

**SUPREME COURT OF ARIZONA
DISCIPLINARY CASES MATRIX
(JANUARY 1 – DECEMBER 31, 2004)**

CASE NAME DATE/NUMBER	VIOLATIONS DESCRIPTION DISCIPLINARY RULES	HEARING OFFICER RECOMMEND	DISCIPLINARY COMMISSION RECOMMEND	SUPREME COURT SANCTION	COMMENTS
<p><u>Alcorn, Richard A.</u> 03/18/04 DC No. 01-1390 SB-04-0011-D (By Judgment)</p>	<p>Respondent failed to disclose a conflict of interest when he asked his client to loan him \$3,000. The terms of the loan were not in writing and the clients did not consent to the loan terms in writing. ER 1.8(a)</p>	<p>N/A View Agreement</p>	<p>Agreement for 3 months Suspension (retroactive) and 1 year of Probation (LOMAP) upon reinstatement View Report</p>	<p>No discretionary or <i>sua sponte</i> review View Order</p>	<p>In aggravation: 9.22(a) and (i) In mitigation: 9.32(e) and (l) Mental State: knowing Actual injury</p>
<p><u>Apker, David B.</u> 08/16/04 DC No. 02-1106 SB-04-0094-D (By Judgment)</p>	<p>Respondent was retained by a mortgage company to close the sale of real estate property. Respondent failed to record the client's deed or mortgage and failed to have a title insurance policy issued. Respondent further failed to respond and cooperate with the State Bar's investigation. ERs 1.1, 1.2, 1.3, 1.4, 8.1(b), 8.4(c), 8.4(d) and SCRs 31(c), 53(d) and (f)</p>	<p>Disbarment and Restitution View Report</p>	<p>Disbarment and Restitution View Report</p>	<p>No discretionary or <i>sua sponte</i> review View Order</p>	<p>Conduct deemed admitted by default. In aggravation: 9.22(a) (b) (c) (e) (g) (h) (i) and (j) No factors in mitigation Mental State: knowing Serious injury</p>
<p><u>Augustine, Jr., John R.</u> 10/29/04 DC Nos. 02-0207, et al. SB-04-0114-D (By Judgment)</p>	<p>Respondent failed to act with reasonable diligence and promptness in representing his client; failed to keep his client reasonably informed regarding the status of a matter or promptly complying with reasonable requests for information; failed, upon request of his client, to promptly render a full accounting regarding the client's property held in trust; failed to take the steps reasonably practicable to protect his client's interests upon termination of the representation; knowingly failed to respond to a lawful demand for information from an admissions or disciplinary authority; engaged in conduct involving dishonesty,</p>	<p>6 month and 1 day Suspension and Restitution View Report</p>	<p>2 year Suspension and Restitution View Report</p>	<p>No discretionary or <i>sua sponte</i> review View Order</p>	<p>Conduct deemed admitted by default. In aggravation: 9.22(c) (d) (e) and (i) In mitigation: 9.32(a) (b) (g) and (l) Mental State: knowing Actual injury</p>

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	<p>fraud, deceit or misrepresentation; engaged in conduct that is prejudicial to the administration of justice; and failed to furnish information or respond promptly to an inquiry or request from a disciplinary agency made pursuant to the rules for information relevant to matters under investigation concerning his conduct.</p> <p>ERs 1.3, 1.4, 1.15(b), 1.16(d), 8.1, and 8.4 (c) and (d)</p>				
<p><u>Barfield, Allan</u> 11/03/04 DC No. 02-0924 SB-04-0139-D (By Judgment)</p>	<p>Respondent's client refused to honor a medical lien based on Respondent's advice. The medical lien holder subsequently sued the client as well as Respondent and every firm that employed Respondent during the client's representation. Respondent represented all defendants. All claims against Respondent and the firms were eventually dismissed, but the court ruled that the client owed the lien holder an unsecured indebtedness of \$590,000 plus accrued interest and attorneys' fees. During the representation, Respondent secured a \$95,000 loan from his client. Respondent's misconduct included representing a client when the representation was materially limited by his own interests; and entering into a business transaction with his client, or knowingly acquiring an ownership, possessory, security or other pecuniary interest adverse to his client, without fully</p>	<p>Censure and 1 Year of Probation (EEP), obtain malpractice insurance</p> <p>View Report</p>	<p>Censure and 1 Year of Probation (EEP), obtain malpractice insurance</p> <p>View Report</p>	<p>No discretionary review</p> <p>View Order</p>	<p>In aggravation: 9.22(d) In mitigation: 9.32(a) (b) and (e) Mental State: negligent Injury is not discussed</p>

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	disclosing the transaction and terms in writing, and without advising his client in writing to seek independent legal counsel. ERs 1.7(b) and 1.8(b)				
<p><u>Bayless, Dennis P.</u> 05/03/04 DC No. 02-2156 SB-04-0053-D (By Judgment)</p>	<p>From at least July 19, 2002, until August 5, 2002, Respondent practiced law in violation of the Supreme Court’s judgment and order. Respondent had a civil subpoena issued, filed a notice of filing hearing exhibits, filed a joint pre-trial statement, appeared with his client at an arraignment and filed a notice of appearance. ER 5.5 and SCRs 31(a)(3), 63(c) and 71(c)</p>	<p>N/A View Agreement</p>	<p>Agreement for Censure and 1 year Probation (prepare educational article for <i>Arizona Attorney</i>) View Report</p>	<p>No discretionary review View Order</p>	<p>In aggravation: 9.22(a) and (i) In mitigation: 9.32 (b) and (e) Mental State: negligent Potential injury</p>
<p><u>Blasingim-Stenzel, Arla H.</u> 04/22/04 DC No. 02-0763, et al. SB-04-0035-D (By Judgment)</p>	<p>Respondent converted settlement proceeds or other funds for her own personal use. Respondent also accepted retainers from clients and then failed to perform the contracted services and to provide refunds upon request from the clients. Respondent virtually abandoned her clients and failed to respond or cooperate with the State Bar’s investigation. ERs 1.1, 1.2, 1.3, 1.4, 1.5, 1.15, 1.16, 3.2, 3.3, 3.4, 4.1, 5.3, 5.5, 8.1, 8.4 and SCRs 31, 41, 43, 44, 51 and 63</p>	<p>Disbarment and Restitution View Report</p>	<p>Disbarment and Restitution View Report</p>	<p>No discretionary or <i>sua sponte</i> review View Order</p>	<p>Conduct deemed admitted by default. In aggravation: 9.22(a) (b) (c) (d) (e) (h) and (j) No factors in mitigation Mental State: knowing Actual injury</p>

