

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

**IN THE MATTER OF A MEMBER OF
THE STATE BAR OF ARIZONA,**

**JEFFREY M. MANLEY,
Bar No. 009760**

Respondent.

PDJ-2016-9001

FINAL JUDGMENT AND ORDER

[State Bar No. 15-1028]

FILED MAY 4, 2016

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on March 28, 2016 and Supplement to Agreement For Discipline by Consent filed April 27, 2016, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS ORDERED Respondent, **Jeffrey M. Manley**, is hereby admonished for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective the date of this order.

IT IS FURTHER ORDERED Mr. Manley shall pay the costs and expenses of the State Bar of Arizona in the amount of \$ 1,200.00, within thirty (30) days from the date of this order. There are no costs or expenses incurred by the disciplinary clerk and/or

Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings.

DATED this 4th day of May, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing e-mailed
this 4th day of May, 2016, and
mailed May 5, 2016, to:

Mark I. Harrison
Osborn Maledon, PA
2929 N. Central Avenue, Suite 2100
Phoenix, Arizona 85012-2765
Email: mharrison@omlaw.com
Respondent's Counsel

Bradley F. Perry
Staff Bar Counsel
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Email: LRO@staff.azbar.org

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266

by: AMcQueen

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

IN THE MATTER OF A MEMBER OF THE
STATE BAR OF ARIZONA,

JEFFREY M. MANLEY,
Bar No. 009760

Respondent.

PDJ-2016-9001

**DECISION ACCEPTING CONSENT
FOR DISCIPLINE**

[State Bar No. 15-1028]

FILED MAY 4, 2016

A Probable Cause Order was issued on November 19, 2015 and the formal complaint was filed on January 5, 2016. An Agreement for Discipline by Consent ("Agreement") was filed by the parties on March 28, 2016, and submitted under Rule 57(a)(3), Ariz. R. Sup. Ct.¹

The inconsistencies in the agreement gave an appearance of seemingly minimalizing the conduct in both counts. It appeared the misconduct regarding his renewal application as a licensed fiduciary was done knowingly. Also, the Agreement stated "the licensing division of the Arizona Supreme Court initiated an investigation and held hearings it would not have otherwise had to hold." While the ultimate findings of those hearings would not be dispositive of whether Mr. Manley violated his ethical responsibilities, the factual findings made would be dispositive of what occurred. Nothing was contained within the Agreement regarding those findings.

¹ Unless stated otherwise, all rules referenced are the Arizona Rules of the Supreme Court.

As the parties stated, administrative hearings were conducted regarding the application, the PDJ found those records would give better insight into the mental state, the mitigating factor of remorse and singular report of Mr. Manley to the Arizona Supreme Court Certification and Licensing Division.

Under "The lawyer's mental state" on page 7, the parties submitted Mr. Manley "negligently drove a motor a motor vehicle while intoxicated..." The PDJ pointed out the court in Arizona does not consider the subjective intent of a defendant in a DUI. *State ex rel. McDougall v. Superior Court*, 173 Ariz. 582, 845 P.2d 508, (Ariz. Ct. App. 1992). The PDJ offered the parties an opportunity to modify the agreement.

It is recommended the parties supplement the agreement not later than April 28, 2016, with the administrative charges, response of Mr. Manley and findings, decision and action taken by the Board regarding the application.

The parties timely submitted a modification. The parties acknowledge, "The appearance of impropriety is due to a deficiency in the recitation of facts in the proposed agreement." They then stated, "These assertions make it appear as if Respondent knew of the criminal nature of his offense when he signed the application, which would be inconsistent with the parties' assertion that a negligent standard applies."

Counsel certified that the records they submitted as attachments to the modification constitute the entirety of any record of response of Mr. Manley and of any findings, decision and action taken by the Board regarding his application. There was no record of Mr. Manley's apparent response to the Board or any findings arising

from that presentation other than as reported in the minutes. Those minutes report a denial of his application but no other findings.

Under Rule 53(b)(3), notice of this Agreement was provided to the complainant(s) by letter mailed on March 7, 2016. Complainant(s) were notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice. No objection was received.

Accordingly:

IT IS ORDERED incorporating the Agreement, its modification and all supporting documents by this reference. The agreed upon sanctions are: admonition and costs totaling \$1,200.00, plus interest at the statutory rate in full within thirty (30) days from this order.

IT IS FURTHER ORDERED the Agreement is accepted. A final judgment and order is signed this date.

