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State Bar Court of California  
Hearing Department  
Los Angeles  
ACTUAL SUSPENSION

**PUBLIC MATTER**

<p>Counsel for the State Bar</p> <p><b>Jaime M. Vogel</b> Deputy Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-1373</p> <p>Bar # 289669</p>	<p>Case Number(s): <b>17-H-07513</b></p>	<p>For Court use only</p> <p><b>FILED</b></p> <p><b>APR 30 2019</b> P.B.</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p><b>Jose Arturo Rodriguez</b> 84426 N. Sienna Circle Coachella, CA 92236 (760) 698-8792</p> <p>Bar # 116541</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: <b>JOSE ARTURO RODRIGUEZ</b></p> <p>Bar # 116541</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 **December 28, 1984**.
- (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 **15** 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. It is recommended that (check one option only):
- Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a member who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.
  - Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. **SELECT ONE** of the costs must be paid with Respondent's membership fees for each of the following years:  
  
If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance will be 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: **15-O-13425; See page 12; See Exhibit 1, 36 pages.**
  - (b)  Date prior discipline effective: **November 23, 2016**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **Business and Professions Code Section 6103 and Business and Professions Code Section 6068(o)(3)**
  - (d)  Degree of prior discipline: **Public Reproval**
  - (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.

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- (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.
- (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 Respondent's misconduct. **See page 12.**
- (10)  **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11)  **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing.
- (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:**

**C. Mitigating Circumstances [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 Respondent's 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 Respondent's 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 Respondent.

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- (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 product of any illegal conduct by Respondent, 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 Respondent's control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in Respondent's 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 Respondent's 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:**

Pretrial Stipulation, See page 12.

#### **D. Recommended Discipline:**

- (1)  **Actual Suspension:**
- Respondent is suspended from the practice of law for **one (1) year**, the execution of that suspension is stayed, and Respondent is placed on probation for **one (1) year** with the following conditions.
- Respondent must be suspended from the practice of law for the first **sixty (60) days** of the period of Respondent's probation.
- (2)  **Actual Suspension "And Until" Rehabilitation:**
- Respondent is suspended from the practice of law for \_\_\_\_\_, the execution of that suspension is stayed, and Respondent is placed on probation for \_\_\_\_\_ with the following conditions.
- Respondent must be suspended from the practice of law for a minimum of the first \_\_\_\_\_ of Respondent's probation and until Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
- (3)  **Actual Suspension "And Until" Restitution (Single Payee) and Rehabilitation:**
- Respondent is suspended from the practice of law for \_\_\_\_\_, the execution of that suspension is stayed, and Respondent is placed on probation for \_\_\_\_\_ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum of the first \_\_\_\_\_ of Respondent's probation, and Respondent will remain suspended until both of the following requirements are satisfied:
  - a. Respondent makes restitution to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ plus 10 percent interest per year from \_\_\_\_\_ (or reimburses the Client Security Fund to the extent of any payment from the Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
  - b. Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(4)  **Actual Suspension "And Until" Restitution (Multiple Payees) and Rehabilitation:**

Respondent is suspended from the practice of law for \_\_\_\_\_, the execution of that suspension is stayed, and Respondent is placed on probation for \_\_\_\_\_ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum of the first \_\_\_\_\_ of Respondent's probation, and Respondent will remain suspended until both of the following requirements are satisfied:
  - a. Respondent must make restitution, including the principal amount plus 10 percent interest per year (and furnish satisfactory proof of such restitution to the Office of Probation), to each of the following payees (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

<i>Payee</i>	<i>Principal Amount</i>	<i>Interest Accrues From</i>

- b. Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(5)  **Actual Suspension "And Until" Restitution (Single Payee) with Conditional Std. 1.2(c)(1) Requirement:**

Respondent is suspended from the practice of law for \_\_\_\_\_, the execution of that suspension is stayed, and Respondent is placed on probation for \_\_\_\_\_ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum for the first \_\_\_\_\_ of Respondent's probation, and Respondent will remain suspended until the following requirements are satisfied:
  - a. Respondent makes restitution to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ plus 10 percent interest per year from \_\_\_\_\_ (or reimburses the Client Security Fund to the extent of any payment from the

Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and,

- b. If Respondent remains suspended for two years or longer, Respondent must provide proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(6)  **Actual Suspension "And Until" Restitution (Multiple Payees) with Conditional Std. 1.2(c)(1) Requirement:**

