

State Bar Court of California
Hearing Department
San Francisco
ACTUAL SUSPENSION

ORIGINAL

<p>Counsel For The State Bar</p> <p>Susan Chan Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105</p> <p>Bar # 233229</p>	<p>Case Number(s): 09-O-14111 [08-O-12273]</p>	<p>For Court use only</p> <p>PUBLIC MATTER</p> <p>FILED <i>LD</i></p> <p>MAY 06 2011</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p>Jonathan I. Arons Law Office of Jonathan I. Arons 221 Main Street, Ste. 740 San Francisco, CA 94105</p> <p>Bar # 111257</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: MANTON SELBY, II</p> <p>Bar # 44350</p> <p>A Member of the State Bar of California (Respondent)</p>		

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 June 26, 1969.
- (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 15 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."



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- (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):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: 2012, 2013. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

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 S128830 (State Bar Case Nos. 02-O-15979; 03-O-02815)
 - (b) Date prior discipline effective March 21, 2005
 - (c) Rules of Professional Conduct/ State Bar Act violations: In one client matter, respondent violated rule 3-110(A) and rule 4-100(B)(4). In a second client matter, respondent violated rule 3-110(A) and rule 3-700(A)(2).
 - (d) Degree of prior discipline two years suspension, stayed to include thirty day actual suspension and two years probation.
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- Respondent has been disciplined on four prior occasions.
- 2) In 1998, (State Bar Case No. 96-O-05592, Supreme Court S069502), respondent was suspended for one year, stayed and placed on probation for two years subject to probation conditions including restitution. Respondent stipulated to violating rule 3-700(D)(2), rule 3-700(A)(2) and Business and Professions Code section 6068(m), in one client matter.
- 3) In 1992, (State Bar Case No. 88-O-14198, Supreme Court S028223), respondent received two years of stayed suspension and four years of probation including restitution for violations of rule 3-110(A), rule 4-100(B)(4), rule 3-700(D)(1) and (2), and Business and Professions Code section 6068(m), in a consolidation of seventeen client matters.

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- 4) In 1989, (State Bar Case No. 86-O-18472), respondent received a private reproof for violation of former rule 6-101(A)(2) and Business and Professions Code sections 6068(a) and 6103.
- (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. Respondent's misconduct harmed the Cabugos when he failed to take action on Cabugos' behalf between June 18, 2005 and June 25, 2007, and again failed to take action between November 8, 2007 and July 15, 2009.
- (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.

(Effective January 1, 2011)

- (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. Respondent is taking steps to address his issues.
- (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) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of three (3) years.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:
- (b) The above-referenced suspension is stayed.
- (2) **Probation:**
- Respondent must be placed on probation for a period of four (4) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3) **Actual Suspension:**
- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of 18 months.

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- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, 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 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 period of probation. 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 probation during the preceding calendar quarter. Respondent must also state 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 days, that report must be submitted on the next 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 period of probation and no later than the last day of probation.

- (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 to the monitor 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 probation 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 probation conditions.
- (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:

(Effective January 1, 2011)

(Do not write above this line.)

- (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) The following conditions are attached hereto and incorporated:
- | | |
|--|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input checked="" type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** 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 during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: MANTON SELBY, II

CASE NUMBER(S): 09-O-14111 [08-O-12273]

FACTS AND CONCLUSIONS OF LAW.

Facts: Case No. 09-O-14111 ("Cabugos"): Count One:

1. On or about June, 2005, Vivian Cabugos (hereinafter, "Cabugos") hired respondent to represent her in union procedures and/or civil suit related to her termination from employment. Cabugos was employed at the Department of Developmental Services (hereinafter "DDS"). The DDS terminated respondent on or about June 6, 2005, after she took a leave of absence to care for her ill father-in-law in the Philippines. At issue was whether Cabugos' leave of absence was with or without her employer's consent (absence without leave, a.k.a. "AWOL"). On or about May 30, 2005, Cabugos had appeared with a union representative at a Step I Grievance hearing. She hired respondent to further pursue the Step process through her union, as well as address any other appropriate avenue of relief.
2. Cabugos paid respondent the sum of \$5,000 for the representation.
3. On or about June 17, 2005, respondent filed a Step II grievance with DDS on Cabugos' behalf. DDS did not take any affirmative action in response to the State II grievance.
4. Thereafter, respondent took no action on Cabugos' behalf for a two year period.
5. On or about June 26, 2007, respondent wrote to the Appeals Board of the State Personnel Board (hereinafter, "SPB") asking about the status of the appeal.
6. On or about July 10, 2007, the SBP wrote respondent a letter, advising him that the SPB lacks jurisdiction, and that respondent should "forward your appeal to DPA".¹ This inquiry was assigned Case no. 07-2184.