DATED 4th day of May, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing were e-mailed this 4th day of May, 2016, and mailed on May 5, 2016, to:

Bradley F. Perry
Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6266
Email: lro@staff.azbar.org

Mark I. Harrison
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Respondent's Counsel

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by: AMcQueen

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Respondent's Counsel

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

**IN THE MATTER OF A MEMBER OF THE
STATE BAR OF ARIZONA,**

**JEFFREY M. MANLEY,
Bar No. 009760,**

Respondent.

PDJ 2016-9001

State Bar File No. **15-1028**

**AGREEMENT FOR DISCIPLINE BY
CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Jeffrey M Manley, who is represented in this matter by counsel, Mark I. Harrison and Anna H. Finn, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A Probable Cause Order was entered on November 19, 2015, a formal Complaint was filed on January 5, 2016, and an Answer filed on February 16, 2016. Respondent voluntarily waives the right to an adjudicatory hearing, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, if the conditional admission and proposed form of discipline is approved.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the Complainant by email on March 7, 2016. Complainant has been notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of Bar Counsel's notice.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, Ariz. R. Sup. Ct. ERs 8.4(b) and (d). Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Admonition. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within thirty (30) days from the date of this order, and if costs are not paid within the thirty (30) days, interest will begin to accrue at the legal rate.¹ The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

FACTS

GENERAL ALLEGATIONS

1. Respondent was licensed to practice law in Arizona on October, 20, 1984.

COUNT ONE (File no. 15-1028/ Wilson)

2. On December 17, 2011, Respondent was pulled over for a traffic violation and cited for Driving Under the Influence (DUI) pursuant to A.R.S. §§ 28-1381(A)(1) and (A)(2).

3. Respondent was provided a copy of the citation, which ordered him to appear for his arraignment on January 4, 2012.

¹ Respondent understands that the costs and expenses of the disciplinary proceeding include the costs and expenses of the State Bar of Arizona, the Disciplinary Clerk, the Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

4. Respondent appeared for his arraignment and entered a plea of not guilty.

5. On February 3, 2012, a formal criminal complaint charging a third offense was filed. The complaint charged Respondent with an extreme DUI (BAC 0.15 or more), alleging a BAC of 0.174. Following an evidentiary hearing, all charges were dismissed.

6. After the state's appeal and remand, a new criminal complaint was issued alleging all three DUI theories – (A)(1), (A)(2), and extreme – in a single formal complaint.

7. Respondent pled guilty to a Class 1 Misdemeanor DUI pursuant to A.R.S. §28-1381(A)(1) on January 28, 2014. The remaining charges were dismissed.

8. On June 3, 2014, Respondent applied to renew his fiduciary license with the Arizona Supreme Court Certification and Licensing Division. Respondent's assistant completed the application and provided it to Respondent for review and signature.

9. The application asks whether an applicant has been "convicted by final judgment of a misdemeanor, regardless of whether civil rights have been restored."

10. Respondent's assistant answered "no," despite Respondent being convicted of a Class 1 Misdemeanor DUI.

11. Respondent failed to diligently review the application and notice the error made by his assistant. Respondent knew he had a DUI conviction when he completed the fiduciary license application, but signed the application containing an

avowal that he had not been convicted of a crime. Respondent admits he was negligent in his review of the application.

12. A representative from the Arizona Supreme Court Certification and Licensing Division contacted Respondent to discuss his DUI. When asked about the conviction, Respondent stated he was convicted of a "misdemeanor civil traffic violation." Respondent admits he was unfamiliar with the specifics of his DUI case and was negligent in not reviewing his court paperwork before providing information to the Licensing Division.

13. Respondent admitted to having a criminal conviction after reviewing documents from his DUI case.

14. Because Respondent filed the application stating he had no criminal convictions and indicated he was convicted of a civil offense, the licensing division of the Arizona Supreme Court initiated an investigation and held hearings it would not have otherwise had to hold.

15. Respondent's conduct in this count violated Rule 42, Ariz. R. Sup. Ct., ERs 8.4(b) and 8.4(d).

CONDITIONAL ADMISSIONS

Respondent's admissions are being tendered in exchange for the form of discipline stated below and are submitted freely and voluntarily and not as a result of coercion or intimidation.

Respondent conditionally admits that his conduct violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 8.4(b) and (d).

CONDITIONAL DISMISSALS

The State Bar has conditionally agreed to dismiss the allegation that Respondent's conduct violated Rule 42, Ariz. R. Sup. Ct. 8.4(c).

RESTITUTION

Restitution is not an issue in this matter.

SANCTION

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter, as set forth above, the following sanctions are appropriate: Admonition.

