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STATE BAR COURT
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THE STATE BAR COURT
HEARING DEPARTMENT - LOS ANGELES

PUBLIC MATTER

In the Matter of

GEORGE ANTHONY CREQUE,

Member No. 115580,

A Member of the State Bar.

Case No. 04-N-14486-RMT

DECISION AND ORDER OF
INVOLUNTARY INACTIVE
ENROLLMENT

INTRODUCTION

The sole issue in this case is whether Respondent George Anthony Creque wilfully failed to obey an order of the California Supreme Court requiring him to comply with rule 955 of the California Rules of Court and, if so, the appropriate discipline to be imposed.

For the reasons stated below, this Court finds, by clear and convincing evidence, that Respondent wilfully failed to comply with the requirements of rule 955, as ordered by the Supreme Court. As a result, this Court recommends that Respondent be disbarred from the practice of law in the State of California and that his name be stricken from the roll of attorneys.

PROCEDURAL HISTORY

This proceeding was initiated by the filing of a Notice of Disciplinary Charges ("NDC") by the Office of the Chief Trial Counsel of the State Bar of California ("State Bar") on November 2, 2004. The NDC was properly served upon Respondent on November 2, 2004, by certified mail, return receipt requested, addressed to Respondent's official membership address ("official address") pursuant to Business and Professions Code section 6002.1, subdivision (c) and



1 rule 60 of the Rules of Procedure of the State Bar ("Rules of Procedure").¹

2 Respondent did not file an answer to the NDC. Thereafter, on February 7, 2005, the
3 State Bar filed a Notice of Motion and Motion for Entry of Default. The motion was properly
4 served upon Respondent on February 7, 2005, by certified mail, return receipt requested, at his
5 official address.

6 The Court entered Respondent's default on March 2, 2005, after Respondent failed to file
7 an answer to the NDC within ten days after service of the Motion for Entry of Default. (See
8 Rules Proc. of State Bar, rule 200(c).) Notice of Entry of Default was properly served upon
9 Respondent on March 2, 2005, by certified mail addressed to him at his official address. On
10 March 15, 2005, the State Bar filed its brief regarding culpability and discipline, wherein it
11 waived its right to a hearing in this matter.

12 The State Bar was represented throughout these proceedings by Deputy Trial Counsel
13 Michael Glass. Respondent did not participate at any stage of these proceedings, either
14 personally or through counsel.

15 This matter was taken under submission as of May 5, 2005, since the State Bar waived
16 hearing.

17 FINDINGS OF FACT AND CONCLUSIONS OF LAW

18 Respondent was admitted to the practice of law in California on December 3, 1984, and
19 has been a member of the State Bar at all times since.²

20 On July 8, 2004, the Supreme Court of California entered a final disciplinary order in *In*
21 *re George Anthony Creque on Discipline*, Supreme Court Case No. S124132 (State Bar Court
22 Case No. 01-O-05358, 02-O-14532, 02-O-15254, 03-O-00983). In its order, the Supreme Court
23 suspended Respondent from the practice of law for two years, stayed execution of the
24

25 ¹Pursuant to Evidence Code § 452, the Court takes judicial notice of the membership
26 records of the State Bar, which show that at all times since August 24, 2000, Respondent's
official address has been 4020 Manly Rd, Willow Springs, California 93560 6930.

27 ²Effective September 16, 2004, Respondent was suspended from the practice of law for
28 failure to pay annual membership dues. The said suspension remains in effect. (Evidence Code §
452.)

1 suspension, and placed Respondent on probation for two years on condition that he be actually
2 suspended for nine months.

3 As relevant to this proceeding, the Supreme Court also ordered Respondent to comply
4 with subdivisions (a) and (c) of rule 955 of the California Rules of Court within 30 and 40 days,
5 respectively, after the effective date of the Supreme Court's order. The order of the Supreme
6 Court became effective on August 7, 2004.

7 Upon filing of the July 8, 2004, order, in accordance with rule 24(a) of the California
8 Rules of Court, the Office of the Clerk of the Supreme Court of California served Respondent
9 with a copy of the Supreme Court's order imposing discipline and directing Respondent's
10 compliance with rule 955. (See Evid. Code, § 664.)

11 Respondent did not file an affidavit with the State Bar Court evidencing his compliance
12 with the requirements of rule 955, as ordered by the Supreme Court, either by the date ordered by
13 the Court or at any time thereafter.