Respondent is suspended from the practice of law for \_\_\_\_\_, the execution of that suspension is stayed, and Respondent is placed on probation for \_\_\_\_\_ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum for the first \_\_\_\_\_ of Respondent's probation, and Respondent will remain suspended until the following requirements are satisfied:
  - a. Respondent must make restitution, including the principal amount plus 10 percent interest per year (and furnish satisfactory proof of such restitution to the Office of Probation), to each of the following payees (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

<i>Payee</i>	<i>Principal Amount</i>	<i>Interest Accrues From</i>

- b. If Respondent remains suspended for two years or longer, Respondent must provide proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(7)  **Actual Suspension with Credit for Interim Suspension:**

Respondent is suspended from the practice of law for \_\_\_\_\_, the execution of that suspension is stayed, and Respondent is placed on probation for \_\_\_\_\_ with the following conditions.

- Respondent is suspended from the practice of law for the first \_\_\_\_\_ of probation (with credit given for the period of interim suspension which commenced on \_\_\_\_\_).

**E. Additional Conditions of Probation:**

- (1)  **Review Rules of Professional Conduct:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must (1) read the California Rules of Professional Conduct (Rules of Professional Conduct) and Business and Professions Code sections 6067, 6068, and 6103 through 6126, and (2) provide a declaration, under penalty of perjury, attesting to Respondent's

compliance with this requirement, to the State Bar's Office of Probation in Los Angeles (Office of Probation) with Respondent's first quarterly report.

- (2)  **Comply with State Bar Act, Rules of Professional Conduct, and Probation Conditions:** Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all conditions of Respondent's probation.
- (3)  **Maintain Valid Official Membership Address and Other Required Contact Information:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must make certain that the State Bar Attorney Regulation and Consumer Resources Office (ARCR) has Respondent's current office address, email address, and telephone number. If Respondent does not maintain an office, Respondent must provide the mailing address, email address, and telephone number to be used for State Bar purposes. Respondent must report, in writing, any change in the above information to ARCR, within ten (10) days after such change, in the manner required by that office.
- (4)  **Meet and Cooperate with Office of Probation:** Within 15 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must schedule a meeting with Respondent's assigned probation case specialist to discuss the terms and conditions of Respondent's discipline and, within 30 days after the effective date of the court's order, must participate in such meeting. Unless otherwise instructed by the Office of Probation, Respondent may meet with the probation case specialist in person or by telephone. During the probation period, Respondent must promptly meet with representatives of the Office of Probation as requested by it and, subject to the assertion of applicable privileges, must fully, promptly, and truthfully answer any inquiries by it and provide to it any other information requested by it.
- (5)  **State Bar Court Retains Jurisdiction/Appear Before and Cooperate with State Bar Court:** During Respondent's probation period, the State Bar Court retains jurisdiction over Respondent to address issues concerning compliance with probation conditions. During this period, Respondent must appear before the State Bar Court as required by the court or by the Office of Probation after written notice mailed to Respondent's official membership address, as provided above. Subject to the assertion of applicable privileges, Respondent must fully, promptly, and truthfully answer any inquiries by the court and must provide any other information the court requests.
- (6)  **Quarterly and Final Reports:**
- a. **Deadlines for Reports.** Respondent must submit written quarterly reports to the Office of Probation no later than each January 10 (covering October 1 through December 31 of the prior year), April 10 (covering January 1 through March 31), July 10 (covering April 1 through June 30), and October 10 (covering July 1 through September 30) within the period of probation. If the first report would cover less than 30 days, that report must be submitted on the next quarter date and cover the extended deadline. In addition to all quarterly reports, Respondent must submit a final report no earlier than ten (10) days before the last day of the probation period and no later than the last day of the probation period.
- b. **Contents of Reports.** Respondent must answer, under penalty of perjury, all inquiries contained in the quarterly report form provided by the Office of Probation, including stating whether Respondent has complied with the State Bar Act and the Rules of Professional Conduct during the applicable quarter or period. All reports must be: (1) submitted on the form provided by the Office of Probation; (2) signed and dated after the completion of the period for which the report is being submitted (except for the final report); (3) filled out completely and signed under penalty of perjury; and (4) submitted to the Office of Probation on or before each report's due date.
- c. **Submission of Reports.** All reports must be submitted by: (1) fax or email to the Office of Probation; (2) personal delivery to the Office of Probation; (3) certified mail, return receipt requested, to the Office of Probation (postmarked on or before the due date); or (4) other tracked-service provider, such as Federal Express or United Parcel Service, etc. (physically delivered to such provider on or before the due date).

