

(Do not write above this line.)

State Bar Court of California
Hearing Department

Counsel For The State Bar

Allen Blumenthal

Bar # 110243

Case Number (s)

04-O-14105; 05-O-4173;
05-O-5002

(for Court's use)

PUBLIC MATTER**FILED** *ROS*

SEP 27 2006

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

Jonathan Arons

Bar # 111257

Submitted to:

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND
DISPOSITION AND ORDER APPROVINGIn the Matter Of:
Phuc Dinh Do

Bar # 176018

REPROVALA Member of the State Bar of California
(Respondent) PREVIOUS STIPULATION REJECTED

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 April 3, 1995.
- (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 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):

kwiktag®

022 604 115



(Do not write above this line.)

- costs added to membership fee for calendar year following effective date of discipline (public reproval)
- case ineligible for costs (private reproval)
- costs to be paid in equal amounts for the following membership years: **2007 & 2008**
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- costs entirely waived

(9) The parties understand that:

- (a) A private reproval imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproval was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
- (b) A private reproval imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
- (c) A public reproval imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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 or a separate attachment entitled "Prior Discipline."
- (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.

(Do not write above this line.)

- (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.
- (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.
- (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.
- (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.
- (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.

(Do not write above this line.)

- (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.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

D. Discipline:

- (1) **Private reproof (check applicable conditions, if any, below)**
- (a) Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2) **Public reproof (Check applicable conditions, if any, below)**

E. Conditions Attached to Reproval:

- (1) Respondent must comply with the conditions attached to the reproof for a period of **two years**.
- (2) During the condition period attached to the reproof, 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 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

(Do not write above this line.)

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 condition period attached to the reprobation. 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 the reprobation during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (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 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 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 conditions attached to the reprobation.
- (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) 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 within one year of the effective date of the reprobation.
- No MPRE recommended. Reason:

- (11) The following conditions are attached hereto and incorporated:

- | | |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

(Do not write above this line.)

F. Other Conditions Negotiated by the Parties:

Respondent agrees that within 30 days of the effective date of this reproof, he will employ at his own expense Rita De Angelis a law office management consultant, to review and evaluate his law office management and office procedures, including any conflicts check procedure and calendaring system. Respondent agrees that within 60 days of the effective date of this reproof, he will obtain a law practice management plan from Ms. De Angelis. Respondent further agrees that within 90 days of the effective date of the reproof, Respondent will implement the law office management plan and procedures recommended by Ms. De Angelis. Respondent agrees that he will comply with the law office management plan recommended by Ms. De Angelis and will swear under penalty of perjury in his quarterly probation reports that he has complied with the law office management plan. Respondent understands that failure to comply with this plan or be truthful in his quarterly reports may subject him to further discipline.

Attachment language (if any):

Respondent agrees that if any of the complaining clients or their representatives seeks mandatory fee arbitration regarding Respondent's fees, Respondent will agree to do so and comply with any award resulting from the arbitration.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Phuc Dinh Do

CASE NUMBER(S): 04-O-14105; 05-O-4173; 05-O-5002.

STATE BAR INVESTIGATIONS

1. **Case No. 04-O-14105 (Acosta & Polanco matter)**

A. FACTS

In June 2002, Maria Elena Polanco and Sergio Acosta hired Respondent's law firm, the Law Offices of Phuc Dinh Do, to negotiate and act as a mediator between them in preparing their pre-nuptial agreement. Ms. Polanco and Mr. Acosta were scheduled to be married on July 17, 2002. Respondent's firm was also to draft the prenuptial agreement between Ms. Polanco and Mr. Acosta.

By June 21, 2002, Respondent's law firm negotiated and mediated the terms of the prenuptial agreement. Respondent's law firm also drafted the pre-nuptial agreement, which included a provision acknowledging that the Law Offices of Phuc Dinh Do acted as the parties' mediator.

The pre-nuptial agreement provided for certain property to remain as Mr. Acosta's sole and separate property, including a home and Mr. Acosta's "earnings and income from all sources whatsoever after the date of marriage." On June 21, 2002, both Ms. Polanco and Mr. Acosta signed the pre-nuptial agreement and had it notarized.

On July 17, 2002, Ms. Polanco and Mr. Acosta married.

In January 2004, Mr. Acosta met with Respondent regarding filing a dissolution of marriage action against Ms. Polanco. On January 12, 2004, Mr. Acosta hired Respondent to file and represent him in a dissolution of marriage proceeding against Ms. Polanco. Mr. Acosta paid Respondent \$2,000 as an advance on Respondent's fee. On January 16, 2004, Respondent filed the petition for dissolution of marriage.