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<p><u>Brinton, Mark F.</u> 02/20/04 DC No. 02-1473, et al. SB-03-0154-D (By Judgment)</p>	<p>Respondent’s conduct in the first matter included making a false statement to a tribunal; failing to be truthful in statements made to others; engaging in conduct involving a misrepresentation; and engaging in conduct prejudicial to the administration of justice. Respondent’s conduct in the second matter included failing to maintain proper trust account records by failing to maintain a client ledger and failing to disburse funds from the account with only pre-numbered checks. Respondent’s conduct in the third matter included failing to abide by his client’s decisions concerning the scope of the representation, failing to act diligently and failing to adequately communicate with the client. ERs 1.2, 1.3, 1.4, 1.15 3.3, 4.1 and 8.4(c) and (d) and SCRs 41(c), 43(d) (Guidelines 2c and d) and 44</p>	<p>N/A View Agreement</p>	<p>Agreement for 30 day Suspension and 2 years of Probation (LOMAP/MAP) View Report</p>	<p>No discretionary or <i>sua sponte</i> review View Order</p>	<p>In aggravation: 9.22 (i) In mitigation: 9.32 (a) (b) (c) (e) and (l) Mental State: knowing Actual injury</p>
<p><u>Brown, Barbara T.</u> 12/01/04 DC Nos. 02-0560, et al. SB-04-0084-D (By Judgment)</p>	<p>Respondent represented a client regarding her divorce and bankruptcy matters. The client’s uncle, who was a long-time client, referred the client to Respondent. The client’s cousin paid the retainer fee for the client. Thereafter, Respondent sent the client paperwork to fill out which the client claimed she completed and returned, but Respondent claimed she never received. Respondent did not timely initiate the divorce proceeding, or press the client to complete the necessary</p>	<p>Censure, 2 years of Probation (LOMAP/MAP) and Restitution View Report</p>	<p> View Report</p>	<p>No discretionary review View Order</p>	<p>In aggravation: 9.22 (i) In mitigation: 9.32 (a) (b) (c) (e) and (l) Mental State: knowing Actual injury</p>

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	paperwork, assuming that the client did not wish to pursue the matter. When the client terminated the representation, Respondent applied the balance of the client's retainer to the uncle's outstanding balance owed to Respondent without the client's or the cousin's permission. ERs 1.3, 1.4, and 1.16.				
<p><u>Brown, George R.</u> 10/29/04 DC No. 02-0918 SB-04-0121-D (By Judgment)</p>	Respondent committed a criminal act in violation of A.R.S. §13-3005 by recording the telephone conversations of his child, mother-in-law and his wife without their knowledge or consent. Respondent also failed to obey court orders and was found in contempt of court for failure to pay child support and spousal maintenance. Respondent also failed to respond or cooperate with the State Bar's investigation. ERs 8.4(b) and (c), and SCRs 53(a), (c), (d) and (f)	6 month and 1 day Suspension and 1 year of Probation (LOMAP) View Report	6 month and 1 day Suspension and 1 year of Probation (LOMAP) View Report	No discretionary or <i>sua sponte</i> review View Report	In aggravation: 9.22(d) (e) and (i) In mitigation: 9.32(a) Mental State: knowing Actual injury
<p><u>Clark, Carroll A.</u> 08/16/04 DC No. 02-0488, et al. SB-04-0086-D (By Judgment)</p>	Respondent's misconduct involved three separate client matters and included, failing to abide by his client's decisions concerning the objectives of the representation and to consult with his client as to the means by which the objectives are to be pursued; failing to act with reasonable diligence and promptness in representing a client; failing to keep his client reasonably informed about the status of the matter and to comply with reasonable requests for information;	6 months Suspension and 2 years of Probation (LOMAP/PM) and fee arbitration. View Report	6 months and 1 day Suspension and 2 years of Probation (LOMAP with PM/MAP) and Restitution and fee arbitration. View Report	No discretionary or <i>sua sponte</i> review View Report	In aggravation: 9.22(a)(c)(d)(e)(i) and (j) No factors in mitigation Mental State: knowing Actual injury

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	<p>failing to safeguard his client’s property and to render a full accounting upon request of the client; failing to protect his client’s interests upon termination of the representation, including failing to return documents and property to which the client is entitled and to refund any advance payment of a fee that had not been earned; engaging in conduct prejudicial to the administration of justice; and failing to provide prompt and thorough responses to the disciplinary investigations.</p> <p>ERs 1.2, 1.3, 1.4, 1.15, 1.16(d) and 8.4(d), and Rule 51(h).</p>				
<p><u>Clark, Richard E.</u></p> <p>12/01/04 DC No. 00-1066 SB-04-0127-D 207 Ariz. 414, 87 P.3d 827</p> <p>(By Opinion)</p>	<p>Respondent transferred his assets to a professional corporation, thereby possibly depriving his former client of partial recovery on a judgment obtained against Respondent.</p> <p>ER 8.4(d)</p>	<p>Censure and 1 year of Probation and Restitution</p> <p>View Report</p>	<p>2 year Suspension and 2 years of Probation (LOMAP) and Restitution</p> <p>View Report</p>	<p>Censure and 2 years of Probation (LOMAP) and Restitution</p> <p>View Order</p>	<p>In aggravation: 9.22 (i) In mitigation: 9.32 (a) (b) (c) (e) and (l) Mental State: negligent Potential injury</p>
<p><u>Clark, Robert G.</u></p> <p>01/13/04 DC No. 01-2449 SB-03-0157-D</p> <p>(By Judgment)</p>	<p>Respondent failed to adequately supervise his non-lawyer assistant of 17 years, who had complete control of his lawyer trust account and embezzled funds from the account. A review by the State Bar’s staff examiner showed that Respondent failed to properly safeguard client funds, failed to keep his funds separate from client funds by depositing earned fees into the</p>	<p>N/A</p> <p>View Agreement</p>	<p>Agreement for Censure and 6 months Probation (trust account audit)</p> <p>View Report</p>	<p>No discretionary review</p> <p>View Order</p>	<p>No factors in aggravation In mitigation: 9.32(a) (b) (d) and (e) Mental State: knew or should have known Actual injury Presumptive sanction of suspension reduced due</p>

