

PUBLIC MATTER

FILED

OCT 09 2014

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

1 STATE BAR OF CALIFORNIA
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9 STATE BAR COURT

10 HEARING DEPARTMENT - SAN FRANCISCO

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12 In the Matter of:) Case Nos. 14-O-00094 [14-O-00721;
13) 14-O-02208]
GEOFFREY ALAN SUTLIFF,)
14 No. 224566,) NOTICE OF DISCIPLINARY CHARGES
15)
A Member of the State Bar)

16 **NOTICE - FAILURE TO RESPOND!**

17 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE**
18 **WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT**
19 **THE STATE BAR COURT TRIAL:**

- 20 (1) **YOUR DEFAULT WILL BE ENTERED;**
21 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
22 **WILL NOT BE PERMITTED TO PRACTICE LAW;**
23 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**
24 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**
25 **AND THE DEFAULT IS SET ASIDE, AND;**
26 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
27 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
28 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

The State Bar of California alleges:

JURISDICTION



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COUNT THREE

Case No. 14-O-00094
Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

4. From on or about February 15, 2011, through on or about August 1, 2013, Respondent received from Respondent's client, Joshua Pruitt, the sum of \$3,000 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds following termination of employment on or about October 9, 2013, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT FOUR

Case No. 14-O-00094
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

5. Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent by failing to provide a substantive response to the State Bar's letters of March 7, 2014, and April 4, 2014, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 14-0-00094, in willful violation of Business and Professions Code, section 6068(i).

COUNT FIVE

Case No. 14-O-00721
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

6. On or about February 14, 2013, Gregory Shivy employed Respondent to perform legal services, namely to represent the client in the marital dissolution matter, *Shivy v. Shivy*, Siskiyou County Superior Court Case No. SCCVFL-12-1070, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by performing no legal services of value on behalf of the client.

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COUNT SIX

Case No. 14-O-00721
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

7. On or about February 15, 2013, Respondent received advanced fees of \$5,000 from a client, Gregory Shivy, to represent the client in the marital dissolution matter, *Shivy v. Shivy*, Siskiyou County Superior Court Case No. SCCVFL-12-1070. Respondent performed no services of value on behalf of the client and therefore earned none of the advanced fees paid. Respondent failed to refund promptly, upon Respondent's termination of employment on or about January 12, 2014, any part of the \$3,000 fee, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

COUNT SEVEN

Case No. 14-O-00721
Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

8. On or about February 15, 2013, Respondent received from Respondent's client, Gregory Shivy, the sum of \$5,000 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds following termination of employment on or about January 12, 2014, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT EIGHT

Case No. 14-O-00721
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

9. Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent by failing to provide a substantive response to the State Bar's letters of March 3, 2014, March 21, 2014, and April 4, 2014, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 14-O-00721, in willful violation of Business and Professions Code, section 6068(i).

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COUNT NINE

Case No. 14-O-02208
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

10. On or about September 9, 2011, Mary Ann Maryland employed Respondent to perform legal services, namely to represent the client in a personal injury matter, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by the following:

- A. Failing to perform any work on behalf of the client after on or about August 16, 2013;
- B. failing to notify the client of Respondent's receipt on or about August 20, 2013, of a settlement check from the insurance company in the amount of \$5,500; and
- C. failing to communicate with the client after on or about August 16, 2013.

COUNT TEN

Case No. 14-O-02208
Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

11. Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to Respondent's client, Mary Ann Maryland, by constructively terminating Respondent's employment on or about August 16, 2013, by failing to take any action on the client's behalf after mailing a release to the insurance company on or about August 16, 2013, and thereafter failing to inform the client that Respondent was withdrawing from employment, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

COUNT ELEVEN

Case No. 14-O-02208
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

12. Respondent failed to respond promptly to numerous telephonic reasonable status inquiries made by Respondent's client, Mary Ann Maryland, between on or about August 16, 2013, and in or about February 2014, that Respondent received in a matter in which Respondent

1 had agreed to provide legal services, in willful violation of Business and Professions Code,
2 section 6068(m).

3 COUNT TWELVE

4 Case No. 14-O-02208
5 Business and Professions Code, section 6068(i)
6 [Failure to Cooperate in State Bar Investigation]

7 13. Respondent failed to cooperate and participate in a disciplinary investigation pending
8 against Respondent by failing to provide a substantive response to the State Bar's letters of May
9 12, 2014, and July 15, 2014, which Respondent received, that requested Respondent's response
10 to the allegations of misconduct being investigated in case no. 14-0-02208, in willful violation of
11 Business and Professions Code, section 6068(i).

12 NOTICE - INACTIVE ENROLLMENT!

13 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
14 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
15 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
16 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
17 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
18 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
19 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
20 RECOMMENDED BY THE COURT.**

21 NOTICE - COST ASSESSMENT!

22 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
23 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
24 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
25 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
26 PROFESSIONS CODE SECTION 6086.10.**

27 Respectfully submitted,

28 THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL


By: _____
SUSANI I. KAGAN
Senior Trial Counsel

DATED: October 9, 2014