At no time prior to entering into the January 2004 fee agreement, or at any time thereafter, did Respondent provide written disclosure of the conflict to either Ms. Polanco or Mr.

Acosta. At no time did Respondent obtain the informed written consent of either Ms. Polanco or Mr. Acosta for Respondent to represent Mr. Acosta in this matter, even though his firm had been the mediator and preparer of their prenuptial agreement and even though it concerned the same matter as the mediation. As the mediator of the pre-nuptial agreement, Respondent's law firm obtained confidential information from both parties and was subject to a duty of loyalty to both parties.

Respondent asserts that he was not aware that his law firm had mediated or prepared the pre-nuptial agreement and, therefore, was not aware of the conflict of interest in representing Mr. Acosta in his dissolution of marriage matter. Respondent asserts that he has no records of this pre-nuptial matter and that an associate handled the mediation and pre-nuptial matter without his knowledge, or retaining a record of the matter for the law firm. Respondent acknowledges that it was his responsibility to know that the firm had previously acted as the mediator for Ms. Polanco and Mr. Acosta; that it was his responsibility to have records and a conflicts check procedure; and that it was his responsibility to supervise his staff and the work in the office.

On February 5, 2004, both Ms. Polanco and Mr. Acosta died before the dissolution of marriage was completed.

B. CONCLUSIONS OF LAW

By accepting employment as Mr. Acosta's attorney in the dissolution of marriage matter and failing to obtain Ms. Polanco and Mr. Acosta's informed written consent to Respondent's representation of Mr. Acosta in the dissolution of marriage matter, Respondent accepted employment adverse to a former client without informed written consent in a matter in which respondent's law firm had obtained confidential information material to the employment, in violation of rule 3-310(E) of the Rules of Professional Conduct.

By failing to properly supervise his staff and office and by failing to have procedures to ensure that he knew of the pre-nuptial matter and there was a record of the firm's previous representation as a mediator for Ms. Polanco's and Mr. Acosta's pre-nuptial agreement, Respondent failed to perform competently, in violation of rule 3-110(a) of the Rules of Professional Conduct. Likewise, by allowing the firm to accept employment as Mr. Acosta's attorney in the dissolution of marriage matter without complying with the conflict rules and by failing to have proper conflict check procedures in his office, Respondent failed to perform competently, in violation of rule 3-110(a) of the Rules of Professional Conduct.

2. Case No. 05-O-4173 (Huan Tran matter)

A. FACTS

On April 2, 2002, Hung Ho, the uncle and legal guardian of Huan Tran, a 16 year old student from Vietnam, hired Respondent to convert Mr. Tran's status with the Immigration and Naturalization Service (INS) so that he could remain in the United States. Mr. Ho paid Respondent \$500 as an advance on the fees to be paid in this matter. Respondent was to be paid \$1,000 if he obtained the changed status; otherwise he was to be paid \$500.00. On June 10, 2002, Respondent filed an Application to Extend/Change Non-Immigration Status to the INS on behalf of Mr. Tran.

On July 20, 2002, the INS sent Respondent by U.S. mail address at his law office address a request for further information and documentation. It gave Respondent until October 12, 2002 to submit the additional documentation. Respondent received this request.

On August 7, 2002, Respondent submitted to the INS some of the documentation requested, but failed to submit all of the documentation requested, namely documentation proving that Mr. Tran intended to return to Vietnam.

On October 22, 2002, the INS sent Respondent and Mr. Tran a notice of decision denying Mr. Tran's request for a status change because the "service has not received the evidence requested and required by regulation to establish the applicant's eligibility for the benefit sought." Respondent received this notice. Mr. Tran claims he had moved and did not receive the notice when sent. He later learned of the denial. Respondent did not communicate with Mr. Tran or his family regarding the denial or ascertain what action, if any, should be taken in regards to Mr. Tran.

In or about May 2003, Mr. Tran and his family learned of the denial. On May 12, 2003, Mr. Ho came to Respondent's office to seek reconsideration of the denial. Respondent's law firm prepared a motion for reconsideration, even though the time for reconsideration had already expired.

On May 12, 2003, the motion for reconsideration was sent to the INS claiming that the lateness of the motion was due to Respondent's law office and not to Mr. Tran. It claimed that after Mr. Tran contacted the law firm by letter regarding the denial, Respondent's temporary secretary placed the letter in the file and placed the file in the closed files cabinet. It was only in May 2003, when the law firm did an audit of its records, that the law firm discovered the INS' decision. The May 12, 2003 motion for reconsideration was purportedly signed by Respondent, but Respondent asserts that he did not sign or approve it. Instead, he claims that another lawyer in the office instructed his secretary to sign his name. Respondent asserts that it was common practice for the secretary to sign his name to documents.