**d. Proof of Compliance.** Respondent is directed to maintain proof of Respondent's compliance with the above requirements for each such report for a minimum of one year after either the period of probation or the period of Respondent's actual suspension has ended, whichever is longer. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.

- (7)  **State Bar Ethics School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Ethics School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (8)  **State Bar Ethics School Not Recommended:** It is not recommended that Respondent be ordered to attend the State Bar Ethics School because
- (9)  **State Bar Client Trust Accounting School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Client Trust Accounting School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Client Trust Accounting School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (10)  **Minimum Continuing Legal Education (MCLE) Courses – California Legal Ethics [Alternative to State Bar Ethics School for Out-of-State Residents]:** Because Respondent resides outside of California, within \_\_\_\_\_ after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must either submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session or, in the alternative, complete \_\_\_\_\_ hours of California Minimum Continuing Legal Education-approved participatory activity in California legal ethics and provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the Ethics School or the hours of legal education described above, completed after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (11)  **Criminal Probation:** Respondent must comply with all probation conditions imposed in the underlying criminal matter and must report such compliance under penalty of perjury in all quarterly and final reports submitted to the Office of Probation covering any portion of the period of the criminal probation. In each quarterly and final report, if Respondent has an assigned criminal probation officer, Respondent must provide the name and current contact information for that criminal probation officer. If the criminal probation was successfully completed during the period covered by a quarterly or final report, that fact must be reported by Respondent in such report and satisfactory evidence of such fact must be provided with it. If, at any time before or during the period of probation, Respondent's criminal probation is revoked, Respondent is sanctioned by the criminal court, or Respondent's status is otherwise changed due to any alleged violation of the criminal probation conditions by Respondent, Respondent must submit the criminal court records regarding any such action with Respondent's next quarterly or final report.
- (12)  **Minimum Continuing Legal Education (MCLE):** Within \_\_\_\_\_ after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must complete \_\_\_\_\_ hour(s) of California Minimum Continuing Legal Education-approved participatory activity in **SELECT ONE** \_\_\_\_\_ and must



provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the hours of legal education described above, completed after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.

- (13)  **Other:** Respondent must also comply with the following additional conditions of probation:
- (14)  **Proof of Compliance with Rule 9.20 Obligations:** Respondent is directed to maintain, for a minimum of one year after commencement of probation, proof of compliance with the Supreme Court's order that Respondent comply with the requirements of California Rules of Court, rule 9.20, subdivisions (a) and (c). Such proof must include: the names and addresses of all individuals and entities to whom Respondent sent notification pursuant to rule 9.20; a copy of each notification letter sent to each recipient; the original receipt or postal authority tracking document for each notification sent; the originals of all returned receipts and notifications of non-delivery; and a copy of the completed compliance affidavit filed by Respondent with the State Bar Court. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.
- (15)  **The following conditions are attached hereto and incorporated:**
- Financial Conditions  Medical Conditions
- Substance Abuse Conditions

The period of probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. At the expiration of the probation period, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

#### F. Other Requirements Negotiated by the Parties (Not Probation Conditions):

- (1)  **Multistate Professional Responsibility Examination Within One Year or During Period of Actual Suspension:** Respondent must take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of the Supreme Court order imposing discipline in this matter or during the period of Respondent's actual suspension, whichever is longer, and to provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) If Respondent provides satisfactory evidence of the taking and passage of the above examination after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this requirement.
- (2)  **Multistate Professional Responsibility Examination Requirement Not Recommended:** It is not recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination because
- (3)  **California Rules of Court, Rule 9.20:** Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Atheam v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the

date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (4)  **California Rules of Court, Rule 9.20 – Conditional Requirement:** If Respondent remains suspended for 90 days or longer, Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Atheam v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (5)  **California Rules of Court, Rule 9.20, Requirement Not Recommended:** It is not recommended that Respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20, because

- (6)  **Other Requirements:** It is further recommended that Respondent be ordered to comply with the following additional requirements:

**ATTACHMENT TO**

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF: JOSE ARTURO RODRIGUEZ

CASE NUMBER: 17-H-07513

**FACTS AND CONCLUSIONS OF LAW.**

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

**Case No. 17-H-07513**

**FACTS:**

1. On October 18, 2016, in State Bar Court Case No 15-O-13425, the Hearing Department filed its Decision, effective November 23, 2016, imposing discipline as to respondent consisting of a public reproof with one year of conditions. As a condition of his discipline, respondent was required to attend State Bar Ethics School and provide satisfactory completion of the course to the Office of Probation ("OP"). Respondent was also required to pass the Multistate Professional Responsibility Examination ("MPRE") and provide proof of passage to the OP. Both of these requirements were due by November 23, 2017.

