

**FILED**

AUG 13 2013

STATE BAR COURT  
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LOS ANGELES

**STATE BAR COURT OF CALIFORNIA**

**REVIEW DEPARTMENT**

**IN BANK**

In the Matter of	)	Case No. 13-Q-12498
	)	
GEOFFREY JAMES GNADT,	)	RECOMMENDATION ON
	)	RESIGNATION
A Member of the State Bar, No. 241342.	)	
_____	)	

On May 6, 2013, Geoffrey James Gnadat filed his resignation with disciplinary charges pending. The Office of the Chief Trial Counsel of the State Bar (State Bar) recommends that his resignation be accepted.

Based on the grounds set forth in California Rules of Court, rule 9.21(d),<sup>1</sup> we agree. We recommend that Gnadat's resignation be accepted because: (1) he has only one pending disciplinary matter, which stems from his misdemeanor conviction and is unrelated to the practice of law; (2) he stipulated to the facts and circumstances involved in that matter; (3) the stipulation will become part of his discipline record available to the public, any licensing agency, or jurisdiction; (4) he cooperated in this proceeding by stipulating to his misconduct and filing a rule 9.20 compliance declaration; and (5) he does not reside in California and has not practiced law in this state since 2007. Therefore, pursuing the pending disciplinary proceeding is unlikely to provide any greater protection to the public or membership than accepting his resignation.

<sup>1</sup> All further references to rules are to this source unless otherwise noted.

Under these circumstances, we conclude that the acceptance of his resignation would be consistent with the need to protect the public, the courts, and the legal profession.

### **I. BACKGROUND AND PENDING DISCIPLINARY CASE**

Gnadt was admitted to practice law in California on January 4, 2006, and has no prior discipline record. He placed himself on voluntary inactive status in January 2007 and has not been entitled to practice law in the state since that time.

Gnadt's pending disciplinary case is based on his 2012 misdemeanor conviction in Wisconsin. (State Bar Case No. 11-C-18671.) After the State Bar transmitted the record of conviction, we referred the matter to the Hearing Department of the State Bar Court to determine whether the facts and circumstances surrounding the offense involved moral turpitude or other misconduct warranting discipline, and if so, to recommend discipline.

In May 2013, as part of this resignation process, the parties stipulated to the following facts surrounding the conviction:

In September 2011, Gnadt argued with his wife at their home. Gnadt was intoxicated during the argument. He placed his hands around his wife's throat and impeded her ability to breath for several seconds, leaving red marks on her neck. Gnadt's wife filed a domestic violence complaint, and the police arrested him. In March 2012, Gnadt pled guilty to, and was convicted of, misdemeanor battery/domestic abuse in violation of Wisconsin Statutes Annotated sections 940.19, subdivision (1), and 968.075, subdivision (1)(a). The criminal court sentenced Gnadt to a nine-month stayed jail sentence and placed him on probation for two years. The court also ordered him to pay court costs, complete a batterer's intervention program, remain sober, and undergo an alcohol assessment.

The parties also stipulated to the following legal conclusions: The facts and circumstances surrounding Gnadt's conviction did not involve moral turpitude but did involve

other misconduct warranting discipline. In aggravation, Gnadts misconduct harmed his wife, and no mitigating factors were present.

In June 2013, the State Bar filed a report recommending that Gnadts resignation be accepted.

## **II. CONSIDERATION OF THE GROUNDS SET FORTH IN RULE 9.21(d)**

We have considered Gnadts resignation under the grounds set forth in rule 9.21(d). We summarize below the relevant information for each ground:

### **1. Whether the preservation of testimony is complete.**

The State Bar reports that preservation of testimony is complete.

### **2. Whether Gnadts committed the unauthorized practice of law after transfer to inactive status.**

The State Bar reports it has no information that Gnadts practiced law or held himself out as entitled to practice law in California since he tendered his resignation on May 6, 2013. The State Bar also did not present any evidence that Gnadts has practiced law or held himself out as entitled to practice in California since he voluntarily enrolled as an inactive member in 2007.

