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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 Manuel Jimenez Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2288 Bar # 218234 | Case number(s) 05-0-03452 <div style="text-align: center; font-size: 1.2em; font-weight: bold;">PUBLIC MATTER</div> | (for Court's use) <div style="text-align: center; font-size: 1.5em; font-weight: bold;">FILED <i>LD</i></div> <div style="text-align: center; font-weight: bold;">OCT 16 2006</div> <div style="text-align: center;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</div> |
| <input type="checkbox"/> Counsel for Respondent <input checked="" type="checkbox"/> In Pro Per, Respondent Cynthia A. Thomas 5050 Laguna Blvd., #112-329 Elk Grove, CA 95758 Bar # 96180 | Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED | |
| In the Matter of Cynthia A. Thomas Bar # 96180 A Member of the State Bar of California (Respondent) | | |

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 16, 1980
(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 13 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.

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

- ☐ until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
- ☒ costs to be paid in equal amounts prior to February 1 for the following months
3 billing cycles following the effective date of the Supreme Court Order.
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- ☐ 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.

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

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- (10) ☒ **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.
- (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 six months
- 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: _____
- (b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of one year
which will commence upon the effective date of the Supreme Court order in this matter.
(See rule 953, Calif. Rules of Ct.)

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(3) ☒ Actual Suspension:

(a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of thirty (30) days

- 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: _____

E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ 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.
- (4) ☒ Within thirty (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.
- (5) ☒ 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 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.

- (6) ☐ 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.
- (7) ☒ 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.

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- (8) ☒ 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 the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: _____
- (9) ☐ 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.
- (10) ☐ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

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 during the period of actual suspension or within one year, whichever period is longer. 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) ☐ **Rule 955, California Rules of Court:** Respondent must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 955, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: _____
- (5) ☐ **Other Conditions:**

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: CYNTHIA A. THOMAS

CASE NUMBER(S): 05-O-03452

FACTS AND CONCLUSIONS OF LAW.

Respondent acknowledges that she violated Business and Professions Code section 6068(m), as set forth below:

On or about May 21, 2004, Mark Anthony Jones was sentenced by the Superior Court to state prison for a term of 25 years to life. This sentencing was after the Court of Appeal had affirmed Mr. Jones' conviction. While affirming the conviction, the Court of Appeal vacated Mr. Jones' sentence and remanded the matter to the Superior Court for re-sentencing. The California Supreme Court denied Mr. Jones' petition for review.

Respondent represented Mr. Jones in that original appeal to both the Court of Appeal and the California Supreme Court.

Prior to being re-sentenced, Mr. Jones filed a motion before the Superior Court for a new trial alleging that Mr. Jones' constitutional rights under the sixth amendment to the U.S. Constitution were violated, citing to *Crawford v. Washington* (2004) 541 US 158. This motion was denied. Respondent also filed a motion with the Superior Court to strike his prior convictions. It was also denied.

Consequently, on or about May 21, 2004, Mr. Jones was sentenced by the Superior Court to state prison for a term of 25 years to life. Mr. Jones appealed that sentence.

On or about June 30, 2004, Respondent was appointed to represent Mr. Jones in the appeal after the re-sentencing, entitled, *People v. Jones*, California Court of Appeal, First Appellate District, Division Three, Appeal No. A106690.

Mr. Jones requested that Respondent raise in the appeal the motion for a new trial as well as the request to strike his prior convictions.

Respondent researched the application of *Crawford v. Washington*, a United States Supreme Court case that seemed to be applicable Mr. Jones' case. (*Crawford v. Washington*, (2004) 124 S.Ct. 1354.) The *Crawford* decision was decided after her client's, Mark Anthony Jones, initial appeal was over. Although as appointed counsel, respondent was not obligated to research the applicability of *Crawford* to Mr. Jones' case for a possible habeas petition, (*In re Clark* (1993) 5 Cal.4th 750, 783, fn. 20), counsel accepted the responsibility to provide some assistance in this matter. However, respondent uncovered decisions that held that *Crawford* did not apply to the admission of "adoptive admission" evidence, which was the issue in Mr. Jones'

case. (See, *People v. Roldan* (2005) 35 Cal.4th 646.)

On or about October 28, 2004, Respondent sent Mr. Jones a letter and a copy of the opening brief she was filing in this new appeal. In her letter, Respondent informed Mr. Jones that in the appeal she had only raised the issue of his re-sentencing as cruel and unusual punishment. She wrote that she did this because her research revealed that on remand a trial court does not have the authority to hear a second motion for a new trial, but that if Proposition 66, which was attempting to narrow California's three strikes rule, was approved by the voters in California in November 2004, she would file a supplemental brief in the Court of Appeal arguing that the case must be remanded for a new sentencing hearing. She also informed Mr. Jones that if Proposition 66 is not approved by the voters in California, she expects that she will file a petition for writ of habeas corpus addressing the motion for a new trial based on *Crawford v. Washington*.

