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State Bar Court of California Hearing Department San Francisco ACTUAL SUSPENSION		
Counsel For The State Bar Donald R. Steedman 180 Howard Street, 7th Floor San Francisco, CA 94105 Bar # 104927	Case Number(s): 11-O-19332	For Court use only <p style="text-align: center;">PUBLIC MATTER</p> <p style="text-align: center;">FILED</p> <p style="text-align: center;">MAR 12 2012</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
In Pro Per Respondent G. Cat Stokes 3600 Power Inn Rd., Suite A3 Sacramento, CA 95826 Bar # 112473	Submitted to: 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: G. Cat Stokes Bar # 112473 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 January 5, 1984.
- (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 10 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: (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
 - (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.
- (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.

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- (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. Respondent has no prior discipline and has been admitted to practice for many years.
- (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. Respondent has been fully cooperative in the State Bar investigation.
- (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. Respondent reported himself to the court and to the State Bar, and has expressed his remorse for his 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.

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(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 one 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:

(b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of two 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 90 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

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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:
 - Substance Abuse Conditions
 - Medical Conditions
 - Law Office Management Conditions
 - 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.**

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- 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:**

Attachment language (if any):

DISCLOSURE OF INVESTIGATIONS

The disclosure mentioned in paragraph A.7 was made on February 15, 2012.

STATEMENT OF FACTS AND CONCLUSIONS OF LAW

1. Respondent wilfully violated Business and Professions Code, section 6106, by committing conduct involving moral turpitude, dishonesty and corruption, as follows:
2. Prior to September 30, 2011, Karen Leach Nuehring (“Nuehring”) employed respondent to represent her as petitioner in the matter of Marvin David Boyce, decedent.
3. Marvin David Boyce had two heirs, who were the decedent’s daughters by different mothers. One heir was Tiffany Rose Boyce, who was the daughter of Nuehring. The second heir was Sytoria M. Boyce (then aged 14), who was the daughter of Victoria McIntosh. Marvin David Boyce was also survived by his father, J. M. Boyce.
4. On or about September 30, 2011, respondent filed an ex parte petition for probation requesting that Nuehring be appointed executor of the Estate of Marvin David Boyce aka Marvin D. Boyce, Decedent, case number 34-2011-00111610, Sacramento County Superior Court.
5. On or about September 30, 2011, the superior court denied the petition without prejudice finding “...that at least 24 hours notice to the heirs and beneficiaries in compliance with CRC 3.1203 is reasonable and necessary.”
6. Respondent chose not to give notice to Sytoria Boyce and her mother, but instead obtained the ex parte order through acts of forgery and misrepresentation, as follows:
7. On or about October 1, 2011, respondent forged the signatures of Sytoria Boyce and J. M. Boyce to a document entitled “Acknowledgement of Receipt of Notice and Waiver of Time.” The Acknowledgement stated that purported signatories

“...acknowledge receipt of notice concerning the ex parte application for appointment of a Special Administrator to collect rents, marshal assets and secure estate funds in an estate account from which to pay late, current and pending bills, is in the best interest of the estate and thus to appoint as swiftly as the law allows, do also waive time for such notice.”

On or about October 3, 2011, respondent filed this document with the superior court in the probate case. Respondent took all of these actions, i.e., forging the signatures, waiving Sytoria Boyce’s notice rights, and filing the document, knowing that he did so without the knowledge and without the consent of Sytoria Boyce, J.M. Boyce, or Victoria McIntosh, or any of them.

9. The October 3, 2011 “Acknowledgement of Receipt of Notice and Waiver of Time” listed J.M. Boyce as “grandfather/custodian,” by which respondent intended to mean that J.M. Boyce was the custodian

of Sytoria Boyce. This statement was false and misleading because J.M. Boyce was not the custodian of Sytoria Boyce.

10. On October 3, 2011, respondent signed and filed a handwritten declaration under penalty of perjury in the probate court case stating in pertinent part as follows:

“3. With respect to notice to the minor beneficiary’s surviving parent, request is made that notice of this ex parte be dispensed with and waived by the court. Declarant is informed and believes that Victoria Smith, mother of Sytoria Boyce cannot be presently be located or contacted on the phone.