If Respondent violates any of the terms of this agreement, further discipline proceedings may be brought.

LEGAL GROUNDS IN SUPPORT OF SANCTION

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E). The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various types of misconduct. *Standards* 1.3, Commentary. The *Standards* provide guidance with respect to an appropriate sanction in this matter. *In re Peasley*, 208 Ariz. 27, 33, 35, 90 P.3d 764, 770 (2004); *In re Rivkind*, 162 Ariz. 154, 157, 791 P.2d 1037, 1040 (1990).

In determining an appropriate sanction consideration is given to the duty violated, the lawyer's mental state, the actual or potential injury caused by the

misconduct and the existence of aggravating and mitigating factors. *Peasley*, 208 Ariz. at 35, 90 P.3d at 772; *Standard* 3.0.

The parties agree that *Standard* 6.14 is the appropriate *Standard* given the facts and circumstances of this matter. *Standard* 6.14 provides that "Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence in determining whether submitted statements or documents are false or in failing to disclose material information upon learning of its falsity, and causes little or no actual or potential injury to a party, or causes little or no adverse or potentially adverse effect on the legal proceeding." Here, Respondent was negligent during the fiduciary license application process. Respondent failed to properly review the written application and offered inaccurate information when contacted by the Licensing Board. Respondent's conduct was not the result of intentional misrepresentation and his negligence was limited to the application process.

The parties also agree that *Standard* 5.14 is applicable to this matter. *Standard* 5.14 states "Admonition is generally appropriate when a lawyer engages in any other conduct that reflects adversely on the lawyer's fitness to practice law." Here, Respondent was convicted of a misdemeanor DUI. Respondent's actions do not involve dishonesty, fraud, or misrepresentation, but do implicate the soundness of his decision-making process. Respondent's undesirable conduct was limited to one instance and he has learned from his mistake, therefore making an admonition appropriate.

The duty violated

As described above, Respondent's conduct violated his duty to the legal system and the public.

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent negligently drove a motor vehicle while intoxicated and negligently failed to review his application for a fiduciary license. The parties agree that Respondent's conduct was in violation of the Rules of Professional Conduct.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree that there was potential harm to the public and the legal system.

Aggravating and mitigating circumstances

The presumptive sanction in this matter is admonition. The parties conditionally agree that the following aggravating and mitigating factors should be considered.

In aggravation:

Standard 9.22(k): Illegal conduct.

In mitigation:

Standard 9.31(a): Absence of a prior disciplinary record.

Standard 9.31(b): Absence of a dishonest or selfish motive.

Standard 9.31 (l): Remorse.

Discussion

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, the presumptive sanction is appropriate. Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set

forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of Admonition and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit B.

DATED this 28th day of March, 2016.

STATE BAR OF ARIZONA



Bradley F. Perry
Staff Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. [I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property and other rules pertaining to suspension.]

DATED this _____ day of March, 2016.

Jeffrey M. Manley
Respondent

forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of Admonition and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit B.

DATED this _____ day of March, 2016.

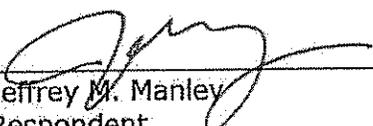
STATE BAR OF ARIZONA



Bradley F. Perry
Staff Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. [I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property and other rules pertaining to suspension.]

DATED this _____ day of March, 2016.



Jeffrey M. Manley
Respondent

DATED this 28th day of March, 2016.

Osborn Maledon PA



Mark I. Harrison
Counsel for Respondent

Approved as to form and content



Maret Vessella
Chief Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this _____ day of March, 2016.

Copy of the foregoing emailed
this _____ day of March, 2016, to:

The Honorable William J. O'Neil
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 West Washington Street, Suite 102
Phoenix, Arizona 85007
E-mail: officepdj@courts.az.gov

Copy of the foregoing mailed/emailed
this _____ day of March, 2016, to:

Mark I. Harrison
Osborn Maledon, PA
2929 N. Central Avenue, Suite 2100
Phoenix, Arizona 85012-2765
Email: mharrison@omlaw.com
Respondent's Counsel

DATED this _____ day of March, 2016.

Osborn Maledon PA

Mark I. Harrison
Counsel for Respondent

Approved as to form and content



Maret Vessella
Chief Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 28th day of March, 2016.

