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<b>State Bar Court of California Hearing Department San Francisco ACTUAL SUSPENSION</b>		
<b>Counsel For The State Bar</b>  <b>Robin B. Brune</b> <b>Senior Trial Counsel</b> <b>180 Howard Street</b> <b>San Francisco, CA 94105</b> <b>(415) 538-2218</b>  Bar # 149481	<b>Case Number(s):</b> <b>12-O-15885;</b> <b>12-O-16465;</b> <b>13-O-11273</b>	<b>For Court use only</b>  <b>PUBLIC MATTER</b>  <b>FILED</b>  <b>APR 17 2014</b>  <b>STATE BAR COURT CLERK'S OFFICE</b> <b>SAN FRANCISCO</b>
<b>Counsel For Respondent</b>  <b>Jonathan Irwin Arons</b> <b>Law Offices of Jonathan I. Arons</b> <b>221 Main Street, Suite 740</b> <b>San Francisco, CA 94105</b> <b>(415) 957-1818</b>  Bar # 111257	<b>Submitted to: Settlement Judge</b>  <b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND</b> <b>DISPOSITION AND ORDER APPROVING</b>  <b>ACTUAL SUSPENSION</b>  <input checked="" type="checkbox"/> <b>PREVIOUS STIPULATION REJECTED</b>	
<b>In the Matter of:</b> <b>WENDELL JAMON JONES</b>  Bar # 202302  A Member of the State Bar of California (Respondent)		

**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 July 19, 1999.
- (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 16 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."

(Effective January 1, 2014)



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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: (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 [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline**
- (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.
- (2)  **Dishonesty:** Respondent's misconduct was intentional, 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. **See Attachment, p.12.**
- (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.

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- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See Attachment, p. 12.**
- (8)  **Restitution:** Respondent failed to make restitution.
- (9)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. 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, the public, or the administration of justice.
- (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 with a good faith belief that was honestly held and reasonable.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental 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 the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (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 extraordinarily 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. **See Attachment, p.13.**
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

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- (13)  No mitigating circumstances are involved.

**Additional mitigating circumstances:**

**No Prior Discipline - See Attachment, page 13.**  
**Pre-filing Stipulation - See Attachment, page 13.**

**D. Discipline:**

- (1)  **Stayed Suspension:**

- (a)  Respondent must be suspended from the practice of law for a period of **one (1) year**.

- 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 1.2(c)(1) 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 **two (2) 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 **90 days**.

- 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 1.2(c)(1), 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 1.2(c)(1), 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

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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: .

- (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 type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input checked="" 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.**

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- 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:**

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In the Matter of: <b>WENDELL JAMON JONES</b>	Case Number(s): <b>12-O-15885;12-O-16465;13-O-11273</b>
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### Financial Conditions

#### a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
First California Mortgage Co. Reference: Brown v. First California Mortgage Co., case no. C12-00157, order file dated April 6, 2012	\$4252.00	May 6, 2012

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **30 days prior to the end of his period of probation.**

#### b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- 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.

#### c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

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b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
  1. the name of such client;
  2. the date, amount and source of all funds received on behalf of such client;
  3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
  4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
  1. the name of such account;
  2. the date, amount and client affected by each debit and credit; and,
  3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. **Client Trust Accounting School**

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.



