

**SUPREME COURT OF ARIZONA
DISCIPLINARY CASES MATRIX
(JANUARY 1 – DECEMBER 31, 2002)**

<u>CASE NAME NUMBER/DATE</u>	<u>VIOLATIONS DESCRIPTION/ DISCIPLINARY RULES</u>	<u>HEARING OFFICER RECOMMEND</u>	<u>DISCIPLINARY COMMISSION/ RECOMMEND</u>	<u>COURT SANCTION</u>	<u>COMMENTS</u>
<u>Alcorn, Richard A.</u> 10/3/02 DC No. 99-2053 SB-02-0097-D (By Judgment)	Respondent represented a client in a personal injury action and failed to prepare a timely written fee agreement, failed to serve a disclosure statement; failed to answer discovery requests; failed to timely inform his client about the dismissal and mislead the client about filing a motion for reinstatement. ER 1.3 ER 1.4 ER 1.5(c) ER 3.2 ER 3.4(c)	30 day Suspension + upon reinstatement 1 year Probation (LOMAP with PM)	30 day Suspension + upon reinstatement 1 year Probation (LOMAP with PM)	No discretionary or <i>sua sponte</i> review.	In aggravation: 9.22(a) (h) (i) and (j); In mitigation: 9.32 (b) (d) (e) (l) and (m).
<u>Alcorn, Richard A. and Feola, Steven</u> 3/25/02 Mandate and Judgment DC Nos. 96-1090 and 96-1092 (Consolidated) SB – 01-0075-D (By Opinion filed 01/09/02)	Respondents represented a doctor in a medical malpractice action against the doctor and the hospital. The hospital eventually obtained a summary judgment in its favor, leaving the doctor as the only defendant. The Respondents entered into a confidential agreement with the plaintiff, failed to make a necessary disclosure to the trial judge and deceived the trial judge about the true situation concerning the trial. ER 3.3(a)(1) ER 8.4(c) ER 8.4 (d)	Dismissal	30 day Suspension	Respondent's Petition for Review was granted and a 6 month Suspension imposed; Motion for Reconsideration denied.	Corrected Opinion filed 3/21/02 but no change in the substance or disposition of the case
<u>Anderson, Edmond R., Jr.</u> 3/28/02 DC No. 99-1378 SB-02-0006-D (By Judgment)	While suspended, Respondent represented individuals in negotiations with insurance companies and provided another individual with client referrals; overdrew his client trust account; and commingled funds. ER 1.15 ER 3.4(c) ER 5.5(a) ER 8.4(c) SCR 31(a) SCR 31(c) SCR 43 SCR 44 SCR 46(h)	Disbarment + 6 months Probation (LOMAP)	Disbarment + 6 months Probation (LOMAP)	No discretionary or <i>sua sponte</i> review	In aggravation: 9.22(b) (c) (g) and (i); In mitigation: 9.32(a); Mental State: Knowingly; Potential injury in trust matter.

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	SCR 51(e) SCR 51(k)				
<u>Axford, Naida B.</u> 10/31/02 DC No. 00-1920 SB-02-0115-D (By Judgment)	While suspended, Respondent knowingly practiced law by providing legal services in connection with the client's litigation by drafting the Petition for Review that the client submitted to the Arizona Supreme Court.. ER 3.4(c) ER 5.5(c) ER 8.1(b) ER 8.4(d) SCR 46(h) SCR 51(e) SCR 51(f) SCR 51(h) SCR 51(i) SCR 51(k)	1 year Suspension	1 year Suspension, and upon reinstatement, obtain an independent medical examination	No discretionary or <i>sua sponte</i> review	In aggravation: 9.22 (a) (b) (c) (e) (g) and (i); In mitigation: 9.32 (c).
<u>Barragan, Osbaldo M.</u> 3/05/02 DC No. 00-0886 SB-02-0039-D (By Judgment)	Respondent failed to conduct discovery as required in a client matter, which caused the dismissal of the client's case. Respondent also failed to take action on another of the client's claims, causing the claim to be barred by the statute of limitations. Although Respondent agreed to pay the client for such misrepresentation, Respondent never made payments as agreed and confirmed, nor did Respondent cooperate with the State Bar in its investigation. ER 1.2 ER 1.3 ER 3.4(c) ER 8.1(b) ER 8.4(d) SCR 51(e) SCR 51(h) SCR 51(i) SCR (k)	N/A	Accept Amended Agreement for Censure + 2 years of Probation (subject to early completion) (LOMAP) (MAP)	No discretionary or <i>sua sponte</i> review	In aggravation: 9.22(e) and (i); In mitigation: 9.32(a) and (c).