14 The fact that Respondent may not be aware of the requirements of rule 955 or of his
15 obligation to comply with those requirements is immaterial. "Wilfulness" in the context of rule
16 955 does not require actual knowledge of the provision which is violated. The Supreme Court
17 has disbarred attorneys whose failure to keep their official addresses current prevented them from
18 learning that they had been ordered to comply with rule 955. (See *Powers v. State Bar* (1988)
19 44 Cal.3d 337, 341.)

20 Accordingly, this Court concludes that the State Bar has established by clear and
21 convincing evidence that Respondent wilfully failed to comply with rule 955 by failing to file an
22 affidavit attesting to his compliance with subdivision (a) of that rule, as ordered by the Supreme
23 Court in its July 8, 2004, order. Respondent's failure to comply with rule 955, as ordered by the
24 Supreme Court, also constitutes a wilful violation of Business and Professions Code section 6103
25 which provides that the wilful disobedience or violation of an order of a court constitutes cause
26 for disbarment or suspension.

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1 **LEVEL OF DISCIPLINE**

2 **Factors in Mitigation**

3 There are no mitigating factors presented by the record in this proceeding.

4 **Factors in Aggravation**

5 Respondent has been disciplined on four previous occasions, which is an aggravating
6 factor pursuant to Standard 1.2(b)(i) of the Standards for Attorney Sanctions for Professional
7 Misconduct.

8 Effective February 21, 1998, the Supreme Court, in case no. S065723 (State Bar Court
9 case no. 96-O-06841), suspended Respondent from the practice of law for 90 days, stayed
10 execution of the suspension, and placed him on probation for two years with specified
11 conditions. In connection with a single client matter, Respondent failed to respond to reasonable
12 status inquiries of the client and to communicate significant events such as the relocation of his
13 office, in wilful violation of section 6068(m) of the Business and Professions Code
14 ("section(s)"); failed to deliver to the client her file and property upon her request, in wilful
15 violation of rule 3-700(D)(1) of the Rules of Professional Conduct ("rule(s)"); and failed to
16 cooperate with the State Bar's investigation of the client's complaint, in wilful violation of
17 section 6068(i).

18 Effective March 28, 2001, the Supreme Court, in case no. S093644 (State Bar Court case
19 no. 00-O-11318), suspended Respondent from the practice of law for six months and until he
20 demonstrated rehabilitation, stayed execution of the suspension, and placed him on probation for
21 two years with specified conditions. It was determined that Respondent failed to comply with the
22 terms and conditions of the probation imposed in case no. S065723 (State Bar Court case no. 96-
23 O-06841) to wit, to file quarterly reports, attend ethics school, complete the professional
24 responsibility examination, and complete eight hours of continuing legal education courses.

25 Effective April 17, 2002, in Supreme Court case no. S103455 (State Bar Court case no.
26 00-O-12533), Respondent was suspended for two years and until he demonstrated his
27 rehabilitation, execution of suspension was stayed, and he was placed on probation for two years
28 on conditions that included actual suspension of 60 days. Respondent was found culpable of

1 holding himself out as entitled to practice law and actually practicing law while he was not
2 entitled to do so as a result of his suspension for failure to pay annual membership fees and
3 failure to complete the professional responsibility examination as ordered by the Supreme Court.
4 Respondent was found to have violated sections 6125 and 6126, and thereby, to have failed to
5 support the laws of this state, in wilful violation of his duty pursuant to section 6068(a).

6 As previously indicated, effective August 7, 2004, in case no. S124132 (State Bar Court
7 case nos. 01-O-05358, 02-O-14532, 02-O-15254, 03-O-00983), Respondent was suspended for
8 two years, execution of suspension stayed, and he was placed on probation for two years on
9 conditions that included actual suspension of nine months. Respondent was found culpable of
10 failing to timely comply with the terms and conditions of his probation in case no. S093644
11 (State Bar Court case no. 00-O-11318) to wit, failure to file quarterly reports, failure to complete
12 eight hours of continuing education courses, and failure to complete ethics school, in wilful
13 violation of sections 6068(k) and 6103. In addition, Respondent was found culpable of the
14 unauthorized practice of law in several client matters where he performed legal services while
15 not entitled to do so, in violation of sections 6125 and 6126, and thereby amounting to a
16 violation of his duty to uphold the laws of this state as proscribed by section 6068(a).
17 Respondent's unauthorized practice of law was found to also amount to acts of moral turpitude
18 or dishonesty, in violation of section 6106. In addition, Respondent was found to have accepted
19 title to a client's automobile without complying with rule 3-300, which prohibits attorneys from,
20 among other things, acquiring an interest adverse to a client without satisfying certain safeguards.
21 Finally, Respondent was found culpable of seeking to mislead a judge in requesting a
22 continuance of a trial by representing that the continuance was needed due to a vacation, when in
23 fact, Respondent requested the continuance because he was suspended from the practice of law.

