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<div style="display: flex; justify-content: space-between; align-items: center;"> <div>  <p>018 044 683</p> </div> <div style="text-align: center;"> State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION </div> <div style="text-align: right; font-size: 2em; font-weight: bold;"> PUBLIC MATTER </div> </div>		
<p>Counsel For The State Bar</p> <p>Charles T. Calix Deputy Trial Counsel 1149 South Hill St. Los Angeles, CA 90015-2299 (213) 765-1255</p> <p>Bar # 146853</p>	<p>Case Number(s): 11-O-10016, 11-O-14021</p>	<p>For Court use only</p> <div style="text-align: center; margin-top: 50px;"> <p style="font-size: 2em; font-weight: bold;">FILED</p> <p>JAN 09 2012</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> </div>
<p>In Pro Per Respondent</p> <p>Jerry A. LaCues 3110 Chino Ave., #230 Chino Hills, CA 91709</p> <p>Bar # 77088</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: Jerry A. LaCues</p> <p>Bar # 77088</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 21, 1977.
- (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 13 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."

- (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. (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 5.130, Rules of Procedure.
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: 2013 & 2014. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is 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 [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 02-O-14730
 - (b) ☒ Date prior discipline effective August 10, 2004
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: rule 3-110(A)
 - (d) ☒ Degree of prior discipline private reproof
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (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.

- (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.
- (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 two (2) years.
- 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 two (2) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

- (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 the 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.
- (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 checked="" 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 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**

☐ No MPRE recommended. Reason:

- (2) ☐ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, 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 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, 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:**

(Do not write above this line.)

In the Matter of:
Jerry A. LaCues, no. 77088

Case Number(s):
11-O-10016, 11-O-14021

Financial Conditions

a. Restitution

- ☐ Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From

- ☐ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

b. Installment Restitution Payments

- ☐ Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- ☐ If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

c. Client Funds Certificate

- ☐ 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. **Client Trust Accounting School**

- ☒ Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Jerry A. LaCues

CASE NUMBER(S): 11-O-10016, 11-O-14021

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.

Case No. 11-O-10016 (Complainant: Michael Goudie)

FACTS:

1. In or about 2003, Michael Goudie ("Goudie") employed Respondent to collect a money judgment of \$131,821.74 awarded by the Los Angeles County Superior Court in the case entitled *Cau-Min Li v. Zhanjun Luo*, case no. KC025568 (the "Li case"). Goudie had purchased the judgment from the judgment creditor. At that time, Goudie paid Respondent \$4,500 in advanced fees.
2. Goudie also employed Respondent to pursue a malpractice claim against a prior counsel who had failed to timely contest the action of the judgment debtor in the Li case in encumbering real property to evade satisfaction of the judgment. Respondent filed a civil action for malpractice in or about 2004 and prepared the case for trial, but the case was settled for a waiver of costs.
3. The debtor in the Li case filed for bankruptcy and Respondent represented Goudie in opposing the discharge of the debt. The bankruptcy trustee was successful in setting aside the encumbrance on the judgment debtor's real property, which was the sole asset of the bankruptcy estate.
4. In June 2006, Respondent reached a stipulated agreement with the bankruptcy trustee that \$120,000 of the funds from the sale of the property would be paid to satisfy Goudie's judgment lien. Thereafter, the judgment debtor continued to contest issues in the bankruptcy case, increasing the expenses of the bankruptcy trustee, and the bankruptcy trustee sought to obtain reimbursement prior to any payment in satisfaction of the judgment in the Li case.
5. On May 14, 2009, Respondent filed a motion in the bankruptcy court to enforce the settlement with the bankruptcy trustee which was granted by the court. During the pendency of that motion, the bankruptcy trustee made several offers to pay lesser amounts, which Goudie rejected. After, the court granted the motion to enforce the settlement, Goudie requested that Respondent seek payment of Respondent's attorney fees from the bankruptcy trustee, but Respondent advised against this action.
6. In June 2009, Respondent received on behalf of Goudie the sum of \$120,000 from the bankruptcy trustee in satisfaction of the judgment in the Li case. On June 26, 2009, Respondent deposited the \$120,000 in a client trust account maintained by Respondent at Pacific Western Bank (the "CTA").