2. On October 18, 2016, the Hearing Department served respondent with its Decision, by first class mail, at respondent's membership records address. Respondent received the Decision.

3. On October 21, 2016, a Probation Deputy from the OP, uploaded a reminder letter to respondent's State Bar Membership Profile. On the same date, the Probation Deputy also emailed respondent the reminder letter at his membership records email address. The reminder letter notified respondent of the effective date of his public reproof, which was November 23, 2016, and the dates to complete and pass State Bar Ethics School and pass the MPRE, each of which was November 23, 2017. Respondent received the email.

4. Respondent failed to attend State Bar Ethics school and provide proof of passage to the OP by November 23, 2017.

5. Respondent failed to take and pass the MPRE and provide proof of passage to the OP by November 23, 2017.

6. On December 04, 2017, the Probation Deputy mailed OP's non-compliance letter regarding respondent's failure to provide evidence of completion and passage of State Bar Ethics School and the MPRE by November 23, 2017, to respondent's membership records address. On the same date, the Probation Deputy also emailed respondent the same non-compliance letter to his membership records address. Respondent received the letter and email.

7. To date, respondent has not attended and passed State Bar Ethics School and has not passed the MPRE.

#### CONCLUSIONS OF LAW:

8. By failing to timely attend and pass State Bar Ethics School and timely pass the MPRE, respondent failed to comply with the conditions attached to his public reproof, in willful violation of former rule 1-110 of the Rules of Professional Conduct.

#### AGGRAVATING CIRCUMSTANCES.

**Prior Record of Discipline (Std. 1.5(a)):** Respondent has one prior record of discipline. In State Bar Court Case No. 15-O-13425, the Hearing Department found that respondent was culpable of failing to obey a court order (Business and Professions Code section 6103) and failing to report judicial sanctions (Business and Professions Code section 6068(o)(3)) in the amount of \$3000. The Hearing Department imposed discipline as to respondent consisting of a public reproof with conditions, effective November 23, 2016. In aggravation, the court found respondent was indifferent towards his obligation to pay court-ordered sanctions. In mitigation, the court found that respondent had no prior record of discipline over 30 years of practice prior to the misconduct. Respondent was also given mitigation for cooperating with the State Bar by stipulating to facts which established culpability. The misconduct occurred between May 15, 2014 and June 15, 2014. The parties stipulate that the certified copy of respondent's prior record of discipline, attached as Exhibit 1, is a true and correct copy of respondent's prior record of discipline.

**Indifference Toward Rectification/Atonement (Std. 1.5(k)):** Respondent's continued failure to comply with the conditions of his public reproof or file a motion with the State Bar Court seeking modification, demonstrates indifference towards rectification. The public reproof became effective on November 23, 2016. To date, respondent has not completed State Bar Ethics School and has not passed the MPRE. An attorney's continued failure to comply with probation conditions after being notified of that non-compliance is properly considered aggravation. (*In the Matter of Tierman* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 523, 529-530.)

#### MITIGATING CIRCUMSTANCES.

**Pre-trial Stipulation:** By entering into this stipulation prior to trial, respondent has acknowledged his 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 mitigation 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 Silverton* (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 1.8(a) requires that respondent’s discipline in the current proceeding must be greater than the previously imposed sanction unless the prior was so remote in time and previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust. Respondent’s prior discipline, effective November 23, 2016, consisted of a public reproof. The prior discipline was not remote in time and the misconduct it addressed was serious. Accordingly, pursuant to Standard 1.8(a), the current discipline must be greater than a public reproof.

