

PUBLIC MATTER

FILED

NOV 25 2015
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

1 STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
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10 STATE BAR COURT

11 HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case Nos. 14-O-04728
14 JERRY A. LACUES,) 14-O-06174
15 No. 77088,) NOTICE OF DISCIPLINARY CHARGES
16 A Member of the State Bar)

17 **NOTICE - FAILURE TO RESPOND!**

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

- 21 (1) **YOUR DEFAULT WILL BE ENTERED;**
- 22 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
23 **WILL NOT BE PERMITTED TO PRACTICE LAW;**
- 24 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**
25 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**
26 **AND THE DEFAULT IS SET ASIDE, AND;**
- 27 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
28 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
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.

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Jerry A. LaCues ("respondent") was admitted to the practice of law in the State of
4 California on December 21, 1977, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 14-O-04728
8 Business and Professions Code, section 6104
9 [Appearing for Party without Authority]

10 2. Respondent corruptly or willfully, and without authority, appeared as the attorney for
11 a party, William Morales, in an action entitled, *CPC-Crossroads, LP v. Jerry La Cues, et al.*, San
12 Bernardino County Superior Court case no. UDRS1302596, in willful violation of Business and
13 Professions Code, section 6104, by filing an answer to the complaint in the action on behalf of
14 William Morales on or about December 16, 2013.

15 COUNT TWO

16 Case No. 14-O-04728
17 Business and Professions Code, section 6068(d)
18 [Seeking to Mislead a Judge]

19 3. On or about December 16, 2013, respondent misrepresented to the court that he was
20 authorized to appear as the attorney for a party, William Morales, in an action entitled, *CPC-*
21 *Crossroads, LP v. Jerry La Cues, et al.*, San Bernardino County Superior Court case no.
22 UDRS1302596, by filing an answer to the complaint in the action on behalf of William Morales,
23 when respondent knew that William Morales had not authorized respondent to file the answer on
24 his behalf, and thereby sought to mislead the judge or judicial officer by an artifice or false
25 statement of fact, in willful violation of Business and Professions Code, section 6068(d).

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COUNT THREE

Case No. 14-O-04728
Business and Professions Code, section 6106
[Moral Turpitude – Misrepresentation/Concealment]

4. On or about December 16, 2013, respondent misrepresented to the court, to *CPC-Crossroads, LP* and to its counsel that respondent was authorized to appear as the attorney for a party, William Morales, in an action entitled, *CPC-Crossroads, LP v. Jerry La Cues, et al.*, San Bernardino County Superior Court case no. UDRS1302596, by filing and serving an answer to the complaint in the action on behalf of William Morales and concealing from the court, *CPC-Crossroads, LP* and its counsel that respondent was not authorized to appear in the action on behalf of William Morales, when respondent knew or was grossly negligent in not knowing that William Morales had not authorized respondent to file and serve the answer on his behalf, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT FOUR

Case No. 14-O-04728
Business and Professions Code, section 6106
[Moral Turpitude]

5. On or about January 21, 2014, respondent simulated, or caused to be simulated, the signature of William Morales on a settlement agreement to resolve an action, *CPC-Crossroads, LP v. Jerry La Cues, et al.*, San Bernardino County Superior Court case no. UDRS1302596, when respondent knew or was grossly negligent in not knowing that he did not have the consent or authorization of William Morales to sign the settlement agreement on his behalf, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

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COUNT FIVE

Case No. 14-O-04728
Business and Professions Code, section 6106
[Moral Turpitude – Misrepresentation/Concealment]

6. On or about January 21, 2014, respondent misrepresented to CPC-Crossroads, LP and its counsel in the action, *CPC-Crossroads, LP v. Jerry La Cues, et al.*, San Bernardino County Superior Court case no. UDRS1302596, that William Morales had agreed to resolve the action by providing to CPC-Crossroads, LP and its counsel a written settlement agreement purportedly signed by William Morales and by concealing from CPC-Crossroads, LP and its counsel that William Morales had not signed or authorized the settlement agreement, when respondent knew or was grossly negligent in not knowing that William Morales had not signed the settlement agreement and that William Morales had not authorized respondent to enter into the settlement agreement on behalf of William Morales, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT SIX

Case No. 14-O-04728
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

7. 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 letter of October 21, 2014, which respondent received, that requested respondent's written response to the allegations of misconduct being investigated in case no. 14-O-04728, in willful violation of Business and Professions Code, section 6068(i).