On July 1, 2003, Respondent's law firm sent a letter to the Consulate General of the United States asserting that he was asking the INS to reopen Mr. Tran's matter due to the firm's

failure to respond to the October 22, 2002 letter of the INS denying Mr. Tran a change in his status. The July 1, 2003 letter was purportedly signed by Respondent, but Respondent asserts that he did not sign it. Instead, Respondent claims that someone in the office instructed his secretary to sign his name.

On June 30, 2004, the motion to reopen or reconsider Mr. Tan's application was denied because any motion to reopen must be filed within 30 days of the original decision. The motion for reconsideration or reopening the matter was filed long after the 30 days had expired.

B. CONCLUSIONS OF LAW

By failing to provide the required documentation to the INS and by failing to file the request for reconsideration in a timely manner, Respondent failed to perform competently, in violation of rule 3-110(a) of the Rules of Professional Conduct. Likewise, by failing to supervise his staff regarding the Tran matter, by allowing his secretary to sign his name to documents, by failing to supervise his staff in their sending a letter under his name which Respondent claims he did not approve, Respondent failed to perform competently, in violation of rule 3-110(a) of the Rules of Professional Conduct.

3. Case No. 05-O-5002 (Thuy Pham & Ken Nguyen matter)

A. FACTS

On April 9, 2005, Thuy Pham & Ken Nguyen hired Respondent to represent them in regards to a demand by Walt Fries for unpaid rent arising from a commercial lease they previously entered into with Mr. Fries, the owner of the property. Sometime after entering into the lease, Ms. Pham and Mr. Nguyen subleased the property to Tuan Pham, who subsequently abandoned the premises without paying the rent. Respondent was paid \$1,000 to negotiate a settlement and resolution of the matter.

On April 11, 2005, Respondent sent a letter to attorney Jack Benoun, Mr. Fries' attorney, requesting that Mr. Benoun direct all future correspondence to Respondent's attention. It also informed Mr. Benoun that the paralegals involved should Respondent not be available were Shelia Nguyen and Morris Kemper. Subsequently, Respondent failed to perform the services for which he was hired, including negotiating a settlement/resolution of this matter.

On May 6, 2005, Mr. Benoun wrote Respondent demanding \$10,887.98 from Respondent's clients for unpaid rent. Mr. Benoun wrote that if he heard nothing further from Respondent he would initiate legal action against Respondent's clients. Respondent received this letter.

Subsequently, Respondent failed to respond to Mr. Benoun or perform the services for which he was hired. He failed to make an offer of settlement to Mr. Benoun.

On June 1, 2005, Mr. Benoun again wrote Respondent demanding \$10,887.98 from Respondent's clients. Mr. Benoun wrote that if he heard nothing further from Respondent he would initiate legal action against Respondent's clients. Respondent received this letter.

Subsequently, Respondent failed to respond to Mr. Benoun or perform the services for which he was hired. He failed to make an offer of settlement.

On June 25, 2005, Respondent wrote Mr. Benoun that he had contacted his clients and he expected a settlement offer after the fourth of July weekend. He never obtained Mr. Benoun's approval to wait until after the fourth of July weekend to make a settlement offer. Subsequent to July 25, 2005, Respondent failed to communicate with Mr. Benoun, make a settlement offer, or perform further services.

On June 29, 2005, Mr. Benoun filed a lawsuit against Respondent's clients, entitled *Walt Fries v. Ken Nguyen, Thuy Pham & Tuan Pham*, Alameda Superior Court Case No. FG 05220454. On July 13, 2005, it was served on Ken Nguyen. On August 15, 2005, it was served on Thuy Pham.

On August 19, 2005, Respondent wrote a letter to Mr. Benoun finally making an offer to settle the matter for \$6,000 and requesting an extension of time to file an answer in this matter. He never obtained Mr. Benoun's acceptance of the settlement offer or an extension of time to file the answer. He never telephoned or otherwise communicated with Mr. Benoun to ensure that he had obtained an extension of time to file the answer in this matter.

On August 30, 2005, Mr. Benoun filed a request for entry of default in this matter. On September 9, 2005, Thuy Pham & Ken Nguyen hired attorney John F. Bradley, Jr. to represent them in place of Respondent. Subsequently, Mr. Bradley negotiated a settlement of the matter.

B. CONCLUSIONS OF LAW

By failing to perform the services for which he was hired, which included negotiating a settlement/resolution of the clients' matter or at least making a timely offer to resolve it, and by failing to file an answer in a timely manner, Respondent failed to perform competently, in violation of rule 3-110(a) of the Rules of Professional Conduct.