Standard 2.14 states, “Actual suspension is the presumed sanction for failing to comply with a condition of discipline. The degree of sanction depends on the nature of the condition violated and the member’s unwillingness or inability to comply with disciplinary orders.” Respondent has shown an unwillingness or inability to comply with disciplinary orders by failing to attend and pass the test given at the end of State Bar Ethics School and pass the MPRE by November 23, 2017. This reflects a failure to appreciate the seriousness of the charges for which he received discipline (*See Van Sloten v. State Bar* (1989) 48 Cal.3d 921, 033.)

Respondent’s misconduct is aggravated by his prior record of discipline consisting of a public reproof and indifference due to his failure to complete State Bar Ethics School and pass the MPRE. Respondent received some mitigation for entering into a pre-trial stipulation. Given the fact that respondent failed to comply with his reproof conditions, and the fact that the aggravation outweighs the mitigation, discipline consisting of a one-year stayed suspension, one-year probation with conditions, including a 60 days’ actual suspension is the appropriate level of discipline to ensure protection of the public, courts and legal profession; to maintain high professional standards by attorneys; and to preserve public confidence in the legal profession.

Case law supports this level of discipline. In *Conroy v. State Bar* (1990) 51 Cal.3d 799, the attorney received a private reproof with conditions, one of which was that he take and pass the Professional Responsibility Examination (hereinafter “PRE”) within one year of the effective date of the reproof. The attorney failed to timely take and pass the PRE. However, he did tardily take and pass the PRE at

the next opportunity, which was found to be mitigating. The attorney defaulted at the Hearing Department. The misconduct was aggravated by the attorney's prior record of discipline, failure to cooperate in a State Bar Court proceeding, and failure to appreciate the seriousness of the charges and reproof conditions. The Supreme Court ordered that the attorney be suspended for one year, stayed, and that he be placed on probation for one year with conditions, including a 60 days' actual suspension.

Like the attorney in *Conroy*, respondent failed to comply with the conditions of the reproof. He has not completed State Bar Ethics School and has yet to pass the MPRE. Since respondent has not completed and passed State Bar Ethics School and has not passed the MPRE, indifference towards rectification is an additional aggravating factor. Respondent also has a prior record of discipline. Respondent received some mitigation for entering into a pre-trial stipulation. Since the circumstances of *Conroy* and this case are similar, discipline consisting of a one-year stayed suspension, one-year probation with conditions, including a 60 days' actual suspension would be appropriate to ensure protection of the public, courts and legal profession; maintenance of high professional standards by attorneys; and to preserve public confidence in the legal profession

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of March 11, 2019, the discipline costs in this matter are \$2,585. 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.

(Do not write above this line.)

In the Matter of JOSE ARTURO RODRIGUEZ	Case number(s): 17-H-07513
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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.

4/10/2019  
Date

  
Respondent's Signature

Jose Arturo Rodriguez  
Print Name

4/15/19  
Date

Jaime V.  
Deputy Trial Counsel's Signature

Jaime Vogel  
Print Name

(Do not write above this line.)

In the Matter of: JOSE ARTURO RODRIGUEZ	Case Number(s): 17-H-07513
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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.

1. On page 1 of the Stipulation, an "X" is inserted in the box in the caption to reflect that a previous stipulation was rejected in this matter.
2. On page 2 of the Stipulation, at paragraph B.(1)(a), "36 pages" is deleted, and in its place is inserted "11 pages".

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 Rules Proc. of State Bar, rule 5.58(E) & (F).) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after the filed date of the Supreme Court order.** (See Cal. Rules of Court, rule 9.18(a).)

April 30, 2019  
Date

Rebecca Meyer Rosenberg  
REBECCA MEYER ROSENBERG, JUDGE PRO TEM  
Judge of the State Bar Court





FILED

OCT 18 2016

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES



**PUBLIC MATTER**

**STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT - LOS ANGELES**

In the Matter of	)	Case No.: 15-O-13425
	)	
<b>JOSE ARTURO RODRIGUEZ,</b>	)	<b>DECISION</b>
	)	
<b>Member No. 116541,</b>	)	
	)	
<u>A Member of the State Bar.</u>	)	

**Introduction**<sup>1</sup>

In this contested disciplinary proceeding, Jose Arturo Rodriguez (Respondent) is charged with two counts of professional misconduct. The charged misconduct includes: (1) failing to obey a court order; and (2) failing to report judicial sanctions in the amount of \$3,000.

The court finds, by clear and convincing evidence, that Respondent is culpable of the charged misconduct. Based on the misconduct and the evidence in mitigation and aggravation, Respondent is hereby publicly reprovved for one year with attached conditions.