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7. After the deposit of the \$120,000 received on behalf of Goudie in the CTA, the balance in the CTA dropped below that amount beginning on or about July 10, 2009. On July 24, 2009, the balance in the CTA was \$91,300.12.

8. Respondent states that he believed that his fee agreement with Goudie gave him a lien on any recovery for his fees, but neither Goudie nor Respondent can produce a copy of the 2003 fee agreement. Also, Respondent states that he and Goudie had discussed his fees during the time that the motion to enforce the settlement was pending, and Respondent believes that Goudie had agreed that Respondent could take a third of the funds for his fees instead of the hourly fees provided for in the 2003 fee agreement. Respondent does not have any written confirmation of a change in the fee agreement, and Goudie states that he did not agree that Respondent could take a third to pay his fees.

9. On August 31, 2009, Respondent disbursed \$80,000 from the CTA to Goudie. At that time, Respondent did not provide any explanation to Goudie for why he was disbursing less than the full amount of the funds received on behalf of Goudie. By letter dated September 1, 2009, Goudie asked Respondent why he had retained a third of the funds and requested the disbursement of the remaining funds and an accounting for Respondent's fees.

10. Thereafter, Respondent provided the billing to Goudie for fees totaling \$49,061, but Respondent did not disburse any additional funds to Goudie. By letter dated September 23, 2009, Goudie informed Respondent that he disputed Respondent's fees. On November 5, 2009, Goudie emailed and mailed a letter to Respondent requesting that he pay Goudie the remaining \$20,000 of the funds Respondent received on his behalf by a certain date.

11. On December 1, 2009, Respondent paid Goudie the sum of \$8,200 from the CTA. On or about December 2, 2009, Goudie emailed and mailed a letter to Respondent demanding payment of further funds received by Respondent on his behalf. Respondent received the letter. Thereafter, Respondent did not promptly pay to Goudie the remaining funds received on his behalf as requested by the client.

12. After the disbursement of \$8,200 from the CTA to Goudie on or about December 1, 2009, Respondent was required to maintain the sum of \$31,800 on behalf of Goudie in the CTA. On or about May 28, 2010, the balance in the CTA was \$16,161.40. On June 30, 2010, the balance in the CTA was \$3,652.51. On July 20, 2010, the balance in the CTA was \$1,647.54. On or about November 19, 2010, the balance in the CTA was \$67.06.

13. In or about January 2010, Respondent agreed to return to Goudie \$16,300 of the funds he had taken as fees. Between in or about September 2010 and in or about December 2011, Respondent paid that sum to Goudie.

CONCLUSIONS OF LAW:

14. By not maintaining the funds received on behalf of Goudie in the CTA until disbursed at Goudie's direction, Respondent failed to maintain the balance of funds received for the benefit of a client and deposited in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import in willful violation of Rules of Professional Conduct, rule 4-100(A).

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Case No. 11-O-14021 (Complainant: Donald Hitzfield)

FACTS:

15. On or about February 13, 2004, Donald V. Hitzfield ("Hitzfield") hired Respondent to represent Hitzfield in a medical malpractice matter against Larry Marc Gersten, M.D ("Dr. Gersten").

16. On or about May 13, 2004, Respondent served notice of intent to sue on Dr. Gersten.

17. On or about November 17, 2004, Respondent filed a lawsuit on behalf of Hitzfield titled *Donald V. Hitzfield v. Larry Marc Gersten, M.D.*, OSC Case No. 04CC11377. On or about March 29, 2005, Respondent dismissed the lawsuit pursuant to an arbitration clause in Hitzfield's binding arbitration agreement with Dr. Gersten.

18. Between in or about February 2004 and in or about November 2011, Hitzfield repeated contacted Respondent to induce Respondent to perform the work necessary to conduct the conduct the arbitration hearing and to then conduct the arbitration hearing. During that time, Respondent repeatedly assured Hitzfield that Respondent was working on the matter or would work on the matter, when in fact Respondent was not working on the matter or did not perform the work he had told Hitzfield that he would perform.

19. As of November 2011, Respondent has failed to set the arbitration hearing and/or communicate with opposing counsel to set the arbitration hearing.

