

JUN 23 2015

STATE BAR COURT CLERK'S OFFICE  
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STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of:

Case No. 15-O-10806

GEOFFREY ALAN SUTLIFF,  
No. 224566,

NOTICE OF DISCIPLINARY CHARGES

A Member of the State Bar

**NOTICE - FAILURE TO RESPOND!**

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

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION AND THE DEFAULT IS SET ASIDE, AND;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE. 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.**

The State Bar of California alleges:

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JURISDICTION

1. GEOFFREY ALAN SUTLIFF ("respondent") was admitted to the practice of law in the State of California on April 3, 2003, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE

Case No. 15-O-10806  
Rules of Professional Conduct, rule 3-110(A)  
[Failure to Perform with Competence]

2. On or about October 6, 2011, Linda Saetes employed respondent to perform legal services, namely represent her in the matter, *Saetes v. Lucero*, Sacramento County Superior Court Case No. 34-2012-00126247 ("Lucero litigation"), and on or about April 16, 2012, Linda Saetes employed respondent to perform legal services, namely represent her the matter, *Conrad v. Saetes*, Sacramento County Superior Court Case No. 34-2013-001400408 ("Conrad litigation"), 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. By failing to file a request for entry of default in the Lucero litigation;
- B. By failing to inform the client of the trial date in the Lucero litigation;
- C. By failing to appear for trial in the Lucero litigation;
- D. By failing to inform the client that the matter was dismissed for failing to appear at trial in the Lucero litigation;
- E. By failing to perform any work after drafting the request for entry of default in the Lucero litigation;
- F. By failing to timely file the answer to the complaint in the Conrad litigation;
- G. By failing to inform the client that a request for entry of default and judgment were filed against her in the Conrad litigation;

- 1 H. By failing to file a reply to the plaintiff's opposition to the motion to set aside the  
2 default or appear and make an argument at the hearing on September 10, 2013, in  
3 the Conrad litigation;
- 4 I. By failing re-file a motion to vacate the default in the Conrad litigation after  
5 receiving notice that the Court had denied the original motion to vacate the  
6 default;
- 7 J. By failing to inform the client that a judgment had been entered against her in the  
8 Conrad litigation; and
- 9 K. By failing to perform any work after attempting to negotiate with the plaintiff to  
10 set aside the default in the Conrad litigation.

11 COUNT TWO

12 Case No. 15-O-10806  
13 Rules of Professional Conduct, rule 3-700(D)(2)  
14 [Failure to Refund Unearned Fees]

15 3. On or about October 6, 2011, respondent received advanced fees of \$2,000 from a  
16 client, Linda Saetes, and on or about August 6, 2013, respondent received advanced fees of  
17 \$2,500 from the client for representation in *Saetes v. Lucero*, Sacramento County Superior Court  
18 Case No. 34-2012-00126247 ("Lucero litigation"). On or about April 16, 2013, respondent  
19 received advanced fees of \$1,500 from a client, Linda Saetes, for representation in the matter,  
20 *Conrad v. Saetes*, Sacramento County Superior Court Case No. 34-2013-001400408 ("Conrad  
21 litigation"). Respondent failed to perform any legal services for the client after filing the  
22 complaint in the Lucero litigation and failed to perform any legal services to defend the lawsuit  
23 in the Conrad litigation, and therefore earned none of the advanced fees paid. Respondent failed  
24 to refund promptly, upon respondent's termination of employment on or about August 24, 2014,  
25 any part of the \$6,000 fee to the client, in willful violation of Rules of Professional Conduct, rule  
26 3-700(D)(2).

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COUNT THREE

Case No. 15-O-10806  
Rules of Professional Conduct, rule 4-100(B)(3)  
[Failure to Render Accounts of Client Funds]

4. From on or about October 6, 2011, through on or about August 6, 2013, respondent received from respondent's client, Linda Saetes, the sum of \$6,000 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds upon termination of respondent's employment on or about August 24, 2014, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT FOUR

Case No. 15-O-10806  
Business and Professions Code, section 6068(m)  
[Failure to Inform Client of Significant Development]

5. Respondent failed to keep respondent's client, Linda Saetes reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m), by failing to inform the client of the following:

- A. By failing to inform the client of the trial date in *Saetes v. Lucero*, Sacramento County Superior Court Case No. 34-2012-00126247;
- B. By failing to inform the client that the matter was dismissed for failing to appear at trial in *Saetes v. Lucero*, Sacramento County Superior Court Case No. 34-2012-00126247;
- C. By failing to inform the client that a request for entry of default and judgment were filed against her in *Conrad v. Saetes*, Sacramento County Superior Court Case No. 34-2013-001400408; and
- D. By failing to inform the client that a judgment had been entered against her in *Conrad v. Saetes*, Sacramento County Superior Court Case No. 34-2013-001400408.

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COUNT FIVE

Case No. 15-O-10806  
Business and Professions Code, section 6068(i)  
[Failure to Cooperate in State Bar Investigation]

6. 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 March 19, 2015, which respondent received, that requested respondent's response to the allegations of misconduct being investigated in case no. 15-O-10806, in willful violation of Business and Professions Code, section 6068(i).

NOTICE - INACTIVE ENROLLMENT!

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

NOTICE - COST ASSESSMENT!

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

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL



By: \_\_\_\_\_  
SUSAN I. KAGAN  
Senior Trial Counsel

DATED: June 23, 2015

DECLARATION OF SERVICE

by
U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 15-O-10806

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, 180 Howard Street, San Francisco, California 94105, 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 San Francisco, 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 2011 9757 30 at San Francisco, 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: Geoffrey Alan Sutliff, Law Offices of Geoffrey A. Sutliff, Electronic Address, Sacramento, CA 95814, Geoffrey Alan Sutliff, 9347 Medallion Way, Sacramento, CA 95814, and email gsutliff@sutliffllaw.com.

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').

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 San Francisco, California, on the date shown below.

DATED: June 23, 2015

SIGNED: Dawn Williams, Dawn Williams, Declarant