**Significant Procedural History**

The Office of Chief Trial Counsel of the State Bar of California (OCTC) initiated this proceeding by filing a Notice of Disciplinary Charges (NDC) on March 28, 2016. On May 26, 2016, Respondent filed a response to the NDC. On July 11, 2016, the parties submitted a stipulation as to facts and admission of documents (Stipulation).

<sup>1</sup> Unless otherwise indicated, all references to rules refer to the State Bar Rules of Professional Conduct. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

Trial was held on July 21, 2016. OCTC was represented by Senior Trial Counsel Sherell N. McFarlane and Deputy Trial Counsel Amanda Sanchez. Respondent represented himself. On July 21, 2016, following closing arguments, the court took this matter under submission.

**Findings of Fact and Conclusions of Law**

Respondent was admitted to the practice of law in California on December 28, 1984, and has been a member of the State Bar of California at all times since that date.

**Case No. 15-O-13425**

**Facts**

On April 15, 2014, the court in the matter of *Javier Miramontes et al. v. California Rural Legal Assistance, Inc., et al.*, Riverside County Superior Court, case number INC3102881 (*Miramontes* matter), filed a minute order imposing monetary sanctions solely on Respondent. The court determined that Respondent filed a third amended complaint for the improper purpose of harassing the opposing parties. The court's order required Respondent to pay sanctions of \$3,000 within 60 days of the order.

On June 10, 2014, Respondent appealed the court's April 15, 2014 order. Respondent appealed only on behalf of the *Miramontes* plaintiffs, and not on his own behalf. The Court of Appeal dismissed the appeal on July 16, 2014. Subsequently, on September 22, 2014, the Court of Appeal filed a remittitur certifying the finality of the order dismissing the appeal.

The April 15, 2014 sanctions order is final. To date, Respondent has not paid the \$3,000 in sanctions imposed on him in the *Miramontes* matter. Nor did Respondent report the April 15, 2014 sanctions order to the State Bar until August 12, 2014.

## Conclusions

### *Count 1 - (§ 6103 [Failure to Obey a Court Order])*

Section 6103 provides, in pertinent part, that a willful disobedience or violation of a court order requiring an attorney to do or forbear an act connected with or in the course of the attorney's profession, which an attorney ought in good faith to do or forbear, constitutes cause for suspension or disbarment.

Respondent conceded that he has not paid any of the \$3,000 in sanctions he was ordered to pay in the *Miramontes* matter. Respondent argued that his failure to pay the sanctions was not willful but it was the result of his 2013 Chapter 7 bankruptcy and subsequent financial hardship. The court finds Respondent's financial hardship arguments to be credible. However, willfulness under section 6103 requires a showing that Respondent "knew what he was doing or not doing and that he intended either to commit the act or to abstain from committing it." (*King v. State Bar* (1990) 52 Cal.3d 307, 314.) Moreover, "[i]n the case of court-ordered sanctions, the attorney is expected to follow the order or proffer a formal explanation by motion or appeal as to why the order cannot be obeyed." (*In the Matter of Boyne* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 389, 403.)

Here, although Respondent filed an appeal in the *Miramontes* matter on behalf of his clients, he neither appealed nor sought reconsideration of the sanctions order imposed against him. If Respondent disagreed with the order, he should have sought relief from it. In the alternative, knowing the frailty of his financial condition, Respondent should have sought relief on that basis.

Therefore, by failing to comply with the April 15, 2014 court order to pay \$3,000 in sanctions to the Riverside County Superior Court, Respondent disobeyed or violated an order of the court, in willful violation of section 6103.

**Count 2 - (§ 6068, subd. (o)(3) [Failure to Report Sanctions])**

Section 6068, subdivision (o)(3), provides that within 30 days of knowledge, an attorney has a duty to report, in writing, to the State Bar the imposition of judicial sanctions against the attorney of \$1,000 or more which are not imposed for failure to make discovery.

The willful violation of section 6068, subdivision (o)(3), does not require a bad purpose or an evil intent. All that is required for a violation is a general purpose of willingness to commit the act or omission. (*In the Matter of Respondent Y* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 862, 867.)

Respondent admitted that he did not report the sanctions order to the State Bar within 30 days of its issuance. Respondent stipulated that he did not report the sanctions to the State Bar until August 12, 2014, almost four months after the sanctions order was issued and two months after the last date allowed for Respondent to have paid the sanctions. Under the circumstances, Respondent willfully violated section 6068, subdivision (o)(3), by not timely reporting the sanctions order.