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	client trust account, failed to maintain complete trust account records for five years, failed to exercise due professional care in the maintenance of the trust account, failed to maintain proper internal controls within his office to adequately safeguard funds on deposit in the trust account and failed to conduct a monthly reconciliation of his trust account. ERs 1.15 and 5.3 and SCRs 43 and 44				to numerous mitigating factors.
<u>Counce, David W.</u> 02/12/04 DC No. 02-1649, et al. SB-03-0163-D (By Judgment)	Respondent abandoned his clients, knowingly failed to obey a lawful court order, lied to the court, co-counsel and his clients, and failed to return clients files. Respondent also failed to respond and cooperate with the State Bar's investigation. ERs 1.1, 1.2, 1.3, 1.4, 1.16(d), 3.2, 3.3, 3.4, 4.1, 8.1(b) and 8.4(c) and (d), and SCRs 51(e), (h), (i) and (k)	Disbarment View Report	Disbarment View Report	No discretionary or <i>sua sponte</i> review View Order	Conduct deemed admitted by default. In aggravation: 9.22(a) (c) (d) (e) (g) and (i) No factors in mitigation: Mental State: knowing Actual injury
<u>Davis, Leah S.</u> 03/23/04 DC No. 02-2305 SB-04-0033-D (By Judgment)	Respondent was appointed as an arbitrator in a Maricopa County Superior Court case. Respondent failed to set the arbitration hearing within the time ordered by the court and failed to appear at the first order to show cause hearing on the matter. Respondent did appear at the second hearing and was held in contempt. Respondent also failed to respond to repeated demands from the State Bar requesting information about the matter. ERs 3.4(c), 8.1, 8.4(d), and SCRs 51(e), (h), (i) and (k)	N/A View Agreement	Agreement for Censure and 2 years of Probation (LOMAP/MAP) View Report	No discretionary review View Order	In aggravation: 9.22(a) (e) and (i) In mitigation: 9.32(a) (b) (c) (k) (l) and (m) Mental State: knowing Actual injury Presumptive sanction of suspension reduced to censure because of mitigating factors.

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<p><u>DeLozier, G. David</u> 03/25/04 DC No. 01-2071 SB-04-0034-D (By Judgment)</p>	<p>The State Bar received two overdraft notices and a review of Respondent's trust account revealed that Respondent had earned the clients' funds that were in his trust account, but he never transferred those funds to his operating account. Instead, he treated the funds as fully earned and used them for other purposes. Because of this practice, Respondent's records show positive trust balances for some clients who really did not have a positive balance. Respondent failed to safeguard client funds and he commingled his personal funds with client funds. Respondent also failed to conduct monthly reconciliations of his trust account; made non-client-related transactions from his trust account; failed to maintain complete trust account records for a period of five years; failed to confirm that funds were on deposit in the trust account for clients prior to drawing offsetting disbursements; and failed to disburse from the trust account with pre-numbered checks. ER 1.15 and SCRs 43 and 44</p>	<p>N/A View Agreement</p>	<p>Agreement for Censure and 1 year of Probation (trust account audit) View Report</p>	<p>No discretionary review View Order</p>	<p>In aggravation: 9.22(a) and (i) In mitigation: 9.32 (b) (d) and (e) Mental State: negligent Potential injury</p>
<p><u>Edelman, Sanford J.</u> 12/29/04 DC No. 03-1910 SB-04-0152-D (By Judgment)</p>	<p>Respondent, a public defender, spoke to a represented person in a criminal matter without permission from that person's attorney and prepared an affidavit for the represented person to sign. ERs 4.2, 4.4, and 8.4(d)</p>	<p>Agreement for Censure View Report</p>	<p>Agreement for Censure View Report</p>	<p>No discretionary review View Order</p>	<p>In aggravation: 9.22 (a) (h) In mitigation: 9.32 (b) (e) (l) Mental State: negligent Potential injury</p>

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<p><u>Estes, David J.</u> 03/30/04 DC No. 02-2251, et al. SB-04-0038-D (By Judgment)</p>	<p>In the handling of a probate of an estate, Mr. Estes failed to keep his client, the personal representative of the estate, informed about the status of the probate matter; charged an unreasonable fee; failed to deliver client documents to the client; failed to act with reasonable diligence and promptness in representing the personal representative in a fee dispute with the primary beneficiary over the personal representative's fees; failed to expedite the fee dispute litigation; made a false statement of material fact in connection with a disciplinary matter; failed to respond to the State Bar in its investigation of the matter; and engaged in conduct prejudicial to the administration of justice. ERs 1.3, 1.4, 1.5, 1.15, 3.2, 8.1(a) and 8.4(d), and SCRs 51(h) and (i)</p>	<p>Censure View Report</p>	<p>Censure View Report</p>	<p>No discretionary review View Order</p>	<p>Conduct deemed admitted by default. In aggravation: 9.22(c) (e) and (i) In mitigation: 9.32(a) (b) (d) (e) (g) and (l) Mental State: negligent Potential injury</p>
<p><u>Fuller, Richard T.</u> 12/01/04 DC No. 02-0390 SB-04-0130-D (By Judgment)</p>	<p>The State Bar received two separate insufficient funds notices regarding Respondent's client trust account. Investigation of the matter revealed that the first overdraft resulted when Respondent left the state on a family emergency and neglected to deposit checks before he left. The second overdraft resulted when Respondent failed to reconcile his trust account and thus did not take into account the overdraft fees charged in the first overdraft situation. In responding to one</p>	<p>6 months and 1 day Suspension and 2 years of Probation (LOMAP with PM/MAP) View Report</p>	<p>6 months and 1 day Suspension and 2 years of Probation (LOMAP with PM/MAP) View Report</p>	<p>No discretionary or <i>sua sponte</i> review View Order</p>	<p>In aggravation: 9.22(a) (b) (e) (f) (g) and (i) In mitigation: 9.32(c) Mental State: knowing Actual injury</p>

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	of the State Bar’s requests for information, Respondent altered the payee on copies of 10 trust account checks, to reflect that the checks had been issued to him instead of his wife. ERs 1.15(a), 8.1(a) and (b), and 8.4(c), and SCRs 43, 44, and 51(h) and (i)				
<p><u>Glanville, James U.</u> 02/20/04 DC No. 00-1727 SB-04-0007-D (By Judgment)</p>	<p>Respondent’s conduct included depositing and keeping personal funds in his trust account in excess of that needed for bank charges; failing to maintain required records of funds deposited to and disbursed from his trust account; commingling his personal funds with client funds; and exposing client funds to a risk of loss by issuing insufficient funds checks against his trust account. Respondent also voluntarily withdrew from the practice of law for an extended period of time prior to the consent being filed. ER 1.15 and SCRs 43 and 44</p>	<p>N/A View Agreement</p>	<p>Agreement for Censure and 1 year of Probation (LOMAP) View Report</p>	<p>No discretionary review View Order</p>	<p>In aggravation: 9.22(c) and (i) In mitigation: 9.32(a) (b) (c) (e) (g) and (l) Mental State: negligent Potential injury</p>
<p><u>Grondin, Michael R.</u> 10/29/04 DC Nos. 02-2149, et al. SB-04-0122-D (By Judgment)</p>	<p>Respondent failed to abide by his client’s decisions concerning the objectives of representation or to consult with his client as to the means by which they are to be pursued; failing to act with reasonable diligence and promptness in representing a client; failing to keep his client reasonably informed about the status of a matter or promptly comply with</p>	<p>Agreement for 3 years Suspension and 2 years of Probation (PM/MAP) View Report</p>	<p>Agreement for 3 years Suspension and 2 years of Probation (PM/MAP) View Report</p>	<p>No discretionary or <i>sua sponte</i> review View Order</p>	<p>In aggravation: 9.22(d) and (k) In mitigation: 9.32(a) (b) (c) (d) (f) and (l) Mental State: knowing Actual injury</p>