By failing to refund the unearned fees in this matter, even though Respondent did not perform services of value to the clients, Respondent failed to refund unearned fees, in violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

SUPPORTING AUTHORITY

Standard 2.4 (b) states: Culpability of a member of wilfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of wilfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.

Standard 2.10 states: Culpability of a member of a violation of any provision of the Business & Professions Code not specified in these standards or of a wilful violation of any Rule of Professional Conduct shall result in reproof or suspension according to the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3.

Case law for misconduct similar to Respondent's misconduct has resulted in reprovals to periods of actual suspension. (See *Stuart v. State Bar* (1985) 40 Cal.3d 838 [30 day actual suspension for one failure to perform]; *Van Sloten v. State Bar* (1989) 48 Cal.3d 921 [six month suspension, stayed for one failure to perform]; *Gadda v. State Bar* [six month actual suspension for failure to perform in four separate matters]; *Layton v. State Bar* (1990) 50 Cal.3d 889 [30 days actual suspension for failing to perform in a probate matter]; *In the Matter of Respondent G* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 175 [private reproof for one instance of failure to perform])

While the number of failures to perform/supervise the office and other misconduct present here would usually result in a period of actual suspension, the State Bar believes that in this case the public will be protected by a public reproof with the additional protection created by Respondent agreeing as a condition of his discipline to have Rita De Angelis, a law office management expert, review Respondent's office procedures and by Respondent implementing her recommendations and procedures. Those procedures shall include, but not be limited, to creating conflicts check procedures and a calendaring system.

This review of Respondent's office procedures and policies and Respondent's agreement to implement Ms. De Angelis' recommendations should prevent future misconduct similar to the ones that occurred in the three matters in this stipulation. According to Respondent, the misconduct in these matters was the result of a failure to have proper office procedures and proper supervision of his office and staff. By having Ms. De Angelis review his office procedures and policies and by Respondent agreeing to implement the new procedures and policies which she recommends to supervise his staff, the problems should be eliminated. Respondent understands that should he commit similar misconduct in the future it will be a significant aggravating factor that he has already been disciplined once and that Ms. De Angelis' procedures and recommendations did not succeed in preventing misconduct.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was August 18, 2006.

In the Matter of
Phuc Dinh Do

Case number(s):
04-O-14105; 05-O-4173; 05-O-5002

A Member of the State Bar

Law Office Management Conditions

- a. Within days/ months/ years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b. Within six (6) months of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than 6 hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for two year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

(Do not write above this line.)

In the Matter of Phuc Dinh Do	Case number(s): 04-O-14105; 05-O-4173; 05-O-5002
----------------------------------	---

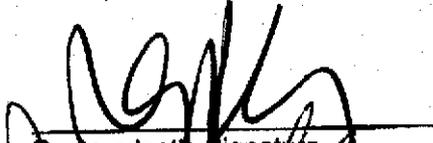
SIGNATURE OF THE PARTIES

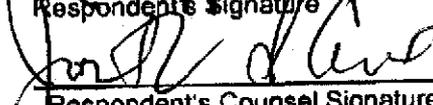
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

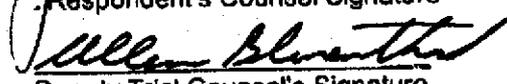
8/23/2006
 Date

August 25, 2006
 Date

August 28, 2006
 Date


 Respondent's Signature


 Respondent's Counsel Signature


 Deputy Trial Counsel's Signature

Phuc Dinh Do
 Print Name

Jonathan Arons
 Print Name

Allen Blumenthal
 Print Name

(Do not write above this line.)

In the Matter of Phuc Dinh Do	Case number(s): 04-0-14105; 05-0-4173; 05-0-5002
--------------------------------------	---

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 135(b), 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 953(a), California Rules of Court.)

Date_____
Judge of the State Bar Court

(Do not write above this line.)

In the Matter of Phuc Dinh Do	Case number(s): 04-O-14105; 05-O-04173; 05-O-05002
----------------------------------	---

ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, 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 REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All Hearing dates are vacated.

1. On page 1, section (A)(3)--15 must be inserted in the blank space before the word pages.

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 135(b), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

Sept. 27, 2006
Date

Pat McElroy
PAT McELROY
Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; 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 September 27, 2006, 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:

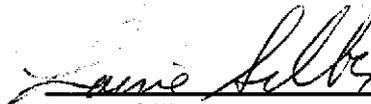
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**JONATHAN IRWIN ARONS
LAW OFC JONATHAN I ARONS
101 HOWARD ST #310
SAN FRANCISCO, CA 94105**

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

ALLEN BLUMENTHAL, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on September 27, 2006.



Laine Silber
Case Administrator
State Bar Court