**Aggravation<sup>2</sup>**

OCTC has the burden of establishing aggravating circumstances by clear and convincing evidence. (Std. 1.5.)

**Indifference (Std. 1.5(k))**

Under these facts, it would appear that Respondent was indifferent to his obligation to pay the court-ordered sanctions. For example, while he appealed the April 15, 2014 order on behalf of the *Miramontes* plaintiffs, Respondent did not appeal or seek reconsideration of the sanctions ordered against him, which he may have done in light of his Chapter 7 bankruptcy and

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<sup>2</sup> All references to standards (Std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

limited income due to his medical disability. Respondent's indifference and lack of insight into the nature and seriousness of his misconduct is demonstrated by his failure to challenge the sanctions order against him. (See *In the Matter of Boyne* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 389, 404.)

### **Mitigation**

Respondent bears the burden of establishing mitigation by clear and convincing evidence. (Std. 1.6.)

#### **No Prior Record (Std. 1.6(a).)**

Respondent's practice of law for over 30 years with no prior record of discipline at the time of his misconduct is a significant mitigating factor.

#### **Cooperation (Std. 1.6(e).)**

Respondent is entitled to mitigation credit for cooperating with OCTC by entering into a stipulation of facts and admission of documents, which assisted the OCTC in prosecution of this case. (Std. 1.6(e).) As the stipulated facts established Respondent's culpability, the court affords Respondent significant mitigation credit for the Stipulation. (*In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179, 190 [where appropriate, more extensive weight in mitigation is accorded to those who admit to culpability as well as facts].)

### **Discussion**

The purpose of State Bar disciplinary proceedings is not to punish the attorney but to protect the public, the courts, and the legal profession; to maintain the highest possible professional standards for attorneys; and to preserve public confidence in the legal profession. (Std. 1.1; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

In determining the appropriate level of discipline, the court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d 1095, 1090; *In the Matter of Koehler* (Review

Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.) The Supreme Court gives the standards “great weight” and will reject a recommendation consistent with the standards only where the court entertains “grave doubts” as to its propriety. (*In re Silvertown* (2005) 36 Cal.4th 81, 91-92; *In re Naney* (1990) 51 Cal.3d 186, 190.) Although the standards are not mandatory, they may be deviated from when there is a compelling, well-defined reason to do so. (*Bates v. State Bar* (1990) 51 Cal.3d 1056, 1061, fn. 2; *Aronin v. State Bar* (1990) 52 Cal.3d 276, 291.)

Standard 1.7(a) provides that, when a member commits two or more acts of misconduct and the standards specify different sanctions for each act, the most severe sanction must be imposed. However, standard 1.7(b) provides that if “aggravating circumstances are found, they should be considered alone and in balance with any mitigating circumstances, and if the net effect demonstrates that a greater sanction is needed to fulfill the primary purposes of discipline, it is appropriate to impose or recommend a greater sanction than what is otherwise specified in a given standard. On balance, a greater sanction is appropriate in cases where there is serious harm to the client, the public, the legal system, or the profession and where the record demonstrates that the member is unwilling or unable to conform to ethical responsibilities” in the future.

In this case, standards 2.12(a) and (b) provide a broad range of sanctions ranging from reproof to disbarment. Standard 2.12(a) provides that disbarment or actual suspension is appropriate for disobedience or violation of a court order related to the attorney’s practice of law, the attorney’s oath, or the duties required of an attorney under Code section 6068, subdivisions (a), (b), (d), (e), (f) or (h). Standard 2.12(b) provides for reproof for violation of the duties required of an attorney under section 6068, subdivisions (i), (j), (l), or (o).

The Supreme Court has deemed a violation of a court order serious misconduct. "Other than outright deceit, it is difficult to imagine conduct in the course of legal representation more unbefitting an attorney." (*Barnum v. State Bar* (1990) 52 Cal.3d 104, 112.)

Respondent argues that his failure to pay the sanctions was not willfull. Respondent contends he did not pay the sanctions due to financial hardship resulting from a medical disability and his Chapter 7 bankruptcy. However, even though an attorney lacks the ability to pay the court-ordered sanctions, such inability to pay is not a "defense" to the charged violation of section 6103. (*In the Matter of Respondent Y* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 862, 868.