On or about October 29, 2004, the Court of Appeal filed Respondent's opening brief on behalf of Mr. Jones.

In or about early November 2004, the voters in California rejected Proposition 66.

On or about November 23, 2004, the State Attorney General's Office filed its responsive brief in this matter.

Subsequent to in or about October 29, 2004, Respondent performed no further services in this matter. Respondent failed to file a supplemental brief or a petition for a writ of habeas corpus to address the motion for a new trial and *Crawford v. Washington* (2004) 541 US 158 or advise Mr. Jones that she was not going to do so. She failed to address the issues Mr. Jones asked her to address. Respondent also failed to provide Mr. Jones with a copy of the Attorney General's brief, despite Mr. Jones' numerous requests for that document. Respondent in effect withdrew from representing Mr. Jones without informing him of this or obtaining court permission.

Subsequent to on or about October 28, 2004, Respondent failed to communicate with Mr. Jones, despite Mr. Jones' numerous attempts to contact Respondent and ascertain the status of his appeal and his request that a writ of habeas corpus be filed. Respondent also failed to deliver to Mr. Jones a copy of his file, the Attorney General's brief, and the sentencing transcripts, despite Mr. Jones' numerous requests for those papers. Despite not being required to do so under the court of appeal appointment, once she chose to undertake the task of researching the matter, counsel should have promptly communicated her findings to her client, and turned over all materials to him so that he could pursue the matter on his own.

On or about January 18, 2005, Mr. Jones attempted to file his own supplemental brief in the Court of Appeal, addressing the motion for a new trial based on *Crawford v. Washington*. He did so because he had not heard from Respondent, despite his numerous attempts to contact her. On or about January 25, 2005, the Court of Appeal rejected the filing of Mr. Jones' supplemental brief because Mr. Jones was not *pro per* but represented by Respondent.

On or about February 8, 2005, the Court of Appeal affirmed Mr. Jones' sentence. Subsequently, Respondent failed to communicate with Mr. Jones, including failing to inform Mr. Jones of the Court of Appeal decision. Respondent also failed to advise Mr. Jones of his legal options. On or about April 20, 2005, Mr. Jones attempted to file a pleading in this matter with the

California Supreme Court addressing the sentencing issues. He did so because he had not heard from Respondent, despite his numerous attempts to contact her. On or about April 25, 2005, the Supreme Court returned Mr. Jones' pleading, which it designated a petition for review. The Clerk of the Supreme Court informed Mr. Jones that the Court of Appeal had affirmed the judgement against him on February 8, 2005 and that the Supreme Court lost jurisdiction to act on the petition for review on April 11, 2005. Until he received the April 25, 2005 notice from the Supreme Court, Mr. Jones did not know that the Court of Appeal had rendered a decision in his matter.

Counsel has stated that she had hoped to assist Mr. Jones, but as time passed she failed to communicate his options with him. While not abandoning her responsibility to complete the second appeal, and not interfering with Mr. Jones' ability to pursue any federal claim by way of habeas corpus petition based on similar issues contained in the first appeal, counsel failed to properly communicate with Mr. Jones in a timely manner so that he could seek other recourse.

Counsel failed to transmit the record and file to Mr. Jones as he requested in a timely manner. Although respondent thought this had been done, due to personal problems, she failed to follow up and as a result Mr. Jones never received the file.

PENDING PROCEEDINGS.

As of August 29, 2006, Respondent has no pending investigations/proceedings not resolved by this stipulation necessitating disclosure as required, on page one, paragraph A.(7).

COSTS OF DISCIPLINARY PROCEEDINGS.

Costs to be paid in equal amounts prior to February 1 for the following three (3) billing cycles following the effective date of the Supreme Court order. Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of August 29, 2006, the estimated prosecution costs in this matter are approximately \$2,296.00. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. 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.

AUTHORITIES SUPPORTING DISCIPLINE.

Standards

In determining the appropriate level of discipline, the court should look to the Standards for Professional Misconduct. In *In re Morse* (1995) 11 Cal.4th 184, 206, the California Supreme Court stated:

"To determine the appropriate level of discipline ... we... must first look to the

standards for guidance. 'These guidelines are not binding on us, but they promote the consistent and uniform application of disciplinary measures. Hence we have said that 'we will not reject a recommendation arising from application of the standards unless we have grave doubts as to the propriety of the recommended discipline.(Citation Omitted.)'"