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COUNT SEVEN

Case No. 14-O-06174
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

8. Respondent disobeyed or violated an order of the court requiring respondent to do an act connected with or in the course of respondent's profession which respondent ought in good faith to do or forbear by failing to comply with the court's October 17, 2014 order that respondent pay a \$500 sanction to the clerk of the court forthwith pursuant to Code of Civil Procedure section 177.5 in *Edward Guillen v. Centex Homes, et al.*, Riverside County Superior Court case no. RIC10010749, in willful violation of Business and Professions Code, section 6103.

COUNT EIGHT

Case No. 14-O-06174
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

9. Respondent disobeyed or violated an order of the court requiring respondent to do an act connected with or in the course of respondent's profession which respondent ought in good faith to do or forbear by failing to comply with the court's October 17, 2014 order that respondent pay a \$1,000 sanction to the clerk of the court forthwith pursuant to Code of Civil Procedure section 177.5 in *Edward Guillen v. Centex Homes, et al.*, Riverside County Superior Court case no. RIC10010749, in willful violation of Business and Professions Code, section 6103.

COUNT NINE

Case No. 14-O-06174
Business and Professions Code, section 6068(o)(3)
[Failure to Report Judicial Sanctions]

10. Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time respondent had knowledge of the imposition of any judicial sanctions against respondent by failing to report to the State Bar the \$1,000 in sanctions the court imposed on respondent on October 17, 2014 in connection with *Edward Guillen v. Centex*

1 *Homes, et al.*, Riverside County Superior Court case no. RIC10010749, in willful violation of
2 Business and Professions Code section, 6068(o)(3).

3 COUNT TEN

4 Case No. 14-O-06174
5 Business and Professions Code, section 6068(i)
6 [Failure to Cooperate in State Bar Investigation]

7 11. 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
9 February 2, 2015 and March 24, 2015, which respondent received, that requested respondent's
10 written response to the allegations of misconduct being investigated in case no. 14-O-06174, in
11 willful violation of 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.**

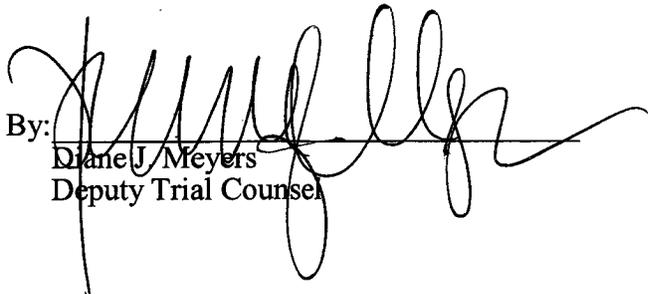
21 NOTICE - COST ASSESSMENT!

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

DATED: November 25, 2015

By: 

Diane J. Meyers
Deputy Trial Counsel

DECLARATION OF SERVICE

CASE NUMBER(s): 14-O-04728; 14-O-06174

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

- By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)
(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414 7266 9904 2010 0692 70 at Los Angeles, addressed to: (see below)
(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking No.: addressed to: (see below)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy to. Row 1: JERRY A. LaCUES, LAW OFC JERRY A. LaCUES 1925 SCENIC RIDGE DR. CHINO HILLS, CA 91709, Electronic Address.

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ('UPS'). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: November 25, 2015

SIGNED:

Sandra Jones signature and name SANDRA JONES Declarant