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	<p>reasonable requests for information; failing, upon termination of representation, to take steps reasonably practicable to protect his client's interests; failing to make reasonable efforts to expedite litigation consistent with his client's interests; committing a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer; engaging in conduct prejudicial to the administration of justice; and being convicted of a misdemeanor involving a serious crime.</p> <p>ERs 1.2, 1.3, 1.4, 1.16(d), 3.2, 8.4(b) and (d), and SCRs 53(h)</p>				
<p><u>Hatfield, Leslie</u> 03/18/04 DC No. 01-0328, et al. SB-04-0010-D (By Judgment)</p>	<p>Respondent failed to adequately communicate with her clients, failed to diligently represent her clients' interests, engaged in conduct prejudicial to the administration of justice and failed to cooperate with the State Bar's investigation of these matters.</p> <p>ERs 1.3, 1.4, 8.1(b) and 8.4(d) and SCRs 51(h) and (i)</p>	<p>N/A</p> <p>View Agreement</p>	<p>Agreement for 30 day Suspension and 2 years of Probation (LOMAP/MAP)</p> <p>View Report</p>	<p>No discretionary or <i>sua sponte</i> review</p> <p>View Order</p>	<p>In aggravation: 9.22(a) (c) (e) and (i) In mitigation: 9.32(b) (c) (g) (i) and (l) Mental State: knowing Potential injury</p>
<p><u>Hayes, Ray</u> 07/22/04 DC No. 02-1732 SB-04-0092-D (By Judgment)</p>	<p>Respondent represented a client regarding her deceased relative's estate. Respondent divulged confidential client information to a third party, and used information relating to the representation to the disadvantage of his client.</p> <p>ERs 1.6(a) and 1.9(b)</p>	<p>Agreement for Censure</p> <p>View Report</p>	<p>Agreement for Censure</p> <p>View Report</p>	<p>No discretionary review</p> <p>View Order</p>	<p>In aggravation: 9.22(i) In mitigation: 9.32(a) (b) and (e) Mental State: negligent Injury not discussed</p>

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<p><u>Hill, Steven E.</u> 02/12/04 DC No. 02-0117, et al. SB-0158-D (By Judgment)</p>	<p>Respondent represented clients with potentially adverse interests in one matter, asserted frivolous claims in another matter, failed to diligently pursue matters, failed to adequately communicate with his clients, charged excessive fees in light of the work performed on two matters, failed to protect a client's interests upon withdrawal on a matter, failed to abide by the scope of the representation in a matter and committed a criminal act (attempted aggravated assault) that reflected adversely on him and the legal profession. ERs 1.2, 1.3, 1.4, 1.5, 1.7(b), 1.15, 1.16(d) and SCs 51(a) and 57(a)</p>	<p>N/A View Agreement</p>	<p>Agreement for 2 year Suspension (retro) and 2 years of Probation; fee arbitration View Report</p>	<p>No discretionary or <i>sua sponte</i> review View Order</p>	<p>In aggravation: 9.22(c) (d) and (h) In mitigation: 9.32(a) (c) (f) and (k) Mental State: knowing Actual injury</p>
<p><u>Hooper, Ron Kent</u> 07/22/04 DC No. 02-0487 SB-04-0093-D (By Judgment)</p>	<p>Respondent represented a client who wished to have his past felony conviction expunged. Respondent advised his client that he could have the conviction expunged and his civil rights restored. Thereafter, Respondent failed to take diligent actions consistent with the client's representation; failed to respond to the client's phone calls; failed to keep his client reasonably informed about the status of his case; failed to comply with his client's reasonable requests for information; charged his client a fee for which he did not perform a service; failed to respond to reasonable requests for information by a disciplinary authority in the course of its investigation; engaged in</p>	<p>Censure and 1 year of Probation (LOMAP) and Restitution View Report</p>	<p>Censure and 1 year of Probation (LOMAP) and Restitution View Report</p>	<p>No discretionary review View Order</p>	<p>In aggravation: 9.22(e) (h) and (i) In mitigation: 9.32(a) (c) and (j) Mental State: knowing Actual injury</p>

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	<p>a misrepresentation by leading his client to believe he was performing work when he was not; and engaged in conduct prejudicial to the administration of justice.</p> <p>ERs 1.2, 1.3, 1.4, 1.5, 3.2, 8.4(c) and 8.4(d), and SCRs 53(d) and (f)</p>				
<p><u>Isler, Michael E.</u> 05/06/04 DC No. 03-0272 SB-04-0073-D (By Judgment)</p>	<p>Respondent's misconduct included dishonesty, fraud, deceit or misrepresentation and a failure to cooperate with and respond promptly to requests for information from the State Bar.</p> <p>ERs 8.4(c) and SCRs 53(d) and (f)</p>	<p>Censure and two years of Probation (MAP/EEP)</p> <p>View Report</p>	<p>Censure and two years of Probation (MAP/EEP)</p> <p>View Report</p>	<p>No discretionary review</p> <p>View Order</p>	<p>Conduct deemed admitted by default.</p> <p>In aggravation: 9.22(b) (c) (e) and (g)</p> <p>In mitigation: 9.32(a) and (f)</p> <p>Mental State: Intentional</p> <p>Potential injury to administration of justice; great harm to the public and profession</p>
<p><u>Johnson, Stephen M.</u> 05/27/04 DC No. 03-0346 SB-04-0076-D (By Judgment)</p>	<p>Respondent was appointed to represent a client in a criminal matter. Thereafter, the client filed a complaint against Respondent with the State Bar of Arizona alleging lack of communication and diligence. Respondent responded to the complaint and attached a fabricated letter addressed to the client at his current address instead of the address at which the client resided at the time the letter was allegedly written. Respondent later admitted that he fabricated the letter in an</p>	<p>Agreement for 6 months and 1 day Suspension</p> <p>View Report</p>	<p>Agreement for 6 months and 1 day Suspension</p> <p>View Report</p>	<p>No discretionary or <i>sua sponte</i> review</p> <p>View Report</p>	<p>In aggravation: 9.22(a) (b) (f) and (i)</p> <p>In mitigation: 9.32(d) and (l)</p> <p>Mental State: knowing</p> <p>Actual injury</p>