**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:        WENDELL JAMON JONES

CASE NUMBERS:            12-O-15885; 12-O-16465; 13-O-11273

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

**Case No. 12-O-15885 (State Bar Investigation)**

**FACTS:**

1. As of September 21, 2011, Respondent was counsel of record on behalf of Frank Ayon in *Ayon v. Bank of America*, case no. 11-244228, filed in Tulare County Superior Court ("*Ayon*").
2. On January 24, 2012, the court in *Ayon* issued a Notice of Order re Case Management Conference, which ordered Respondent to appear on February 17, 2012. Respondent received the Order, but failed to appear.
3. On February 17, 2012, the court in *Ayon* issued an Order to Appear and Show Cause on February 17, 2012, which ordered the Respondent to appear on March 16, 2012. Respondent received the Order, but failed to appear.
4. On March 16, 2012, the court in *Ayon* issued an Order to Show Cause ordering Respondent to appear on April 20, 2012. Respondent received the Order, but failed to appear.
5. On March 16, 2012, the court in *Ayon* issued an order imposing \$1,000 in sanctions against Respondent; and on April 20, 2012, the court issued an order imposing \$2,000 in sanctions against the Respondent in the *Ayon* matter. Respondent received notice of the sanctions.
6. On May 11, 2012, the court in *Ayon* held a hearing. Respondent appeared for the hearing. The court affirmed all the sanctions. Respondent paid the sanctions on June 1, 2012.
7. Respondent failed to report the sanctions in the *Ayon* matter to the State Bar within 30 days of his knowledge of the sanctions. Respondent belatedly reported the sanctions on June 22, 2012.
8. As of September 9, 2010, Respondent was counsel of record for Seema Kahn in *Khan v. World Savings Bank*, case no. 10-CV-04057-LHK, filed in the United States District Court, Northern District of California ("*Khan*").

9. On November 18, 2010, the court in *Khan* issued an order, requiring Respondent to submit an Opposition or Statement of Non-opposition to the pending motion to dismiss. Respondent received the order and failed to file a response.

10. On January 11, 2011, the court in *Khan* issued an Order to Show Cause, ordering Respondent to respond to a Motion to Dismiss by February 17, 2011, and to appear on March 17, 2011. Respondent received the Order to Show Cause, but failed to file a response to the motion to dismiss and failed to appear on March 17, 2011. In a related case, *Khan v. World Savings Bank*, case no. 10-CV-04305-LHK, filed in the United States District Court, Northern District of California, the court issued an Order to Show Cause, dated January 21, 2011, ordering Respondent to appear on March 17, 2011. This is the same appearance as for the case of *Khan v. World Savings Bank*, case no. 10-CV-04057-LHK. Respondent received the order, but failed to appear.

11. On March 21, 2011, the court in *Khan* issued an order imposing \$1,000 in sanctions against Respondent. Respondent received notice of the sanctions. Respondent timely paid the sanctions on April 15, 2011. Respondent failed to report the sanctions in the *Khan* matters to the State Bar within 30 days of his knowledge of the sanctions. Respondent belatedly reported the sanctions on June 15, 2011.

#### CONCLUSIONS OF LAW:

12. By failing to abide by the court orders in *Ayon* of January 24, 2012, February 17, 2012, and March 16, 2012, and by failing to abide by the court orders in *Khan* of November 18, 2010, January 11, 2011, and January 21, 2011, Respondent disobeyed or violated orders of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession, which Respondent ought in good faith to do or forbear, in willful violation of Business and Professions Code section 6103.

13. By failing to report the sanctions issued in *Ayon* and the sanctions issued in *Khan* to the State Bar, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against him, Respondent failed to timely report the sanctions to the agency charged with attorney discipline, in willful violation of Business and Professions Code section 6068(o)(3).

#### Case No. 12-O-16465 (Complainant: Robert Brown)

#### FACTS:

14. As of January 23, 2012, Respondent was counsel of record on behalf of Robert Brown in *Brown v. First California Mortgage Company*, case no. C12-00157, filed in Superior Court, Contra Costa County ("*Brown*").

15. On January 23, 2012, the court in *Brown* issued a Notice of Case Management Conference which ordered Respondent to appear on June 11, 2012. Respondent received the order, but failed to appear.

16. On June 11, 2012, the court in *Brown* court issued an Order to Show Cause, ordering the Respondent to appear on July 11, 2012. Respondent received the order, but failed to appear.

17. On July 11, 2012, the court in *Brown* issued an Order to Show Cause, ordering Respondent to appear on August 17, 2012. Respondent received the order, but failed to appear.

18. On January 23, 2012, Respondent filed a Notice of Lis Pendens in the case. On February 27, 2012, the defendant filed a motion to expunge the lis pendens. Respondent received the defendant's motion, but failed to respond to it. On April 3, 2012, the court in *Brown* held a hearing on the lis pendens. Although Respondent had notice of the hearing, he failed to appear at the hearing, resulting in a \$4,252 sanction against Respondent's client. Respondent was aware of the sanctions, but failed to advise the client of the sanctions.