### **3. Whether Gnadts performed the acts specified in rule 9.20(a)-(b).**

Gnadts asserts in his 9.20 compliance declaration that he has no clients or pending matters, and that he has delivered all client files and earned all fees. The State Bar provided no information to contradict Gnadts assertions.

### **4. Whether Gnadts provided proof of compliance with rule 9.20(c).**

Gnadts filed his rule 9.20 compliance declaration on May 30, 2013.

### **5. Whether the Supreme Court has filed a disbarment order.**

The Supreme Court has not filed a disbarment order.

**6. Whether the State Bar Court has filed a decision recommending disbarment.**

The State Bar Court has not filed a decision or opinion recommending Gnad's disbarment.

**7. Whether Gnad previously resigned or has been disbarred and reinstated to the practice of law.**

Gnad has not previously resigned or been disbarred in California.

**8. Whether Gnad entered a stipulation with the State Bar as to facts and conclusions of law regarding pending disciplinary matters.**

As set forth above, in May 2013, the parties stipulated to the facts and conclusions of law in Gnad's pending disciplinary matter.

**9. Whether accepting Gnad's resignation will be reasonably consistent with the need to protect the public, the courts, and the legal profession.**

We recommend accepting Gnad's resignation. The only matter pending against Gnad relates to his 2012 misdemeanor conviction in Wisconsin. He has stipulated to the facts and circumstances surrounding that conviction, which was unrelated to his practice of law and did not involve moral turpitude. The stipulation and Gnad's record of conviction provide a complete account of his misconduct and will be available on the State Bar's website for the public and any licensing agency or other jurisdiction to review. (See Rules Proc. of State Bar, rule 5.11 [if member resigns with disciplinary charges pending, the record of any perpetuated evidence, stipulation as to facts and conclusions of law, and member's inactive status must be available for public inspection].)

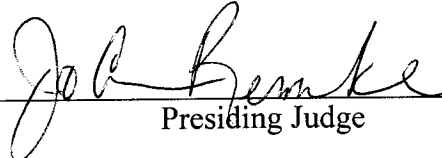
Without minimizing Gnad's conviction, it is unlikely under the relevant standards and case law that his misconduct would result in disbarment or a lengthy actual suspension. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 3.4 [conviction of

crime not involving moral turpitude shall result in sanction appropriate to nature and extent of misconduct]; *In re Hickey* (1990) 50 Cal.3d 571 [one-month actual suspension where attorney with no record of prior discipline convicted of carrying concealed weapon surrounded by repeated acts of assault on wife and others while attorney was intoxicated].) However, Gnadl is prepared to forfeit his license. Thus, proceeding with the pending disciplinary case against him is likely to provide little, if any, benefit to the public or profession.

Finally, Gnadl has fully cooperated in the resignation process and there are no outstanding issues of misconduct or restitution. We do not believe that accepting a member's resignation under the circumstances of this case will undermine public confidence in the discipline system. We find that permitting Gnadl to resign would be consistent with the need to protect the public, the courts, and the legal profession.

### III. RECOMMENDATION

We recommend that the Supreme Court accept the resignation of Geoffrey James Gnadl, State Bar number 241342. We further recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6068.10, and that such costs be enforceable both as provided in section 6140.7 and as a money judgment.

  
\_\_\_\_\_  
Presiding Judge

**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. 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 August 13, 2013, I deposited a true copy of the following document(s):

**RECOMMENDATION ON RESIGNATION FILED AUGUST 13, 2013**

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

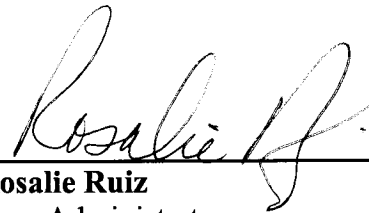
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

GEOFFREY J. GNADT  
1820 N 59TH ST  
MILWAUKEE, WI 53208

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

HEATHER E. ABELSON, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 13, 2013.



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**Rosalie Ruiz**  
Case Administrator  
State Bar Court