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**STATE BAR COURT
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PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

In the Matter of)	Case No. 17-N-05451;
)	17-O-06215-YDR
RUTH CECILIA ROSE,)	
)	DECISION AND ORDER OF
A Member of the State Bar, No. 145887.)	INVOLUNTARY INACTIVE
_____)	ENROLLMENT

Respondent Ruth Cecilia Rose (Respondent) was charged with willfully violating California Rules of Court, rule 9.20, by failing to file a declaration of compliance as required by that rule and in conformity with the requirements of rule 9.20(c), as required by an order of the Supreme Court. She was also charged with failing to comply with the conditions of her disciplinary probation. Respondent failed to participate, either in person or through counsel, and her default was entered. The Office of Chief Trial Counsel (OCTC) filed a petition for disbarment under rule 5.85 of the Rules of Procedure of the State Bar.¹

Rule 5.85 provides the procedure to follow when an attorney fails to participate in a disciplinary proceeding after receiving adequate notice and opportunity. The rule provides that, if an attorney's default is entered for failing to respond to the notice of disciplinary charges

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¹ Unless otherwise indicated, all references to rule(s) are to this source. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

(NDC) and the attorney fails to have the default set aside or vacated within 90 days, OCTC will file a petition requesting the court to recommend the attorney's disbarment.²

In the instant case, the court concludes that the requirements of rule 5.85 have been satisfied and, therefore, grants the petition and recommends that Respondent be disbarred from the practice of law.

FINDINGS AND CONCLUSIONS

Jurisdiction

Respondent was admitted to practice law in California on February 20, 1990, and has been a member since then.

Procedural Requirements Have Been Satisfied

On November 7, 2017, OCTC filed and properly served the NDC on Respondent by certified mail, return receipt requested, at Respondent's membership records address. The NDC notified Respondent that her failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.) Neither the return receipt nor the NDC were returned to OCTC by the U.S. Postal Service.

Respondent received actual notice of these proceedings. On November 17, 2017, Respondent called OCTC and stated that she received an October 25, 2017 letter from OCTC and that she also received the NDC. During the conversation, OCTC advised Respondent about an upcoming initial status conference and informed her that she must file a response to the NDC to avoid entry of her default. Respondent verified that her membership address was current and that she would respond to the NDC.

² If the court determines that any due process requirements are not satisfied, including adequate notice to the attorney, it must deny the petition for disbarment and take other appropriate action to ensure that the matter is promptly resolved. (Rule 5.85(F)(2).)

On December 4, 2017, OCTC received a second call from Respondent. Respondent stated that she “gives up” and that she did not plan to file a response to the NDC. She also indicated that she would not appear at the initial status conference. OCTC informed Respondent that her failure to file a response to the NDC would result in the entry of her default and an order of disbarment. Respondent indicated that she was considering resigning with charges pending. That same day, OCTC sent Respondent an email at her membership records email confirming their conversation and providing the link to the State Bar Court’s resignation forms and instructions.

Respondent failed to file a timely response to the NDC. On December 18, 2017, OCTC filed and properly served a motion for entry of Respondent’s default on Respondent at her membership records address. The motion complied with all of the requirements for a default, including a supporting declaration of reasonable diligence by the State Bar declaring the steps taken to provide notice and the actual notice provided to Respondent. (Rule 5.80.) The motion also notified Respondent that if she did not timely move to set aside her default, the court would recommend her disbarment. Respondent did not file a response to the motion, and her default was entered on January 8, 2018. The order entering the default was served on Respondent at her membership records address by certified mail, return receipt requested. The court also ordered Respondent’s involuntary inactive enrollment as a member of the State Bar under Business and Professions Code section 6007, subdivision (e), effective three days after service of the order. She has remained inactively enrolled since that time.

On April 25, 2018, OCTC properly filed and served the petition for disbarment on Respondent at her official membership records address. As required by rule 5.85(A), OCTC reported in the petition that: (1) there has been no contact with Respondent since her default was entered; (2) there is one other matter pending against Respondent; (3) Respondent has three prior

records of discipline; and (4) the Client Security Fund has not paid any claims as a result of Respondent's misconduct. Respondent did not respond to the petition for disbarment. The case was submitted for decision on May 23, 2018.