Copy of the foregoing emailed
this 28th day of March, 2016, to:

The Honorable William J. O'Neil
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 West Washington Street, Suite 102
Phoenix, Arizona 85007
E-mail: officepdj@courts.az.gov

Copy of the foregoing mailed/emailed
this 28th day of March, 2016, to:

Mark I. Harrison
Osborn Maledon, PA
2929 N. Central Avenue, Suite 2100
Phoenix, Arizona 85012-2765
Email: mharrison@omlaw.com
Respondent's Counsel

Copy of the foregoing hand-delivered
this 28th day of March, 2016, to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266

by: 

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
Jeffrey M. Manley, Bar No. 009760, Respondent

File No. 15-1028

Administrative Expenses

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

General Administrative Expenses for above-numbered proceedings

\$1,200.00

Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

Staff Investigator/Miscellaneous Charges

Total for staff investigator charges \$ 0.00

TOTAL COSTS AND EXPENSES INCURRED \$ 1,200.00

EXHIBIT B

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

**IN THE MATTER OF A MEMBER OF
THE STATE BAR OF ARIZONA,**

**JEFFREY M MANLEY,
Bar No. 009760,**

Respondent.

PDJ 2016-9001

FINAL JUDGMENT AND ORDER

[State Bar No. 15-1028]

The undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on _____, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED that Respondent, **Jeffrey M. Manley**, is hereby admonished for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective thirty (30) days from the date of this Order or _____.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$ _____, within thirty (30) days from the date of service of this Order.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings in the amount of _____, within thirty (30) days from the date of service of this Order.

DATED this _____ day of March, 2016.

William J. O'Neil, Presiding Disciplinary Judge

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this _____ day of March, 2016.

Copies of the foregoing mailed/emailed
this _____ day of March, 2016, to:

Mark I. Harrison
Osborn Maledon, PA
2929 N. Central Avenue, Suite 2100
Phoenix, Arizona 85012-2765
Email: mharrison@omlaw.com
Respondent's Counsel

Copy of the foregoing emailed/hand-delivered
this _____ day of March, 2016, to:

Bradley F. Perry
Staff Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Copy of the foregoing hand-delivered
this _____ day of March, 2016 to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266

by: _____

Bradley F. Perry, Bar No. 025682
StaffBar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone (602)340-7247
Email: LRO@staff.azbar.org

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

**IN THE MATTER OF A MEMBER OF
THE STATE BAR OF ARIZONA,**

**JEFFREY M. MANLEY,
Bar No. 009760,**

Respondent.

PDJ 2016-_____

COMPLAINT

[State Bar No. 15-1028]

Complaint is made against Respondent as follows:

GENERAL ALLEGATIONS

1. At all times relevant, Respondent was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice in Arizona on October 20, 1984.

COUNT ONE (File no. 15-1028/Judicial Referral)

2. On December 17, 2011, Respondent was pulled over for a traffic violation and cited for Driving Under the Influence (DUI) pursuant to A.R.S. §§ 28-1381(A)(1) and (A)(2).

3. The box checked next to the (A)(1) count on the citation indicates that the offense is categorized as "criminal traffic."

4. Respondent was provided a copy of the citation, which ordered him to appear for his arraignment on January 4, 2012.

5. Respondent appeared for his arraignment and entered a plea of not guilty.

6. On February 3, 2012, a formal criminal complaint charging a third offense was filed. The complaint charged Respondent with an extreme DUI (BAC 0.15 or more), alleging a BAC of 0.174. The complaint is captioned "criminal complaint."

7. Respondent hired Larry Kazan, a criminal defense attorney, to represent him. Larry Kazan entered his appearance on behalf of Respondent On March 14, 2012. Respondent knew he faced criminal charges when he hired Mr. Kazan.

8. On May 18, 2012, Mr. Kazan filed a motion to suppress based on an illegal stop. The City responded on May 24 and the evidentiary hearing occurred on October 4, 2012. Both the citing officer and Respondent testified at the hearing. The Court ultimately ruled that the stop was improper and suppressed all the evidence.

9. The City appealed to Superior Court pursuant to A.R.S. §13-4032, which details when the State can appeal in a criminal matter.

10. The Superior Court judge found in favor of the State and remanded the case back to City Court.

11. A new criminal complaint was issued alleging all three DUI theories – (A)(1), (A)(2), and extreme – in a single formal complaint. The complaint is captioned "criminal complaint."

12. The charges alleged in the new complaint are the same charges alleged on the citation and the February 3, 2012 criminal complaint, which initially prompted Respondent to hire a criminal defense attorney.