#### CONCLUSIONS OF LAW:

19. By failing to abide by the court orders of January 23, 2012, June 11, 2012, and July 11, 2012, in *Brown*, Respondent disobeyed or violated orders of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession, which Respondent ought in good faith to do or forbear, in wilful violation of Business and Professions Code section 6103.

20. By failing to appear at the April 3, 2012 hearing, resulting in sanctions against his client, and by failing to respond to the defense motion in the case, Respondent wilfully failed to perform legal services with competence, in wilful violation of Rules of Professional Conduct rule 3-110(A).

21. By failing to notify his client of the sanctions, Respondent failed to communicate a significant development in a matter in which he agreed to provide legal services, in wilful violation of Business and Professions Code section 6068(m).

#### Case No. 13-O-11273 (State Bar Investigation)

#### FACTS:

22. Prior to November 15, 2011, Respondent was hired by Abel Diaz ("Diaz") to file a bankruptcy petition. At that time, Diaz was not eligible to file for bankruptcy. Diaz was in imminent risk of losing his home to foreclosure.

23. Diaz owned the home jointly with his ex-girlfriend, Olivia Jacobo ("Jacobo"). Jacobo primarily speaks Spanish. Respondent used a translator, Jose Herrera, ("Herrera") to translate for Jacobo. On November 15, 2011, Herrera, on behalf of Respondent, conducted a three-way telephone conference between himself, Diaz, and Jacobo, to discuss the impending foreclosure of the home. At that time, Jacobo provided her social security number to Herrera and understood that it was for the purpose of trying to keep the home. Unbeknownst to Respondent, Jacobo did not consent to a bankruptcy petition being filed. Thereafter, Herrera reported to Respondent that Jacobo had consented to filing a bankruptcy in her name in order to stop the imminent foreclosure of the home.

24. In truth and in fact, Jacobo did not authorize Respondent to file a bankruptcy on her behalf.

25. On November 15, 2011, based on his understanding that he had Jacobo's verbal consent, Respondent thereafter immediately filed a bankruptcy petition, *In Re Olivia Jacobo*, case no. 11-34113, filed in the U.S. Bankruptcy Court for the Northern District of California, in order to prevent the foreclosure of the Diaz/Jacobo property.

26. Respondent filed the bankruptcy petition electronically and did not have the original, wet signature of Jacobo, in violation of the bankruptcy rules (U.S. Bankr.Ct., Northern District Cal., rule

not met with Jacobo, signed a retainer agreement with her, advised her with respect to the bankruptcy proceedings, or collected her income and asset information prior to filing a bankruptcy in her name. Respondent's sole purpose in filing the bankruptcy in the name of Jacobo was to stop the foreclosure of the Diaz/Jacobo home.

27. In January 2012, Jacobo reported to the bankruptcy trustee that she never consented to a bankruptcy being filed on her behalf.

28. On July 30, 2012, Respondent entered into a Stipulation Between the United States Trustee and Wendell Jones for Order Imposing Sanctions and Other Relief ("Stipulation") in the bankruptcy proceedings. In the Stipulation, Respondent admitted he did not have Jacobo's consent to file the bankruptcy and that he did not have her wet signature before filing the bankruptcy. Respondent also stipulated that he had falsely certified that the petition was well grounded in fact and warranted by existing law. As part of the Stipulation, Respondent agreed to pay a fine of \$1,000 and that he would report the matter to the State Bar.

29. On August 1, 2012, the bankruptcy court issued an order consistent with the Stipulation, sanctioning Respondent \$1,000 and ordering Respondent to report the matter to the State Bar within 90 days. Respondent paid the sanctions in full on October 31, 2012. It was not until November 7, 2012, that Respondent reported the sanctions to the State Bar.

#### CONCLUSIONS OF LAW:

30. By failing to report the sanctions from *In Re Olivia Jacobo* to the State Bar, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against him, Respondent failed to timely report the sanctions to the agency charged with attorney discipline, in willful violation of Business and Professions Code section 6068(o)(3).

