a prior record of discipline, subsequent discipline for professional misconduct must be greater than the previously imposed sanction. Here, respondent’s most recent discipline from 2011 in case no. 08-O-14349, was for a one-year stayed suspension, a two-year probation with conditions, including a 30-day actual suspension. Therefore, the discipline here should be greater than the prior 30-day actual suspension.

The most severe Standard applicable here is Standard 1.8(b), which provides that if a member has two or more prior records of discipline and the priors included actual suspension, or the priors with the current misconduct demonstrate a pattern of misconduct or an unwillingness or inability to conform to ethical responsibilities, disbarment is the appropriate sanction. However, case law supports the proposition that not every case in which Standard 1.8(b) is applicable is automatically disbarment. Even in the absence of compelling mitigation, the Supreme Court has not in every instance ordered disbarment pursuant to section 1.7(b) (predecessor to Standard 1.8(b)). (*Conroy v. State Bar* (1991) 53 Cal.3d 495 [one-year actual suspension despite lack of compelling mitigation].) Merely declaring that an attorney has two prior impositions of discipline, without more analysis, may not adequately justify disbarment in every case. (*In the Matter of Miller* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 131, 136.)

While progressive discipline is warranted here pursuant to Standard 1.8(a), a deviation from Standard 1.8(b) is appropriate. Respondent has not exhibited a pattern of misconduct as she has not engaged in misconduct for which she was previously disciplined. Respondent also took remedial action by voluntarily attending CTA School to avoid engaging in similar misconduct in the future. Furthermore, respondent has significant mitigation for good character, established by eight character references, as well as community service and entry into a pretrial stipulation. Respondent’s misconduct is aggravated by her prior records of discipline and multiple acts of wrongdoing. On balance, the mitigation outweighs the aggravation. Therefore, a 90-day actual suspension with a rule 9.20 condition, which is

consistent with Standards 1.8(a) and 2.11, would be appropriate in this matter to serve the purposes of discipline.

This discipline is supported by case law. In *Conroy v. State Bar* (1990) 53 Cal.3d 495, the attorney engaged in acts of moral turpitude by making misrepresentations to his client, jeopardized the client's case and failed to cooperate in a State Bar investigation. The attorney had been employed to represent his client in a workers compensation claim against the client's employer for three years. The attorney also had two prior records of discipline which included a private reproof and a 60-day actual suspension. After defaulting during the disciplinary proceeding, the attorney attempted to raise new factual arguments which were rejected. The Supreme Court recognized that Standard 1.7(b) (the predecessor to Standard 1.8(b) provided for disbarment for a member with two or more prior records of discipline, but relied on the Review Department's finding that disbarment was "too harsh" after evaluating the attorney's prior records of discipline. After considering the facts underlying the attorney's prior records of discipline, which included misconduct in three client matters and a probation violation for failing to take and pass the Professional Responsibility Exam, and concluding that progressive discipline was appropriate, the Supreme Court imposed a two-year stayed suspension, two-year probation including a one-year actual suspension.

Like the attorney in *Conroy*, respondent engaged in acts of moral turpitude and has two prior records of discipline. Like in *Conroy*, strict application of Standard 1.8(b) would be too harsh as disbarment would be a significant increase in discipline from respondent's prior 30-day actual suspension. Unlike *Conroy*, respondent's misconduct lasted three months, as opposed to three years, respondent has cooperated with the State Bar and respondent has participated in the disciplinary process. Respondent also has significant mitigation here, whereas in *Conroy* no evidence of mitigation was presented. Therefore, the level of discipline here should be less severe than that in *Conroy*.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of October 21, 2016, the discipline costs in this matter are \$4,140. 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.

EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT

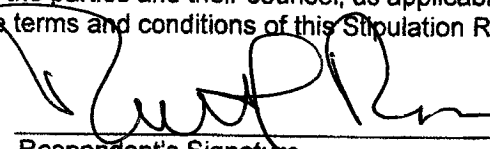
Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: RUTH CECILIA ROSE	Case number(s): 15-O-15949, 16-O-10763
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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.

Nov. 2, 2016  Ruth Cecilia Rose
Date Respondent's Signature Print Name

Date Respondent's Counsel Signature Print Name

11/7/2016  Jamie Kim
Date Deputy Trial Counsel's Signature Print Name

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In the Matter of: RUTH CECILIA ROSE	Case Number(s): 15-O-15949 (16-O-10763)
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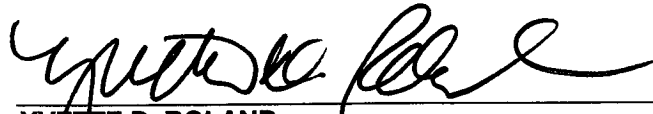
ACTUAL SUSPENSION ORDER

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 stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates 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. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

December 2, 2016
Date



YVETTE D. ROLAND
Judge of the State Bar Court

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 December 6, 2016, 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:

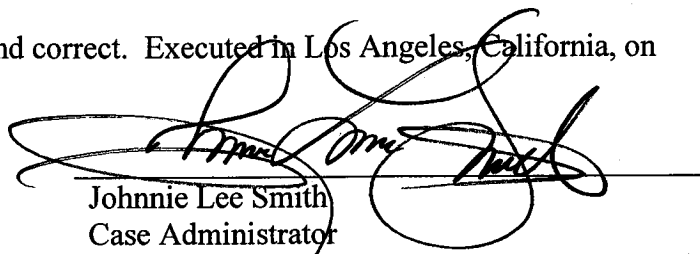
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**RUTH C. ROSE
RUTH C ROSE, ESQ
433 N CAMDEN DR STE 600
BEVERLY HILLS, CA 90210**

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

JAMIE KIM, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 6, 2016.


Johnnie Lee Smith
Case Administrator
State Bar Court