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	attempt to support his response to the client's complaint. ER 8.1(a)				
<p><u>Kendrick, Jr., William L.</u> 01/08/04 DC No. 00-1591, et al. SB-03-0156-D (By Judgment)</p>	Respondent employed Robert Draughton, a non-attorney, in 1995 to perform paralegal duties of summarizing depositions and conducting legal research. In January 2000, Mr. Draughton approached Respondent and inquired if Respondent would be interested in representing bankrupt individuals who had been represented by Michael Smith, an Illinois attorney. Mr. Draughton advised Respondent that Mr. Smith had left town and that certain clients needed assistance with their cases. In connection with the cases that Mr. Kendrick took over from Mr. Smith, the clients dealt directly with Mr. Draughton. However, all of the pleadings and the receipts identified Respondent's office as the debtors' attorney. On September 5, 2000, the State Bar sent Respondent a letter involving the investigation of the first charge. That inquiry should have put Respondent on notice that Mr. Draughton was filing pleadings on Respondent's behalf without authorization. By failing to take any affirmative action concerning Mr. Draughton's conduct after the September 5, 2000, letter Respondent assisted in the unauthorized practice of law. Respondent also failed to diligently	N/A View Agreement	Agreement for Censure and 1 year of Probation (LOMAP) View Report	No discretionary review View Order	In aggravation: 9.22(c) and (i) In mitigation: 9.32(a) (b) (e) (g) and (l) Mental State: negligent Actual injury

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	represent his clients or communicate with them and engaged in conduct prejudicial to the administration of justice. ERs 1.3, 1.4, 5.5(b) and 8.4(d)				
<p><u>Medansky, David B.</u> 10/29/04 DC No. 03-1606 SB-04-0120-D (By Judgment)</p>	<p>Respondent represented his client in a divorce matter. Following a contentious court proceeding, Respondent made a verbal threat of physical violence to the opposing party, who subsequently obtained an order of protection against Respondent. ER 8.4(d) and SCR 41(g)</p>	<p>30 day Suspension and Professionalism Course View Report</p>	<p>30 day Suspension and 1 year of Probation (MAP) and Professionalism Course View Report</p>	<p>No discretionary or <i>sua sponte</i> review View Order</p>	<p>Conduct deemed admitted by default. In aggravation: 9.22(a) (c) and (i) In mitigation: 9.32(b) and (l) Mental State: knowing Potential injury</p>
<p><u>Morrison, Michael B.</u> 05/27/04 DC No. 03-0245 SB-04-0075-D (By Judgment)</p>	<p>During his representation of a client in a criminal matter, Respondent failed to appear at the time set for a court hearing, requested the hearing be continued, then again failed to appear, and instead sent a handwritten motion to continue via facsimile and falsified the time the motion was sent. The court then issued a warrant for the client's arrest and set an order to show cause hearing regarding Respondent's actions. The next day court staff telephoned Respondent and directed him to appear for a hearing that afternoon. Respondent was 45 minutes late and the hearing was rescheduled. At the rescheduled hearing, the court sanctioned Respondent \$250 and referred the matter to the State Bar for investigation. Thereafter, Respondent failed to respond to the State Bar, filed an</p>	<p>6 months and 1 day Suspension View Report</p>	<p>6 months and 1 day Suspension and MAP screening prior to reinstatement View Report</p>	<p>No discretionary or <i>sua sponte</i> review View Order</p>	<p>In aggravation: 9.22(a) (b) (d) (e) (g) and (i) No factors in mitigation Mental State: knowing Actual injury</p>

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	<p>untimely answer to the State Bar's notice of default, twice provided the State Bar and assigned hearing officer with an invalid mailing address, and failed to appear and participate in the formal proceedings against him. ERs 1.3, 3.3, 8.1(b), 8.4(c) and (d), and SCRs Rule 51(h) and (i)</p>				
<p><u>Morrison, Michael B.</u> 08/16/04 DC No. 03-0779 SB-04-0096-D (By Judgment)</p>	<p>Respondent was retained to represent a corporation in a lawsuit. Respondent's client provided him with documents, letters and photographs relevant to the suit. When the client contacted Respondent regarding the status of the case, Respondent advised the client that he was waiting for the judge to set a trial date. The suit was eventually dismissed with prejudice due to Respondent's failure to comply with orders pertaining to filing a Rule 26.1 disclosure statement. The client attempted to contact Respondent to request the return of his file. Respondent did not return any of the client's calls or e-mailed messages and did not return the file. Respondent also failed to respond to the State Bar's investigation regarding this matter. ERs 1.1, 1.3, 1.4, and SCR 51(h)</p>	<p>5 year Suspension and Restitution View Report</p>	<p>2 year Suspension and Restitution View Report</p>	<p>No discretionary or <i>sua sponte</i> review View Order</p>	<p>Conduct deemed admitted by default. In aggravation: 9.22(a) (d) (e) and (i) In mitigation: 9.32(l) Mental State: knowing Actual injury</p>

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<p><u>Nalabandian, Paul</u> 12/29/04 DC No. 01-1792 SB-04-0153-D (By Judgment)</p>	<p>Respondent left the scene of a fatal accident and assisted the driver of the vehicle to leave the scene. Respondent thereafter failed to report the accident. ER 8.4(d)</p>	<p>Agreement for Censure View Report</p>	<p>Agreement for Censure View Report</p>	<p>No discretionary review View Order</p>	<p>In aggravation: 9.22 (h) In mitigation: 9.32 (a) (j) (k) and (l) Mental State: knowing Serious injury</p>
<p><u>Pearlstein, Lynn M.</u> 02/18/04 DC No. 01-1005, et al. SB-03-0155-D (By Judgment)</p>	<p>In one matter, Respondent subjected a client to unwelcome commentary of a sexual nature, thereby engaging in a conflict of interest between his interests and his client's interests. In a second matter, Respondent failed to keep his client informed about the status of a matter and failed to promptly comply with requests from the client for information; failed to provide the client with a full accounting when the client requested one; failed to take steps reasonably necessary to protect the client's interests when he withdrew from the representation; failed to properly supervise his non-attorney staff; failed to maintain complete records of the handling, maintenance and disposition of all funds that came into his possession from the client failed to promptly pay the unused portion of the client's advance fee when the representation terminated; and unintentionally failed to furnish information to the State Bar when the information was requested. ERs 1.4, 1.7(b), 1.15(b), 1.16(d), 5.3,</p>	<p>N/A View Agreement</p>	<p>Agreement for 60 day Suspension and 2 years of Probation (LOMAP/MAP) View Report</p>	<p>No discretionary or <i>sua sponte</i> review View Order</p>	<p>In aggravation: 9.22(b) (c) (g) (h) and (i) In mitigation: 9.32(a) (d) (e) (k) and (l) Mental State: knowing Actual injury</p>