“4. Declarant is further informed and believes that the minor child, Sytoria, has resided back and forth between paternal grandparents and her mother for several years, and that Sytoria has presently been residing with her paternal grandparents for the past two weeks. The minor is 14 years old and understands the purpose + effect of the petition. And, the grandparents are looking out for her best interests.”

Respondent’s statements were false and misleading because: (1) Sytoria Boyce’s mother was not named “Smith”; (2) Sytoria Boyce’s mother could be located and could be contacted by telephone; (3) Sytoria Boyce was living with her mother; (4) respondent had no basis for believing the Sytoria Boyce understood the purpose and effect of the petition; and (5) the grandparents had not undertaken to look out for Sytoria Boyce’s interests in connection with the probate matter.

11. On or about October 3, 2011, based upon respondent’s forgeries and misrepresentations, the court issued temporary letters of special administration to Nuehring.

12. By submitting forged documents to the court and by making false, misleading and perjurious statements to the court, and by fraudulently obtaining letters of administration in violation of the rights of Sytoria Boyce, respondent committed conduct involving moral turpitude, dishonesty and corruption.

13. Respondent did give notice to J.M. Boyce and Sartoria Boyce of a November 18, 2011 hearing in which the court considered whether to appoint a permanent administrator for the Estate. J.M. Boyce appeared and indicated that he had not signed the above-mentioned document by which Neuhring had been temporarily appointed. At this point, the court asked the parties to discuss the matter amongst themselves. In the subsequent private discussion, respondent admitted that he had forged the signatures as stated above. When court resumed, the case was continued until January 20, 2011, and the parties stated that they had agreed to file an amended petition wherein both mothers would be named as co-executors.

14. On November 21, 2011, respondent provided the court with letters admitting his misconduct as described above. On December 14, 2011, the court ordered respondent to show cause as to why he should not be sanctioned. At the time of this stipulation, the court has not yet completed proceedings concerning the sanction matter.

15. On or about November 21, 2011, respondent reported his misconduct to the State Bar of California.

16. The State Bar believes, based on its investigation of this matter, that respondent did not intend to deprive any heir of their right to property. Respondent believed (erroneously, it turned out) that the Boyce

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family was in accord concerning the administration of the estate. Respondent created the false documents in order to avoid delay in the initial appointment of the administrator, so that bills could be paid immediately.

SUPPORTING AUTHORITIES


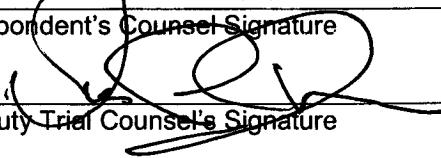
Standard 2.3 (actual suspension or disbarment for offenses involving moral turpitude); see Drociak v. State Bar (1991) 52 Cal.3d 1085 (30 day suspension imposed on attorney with no prior discipline who responded to interrogatories without consulting client and used pre-signed verifications)).

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In the Matter of: G. Cat Stokes	Case number(s): 11-O-19332
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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.

<u>02-23-2012</u>		G. Cat Stokes
Date	Respondent's Signature	Print Name
	<u>N-A</u>	
Date	Respondent's Counsel Signature	Print Name
<u>2-27-2012</u>		Donald R. Steedman
Date	Deputy Trial Counsel's Signature	Print Name

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In: the Matter of: G. Cat Stokes	Case Number(s): 11-O-19332
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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.

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.)**

March 12, 2012
Date

Pat E. McElroy
PAT E. McELROY
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 San Francisco, on March 12, 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 San Francisco, California, addressed as follows:

G. CAT STOKES
LAW OFFICES OF G. CAT STOKES
3600 POWER INN RD #A3
SACRAMENTO, CA 95826 - 3826

by certified mail, No. _____, with return receipt requested, through the United States Postal Service at _____, California, addressed as follows:

by overnight mail at _____, California, addressed as follows:


by fax transmission, at fax number _____. No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Donald Steedman, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on March 12, 2012.


George Hua
Case Administrator
State Bar Court