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NOV 16 2015

STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)
) Case No. 15-Q-12026
RANDALL JOHN BOBUS,)
) RECOMMENDATION ON
) RESIGNATION
A Member of the State Bar, No. 75867.)
_____)

On April 13, 2015, respondent Randall John Bobus filed his resignation with disciplinary charges pending. On June 16, August 4, and September 17, 2015, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed its report and supplemental reports on the resignation. OCTC recommends that Bobus's 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

A. Prior Record of Discipline

Bobus was admitted to practice law in California on December 21, 1977. He has three prior records of discipline. First, on January 31, 1986, Bobus was privately reprovved for his failure to perform and failure to communicate in two client matters. (State Bar Court case no. 84-O-18481.)

Second, on January 4, 1990 (effective February 5, 1990), the Supreme Court ordered Bobus suspended for one year, execution stayed, and placed on probation for two years subject

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

to conditions, including his actual suspension from the practice of law for the first 30 days of the period of probation. (*In the Matter of the Suspension of Randall John Bobus* (S011866), State Bar Court case no. 85-O-18356.) Bobus stipulated that he violated former rule 6-101(A)(2) of the Rules of Professional Conduct and Business and Professions Code sections 6068, subdivision (a) and 6103 when he abandoned two clients, failed to perform legal services competently, violated his oath and duties as an attorney in two matters, and failed to maintain reasonable communication with a client. Several circumstances were considered in mitigation: his participation in treatment programs for substance abuse, his cooperation with the State Bar's investigation, his expression of remorse, his reimbursement to a client for damages sustained as a result of Bobus's failure to appear at a hearing, and his successful arbitration award with another client that had sued Bobus for malpractice. Bobus's prior record of discipline was considered in aggravation.

Third, on September 21, 2010 (effective October 21, 2010), the Supreme Court ordered Bobus suspended for one year, execution stayed, and placed on probation for three years subject to various conditions, including the condition that he be suspended for the first six months of probation. (*In re Randall John Bobus on Discipline* (S184680), State Bar Court case nos. 06-O-15379, 07-C-11768, 07-C-12132 (Cons.)) In case number 06-O-15379, Bobus stipulated that he failed to explain a contingency fee arrangement, failed to explain a personal injury settlement to his client, caused a falsified signature to be placed on a settlement draft, distributed the settlement funds without authorization, failed to communicate with his client, and failed to release the client's papers and property, all in violation of rules 3-110(A), 4-100(B)(3), 3-700(D)(1) of the Rules of Professional Conduct and Business and Professions Code sections 6106 and 6068, subdivisions (a) and (m). In case numbers 07-C-11768 and 07-C-12132, Bobus stipulated to his two misdemeanor convictions for driving under the influence (Vehicle Code

section 23252, subdivision (b)), which were violations of Business and Professions Code section 6068, subdivision (a).

B. Pending Matters

OCTC and Bobus have entered into a stipulation as to facts and conclusions of law for the pending charges against him. Bobus stipulated that he was subject to disciplinary probation and was out of compliance with its conditions in violation of Business and Professions Code section 6068(k) because he failed to timely file quarterly reports with the Office of Probation, failed to submit quarterly proof of his compliance with his underlying criminal probation, failed to furnish evidence of his compliance with his mental health treatment, failed to furnish lab reports containing an analysis of his blood and/or urine, and failed to file a final report.

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

We have considered Bobus'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 there is no need for perpetuation of the evidence.

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

OCTC reports that it has no evidence that Bobus has practiced law or held himself out as entitled to practice law since he tendered his resignation on April 13, 2015.

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

Bobus filed a rule 9.20 compliance declaration on July 6, 2015, stating that he had no clients, no client papers or other property to return, no unearned fees, and no pending client matters.

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

Bobus's rule 9.20 compliance declaration in this case was submitted on July 6, 2015.

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

The Supreme Court has not filed a disbarment order.

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

The State Bar Court has not filed a decision recommending Bobus's disbarment.

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

Bobus has not previously resigned or been disbarred in California.

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

OCTC reports that it reached agreement on a written stipulation as to facts and conclusions of law in the disciplinary proceeding pending against Bobus. The stipulation was filed on August 17, 2015.

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

We recommend accepting the resignation for the reasons stated by OCTC in the report and supplemental reports. Bobus: (1) filed a rule 9.20 compliance declaration; (2) entered into a stipulation as to facts and conclusions of law regarding all pending disciplinary matters against him; and (3) has no pending Client Security Fund claims. Further, Bobus is 64 years old and willing to forfeit his license. If Bobus returns to the practice of law, he will be at least 68 years old before he is eligible to seek reinstatement. (Rules Proc. of State Bar, rule 5.442(B) [earliest reinstatement petition after resignation with charges pending is five years after filing date of resignation].) Under these circumstances, we do not believe that public confidence in the

discipline system will be undermined by accepting the resignation and that acceptance would be consistent with the need to protect the public, the courts and the legal profession.

III. RECOMMENDATION

We recommend that the Supreme Court accept the resignation of Randall John Bobus, State Bar number 75867. 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.

HONN

Acting Presiding Judge

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 November 16, 2015, I deposited a true copy of the following document(s):

ORDER FILED NOVEMBER 16, 2015

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

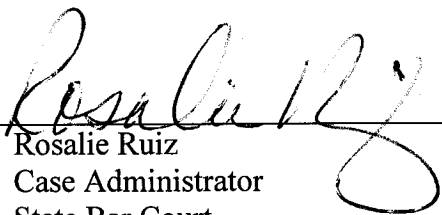
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

RANDALL JOHN BOBUS
LAW OFFICE OF RANDALL J. BOBUS
139 GRAY CT
SANTA ROSA, CA 95404

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

CATHERINE E. TAYLOR, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 16, 2015.



Rosalie Ruiz
Case Administrator
State Bar Court