Case Law

The Court should look at case authority in determining the appropriate level of discipline to determine whether the discipline is consistent or disproportional to prior decisions on the same set of facts. (In re Morse, supra, 11 Cal.4th at pp. 207-208; Snyder v. State Bar (1990) 49 Cal.3d 1302, 1310-1311.) Similar cases can indicate appropriate discipline. *Id.*

Because an incarcerated client has a limited ability to assist an attorney or to stay apprized of the attorney's efforts, the abandonment of an incarcerated client is a serious matter warranting substantial discipline. *In the Matter of Nees* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 266.

Where respondent did not believe his client had a strong case and thought more evidence was needed in order to prevail, he had a choice: proceed diligently in advancing the client's legitimate claims, or promptly advise the client that she had no meritorious claims and withdraw from representation if the client insisted on pursuing her claim. He could not simply let excessive time pass, lead his client to believe he would advance her claim and neither do so nor take appropriate action to withdraw so the client might consult other counsel. This course of action warranted a finding that respondent was culpable of incompetent representation. *In the Matter of Rodriguez* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 480.

In a case where the Respondent had a prior discipline, including thirty (30) days actual suspension, Respondent was suspended for six months actual suspension for failing to act competently. The court held that an attorney has an obligation to perform services diligently and if the attorney knows he or she does not have or will not acquire sufficient time to do so, the attorney must not continue representation in the matter. Reckless or repeated inattention to client needs need not involve deliberate wrongdoing or purposeful failure to attend to duties in order to constitute wilful violation of duty to perform competently. Fact that respondent performed some services for a probate estate did not excuse his misconduct in delaying closure of the estate, especially where respondent's asserted justification for delay was that he was busy on other matters. *In the Matter of Layton* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 366.

In matters involving abandonment of a single client by an attorney with no prior record of discipline, discipline imposed by Supreme Court has ranged from no actual suspension to 90 days of actual suspension. Where respondent's misconduct was serious, harmed client, and included trust account violation as well as abandonment and failure to communicate, but respondent presented

impressive mitigating evidence, including services to disadvantaged clients and to minority community, and respondent expressed sincere aspiration not to be involved in disciplinary proceedings again, review department recommended actual suspension of 30 days, with stayed suspension of six months and one year of probation. *In the Matter of Nunez* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 196.

AGGRAVATING CIRCUMSTANCES.

Harm (Standard 1.2(b)(iv)). Because Respondent never advised her client about his legal options and never filed or discussed filing an appeal to the California Supreme Court, the time by which such an appeal had to be filed, never filed for a writ of habeas corpus, nor any other actions on his behalf, the client lost the right to pursue his appeal because of Respondent.

MITIGATING CIRCUMSTANCES.

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

No Prior Discipline (Standard 1.2(e)(i)). Respondent was admitted to practice on December 16, 1980, and has no prior disciplinary record.

Extreme Emotional Difficulties (Standard 1.2(e)(iv)). Respondent, at the relevant time in question, was involved with the medical and emotional problems associated with the hospitalization and institutionalization of her mother.

STATE BAR ETHICS SCHOOL.

Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

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

(Do not write above this line.)

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|---|-----------------------------------|
| In the Matter of Cynthia A. Thomas | Case number(s): 05-0-03452 |
|---|-----------------------------------|

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.

9/26/06
Date


Respondent's signature

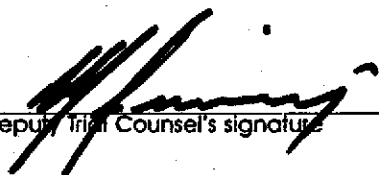
Cynthia A. Thomas
Print name

Sept.
Date

Respondent's Counsel's signature

Print name

Sept. 27, 2006
Date


Deputy Trial Counsel's signature

Manuel Jimenez
Print name

(Do not write above this line.)

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|---|-----------------------------------|
| In the Matter of Cynthia A. Thomas | Case number(s): 05-0-03452 |
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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.

Costs to be paid in 2008, 2009, and 2010.

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.)

10/16/06
Date

John W. Remke
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 October 16, 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:

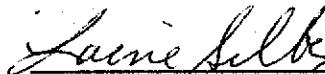
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**CYNTHIA ANN THOMAS
5050 LAGUNA BLVD #112-329
ELK GROVE, CA 95758**

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

MANUEL JIMENEZ, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **October 16, 2006.**



Laine Silber
Case Administrator
State Bar Court