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<p><u>Bayless, Dennis P.</u></p> <p>05/01/02 DC No. 98-2254 SB-02-0038-D</p> <p>(By Judgment)</p>	<p>Respondent represented a client in a breach of contract and misrepresentation action. Respondent failed to file an adequate disclosure statement and failed to communicate settlement offers with his client. Respondent failed to notify his client of the settlement conferences and failed to appear at one of two conferences. A summary judgment was entered against the client for costs and attorneys fees.</p> <p>ER 1.1 ER 1.2 ER 1.3 ER 1.4 ER 8.4(a)</p>	<p>30 day Suspension + 2 years of Probation (LOMAP with PM) + Restitution</p>	<p>Accept recommendation of 30 day Suspension + 2 years of Probation (LOMAP with PM) + Restitution</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>In aggravation: 9.22(a) (i) and (j); In mitigation: 9.32(b) (e) (l) and (k). 3 Prior IRs and Probation for similar misconduct.</p>
<p><u>Bemis, Kenneth P.</u></p> <p>05/07/02 DC Nos. 97-2197 and 98-1794 SB-02-0083-D</p> <p>(By Judgment)</p>	<p>Respondent while representing a client in a domestic relations matter filed an improper motion to modify a child support order and was personally sanctioned \$500 by the court. The sanction was reduced to a judgment and Respondent was assessed additional \$200. Respondent thereafter failed to satisfy either sanction. Respondent also initially failed to diligently represent his client in another matter.</p> <p>ER 1.3 ER 1.5 ER 3.1 ER 3.4 ER 8.4 SCR 51(e) SCR 51(k)</p>	<p>N/A</p>	<p>Accept Amended Agreement for Censure + 1 year of Probation (LOMAP with PM and satisfaction of debtor judgment)</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>In aggravation: 9.22(a) and (i); In mitigation: 9.32(b) and (e).</p>
<p><u>Bingham, Michael G.</u></p> <p>4/25/02 DC No. 00-1769 SB-02-0040-D</p> <p>(By Judgment)</p>	<p>As a court appointed arbitrator, Respondent failed to conduct a hearing, despite being granted several continuances to do so. The court removed Respondent and a show cause hearing was scheduled. Respondent failed to appear for the hearing and failed to respond to the State Bar's inquiries.</p> <p>ER 8.1(b) ER 8.4(d) SCR 51(h) SCR 51(i) SCR 51(k)</p>	<p>6 months + 1 day Suspension</p>	<p>6 months + 1 day Suspension</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>Conduct deemed admitted by default. In aggravation: 9.22(e) and (i); In mitigation: 9.32(a).</p>

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<p><u>Blaine, Steven D.</u></p> <p>5/24/02 DC No. 99-0368, 99-1938 SB-02-0071-D</p> <p>(By Judgment)</p>	<p>Respondent, while representing a client in a child custody matter, failed to conduct discovery and allowed a Order of Show Cause hearing to be postponed four times without notice or explanation to the client; filed motions on paternity when paternity had been admitted. Respondent's negligence caused the client to be awarded substantially lower monthly child support award than the guidelines would have otherwise provided. Respondent additionally failed to communicate the status of a client's physical assault and wrongful discharge and allowed the statute of limitations to run on the claim. In these matters Respondent also failed to respond to the State Bar's inquiries.</p> <p>ER 1.2(a) ER 1.3 ER 1.4(a) ER 1.4(b) ER 8.1(a) ER 8.4(d) SCR 51(h) SCR 51(i)</p>	<p>6 months + 1 day Suspension + 2 years of Probation (LOMAP+ MAP)</p>	<p>6 months + 1 day Suspension + 2 years of Probation (LOMAP+ MAP); if Respondent returns to private practice he must have a PM and be covered by professional liability insurance.</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>Conduct deemed admitted by default. In aggravation: 9.22(a) (c) and (d); In mitigation: 9.32b) and (c) Prior Suspension and Informal Reprimand.</p>
<p><u>Blasingim-Stenzel, Arla H.</u></p> <p>12/5/02 DC No. 02-1900 SB-02-0137-D</p> <p>(By Order)</p>	<p>Placed on Interim Suspension 12/5/02 by Order of the Supreme Court.</p>	<p>N/A</p>	<p>N/A</p>	<p>Interim Suspension</p>	