13. On November 20, 2013, Respondent's lawyer requested a jury trial.
14. Respondent's case never went to trial because he pled guilty to DUI pursuant to A.R.S. §28-1381(A)(1) on January 28, 2014.
15. DUI pursuant to A.R.S. §28-1381(A)(1) is a criminal offense.
16. DUI pursuant to A.R.S. §28-1381(A)(1) is the offense marked "criminal traffic" on the citation and appears on the criminal complaint filed after the case was remanded from Superior Court.
17. Respondent read and initialed the paragraph in his plea affirming that "Defendant understands the nature of the charge(s) against him/her, namely: 28-1381A1 a Class 1 Misdemeanor."
18. Respondent also read and initialed the paragraph in the plea explaining the range of possible consequences for a Class 1 Misdemeanor, including the possibility of jail time.
19. Mr. Kazan explained the plea agreement to Respondent, including that Respondent was pleading to a criminal offense.
20. As part of the plea agreement colloquy, the Court explained that Respondent was pleading guilty to a Class 1 Misdemeanor. Respondent verbally acknowledged that he understood the charges, what offense he pled guilty to, and the possible consequences of his plea.
21. Respondent stipulated to "serve 15 days in jail (the first 24 hours of which are NOT work-release eligible); 0 days credit for time served; pay jail costs imposed by the Court, pursuant to A.R.S. §13-804.01B; home detention eligible after 20% of jail has been served."

22. Respondent was booked into jail February 19, 2014, and released February 21, 2014. Respondent served the remainder of his sentence in home detention.

23. During home detention Respondent was subject to electronic monitoring via an ankle bracelet supplied by Community Health Services (CHS). Respondent was required to provide CHS with documentation to confirm his daily schedule and was informed that CHS would contact his employer, school, and treatment provider to verify the provided information. Respondent was ordered to ingest no alcohol, which included a ban on mouthwash and over-the-counter medications.

24. On June 3, 2014, Respondent applied to renew his fiduciary license with the Arizona Supreme Court Certification and Licensing Division.

25. The application asks whether an applicant has been "convicted by final judgment of a misdemeanor, regardless of whether civil rights have been restored." Respondent answered "No" despite being convicted of a Class 1 Misdemeanor DUI only 6 month earlier.

26. Respondent knew he had a criminal conviction when he completed the fiduciary license application.

27. When asked via telephone about his DUI conviction by the Licensing Board, Respondent claimed that he was convicted of a "misdemeanor civil traffic violation." Respondent denied being convicted of a criminal offense.

28. Respondent only admitted to having a criminal conviction after he was confronted with court documents showing the conviction.

29. Respondent's conduct in this count violated Rule 42, Ariz. R. Sup. Ct., ERs 8.4(b) and 8.4(c).

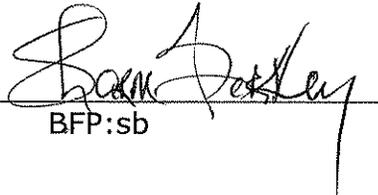
DATED this 5th day of January, 2016.

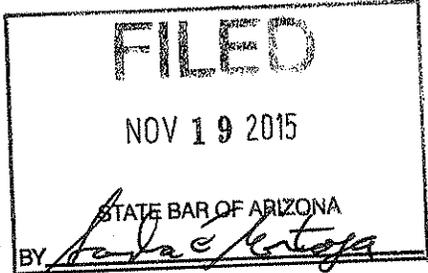
STATE BAR OF ARIZONA



Bradley F. Perry
Staff Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 5th day of January, 2016.

by: 
BFP:sb



**BEFORE THE ATTORNEY DISCIPLINE
PROBABLE CAUSE COMMITTEE
OF THE SUPREME COURT OF ARIZONA**

**IN THE MATTER OF A MEMBER OF
THE STATE BAR OF ARIZONA,**

**JEFFREY M. MANLEY,
Bar No. 009760,**

Respondent.

No. 15-1028

PROBABLE CAUSE ORDER

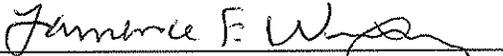
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on November 13, 2015, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation and Complainant's Response.

By a vote of 6-3-0, the Committee finds probable cause exists to file a complaint against Respondent in File No. 15-1028.

IT IS THEREFORE ORDERED pursuant to Rules 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar Counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

DATED this 19 day of November, 2015.



Judge Lawrence F. Winthrop, Chair
Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona

Original filed this 20th day
of November, 2015, with:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266

Copy mailed this 20th day
of November, 2015, to:

Denise M. Quinterri
The Law Office of Denise M. Quinterri, PLLC
5401 FM 1626, Suite 170-423
Kyle, Texas 78640-6043
Respondent's Counsel

Copy emailed this 20th day
of November, 2015, to:

Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona
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