OCTC urges Respondent's actual suspension from the practice of law for 30 days, citing *In re Kelley* (1990) 52 Cal.3d 487, 495 and *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 47. In *In the Matter of Riordan, supra*, 5 Cal. State Bar Ct. Rptr. 41, the attorney was suspended for six months, stayed, and placed on probation for one year due to his failure to perform services with competence, failure to comply with Supreme Court orders, and failure to timely report judicial sanctions of \$1,000. His misconduct was aggravated by harm to the administration of justice. But in mitigation, he had no prior record of discipline in 17 years of practice.

In *In the Matter of Respondent Y, supra*, 3 Cal. State Bar Ct. Rptr. 862, an attorney was culpable of failing to obey a court order to pay \$1,000 sanctions that were imposed as a result of his bad faith tactics and actions while defending a lawsuit. The attorney also failed to timely report the sanctions to the State Bar. He was privately reproved with conditions. There were no aggravating factors.

Here, Respondent's misconduct is more analogous to *Respondent Y* than *Riordan*. Although *Respondent Y* had no aggravating factors and Respondent has a single aggravating



factor of indifference, Respondent's conduct is less extensive than in *Riordan*. Respondent was culpable of two counts of misconduct whereas *Riordan* committed three counts of misconduct. Moreover, on balance, Respondent's mitigating factors far outweigh his single aggravating factor. Accordingly, Respondent's misconduct warrants discipline on a level somewhere within the range provided by *In the Matter of Respondent Y* (private reproof) and *In the Matter of Riordan* (six months stayed suspension and one year's probation).

In recommending discipline, the "paramount concern is protection of the public, the courts and the integrity of the legal profession." (*Snyder v. State Bar* (1990) 49 Cal.3d 1302.) In view of Respondent's misconduct, the case law, the evidence in aggravation and mitigation, and the standards, the court concludes that a public reproof with conditions is an appropriate disposition of this matter.

#### Disposition

It is ordered that respondent Jose Arturo Rodriguez, State Bar Number 116541, is publicly reproofed for one year. Pursuant to the provisions of rule 5.127(A) of the Rules of Procedure of the State Bar, the public reproof will be effective when this decision becomes final. Furthermore, pursuant to California Rules of Court, rule 9.19(a), and rule 5.128 of the Rules of Procedure, the court finds that the interest of Respondent and the protection of the public will be served by the following specified conditions being attached to the public reproof imposed in this matter:<sup>3</sup>

1. Within one year after the effective date of this order, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE)

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<sup>3</sup> Failure to comply with any condition(s) attached to the public reproof may constitute cause for a separate proceeding for willful breach of rule 1-110 of the State Bar Rules of Professional Conduct.

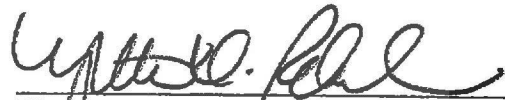
requirement, and Respondent will not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)

2. Respondent must take and pass the Multistate Professional Responsibility Examination (MPRE) within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

**Costs**

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Dated: October 18, 2016



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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 October 18, 2016, I deposited a true copy of the following document(s):

**DECISION**

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

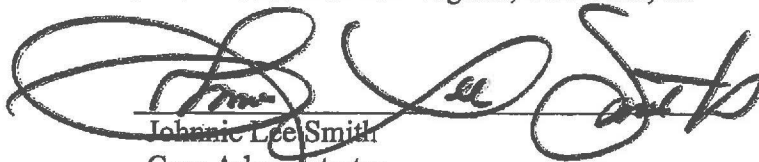
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**JOSE ARTURO RODRIGUEZ  
ARTURO RODRIGUEZ  
84426 N SIENNA CIR  
COACHELLA, CA 92236**

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

**SHERELL MCFARLANE, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 18, 2016.



Johanic Lee Smith  
Case Administrator  
State Bar Court



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST April 4, 2019

State Bar Court, State Bar of California,  
Los Angeles

By *[Signature]*  
Clerk

**CERTIFICATE OF SERVICE**

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist 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 April 30, 2019, 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:

JOSE ARTURO RODRIGUEZ  
ARTURO RODRIGUEZ  
84426 N SIENNA CIR  
COACHELLA, CA 92236

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

JAIME M. VOGEL, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 30, 2019.



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Paul Barona  
Court Specialist  
State Bar Court