24 Respondent's failure to file the rule 955 compliance affidavit with the Clerk of the State
25 Bar Court significantly harmed the public and the administration of justice. (Standard
26 1.2(b)(iv).)

27 Respondent's failure to participate in this matter prior to the entry of his default
28 demonstrates a lack of cooperation, and is an aggravating circumstance pursuant to standard

1 1.2(b)(vi).

2 **Discussion**

3 Rule 955(d) provides in part that "[a] suspended member's wilful failure to comply with
4 the provisions of this rule constitutes a cause for disbarment or suspension and for revocation of
5 any pending probation."

6 Timely compliance with rule 955 is essential to ensure that all concerned parties
7 (including clients, co-counsel, opposing counsel and all courts in which the attorney has pending
8 litigation) learn about the attorney's actual suspension from the practice of law. Compliance
9 with rule 955 also keeps the State Bar Court and the Supreme Court informed of the location of
10 attorneys who are subject to their respective disciplinary authority. (*Lydon v. State Bar* (1988)
11 45 Cal.3d 118, 1187.)

12 Disbarment is generally the appropriate sanction to be imposed for a wilful violation of
13 rule 955. (*Bercovich v. State Bar* (1990) 50 Cal.3d 116,131.)

14 Respondent has exhibited a disregard for both the Supreme Court and the State Bar Court
15 in their efforts to fulfill their respective responsibilities to oversee the practice of law in the State
16 of California. Respondent's disregard is exemplified by (1) his failure to comply with rule 955;
17 (2) his failure to participate in this disciplinary matter; and (3) the multiple instances of
18 misconduct. It is clear that Respondent cannot, or is simply not willing, to conform his conduct
19 to the standards that are proscribed for all members practicing law in this state.

20 This Court is unaware of any facts or circumstances that would justify a departure from
21 the usual sanction of disbarment for Respondent's wilful violation of rule 955 and his resulting
22 violation of Business and Professions Code section 6103. One of this Court's obligations is to
23 ensure that its disciplinary recommendations to the Supreme Court are fair and consistent. (*In re*
24 *Young* (1989) 49 Cal.3d 257, 268.)

25 Respondent's disbarment is necessary to protect the public, the courts and the legal
26 profession, to maintain high professional standards and to preserve public confidence in the
27 profession. It would seriously undermine the integrity of the disciplinary system and damage
28 public confidence in the legal profession if Respondent were not disbarred for his wilful and

1 unexplained disobedience of the Supreme Court's July 8, 2004, order.

2 **RECOMMENDED DISCIPLINE**

3 This Court recommends that Respondent **GEORGE ANTHONY CREQUE** be
4 disbarred from the practice of law in the State of California and that his name be stricken from
5 the roll of attorneys in this State.

6 It is also recommended that the Supreme Court order Respondent to comply with rule
7 955(a) of the California Rules of Court within 30 calendar days of the effective date of the
8 Supreme Court order in this matter and to file the compliance affidavit required by rule 955(c)
9 within 40 days of the effective date of the Court's order.

10 **COSTS**

11 It is further recommended that costs be awarded to the State Bar pursuant to Business and
12 Professions Code section 6086.10 and that such costs be made payable in accordance with
13 Business and Professions Code section 6140.7.

14 **ORDER OF INVOLUNTARY INACTIVE ENROLLMENT**

15 In light of this Court's recommendation that Respondent be disbarred from the practice of
16 law, pursuant to the provisions of Business and Professions Code section 6007, subdivision
17 (c)(4) and rule 220(b) of the Rules of Procedure, it is hereby ordered that Respondent **GEORGE**
18 **ANTHONY CREQUE** be involuntarily enrolled as an inactive member of the State Bar. The
19 order of involuntary enrollment shall be effective three days after the date upon which this
20 Decision is served.

21
22
23 Dated: July 20, 2005


ROBERT M. TALCOTT
Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; 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 July 21, 2005, I deposited a true copy of the following document(s):

**DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT,
filed July 21, 2005**

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

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

**George Anthony Creque
4020 Manly Rd
Willow Springs, CA 93560 6930**

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

MICHAEL GLASS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 21, 2005.



Tammy R. Cleaver
Case Administrator
State Bar Court