CONCLUSIONS OF LAW:

20. By repeatedly assured Hitzfield that he was working on the matter or would work on the matter, when in fact he was not working on the matter or did not perform the work he had told Hitzfield that he would perform, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was November 21, 2011.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.2 of the Standards Pertaining to Sanctions for Professional Misconduct provides that the appropriate sanction for a violation of the trust fund rule which does not constitute willful misappropriation of entrusted fees is at least three months actual suspension, irrespective of mitigating circumstances.

Standard 2.4 addresses offenses involving wilful failure to communicate or to perform services and, in the case of failure to perform in an individual matter or matters not demonstrating a pattern of misconduct, provides for reproof or suspension upon the extent of the misconduct and the degree of harm to the client.

4

Misconduct which involves the unilateral taking of fees from client funds has resulted in a discipline below the minimum set forth in the standard. See *Dudugjian and Holliday v. State Bar* (1991) 52 Cal.3d 1092 (imposing a public reproof for retaining \$5,000 settlement funds in a non-trust account and refusing to disburse to the clients in a mistaken belief that the clients had given permission for the attorneys to take the funds as fees).

Failure to perform (not establishing a pattern) has resulted in stayed suspension or an actual suspension up to 90 days even with no prior record of discipline. See *Layton v. State Bar* (1991) 50 Cal.3d 889 (30 day actual suspension for abandonment of a single trust/estate matter with no prior discipline in 30 years); *King v. State Bar* (1990) 52 Cal.3d 307 (three months actual suspension for abandonment in two client matters with no prior misconduct and substantial mitigation); *Harris v. State Bar* (1990) 51 Cal.3d 1082 (90 days actual for abandonment of single client matter; no prior discipline in 10 years); *Van Sloten v. State Bar* (1989) 48 Cal.3d 921 (stayed suspension, no actual, for abandonment of a single client matter; no prior discipline); *In the Matter of Aguiluz* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 32 (stayed suspension, no actual, for abandonment of client and failure to release client file; no prior discipline).

Respondent's misconduct involved two client matters and does not establish a pattern. He has a prior discipline of a private reproof. Given the extent of the misconduct and the degree of harm to the clients, a 30-day actual suspension with a probation is an appropriate level of discipline under the standards and the caselaw.

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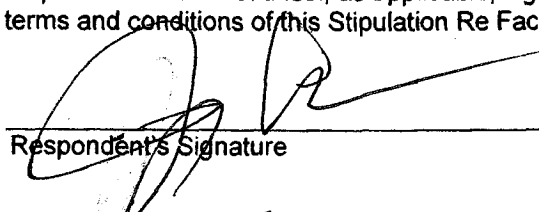
In the Matter of:
Jerry A. LaCues

Case number(s):
11-O-10016 and 11-O-14021

SIGNATURE OF THE PARTIES

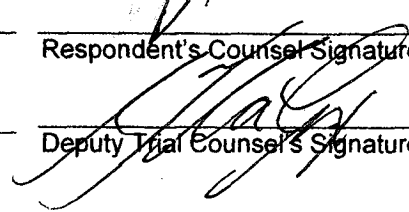
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

Dec 1
November, 2011
Date


Respondent's Signature

Jerry A. LaCues
Print Name

Dec. 20
November, 2011
Date


Respondent's Counsel Signature
Deputy Trial Counsel's Signature

Print Name
Charles T. Calix
Print Name

(Do not write above this line.)

In the Matter of: Jerry A. LaCues	Case Number(s): 11-O-10016 and 11-O-14021
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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. Insert an "X" in the box at paragraph E. (4) on page 5 of the Stipulation.

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 5.58(E) & (F), 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 9.18(a), California Rules of Court.)

Date

1/9/12


RICHARD A. HONN

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 January 9, 2012, 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:

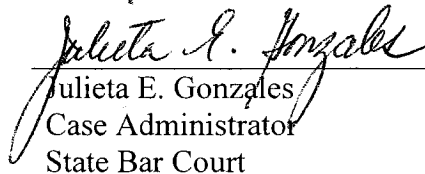
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JERRY A LACUES ESQ
LAW OFC JERRY A LACUES
3110 CHINO AVE #230
CHINO HILLS, CA 91709

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

Charles T. Calix, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 9, 2012.


Julieta E. Gonzales
Case Administrator
State Bar Court