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STATE BAR COURT  
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**STATE BAR COURT OF CALIFORNIA**

**REVIEW DEPARTMENT**

**IN BANK**

In the Matter of	)	Case No. 15-Q-10617
	)	
TARA SELVER,	)	ORDER
	)	
A Member of the State Bar, No. 153373.	)	
_____	)	

Respondent Tara Selver filed her resignation with disciplinary charges pending on February 2, 2015. On April 20, June 12, and August 14, 2015, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed its report and supplemental reports on the resignation. OCTC recommends that Selver's resignation be accepted. In light of the grounds set forth in California Rules of Court, rule 9.21(d),<sup>1</sup> as detailed below, we recommend that the Supreme Court accept Selver's resignation.

**I. BACKGROUND**

**A. Prior Records of Discipline**

Selver was admitted to practice law in California on June 12, 1991. She has two prior records of discipline. First, in January 2010, Selver was privately reprovved with conditions. (State Bar Court case no. 07-O-11016.) Selver stipulated to violations of rule 3-110(A) of the Rules of Professional Conduct (failure to perform with competence) and rule 3-500 (failure to communicate) arising from her representation in one client matter. There were no aggravating factors, and Selver's lack of prior discipline, candor and cooperation, and remorse were

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<sup>1</sup> All further references to rules are to this source unless otherwise noted.



considered in mitigation. The conditions attached to her private reproof included that she was required to pay restitution to her client, Maria Iraheta, in the amount of \$7,500 plus 10 percent interest.

Second, on August 7, 2013 (effective September 6, 2013), the Supreme Court ordered Selver suspended for two years, execution stayed, and placed on probation for two years subject to various conditions, including the condition that she be suspended for the first 60 days of probation and until she made restitution to Iraheta. (*In re Tara Selver on Discipline* (S211101), State Bar Court case no. 12-H-16627.) Selver stipulated that she violated rule 1-110 of the Rules of Professional Conduct (failure to comply with conditions attached to a reproof) by not submitting a final written report to the Office of Probation (Probation) and by failing to pay restitution. Selver's prior record of discipline and harm to her client were aggravating factors and no mitigating factors were found.

OCTC reports that as of June 23, 2013, Selver's total restitution obligation to Iraheta was \$10,062 (\$7,500 principal plus \$2,562 interest). On June 25, 2013, Selver wrote a check to Iraheta in the amount of \$10,066.44, which was negotiated on June 28, 2013. In July 2013, Selver sent Probation a letter indicating she had satisfied her restitution obligation and attaching a copy of the negotiated check. Probation accepted these items as proof that Selver has made full restitution to Iraheta.

#### **B. Pending Matters**

Two unfiled disciplinary matters are pending against Selver, and OCTC and Selver have entered into a stipulation as to facts and conclusions of law in both. First, at the time Selver filed her resignation, she remained subject to disciplinary probation in case number 12-H-16627, and she was out of compliance with its conditions. For this reason, Probation referred matter

no. 15-O-11284 to OCTC. OCTC and Selver then entered into a stipulation as to facts and conclusions of law concerning this matter, which OCTC attached to its April 20, 2015 report. Therein, Selver stipulated that she violated Business and Professions Code section 6068, subdivision (k) (failure to comply with conditions of probation) by failing to submit two quarterly reports to Probation and by failing to attend a session of State Bar Ethics School, pass the test given at the end, and submit proof of passage to Probation by September 6, 2014.

Second, OCTC opened a disciplinary investigation in matter no. 15-O-12667 in June 2015 after the State Bar received a complaint from Selver's former client, Candace Bowen. OCTC and Selver then entered into a stipulation as to facts and conclusions of law concerning this matter, which OCTC attached to its August 14, 2015 report. Therein, Selver stipulated that she failed to keep a client reasonably informed of significant developments in a matter, failed to take reasonable steps to avoid reasonably foreseeable prejudice to her client, failed to render an appropriate accounting, and failed to perform with competence. Further, she stipulated these acts constituted violations of Business and Professions Code section 6068, subdivision (m), and rules 3-700(A)(2), 4-100(B)(3), and 3-110(A) of the Rules of Professional Conduct.

## **II. CONSIDERATION OF THE GROUNDS SET FORTH IN RULE 9.21(d)**

We have considered Selver's resignation under the grounds set forth in rule 9.21(d). We summarize below the relevant information for each ground:

### **1. Whether the preservation of testimony is complete.**

OCTC reports that there is no need for perpetuation of the evidence in either of the pending disciplinary matters against Selver.

**2. Whether after transfer to inactive status, Selver has practiced law or has advertised or held herself out as entitled to practice law.**

OCTC reports that it has no evidence that Selver has practiced law or held herself out as entitled to practice law since she tendered her resignation on February 2, 2015.

**3. Whether Selver performed the acts specified in rule 9.20(a)-(b).**

Selver filed a rule 9.20 compliance declaration on March 30, 2015, stating that she had no clients, no client papers or other property to return, no unearned fees, and no pending client matters. OCTC notes that it appears that there were no acts that Selver was required to perform pursuant to rule 9.20.

**4. Whether Selver provided proof of compliance with rule 9.20(c).**

Selver's rule 9.20 compliance declaration in this case was submitted on March 30, 2015.

**5. Whether the Supreme Court has filed a disbarment order.**

The Supreme Court has not filed a disbarment order.

**6. Whether the State Bar Court has filed a decision recommending disbarment.**

The State Bar Court has not filed a decision recommending Selver's disbarment.

**7. Whether Selver previously resigned or has been disbarred and reinstated to the practice of law.**

Selver has not previously resigned or been disbarred in California.

**8. Whether Selver entered a stipulation with OCTC as to facts and conclusions of law regarding pending disciplinary matters.**

OCTC reports that it has entered into written stipulations as to facts and conclusions of law in both disciplinary matters that are pending against Selver. The stipulations were filed with OCTC's reports on April 20 and August 14, 2015.

**9. Whether accepting Selver's resignation will reasonably be inconsistent with the need to protect the public, the courts, or the legal profession.**

We recommend accepting the resignation for the reasons stated by OCTC. Selver: (1) filed a rule 9.20 compliance declaration; (2) entered into stipulations as to facts and conclusions of law in both disciplinary matters pending against her, which OCTC reports represent a complete account of her misconduct in the pending matters and are publicly available; (4) has no pending Client Security Fund (CSF) claims; and (5) has satisfied all restitution obligations. Further, Selver is 60 years old, resides in Washington, and is willing to forfeit her license. If Selver returns to the practice of law, she will be at least 64 years old before she is eligible to seek reinstatement. (Rules Proc. of State Bar, rule 5.442(B) [earliest reinstatement petition after resignation with charges pending is five years after filing date of resignation].) Under these circumstances, we do not believe that public confidence in the discipline system will be undermined by accepting the resignation and that acceptance would be consistent with the need to protect the public, the courts and the legal profession.

**III. RECOMMENDATION**

We recommend that the Supreme Court accept the resignation of Tara Selver, State Bar number 153373. We further recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6068.10, and that such costs be enforceable both as provided in section 6140.7 and as a money judgment.

**PURCELL**

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Presiding Judge

**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 Los Angeles, on September 24, 2015, I deposited a true copy of the following document(s):

ORDER FILED SEPTEMBER 24, 2015

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 Los Angeles, California, addressed as follows:

TARA SELVER  
16 RAFT ISLAND DR NW  
GIG HARBOR, WA 98335

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

SHANE C. MORRISON, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 24, 2015.

  
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Rosalie Ruiz  
Case Administrator  
State Bar Court