¹ Department of Personnel Administration

7. On or about November 7, 2007, respondent wrote a letter to DDS asking about whether the status of the Step II grievance (a.k.a. "appeal").
8. Thereafter, respondent took no action on Cabugos' behalf, for a second, two year period.
9. On or about July 16, 2009, respondent wrote another letter to DDS, asking about the Step II grievance. He wrote DDS an additional letter on September 29, 2009.
10. On or about October 28, 2009, DDS counsel Dianne Robbins responded to respondent's letters and rejected respondent's request for any remedy due to the passage of time.
11. On or about 2010, respondent filed a suit on behalf of Cabugos, entitled *Cabugos v. State of California, DDS*, case no. 247281, filed in Superior Court, County of Sonoma.

Conclusions of Law: Case No. 09-O-14111 ("Cabugos"): Count One:

By failing to take action on Cabugos' behalf between June 18, 2005 and June 25, 2007, a period in excess of two years; and again, no action between November 8, 2007 and July 15, 2009, a second two year period, respondent failed to perform, in willful, reckless and repeated violation of the Rules of Professional Conduct, rule 3-110(A).

Facts: Case No. 09-O-14111 ("Cabugos"): Count Two:

The parties request a dismissal of Count Two. (*See Dismissals*, pg. 10).

Facts: Case No. 09-O-14111 ("Cabugos"): Count Three:

12. The allegations of Count One are hereby incorporated by reference.
13. On three separate occasions, on or about April 15, 2009; on or about May 27, 2009, and again on July 14, 2009, Cabugos and/or her husband, Rodrigo Cabugos, believed that a hearing was scheduled in court on a writ that respondent had filed on Cabugos' behalf.
14. On each of these occasions, respondent failed to correct the Cabugos' mistaken belief that there were court hearings scheduled, when in fact, there were no hearings.
15. Respondent did not file a writ until on or about April 29, 2010. There were no pending court proceedings, and therefore no court appearances scheduled, on behalf of Cabugos for April 15, 2009, May 27, 2009 or July 14, 2009.

Conclusions of Law: Case No. 09-O-14111 ("Cabugos"): Count Three:

By failing to correct the Cabugos mistaken belief that there were hearings scheduled on her behalf, when in fact, there were no hearings, respondent failed to keep a client reasonably informed of the true facts of her case, and thereby failed to keep Cabugos 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).

Facts: Case No. 09-O-14111 ("Cabugos"): Count Four:

16. By failing to take timely action on the Step II grievance, respondent in effect abandoned Cabugos. All of his subsequent actions, in 2007, 2009, and 2010, were untimely and of no benefit to Cabugos.
17. Respondent did not earn the \$5,000 he received from Cabugos. The \$5,000 is due and payable to Cabugos.
18. Respondent has not refunded any monies to Cabugos.

Conclusions of Law: 09-O-14111 ("Cabugos"): Count Four:

By failing to refund any part of the \$5,000 to Cabugos, respondent failed to refund any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

Facts: Case No. 08-O-12273 ("Silver"): Count Five:

19. On or about May, 2007, Bernard Silver (hereinafter "Silver") retained respondent to obtain an annulment. At the time, he had a pending annulment, *Bernard Silver vs. Ludmilla Silver Schechter*, case no. FL 071450, filed in Superior Court, County of Marin. Silver paid respondent \$1,500 to obtain the annulment.
20. Respondent counseled Silver to instead conclude the dissolution. Respondent requested additional fees to complete the resolution. Respondent filed a substitution into the dissolution on or about May 24, 2007. He made one appearance, at a hearing on June 15, 2007, and at that time, stipulated to a continuance of the proceedings.
21. Shortly thereafter, on or about August 3, 2007, Silver terminated respondent, and requested a complete refund of his \$1,500 paid to respondent.

