

**PUBLIC MATTER**

**FILED**

**MAR 19 2014**

**STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO**

**STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – SAN FRANCISCO**

In the Matter of	)	Case No.: 12-C-11576; 12-C-11759;
	)	12-C-12032; 12-C-12883-PEM
<b>MARC ANTHONY GUILLORY,</b>	)	<b>(Cons.)</b>
	)	<b>ORDER DENYING RESPONDENT'S</b>
<b>Member No. 214098,</b>	)	<b>MOTION FOR RECONSIDERATION</b>
	)	<b>AND FOR LIMITED REOPENING OF</b>
A Member of the State Bar.	)	<b>CASE; ORDER AMENDING DECISION</b>

On March 5, 2014, respondent Marc Anthony Guillory filed his Motion for Reconsideration and Motion for Limited Opening of Case.<sup>1</sup> On March 13, 2014, the State Bar of California, Office of the Chief Trial Counsel (State Bar), by and through Senior Trial Counsel Robin Brune, filed its opposition to respondent's motion.

Having considered the parties' contentions, the court finds that respondent's motion for reconsideration does not meet the requirements of rule 5.115(A) and/or rule 5.115(B) of the Rules of Procedure of State Bar of California and that respondent's motion to reopen the record does not meet the requirements of rule 5.113(B) of the Rules of Procedure. Accordingly, no

<sup>1</sup> The court understands respondent's motion for limited opening of the case to be a request to reopen the record under rule 5.113 of the Rules of Procedure of State Bar of California, and deems it as such.



good cause appearing respondent's Motion for Reconsideration and for Limited Reopening of Case<sup>2</sup> is **DENIED**.

On its own motion the court amends the February 13, 2014 Decision, to correct the following typographical/clerical errors:

1. On page 19 of the Decision, in the third line under the heading, "**Indifference Toward Rectification/Atonement (Std. 1.5(g).)**," delete the word "any" and in its place insert the word "no," so that the first eleven words of that line read as follows:

respondent believes that he played no part in his cousin's death.

---

<sup>2</sup> The court cannot help but find respondent's motion to be concerning, as it shows that respondent still does not show any understanding of his wrongdoing. Rather, the motion evidences that respondent has become mired in minutiae and cannot see "the big picture." Respondent either is unable or refuses to face the fact that the misconduct at issue, which spanned many years, evidences an extraordinary disregard for the law, his probation conditions, and most significantly the safety of the public. Respondent still appears not to grasp that the facts and circumstances surrounding his four alcohol-related convictions, which when viewed as a whole, reveal a flagrant disrespect by respondent for societal norms and the duty that he owed and owes as a member of society to act in a manner that does not put others at risk of grave physical harm. While respondent knows that the alcohol-related driving creates a risk of harm and often ends in actual harm, he does not get or acknowledge that his alcohol-related driving put others at risk of physical harm. It was respondent's continuing disregard for the safety of others, as evidenced by the circumstances and facts conduct surrounding each of his conviction matters, that is the embodiment of moral turpitude.

Respondent's reliance on minutiae to obfuscate facts or manipulate the facts to support his view is found in his rendition of the court's findings, which he set forth in his motion. For example, respondent wrote in his motion that "[t]he hearing court concluded that the bus was parked off to the right side of the curb. Decision 6:7-11. . . . There was no right side of the curb, but a sidewalk next to the road."

What the court actually wrote on page six of its Decision under the heading "Findings of Fact" was that "[t]he bus, which was parked off to the **right side of the number one traffic lane** alongside the curb, had a red reflector strip across its back end. . . . No cones or other warnings had been placed to the left of **the bus in the traffic lane in which it was stopped.**" [Emphasis added.] The facts as set forth in the Decision leave no doubt that the bus was stopped within the number one traffic lane, but toward the right side of that lane. It appears that the fact that the bus was parked somewhat to the right side of the traffic lane in which it had stopped is a fact that respondent is unable to accept.

2. On page 27 of the Decision in the line immediately preceding the heading, **“Multistate Professional Responsibility Examination,”** delete the word “two” and in its place insert the word “three;” and delete the word, “the” and in its place insert the word “that,” so that the line reads as follows:

three years will be satisfied and that stayed suspension will be terminated.

**IT IS SO ORDERED.**

Dated: March 19, 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 March 19, 2014, I deposited a true copy of the following document(s):

**ORDER DENYING RESPONDENT'S MOTION FOR RECONSIDERATION AND FOR LIMITED REOPENING OF CASE; ORDER AMENDING DECISION**

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:

MARC A. GUILLORY  
1701 HARRISON ST  
OAKLAND, CA 94612

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:

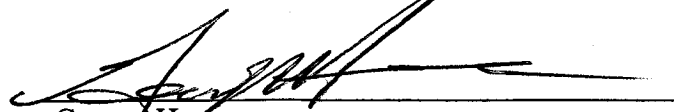
by fax transmission, at fax number . No error was reported by the fax machine that I used.

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 Brune, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on March 19, 2014.

  
George Hue  
Case Administrator  
State Bar Court