31. By making a false certification to the bankruptcy court regarding the Jacobo matter, Respondent committed an act involving moral turpitude, in wilful violation of Business and Professions Code section 6106.

32. By filing a bankruptcy in the name of Jacobo for the sole purpose of stopping the foreclosure of the Diaz/Jacobo home, without the intent to obtain a discharge of the debt for Jacobo, Respondent maintained an unjust action, in willful violation of Business and Professions Code section 6068(c).

#### AGGRAVATING CIRCUMSTANCES.

**Multiple Acts of Misconduct (Std. 1.5(b)):** Respondent failed to appear in violation of court orders on seven occasions in two separate matters; he failed to perform and communicate in one client matter (Brown); he failed to timely report numerous sanctions to the State Bar; and he committed moral turpitude in another matter (Jacobo). This demonstrates multiple acts of misconduct.

**Harm (Std. 1.5(f)):** Respondent's client Brown was sanctioned \$4,252 due to Respondent's failure to appear, causing significant harm. Respondent's misconduct harmed Jacobo since filing the bankruptcy damaged her credit.

## MITIGATING CIRCUMSTANCES.

**Good Character (Std. 1.6(f)):** Respondent has provided nine character reference letters in support of his good character from a range of references in the general and legal communities, all of whom are aware of Respondent's misconduct and are attesting to his good character. Five references are from clients and four from employees or professional associates, all attesting to his good character.

### **Additional Mitigating Circumstances:**

**No Prior Discipline:** Although Respondent's misconduct is serious, he is entitled to mitigation for having practiced law for 12 years without discipline before his misconduct began. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49.)

**Pre-filing Stipulation:** Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to the filing of charges, thereby saving State Bar Court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

## AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules of Procedure of State Bar, title IV, Standards for Attorney Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given Standard, in addition to the factors set forth in the specific Standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In this matter, Respondent admits to committing eight acts of professional misconduct. Standard 1.7(a) requires that where a Respondent "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed."

The most severe sanction applicable to Respondent's misconduct is found in Standard 2.7, which applies to Respondent's violation(s) of Business and Professions code section 6106. Standard 2.7 provides that disbarment or suspension is required for an act of moral turpitude or dishonesty, fraud, corruption, or concealment of a material fact. The degree of sanction depends on the magnitude of the misconduct and the extent to which the misconduct harmed or misled the victim and related to the member's practice of law.

Here, Respondent repeatedly failed to obey court orders in the *Ayon*, *Khan* and *Brown* matters and was sanctioned in each case. Although Respondent timely paid the sanctions and belatedly reported them to the State Bar, his misconduct significantly harmed Brown. In the *Jacobo* matter, Respondent falsely certified to the bankruptcy court that the bankruptcy petition was well grounded in fact and warranted by existing law. Respondent's misconduct harmed Jacobo, who did not authorize a bankruptcy and suffered adverse credit due to Respondent's unauthorized filing. Although Respondent was working under exigent circumstances to try to save his client Diaz's house, it does not excuse him from his ethical obligations. Respondent's misconduct is serious and is directly related to his practice of law.

In addition to harm, Respondent's misconduct is aggravated by multiple acts of misconduct. In mitigation, Respondent has no prior discipline in 12 years of practice and has agreed to enter into this stipulation.

Based on the repeated and serious nature of Respondent's misconduct, discipline in the mid-range of the standard is appropriate. A 90-day actual suspension with two years of probation, and a requirement that Respondent pay restitution by paying the fine the court imposed on Brown due to Respondent's failure to perform will serve the purposes of attorney discipline.

*In the Matter of Downey* (Review Dept. 2005) 5 Cal. State Bar Ct. Rptr. 151 is instructive. In *Downey*, the attorney was unable to reach his client and therefore verified the pleadings on behalf of his client, verifying, under penalty of perjury, that he was signing because his clients were absent from the county. In fact, the attorney in *Downey* did not conduct an investigation into his clients' whereabouts before verifying the pleadings. The court found the attorney in *Downey* culpable of moral turpitude by gross negligence and imposed a 90-day actual suspension. The court found aggravation in that the attorney's misconduct was followed by dishonesty and concealment. In mitigation, the court found that the attorney had no prior discipline, was candid with the State Bar, and demonstrated remorse and evidence of rehabilitation.