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	8.4(d), and SCRs 43(a), 44(b)(4) and 51(h)				
<p><u>Peasley, Kenneth J.</u> 05/28/04 DC No. 97-1909 SB-03-0015-D 208 Ariz. 27, 90 P.3d 764 (By Opinion)</p>	<p>As a long-time prosecutor with the Pima County Attorney’s Office, Respondent assumed responsibility for prosecuting three defendants in the “El Grande” capital murder case. Respondent deliberately and repeatedly introduced false testimony against two of the defendants, Mr. McCrimmon and Mr. Minnitt, during their trial. They were then convicted and sentenced to death. Both convictions were later reversed for reasons unrelated to the false testimony issue. Then, during a retrial of one defendant, Respondent again introduced and relied on the false testimony. The retrial ended in a mistrial because the jury could not reach a verdict. This same defendant was retried yet again, and was convicted and sentenced to death; however, the Supreme Court overturned the conviction, holding that the third trial should have been barred on double jeopardy grounds because of Respondent’s prosecutorial misconduct in the first two trials. <i>State v. Minnitt</i>, 203 Ariz. 431, 440, 44-45, 55 P.3d 774, 783 (2002). A key piece of evidence in the trials involved witness Keith Woods, who claimed Mr. McCrimmon and Mr. Minnitt both admitted to him their involvement in the crime. Mr. Woods</p>	<p>60 day Suspension and 1 year of Probation View Report</p>	<p>Disbarment View Report</p>	<p>Disbarment View Opinion</p>	<p>In aggravation: 9.22(b) (d) and (i) In mitigation: 9.32(a) (e) (g) and (j) Mental State: intentional Serious injury</p>

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	<p>had serious credibility problems, as he was a drug addict with multiple felonies who had made a deal with the state in exchange for his testimony. In addition, the police had conducted un-taped and then taped interviews of Mr. Woods, making his testimony susceptible to a defense claim that the police had fed him the information about the suspects. The detective, in fact, considered all three defendants suspects in the El Grande case prior to his interview of Mr. Woods. Respondent and the detective misled the jury on this critical issue in the trials. Respondent told the jury in both trials that the detective did not know about the suspects until after his interview of Mr. Woods. The detective so testified under questioning from Respondent. The Supreme Court found that "Peasley's intentional elicitation of false testimony...and exploitation of that false testimony in the closing argument in both trials, could not have been more harmful to the justice system...Peasley's misconduct has severely undermined the public's trust and confidence in Arizona's criminal justice system...'[a]ny sanction less than disbarment would be an inappropriate statement of what the bar and this court should and would tolerate.'" ERs 3.3(a)(3), 4.1(a), 8.4(c) and (d)</p>				

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<p><u>Pohto, Daniel E.</u> 01/07/04 DC No. 01-1902 SB-03-0145-D (By Judgment)</p>	<p>Respondent was conditionally admitted to the State Bar of Arizona subject to the terms of a therapeutic contract for substance abuse and financial irresponsibility. Respondent failed to comply with the terms of his conditional admission. Respondent was required to abstain from using alcohol, which he failed to do. On November 10, 2000, Respondent had a positive reading for alcohol on a random biological fluids screening and on June 30, 2001, Respondent was charged with driving under the influence. SCR 51(l)</p>	<p>N/A View Agreement</p>	<p>Agreement for 6 months and 1 day Suspension View Report</p>	<p>No discretionary or <i>sua sponte</i> review View Order</p>	<p>No factors in aggravation In mitigation: 9.32(a) (b) and (j) Mental State: knowing Potential injury</p>
<p><u>Pozgay, Jon R.</u> 03/18/04 DC No. 02-0143, et al. SB-04-0012-D (By Judgment)</p>	<p>Respondent converted client funds in two separate matters; engaged in conduct involving dishonesty and deceit on multiple occasions; knowingly disobeyed an obligation to maintain client funds in trust based on an order of a court; failed to properly safeguard client funds; commingled his personal funds and client funds by depositing advanced costs into his operating account; failed to promptly deliver funds to another party when so directed by his client to do so; failed to deliver property belonging to his client; failed to promptly and completely record transactions into his client ledger; failed to maintain proper internal controls within his office to properly safeguard funds on deposit in his trust account;</p>	<p>Disbarment and Restitution View Report</p>	<p>Disbarment and Restitution View Report</p>	<p>No discretionary or <i>sua sponte</i> review View Order</p>	<p>In aggravation: 9.22(b) (c) (d) (e) (g) and (j) No factors in mitigation Mental State: intentional and knowing Actual injury</p>

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	<p>failed to maintain complete trust account records for a period of five years; failed to disburse from his trust account with only pre-numbered checks; failed to conduct a monthly reconciliation of his trust account; failed to exercise due professional care in the maintenance of his client trust account; and failed to cooperate with the State Bar's investigation of the charges. ERs 1.4, 1.15(a) and (b), 3.4(c), 8.1(b), 8.4(c), and, SCRs 43, 44, 51(h) and (i)</p>				
<p><u>Reilly, Stuart J.</u> 02/20/04 DC No. 02-1867 SB-04-0006-D (By Judgment)</p>	<p>Respondent failed to competently represent his client; failed to adequately communicate the status of the case to his client; failed to expedite the litigation for his client; failed to provide discovery as ordered by the court; failed to notify the court, his client and opposing counsel that he was on suspension from April 26, 2002 until December 30, 2002; and engaged in conduct that was prejudicial to the administration of justice. ERs 1.1, 1.4, 3.2, 3.4 and 8.4(d), and SCR 63</p>	<p>N/A View Agreement</p>	<p>Agreement for Censure and 2 years of Probation (LOMAP/MAP) View Report</p>	<p>No discretionary or <i>sua sponte</i> review View Order</p>	<p>In aggravation: 9.22(a) and (i) In mitigation: 9.32(b) (c) (e) (k) and (l) Mental State: negligent Injury not discussed</p>
<p><u>Roberts, Jr., John R.</u> 10/29/04 DC Nos. 02-1526, et al. SB-04-0123-D (By Judgment)</p>	<p>Respondent failed to abide by his client's decisions concerning the objectives of representation or to consult with his client as to the means by which they are to be pursued; failed to act with reasonable diligence and promptness in representing his client; failed to hold his client's</p>	<p>Agreement for 3 and ½ year Suspension and 2 years of Probation (TAEPP/MAP/LOMAP) View Report</p>	<p>Agreement for 3 and ½ year Suspension and 2 years of Probation (TAEPP/MAP/LOMAP) View Report</p>	<p>No discretionary or <i>sua sponte</i> review View Order</p>	<p>In aggravation: 9.22(b) and (c) In mitigation: 9.32(a) (c) and (e) Mental State: knew or should have known Injury not discussed</p>

