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State Bar Court of California Hearing Department <input type="checkbox"/> Los Angeles <input checked="" type="checkbox"/> San Francisco		
Counsel for the State Bar WONDER J. LIANG Deputy Trial Counsel State Bar of California 180 Howard Street San Francisco, CA 94105 Bar # 184357	Case number(s) 05-0-01449	(for Court's use) <div style="text-align: center;"> PUBLIC MATTER FILED DEC 20 2006 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO </div>
<input checked="" type="checkbox"/> Counsel for Respondent <input type="checkbox"/> In Pro Per, Respondent JONATHAN ARONS 101 Howard St. #310 San Francisco, CA 94105 Bar # 111257	Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge	
In the Matter of GORDON G. BONES Bar # 147679 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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 July 25, 1990
(date)
- (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 and order consist of 11 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (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.

(Do not write above this line.)

(8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- (a) costs added to membership fee for calendar year following effective date of discipline
(b) costs to be paid in equal amounts prior to February 1 for the following membership years:

_____ (hardship, special circumstances or other good cause per rule 282, Rules of Procedure)

- (c) costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
(d) costs entirely waived

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

(1) Prior record of discipline [see standard 1.2(f)]

(a) State Bar Court case # of prior case _____

(b) Date prior discipline effective _____

(c) Rules of Professional Conduct/ State Bar Act violations: _____

(d) Degree of prior discipline _____

(e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline".

(2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

(3) **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.

(4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.

(5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances are involved.**

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. 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 deemed serious.
See attached
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
See attached
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her 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 him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct, Respondent suffered extreme emotional difficulties or physical 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 the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.

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- (10) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (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:

D. Discipline

1. Stayed Suspension.

- (a) Respondent must be suspended from the practice of law for a period of 1 year
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
 - ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this Stipulation.
 - iii. and until Respondent does the following: _____

The above-referenced suspension is stayed.

2. Probation.

Respondent is placed on probation for a period of 2 years, which will commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.)

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E. Additional Conditions of Probation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (3) Within 30 days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (4) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent must state whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state in each report whether there are any proceedings pending against him or her in the State Bar Court and, if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (5) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (6) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7) Within one (1) year of the effective date of the discipline herein, respondent must provide to the Office of Probation satisfactory proof of attendance at a session of State Bar Ethics School, and passage of the test given at the end of that session.
 - No Ethics School recommended. Reason: _____
- (8) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (9) The following conditions are attached hereto and incorporated:
 - Substance Abuse Conditions
 - Medical Conditions
 - Law Office Management Conditions
 - Financial Conditions

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F. Other Conditions Negotiated by the Parties:

(1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.

No MPRE recommended. Reason: _____

(2) Other Conditions:

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Gordon Bones

CASE NUMBER(S): 05-O-01449

FACTS AND CONCLUSIONS OF LAW.

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

Count One

Statement of Facts

On or about December 25, 2000, Manuel Zapata's ("Zapata") sister and primary caretaker, Mary Lou Estrada ("Estrada"), passed away leaving an estate containing a piece of property on 1525 E Street in Rio Linda, California. Zapata was the only named beneficiary of Estrada's estate. On or about November 4, 2001, Zapata's niece, Erlinda Zapata ("Erlinda"), received power of attorneys ("POA") for the care of Zapata's health and assets.

On or about December 19, 2001, Erlinda signed a retainer agreement with respondent for the purpose of representing Erlinda as the attorney-in-fact on behalf of Zapata. Respondent had a fiduciary relationship to protect the interest of Estrada's estate for the benefit of Zapata.

On or about December 28, 2001, escrow closed on the sale of the Rio Linda property.

In or around early January 2002, Erlinda requested respondent provide her with a letter estimating the value of the care she provided Zapata from October 24, 2000, through November 21, 2001, and the value of the care she provided to Estrada from October 22, 2001, through December 26, 2001.

On or about January 7, 2002, respondent wrote a letter to Erlinda stating, based on his research and information given to him by Erlinda, Erlinda was entitled to be compensated in the amount of \$41,827.00 for the care of Zapata and Estrada. At no time did respondent receive or seek any writing from Zapata permitting Erlinda to receive assets from Estrada's estate for the care of Zapata and/or Estrada.

Prior to on or about January 8, 2002, Erlinda had control over an account at Schools Financial Credit Union containing the proceeds of the sale of the Rio Linda property. Erlinda was obligated to hold those funds for the benefit of Zapata. Prior to January 8, 2002, respondent knew that Erlinda intended to pay herself \$41,827 from the funds that she was obligated to hold

for the benefit of Zapata. On or about January 8, 2002, Erlinda transferred to herself \$41,827 out of the Schools Financial Credit Union. By permitting Erlinda to withdraw \$41,827 without Zapata's permission, respondent violated his fiduciary duties to protect the interest of Estrada's estate for the benefit of Zapata.

On or about July 16, 2002, Zapata terminated his POA's given to Erlinda and gave a new POA's to his daughter Terri Lynn Zapata ("Terri"). On or about October 11, 2002, following notification from G. Cat Stokes ("Stokes"), Terri's attorney, that Terri was given Zapata's POA, respondent enclosed a \$35,000.00 check with his letter to Stokes to be held in Stokes' Client Trust Account and informing Stokes that he was withholding \$6,196.22 "pending a final resolution of all potential issues with respect to this matter, including Mr. Zapata's capacity to execute legal document."