Prior Record of Discipline

Respondent has three prior records of discipline. In her first prior, pursuant to an order of the Supreme Court filed on March 29, 2007, Respondent was suspended for one year, stayed, and placed on probation for two years subject to conditions. Respondent stipulated to willfully violating section 6103 (failing to obey a court order) by failing to appear at a court hearing and failing to pay \$500 in sanctions. In her second prior, pursuant to an order of the Supreme Court filed on August 31, 2011, Respondent was suspended for one year, stayed, and placed on probation for two years subject to conditions, which included a 30-day period of actual suspension. Respondent stipulated to willfully violating section 6068, subdivision (a) (failure to support laws), by engaging in the unauthorized practice of law, in willful violation of section 6125; and willfully violating section 6106 (moral turpitude) by holding herself out to the court and opposing counsel as entitled to practice law. In her third prior, pursuant to an order of the Supreme Court filed on March 23, 2017, Respondent was suspended for two years, stayed, and placed on probation for three years subject to conditions, which included a 90-day period of actual suspension. Respondent stipulated to willfully violating section 6106 by grossly negligently issuing a check to FedEx with insufficient funds in her client trust account.

The Admitted Factual Allegations Warrant the Imposition of Discipline

Upon entry of Respondent's default, the factual allegations in the NDC are deemed admitted and no further proof is required to establish the truth of such facts. (Rule 5.82.) As set forth below in greater detail, the factual allegations in the NDC support the conclusion that

Respondent is culpable as charged, except as otherwise noted, and, therefore, violated a statute, rule or court order that would warrant the imposition of discipline. (Rule 5.85(F)(1)(d).)

Case No. 17-N-05451 (The Rule 9.20 Matter)

Count One – Respondent willfully violated California Rules of Court, rule 9.20 (duties of disbarred, resigned or suspended attorneys) by not filing, with the clerk of the State Bar Court, by June 1, 2017, a declaration of compliance as required by California Rules of Court, rule 9.20 and in conformity with the requirements of rule 9.20(c), as required by Supreme Court order number S239569.

Case No. 17-O-06215 (The Probation Violation Matter)

Count Two – By failing to timely contact the Office of Probation to schedule a meeting within 30 days from the effective date of her discipline and by failing to submit quarterly reports due on January 10, 2017, and October 10, 2017, Respondent failed to comply with certain conditions attached to her disciplinary probation, in willful violation of section 6068, subdivision (k) (duty to comply with probation conditions).

Disbarment is Recommended

Based on the above, the court concludes that the requirements of rule 5.85(F) have been satisfied, and Respondent's disbarment is recommended. In particular:

- (1) the NDC was properly served on Respondent under rule 5.25;
- (2) reasonable diligence was used to notify Respondent of the proceedings prior to the entry of her default;
- (3) the default was properly entered under rule 5.80; and
- (4) the factual allegations in the NDC deemed admitted by the entry of the default support a finding that Respondent violated a statute, rule or court order that would warrant the imposition of discipline.

Despite actual notice and opportunity, Respondent failed to participate in this disciplinary proceeding. As set forth in the Rules of Procedure of the State Bar, the court recommends disbarment.

RECOMMENDATION

Disbarment

The court recommends that respondent Ruth Cecilia Rose, State Bar number 145887, be disbarred from the practice of law in the State of California and that her name be stricken from the roll of attorneys.

California Rules of Court, Rule 9.20

The court also recommends that Respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20, and to 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 in this proceeding.

Costs

The court further recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, such costs being enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

In accordance with Business and Professions Code section 6007, subdivision (c)(4), the court orders that Ruth Cecilia Rose, State Bar number 145887, be involuntarily enrolled as an

inactive member of the State Bar of California, effective three calendar days after the service of this decision and order. (Rule 5.111(D).)

Dated: June 4, 2018



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 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 June 4, 2018, I deposited a true copy of the following document(s):

DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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

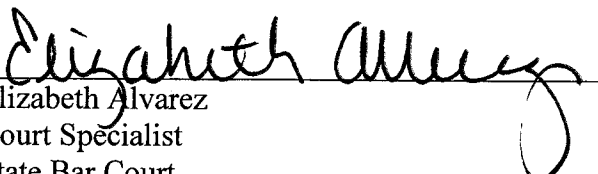
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

RUTH C. ROSE
RUTH C ROSE, ESQ
4108 CRENSHAW BLVD
STE 407
LOS ANGELES, CA 90008 - 2502

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

Terese E. Laubscher, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 4, 2018.


Elizabeth Alvarez
Court Specialist
State Bar Court