22. Respondent failed to refund any amount of the \$1,500 to Silver in August, 2007.
23. On or about November 13, 2007, Silver sued respondent in small claims court for the refund of the fee. On or about December 21, 2007, the Court awarded Silver the return of \$882.00 plus court costs of \$60.00 (total: \$942.00). The Court Clerk duly served respondent with a copy of the Judgment in the small claims actions on or about December 21, 2007. Respondent failed to pay the Judgment upon his receipt of the Judgment.
24. Respondent obtained the services of another attorney, Alexander Anolik, in an effort to collect the judgment. On or about July 3, 2008, respondent mailed Alexander Anolik the sum of \$992.66 to pay to Silver.

Conclusions of Law: Case No. 08-O-12273 ("Silver"): Count Five:

By failing to refund any monies to Silver in August, 2007, and by delaying from December, 2007, to July 2008, a period of approximately six months, to pay the small claims judgment, respondent failed to promptly refund any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

PENDING PROCEEDINGS.

The disclosure date referred to, on page two, paragraph A.(7), was March 29, 2011.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
09-O-14111	Two	Business and Profession Code section 6106

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of March 29, 2011, the estimated prosecution costs in this matter are approximately \$4,414.00. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE.

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

Standard 2.6(a) specifies culpability of a member of a violation of sections 6067 and 6068 of the Business and Professions Code shall result in disbarment or suspension depending on 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.

Lydon v. State Bar (1988) 45 Cal.3d 1181, "willfulness does not require actual knowledge of the provision violated."

In the Matter of Taggart (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302, 309, "Thus, the term willful does not require a showing that respondent intended the consequences of his acts or omissions, it simply requires proof that he intended the act or omission itself."

In the Matter of Nees (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 459 (respondent received two years stayed suspension, two years probation conditioned on six months actual suspension and until restitution completed, compliance with rule 955 of the California Rules of Court, Multistate Professional Responsibility Examination, and other probation conditions for misconduct involving one client matter: failure to perform legal services [rule 3-110(A)]; failure to respond to client's status inquiries [section 6068(m)]; failure to refund \$7,000 in advanced legal fees [rule 3-700(D)(2)]; failure to cooperate [section 6068(i)]; failure to return client papers [rule 3-700(D)(1)]).

In the Matter of Sullivan, II (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 608 (respondent received one year suspension stayed, three years probation including 60 days actual suspension, Multistate Professional Responsibility Examination, and other probation conditions for misconduct involving four client matters: failure to perform legal services, failure to respond to client inquiries and to keep clients informed of significant development in their cases).

In Schullman v. State Bar (1976) 16 Cal.3d 631, in two matters, respondent failed to perform and in one of the matters, respondent failed to return unearned fee. Respondent was disbarred. In aggravation, respondent had a record of five priors. (See *Martin v. State Bar* (1978) 20 Cal.3d 717, attorney in six separate matters, failed to perform; failed to communicate and misrepresented status of case to clients. Attorney received one-year actual suspension and had no priors in 28 years of practice; *Franklin v. State Bar* (1986) 41 Cal.3d 700, attorney had not performed services for which he was retained, failed to communicate with clients regarding status

of their cases, repeatedly refused to respond to client inquiries, and failed to cooperate with a new attorney. The Court ordered a 45-day actual suspension, one-year probation and passage of the professional responsibility examination).

AGGRAVATING CIRCUMSTANCES.

FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.

Pursuant to 1.2(b)(i): Respondent has four instances of prior discipline ranging from 1989 to 2005. Respondent's prior misconduct follows a similar pattern of behavior as in the present matter.

Pursuant to 1.2(b)(iv): Respondent's misconduct significantly harmed his client Cabugos when he failed to take any action on Cabugos' behalf between June 18, 2005 and June 25, 2007, and again failed to take action between November 8, 2007 and July 15, 2009.