On or about November 24, 2003, Stokes filed against Erlinda a Petition To Compel Accounting And To Compel Return Of Assets ("Petition") in Sacramento County Superior Court demanding the return of approximately \$47,000.00 plus accrued interest.

On or about April 19, 2004, respondent filed a response to the Petition on behalf of Erlinda. On or about July 13, 2004, at the settlement conference in Zapata, Erlinda agreed to pay the disputed amount. On or about July 27, 2004, respondent paid \$5,000 from his own funds as part of the settlement. Respondent expected that Erlinda would reimburse him.

Prior to on or about July 16, 2002, Erlinda was removed as the attorney-in-fact for Zapata. On or about July 16, 2002, respondent declared the \$6,196.22 that he withheld as the payment of his legal fees for the services he provided Erlinda as Zapata's attorney in fact. Respondent did so without Terri's knowledge or permission.

As a result of respondent's breach of his fiduciary duties, Zapata ultimately lost \$1,148 plus interest from July 2002.

On or about November 28, 2006, respondent repaid Zapata the \$1,148 plus interest.

Conclusions of Law

By advising and allowing Erlinda to withdraw approximately \$41,827.00 out of the Estate of Estrada, respondent violated his fiduciary duties to protect the Estate of Estrada for the benefit of Zapata and thereby failed to support laws of the State of California, in wilful violation of Business and Professions Code section 6068(a).

Count Two

Statement of Facts

On or about December 19, 2001, Erlinda signed a retainer agreement with respondent for the purpose of representing Erlinda as the attorney-in-fact on behalf of Zapata. On or about January 7, 2002, respondent provided legal advice to Erlinda when he advised her regarding the compensation she could charge Zapata and gave her permission to withdraw funds from the Estate of Estrada. Zapata's and Erlinda's interests actually conflicted because they both were claiming a right to the same funds.

Respondent constructively accepted representation of Erlinda, in her individual capacity, regarding her request for compensation from the Estate of Estrada. Respondent accepted representation of Erlinda without providing any written disclosure to Zapata or Erlinda regarding the actual conflict of interest. At no time did respondent receive the written informed consent from either Erlinda or Zapata to represent Erlinda.

Conclusions of Law

By accepting and continuing representation of Erlinda and Zapata without their informed written consent regarding the actual conflict of interest, respondent represented more than one client in a matter in which the interests of the clients actually conflicted, in wilful violation of Rules of Professional Conduct, rule 3-310(C)(2).

MITIGATING CIRCUMSTANCES

Standard 1.2(e)(i). No Prior Record. Respondent has been admitted since 1970 and has no prior record of discipline.

Standard 1.2(e)(v). Cooperation. Respondent agreed to the imposition of discipline without requiring a hearing.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was November 2, 2006.

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In the Matter of GORDON G. BONES, Bar # 147679	Case number(s): 05-0-01449
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SIGNATURE OF THE PARTIES

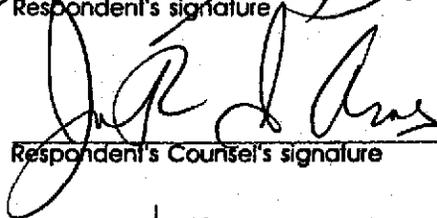
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law and Disposition.

11/29/2006
Date


Respondent's signature

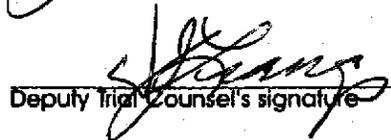
GORDON G. BONES
Print name

November 29 2006
Date


Respondent's Counsel's signature

JONATHAN I. ARONS
Print name

11/29/06
Date


Deputy Trial Counsel's signature

WONDER J. LIANG
Print name

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In the Matter of GORDON G. BONES	Case number(s): 05-O-01449
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ORDER

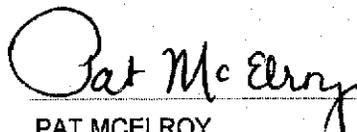
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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 8, under Conclusions of Law, respondent violated section 4128 of the California Probate Code and thereby failed to support the laws of the State of California in violation of Business and Professions Code section 6068(a).
2. On page 9, under Mitigating Circumstances the year 1970 is deleted and in its place is inserted the year 1990.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953(a), California Rules of Court.)**

Dec 18, 2006
Date


PAT MCELROY
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 San Francisco, on December 20, 2006, 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:

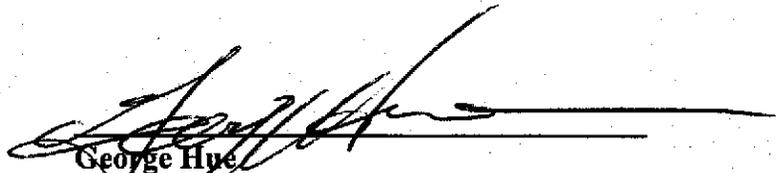
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**JONATHAN ARONS
101 HOWARD ST #310
SAN FRANCISCO CA 94105**

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

WONDER LIANG, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **December 20, 2006.**



George Hue
Case Administrator
State Bar Court