Respondent also committed moral turpitude by falsely certifying to the court that the Jacobo petition was well grounded in fact and warranted by existing law. Respondent knew that the Jacobo petition was not grounded in fact and warranted by existing law, because he had not met his client, interviewed her, nor collected information from her for a bankruptcy petition. In aggravation, Respondent also has additional charges of failure to report several sanctions matters as well as failure to perform in a client matter, Brown. As the attorney in *Downey*, in mitigation, Respondent has no prior discipline. In addition, Respondent is stipulating to misconduct in these proceedings, whereas *Downey* went to hearing. Balancing the aggravating and mitigating factors, the 90-day actual suspension given to the attorney in *Downey* is also an appropriate level of discipline in this case.

**COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of February 5, 2014, the prosecution costs in this matter are \$5,094.63. 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.

**EXCLUSION FROM MCLE CREDIT**

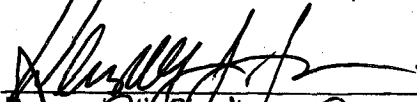

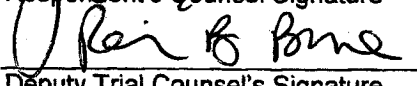
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: WENDELL JAMON JONES	Case number(s): 12-O-15885; 12-O-16465; 13-O-11273
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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>3/25/14</u> Date	 Respondent's Signature	<u>WENDELL JAMON JONES</u> Print Name
<u>April 11, 2014</u> Date	 Respondent's Counsel Signature	<u>JONATHAN IRWIN ARONS</u> Print Name
<u>4/1/2014</u> Date	 Deputy Trial Counsel's Signature	<u>ROBIN B. BRUNE</u> Print Name



(Do not write above this line.)

In the Matter of: WENDELL JAMON JONES	Case Number(s): 12-O-15885; 12-O-16465; & 13-O-11273
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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 pages 11 and 12 of the stipulation, paragraph number 26 is MODIFIED to read as follows:

Respondent electronically filed the bankruptcy petition even though he did not have an original, wet signature of Jacobo as required by the local bankruptcy rules and even though he had not met with Jacobo, signed a retainer agreement with her, advised her with respect to the bankruptcy proceedings, or collected her income and asset information. Respondent's sole purpose in filing the bankruptcy petition was to stop the foreclosure of the Diaz/Jacobo home.

2. On page 13 of the stipulation, at the end of the citation following the second paragraph, the following cite is INSERTED:

In the Matter of Stamper (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 96, 106, fn. 13 [noting that the Supreme Court has repeatedly given mitigation for many years of misconduct free practice in cases involving serious misconduct].)

3. There are no facts to support the stipulated conclusion that respondent's misconduct caused Jacobo significant harm. Even though filing the bankruptcy petition under Jacobo's name reduced Jacobo's credit score, a reduced credit score standing alone does not clearly establish any significant harm. Accordingly, on page 12 of the stipulation, in the last paragraph, the last sentence, which begins "Respondent's misconduct harmed Jacobo" is DELETED in its entirety. Likewise, on page 14 of the stipulation, in the third paragraph, the fourth sentence, which begins "begins "Respondent's misconduct harmed Jacobo" is also DELETED in its entirety.

4. On page 14 of the stipulation, in the first paragraph, the first sentence, which begins "In this matter," is DELETED in its entirety, and the following sentence is INSERTED in its place: "In this matter, Respondent admits to committing multiple acts of professional misconduct."

(Do not write above this line.)

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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.)**

Date

April 17, 2014

Pat McElroy

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 April 17, 2014, 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 certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:


by overnight mail at , California, addressed as follows:

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Robin B. Brune, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on April 17, 2014.

  
George Hue  
Case Administrator  
State Bar Court