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	<p>property that is in his possession in connection with a representation separate from his own property; depositing his own funds in his client trust account for purposes other than paying bank service charges on that account; failed to take the steps reasonably practicable to protect his client's interests upon termination of the representation; engaging in conduct that is prejudicial to the administration of justice; failed to abide by the trust account guidelines; and failed to promptly pay or deliver to his client funds, securities, or other properties in his possession which the client is entitled to receive.</p> <p>ER 1.2, 1.3, 1.15(a) and (b), 1.16(d), 8.4(d) and SCRs 43(d) and 44(b)(4)</p>				
<p><u>Rodgers, David D.</u> 11/03/04 DC No. 03-0770 SB-04-0136-D (By Judgment)</p>	<p>Respondent practiced law while summarily suspended for failure to comply with mandatory continuing education requirements. ERs 5.5(a), and 8.4(c) and (d)</p>	<p>Agreement for Censure View Report</p>	<p>Agreement for Censure View Report</p>	<p>No discretionary review View Order</p>	<p>In aggravation: 9.22(i) In mitigation: 9.32(a) (e) (g) and (l) Mental State: knowing Potential injury</p>
<p><u>Rogers, Phil J.</u> 01/06/04 DC Nos. 94-0437, et al. SB-03-0153-D (By Judgment)</p>	<p>Respondent failed to diligently represent and adequately communicate with clients. Respondent also failed to properly manage his trust account by failing to maintain client ledgers; not withdrawing earned fees from the trust account; failing to record all transactions completely and</p>	<p>N/A View Agreement</p>	<p>Agreement for Censure View Report</p>	<p>No discretionary review View Order</p>	<p>In aggravation: 9.22(c) (d) and (i) In mitigation: 9.32(a) (b) (c) (d) (e) (g) (j) and (l) Mental State: negligent Actual injury</p>

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	promptly; failing to maintain proper internal controls within his office to adequately safeguard funds; and failing to maintain proper trust account records. ERs 1.3, 1.4, 1.15, 3.4, 8.4(d) and SCRs 43, 44 and 51(e)				
<p><u>Romo Vejar, Jesus R.</u> 11/18/04 DC No. 03-0642 SB-04-0145-D (By Judgment)</p>	<p>Respondent represented a client in a matter that included a worker’s compensation lien. Upon reaching a settlement agreement, Respondent withheld money in his client trust account to pay the lien, and informed his client that he would attempt to negotiate a settlement of the lien amount. Thereafter, Respondent made a few calls to the worker’s compensation insurance office, but did not diligently pursue the payment of the lien. Respondent transferred portions of the lien funds to his operating account, and used the funds to pay another client. Additionally, Respondent did not keep an updated individual client ledger regarding the matter, and withdrew or transferred funds from his trust account by telephone. Furthermore, Respondent placed personal funds in the trust account when he finally paid the lien. ERs 1.3 and 1.15, and SCRs 43 and 44</p>	<p>Agreement for Censure and 1 year of Probation (LOMAP) View Report</p>	<p>Agreement for Censure and 1 year of Probation (LOMAP) View Report</p>	<p>No discretionary review View Order</p>	<p>In aggravation: 9.22(i) In mitigation: 9.32(a) (b) (d) and (e) Mental State: negligent Potential injury</p>

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<p><u>Shank, Christopher G.B.</u> 03/22/04 DC No. 99-1946 SB-03-0159-D (By Judgment)</p>	<p>Respondent pled guilty on June 2, 1999, to two felonies involving minors. In addition, Respondent, at the time, was working as a deputy Maricopa County Attorney assigned to the juvenile division and recognized the name of a juvenile on his calendar as being one of his recent sex partners. Respondent then lied to his superiors about why he could not appear for that juvenile’s court appearance. ERs 4.1, 8.4(a) and (b), and SCR’s 51(a) and 57(a)</p>	<p>Disbarment (retroactive) View Report</p>	<p>Disbarment (retroactive) View Report</p>	<p>No discretionary or <i>sua sponte</i> review View Order</p>	<p>In aggravation: 9.22(b) (c) (d) (g) (h) (k) In mitigation: 9.32(a) and (k) Mental State: intentional and knowing Serious injury</p>
<p><u>Sierra, Alexander L.</u> 05/26/04 DC No. 02-2229 SB-04-0074-D (By Judgment)</p>	<p>Respondent agreed to represent a client regarding a medical malpractice claim and subsequently failed to respond to the defendant’s motion for summary judgment, resulting in the court dismissing his client’s case with prejudice and awarding costs against his client. During the course of representation, Respondent made several misrepresentations to his client regarding the status of the matter, including a fictitious settlement of \$100,000. Furthermore, Respondent told his client’s creditor that the case had settled and executed an assignment of the fictitious settlement proceeds, claiming that they were held in his firm’s trust account. ERs 1.1, 1.3, 1.4, 3.2, 4.1, and 8.4(c)</p>	<p>Disbarment and Restitution View Report</p>	<p>Disbarment and Restitution View Report</p>	<p>No discretionary or <i>sua sponte</i> review View Order</p>	<p>Conduct deemed admitted by default In aggravation: 9.22(a) (b) (c) (e) (h) (i) and (j) No factors in mitigation Mental State: knowing Actual injury</p>

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<p><u>Steadman, Ronald W.</u> 03/18/04 DC No. 02-0939, et al. SB-04-0009-D (By Judgment)</p>	<p>Respondent misappropriated funds; failed to safeguard client funds; failed to keep client funds separate from his personal funds; made a false statement of material fact or law to a client; engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; engaged in conduct prejudicial to the administration of justice; failed to diligently represent his client; failed to adequately communicate with his client; and attempted to settle a claim with a client without first advising in writing that the client should seek independent advice. ERs 1.2, 1.3, 1.4, 1.8(h), 1.15, 4.1(a), 8.4(c) and (d), and SCRs 43(a) and (d) (Guidelines 1(a) and (c), and 44(a) and (b))</p>	<p>N/A View Agreement</p>	<p>Agreement for 1 year Suspension and 1 year of Probation View Report</p>	<p>No discretionary or <i>sua sponte</i> review View Order</p>	<p>In aggravation: 9.22(b) (d) and (i) In mitigation: 9.32(a) (e) (g) and (l) Mental State: knowing Potential injury</p>
<p><u>Steinberg, L. Mark</u> 05/06/04 DC No. 01-1843 SB- 04-0077-D (By Judgment)</p>	<p>Respondent is not licensed to practice in Arizona, but is subject to the Arizona Supreme Court’s disciplinary jurisdiction pursuant to Rule 46(b), Ariz.R.S.Ct. The Disciplinary Commission determined that disbarment would have been the appropriate sanction if Respondent had been a member of the State Bar. Respondent met with a prospective client in Arizona for an initial consultation and executed a fee agreement to represent her in a divorce, a Chapter 7 bankruptcy and criminal matters. The client paid Respondent a total of \$6,000. Thereafter, when the client found out Respondent is</p>	<p>Censure and Restitution View Report</p>	<p>Censure and Restitution View Report</p>	<p>No discretionary review View Order</p>	<p>In aggravation: 9.22(b) (c) (g) and (j) No factors in mitigation Mental State: intentional and knowing Actual injury</p>