MITIGATING CIRCUMSTANCES.

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

Standard 1.2(e)(iv): Respondent suffered emotional difficulties at the time of the act of professional misconduct. Respondent is taking steps to address his issues.

STATE BAR ETHICS SCHOOL.

Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

OTHER CONDITIONS.

1. See attached for Medical Conditions and Law Office Management Conditions.
2. Restitution to Cabugos not requested because Cabugos' continue to be represented by Respondent.

In the Matter of: MANTON SELBY, II	Case Number(s): 09-O-14111 [08-O-12273]
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Medical Conditions

- a. Unless Respondent has been terminated from the Lawyer Assistance Program ("LAP") prior to respondent's successful completion of the LAP, respondent must comply with all provisions and conditions of respondent's Participation Agreement with the LAP and must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and respondent's compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. However, if respondent has successfully completed the LAP, respondent need not comply with this condition.
- b. Respondent must obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at respondent's own expense a minimum of two (2) times per month and must furnish evidence to the Office of Probation that respondent is so complying with each quarterly report. Help/treatment should commence immediately, and in any event, no later than thirty (30) days after the effective date of the discipline in this matter. Treatment must continue for --- days or --- months or --- years or, the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If the treating psychiatrist, psychologist, or clinical social worker determines that there has been a substantial change in respondent's condition, respondent or Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 5.300 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist, or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.

- c. Upon the request of the Office of Probation, respondent must provide the Office of Probation with medical waivers and access to all of respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:

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In the Matter of: MANTON SELBY, II	Case Number(s): 09-O-14111 [08-O-12273]
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Law Office Management Conditions

- a. Within 45 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 days/ months/ years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than 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 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.

Other:

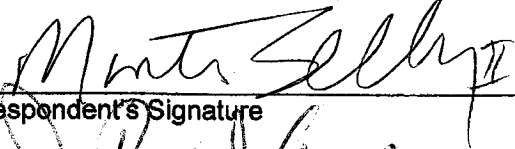
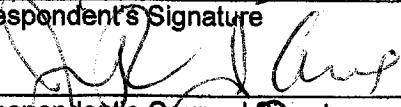
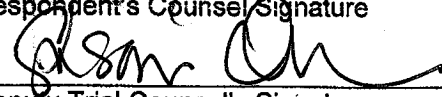
In addition to subpart (a), respondent must report compliance with the law office management/organization plan with each quarterly report.

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In the Matter of: MANTON SELBY, II	Case number(s): 09-O-14111 [08-O-12273]
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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 Facts, Conclusions of Law, and Disposition.

<u>4/7/11</u> Date	 Respondent's Signature	<u>Manton Selby, II</u> Print Name
<u>April 11, 2011</u> Date	 Respondent's Counsel Signature	<u>Jonathan Arons</u> Print Name
<u>4/12/2011</u> Date	 Deputy Trial Counsel's Signature	<u>Susan Chan</u> Print Name

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In the Matter of: MANTON SELBY, II	Case Number(s): 08-O-12273 et al.
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ACTUAL SUSPENSION ORDER

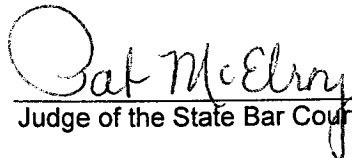
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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.

1. On page 4 of the stipulation, delete the "x" in the box next to paragraph D(1)(a)(i) to remove the "and until" standard 1.4(c)(ii) condition.
2. On page 6 of the stipulation, in paragraph F(1) pertaining to the MPRE requirement, delete the words "or within one year, whichever period is longer" so that the paragraph reads that respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE") during the period of actual suspension.

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 5.58(E) & (F), 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 9.18(a), California Rules of Court.)**

May 6, 2011
Date


Judge of the State Bar Court

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 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 May 6, 2011, 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:


- 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
221 MAIN ST STE 740
SAN FRANCISCO, CA 94105

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

SUSAN CHAN , Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on May 6, 2011.


Laretta Cramer
Case Administrator
State Bar Court