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	not licensed to practice law in Arizona, she retained a new attorney. Respondent was uncooperative in providing the client's new attorney with her file, and refused to refund any money. ERs 5.5(a), 8.4(c) and (d)				
<p><u>Steinberg, L. Mark</u> 09/17/04 DC No. 02-1743, et al. SB-04-0118-D (By Judgment)</p>	<p>Respondent is not licensed to practice in Arizona, but is subject to the Arizona Supreme Court's disciplinary jurisdiction pursuant to Rule 46(b), Ariz.R.S.Ct. The Disciplinary Commission determined that disbarment would have been the appropriate sanction Respondent had been a member of the State Bar. Respondent failed to abide by his clients' decisions regarding the scope of representation; failed to act with reasonable diligence and promptness in representing his clients; failed to keep his clients reasonably informed about the status of their matter(s) or to promptly comply with reasonable requests for information; failed to safeguard his clients' property; engaged in the unauthorized practice of law; engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; and engaged in conduct prejudicial to the administration of justice. SCR 31(b) and ERs 1.2, 1.3, 1.4, 1.15, 5.5, 8.4(c) and (d)</p>	<p>Censure and Restitution View Report</p>	<p>Censure and Restitution View Report</p>	<p>No discretionary review View Order</p>	<p>In aggravation: 9.22(b) (c) (d) (g) (j) and (h) No factors in mitigation Mental State: intentional and knowing Actual injury</p>

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DISCIPLINARY CASES MATRIX
(JANUARY 1 – DECEMBER 31, 2004)**

CASE NAME DATE/NUMBER	VIOLATIONS DESCRIPTION DISCIPLINARY RULES	HEARING OFFICER RECOMMEND	DISCIPLINARY COMMISSION RECOMMEND	SUPREME COURT SANCTION	COMMENTS
<p><u>Traica, Robert J.</u> 02/18/04 DC No. 01-1392 SB-04-0008-D (By Judgment)</p>	<p>Respondent entered into an agreement to settle a lawsuit that included a broad release for any future claim for malpractice liability with unrepresented former clients without first advising the former clients in writing to seek independent representation. ER 1.8(h)</p>	<p>N/A View Agreement</p>	<p>Agreement for Censure and continued Diversion View Report</p>	<p>No discretionary review View Order</p>	<p>In aggravation: 9.22(i) In mitigation: 9.32(e) Mental State: negligent Actual injury</p>
<p><u>Turlev, Mark E.</u> 08/16/04 DC No. 02-1697, et al. SB-04-0089-D (By Judgment)</p>	<p>Respondent held himself out as an attorney and attempted to negotiate a settlement while suspended from the practice of law. Respondent further failed to diligently represent a client in a personal injury case, resulting in the dismissal of the client's lawsuit and ultimately the loss of the client's right to recovery. ERs 1.2, 1.3, 1.4, 1.16(a)(1) and (d), 3.2, 5.5, 7.1(a), 7.5(a), 8.4(c) and (d), and SCRs 31(b), 33(c), 53(a) and (c), 63(d) and 64(c)</p>	<p>Agreement for 2 years Suspension and 2 years of Probation (TAEEP) View Report</p>	<p>Agreement for 2 years Suspension and 2 years of Probation (TAEEP) View Report</p>	<p>No discretionary or <i>sua sponte</i> review View Order</p>	<p>In aggravation: 9.22(a) (d) and (i) In mitigation: 9.32(b)and (e) Mental State: knowing Actual injury</p>
<p><u>Vingelli, Michael J.</u> 01/13/04 DC No. 01-0098 SB-03-0161-D (By Judgment)</p>	<p>Respondent represented a client, who at the time was a minor, in a personal injury matter. After the matter settled, Respondent agreed to contest the claim by the parents' insurer for reimbursement. Respondent notified the insurer that the client was contesting the claim and that the disputed money would be held in his client trust account until the matter was resolved. The dispute went on for almost three years. The disputed funds did not always remain in the trust account and the</p>	<p>N/A View Agreement</p>	<p>Agreement for Censure and 2 years of Probation (LOMAP) View Report</p>	<p>No discretionary review View Order</p>	<p>In aggravation: 9.22(a) and (i) In mitigation: 9.32(b) (j) and (l) Mental State: negligent Potential injury to clients; minimal injury to 3rd party</p>

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	<p>balance dipped below the disputed amount on some occasions. Respondent did not resolve the dispute in a timely manner as he received the funds in May 1997 but did not file an interpleader action with the court until September 2002. Respondent also did not have all of the trust account records he is required to maintain. ER 1.15(a), (b) and (c), and SCRs 43 and 44</p>				
<p><u>Zawada, Thomas J.</u> 07/01/04 DC No. 98-2465 SB-02-0103-D 208 Ariz. 232, 92 P.2d 862 (By Opinion)</p>	<p>During his employment as a prosecutor in the Pima County Attorney’s Office, Respondent prosecuted a defendant for various violent crimes, including first-degree murder. The defendant’s defenses consisted solely of insanity and self-defense. All of the mental-health experts who examined the defendant, including those retained by the state, found him to be mentally ill. The jury found the defendant guilty of first-degree murder, attempted second-degree murder, aggravated assault, disorderly conduct and felony flight. Subsequently, the Supreme Court reversed the criminal convictions, finding that Respondent’s misconduct deprived the defendant of a fair trial. On remand, the trial court dismissed all charges, holding that the double jeopardy clause of the Arizona Constitution forbade retrial. The Supreme Court affirmed the trial</p>	<p>Censure and 6 months of Probation (CLE) View Report</p>	<p>Censure and MAP referral View Report</p>	<p><i>Sua Sponte</i> Review 6 months and 1 day Suspension and 1 year of Probation View Opinion</p>	<p>In aggravation: 9.22(c) (g) and (i) In mitigation: 9.32(a) Mental State: intentional and knowing Serious injury</p>

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	<p>court's decision. At the discipline hearing, the hearing officer determined that, during the underlying criminal trial, Respondent engaged in acts of prosecutorial misconduct including: "(a) appeals to fear by the jury if [the defendant] was not convicted (b) disrespect for and prejudice against mental health experts that led to harassment and insults during cross-examination, and (c) improper argument to the jury." ERs 3.1, 3.4(c) and (e), and 8.4(d)</p>				

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