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<p><u>Bolding, Edward P.</u></p> <p>12/5/02 DC Nos. 99-1741 & 01-0192 SB-02-0134-D</p> <p>(By Judgment)</p>	<p>Respondent engaged in a personal relationship with his client, which led to a conflict of interest, and he provided his client with financial assistance.</p> <p>Respondent also mismanaged funds in his trust account which lead to an overdraft of funds.</p> <p>ER 1.7 ER 1.8(e) ER 1.15 ER 8.4(d) SCR 43 SCR 44</p>	<p>N/A</p>	<p>Accept Agreement for 1 year Suspension</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>In aggravation: 9.22(d) (h) and (i); In mitigation: 9.32(a) and (c); Mental State: Knowingly; Actual harm to client in Count One; Potential harm in trust account violations.</p>
<p><u>Brown, Gary C.</u></p> <p>04/25/02 DC. Nos. 99-1815, 99-2392, 00-0069, 00-0100, 00-0218, 00-0376, 00-0425, 00-0492, 00-0755, 00-0774, 00-1160, 00-1251</p> <p>(By Judgment)</p>	<p>Respondent failed to diligently act as an arbitrator and to timely file an appeal in an arbitration award; failed to obey orders and to notify clients; made misrepresentations to clients about his status; filed nine matters without the required supporting documents and/or fees, resulting in dismissal; nine of the twelve counts involved the unauthorized practice of law in 30 known cases; Respondent further failed to respond or cooperate with the State Bar's investigation of these matters.</p> <p>ER 1.1 ER 1.2 ER 1.3 ER 1.4 ER 3.3(a)1 ER 3.4(c) ER 5.5 ER 5.5(a) ER 5.5(b) ER 8.1(b) ER 8.4(b) ER 8.4(c) ER 8.4(d) SCR 51(e) SCR 51(f) SCR 51(h) SCR 51(i) SCR 51(k) SCR 63</p>	<p>Disbarment</p>	<p>Disbarment</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>In aggravation: 9.22(a) (b) (c) (d) (e) (g) and (i); No factors in mitigation: Six prior informal reprimands; 3 year Suspension + Restitution.</p>

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<p><u>Buffenstein, E. Bernard.</u></p> <p>02/26/02 DC Nos. 99-0848, 99-1636 SB-01-0171-D</p> <p>(By Judgment)</p>	<p>Respondent overdrew his trust account, failed to keep adequate client ledger cards or duplicate deposit slips, failed to keep personal funds separate from client funds, and failed to place adequate or complete information in his check register and on his checks. Respondent also failed to respond to two State Bar inquiries requesting information on his trust account.</p> <p>ER 1.15(a) ER 8.1(b) SCR 43 SCR 44(a) SCR 44(b)(3) SCR 51(h) SCR 51(i)</p>	<p>N/A</p>	<p>Accept Agreement for a 30 day Suspension + 1 year of Probation (LOMAP and TAEPP)</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>In aggravation: 9.22(e) and (i); In mitigation: 9.32(a) and (b). Mental State: Grossly negligent; Potential injury.</p>
<p><u>Byrd, Gregory S.</u></p> <p>12/05/02 DC Nos. 00-2549, 00-2593, 01-1131 SB-02-0132-D</p> <p>(By Judgment)</p>	<p>Respondent represented several clients in matters related to criminal charges. On several occasions, Respondent failed to appear at various hearings and conferences related to those matters. The court issued Orders to Show Cause in several of the matters. In two other matters, Respondent failed to adequately communicate with clients and failed to return client files.</p> <p>ER 1.1 ER 1.3 ER 1.4 ER 1.16(d) ER 3.2 ER 3.3 ER 8.4</p>	<p>N/A</p>	<p>Accept Agreement for an 18 month Suspension (retro) + Probation to run concurrent with the Suspension + Restitution</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>In aggravation: 9.22(c) and (k); In mitigation: 9.32(a) (b) (c) (e) (f) (i) and (l).</p>
<p><u>Carragher, Michael A.</u></p> <p>04/10/02 DC No. 99-0273</p> <p>(By Order)</p>	<p>Respondent wrote a check from his trust account for CLE and a State Bar luncheon. Respondent failed to maintain proper ledgers and maintained earned fees in the client trust account.</p> <p>ER 1.15 SCR 43 SCR 44</p>	<p>N/A</p>	<p>Accept Amended Agreement for 2 years of Probation (LOMAP and TAEPP)</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>In aggravation: 9.22(a) (c) and (i); In mitigation: 9.32(b) (d) (e) (l) and (m). Mental State: Negligent; Potential injury.</p>

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<p><u>Cimino, Robert.</u></p> <p>07/03/02 DC Nos. 99-1738, 00-0317, 00-0699, 00-1441, 00-2350, 00-2452, 01-0112</p> <p>(By Judgment)</p>	<p>Respondent failed to communicate with his clients and failed to provide an accounting. Respondent further failed to diligently represent clients and failed to file a motion to withdraw as counsel, leaving clients without counsel. Respondent failed to keep clients adequately informed about the status of cases. On several occasions, Respondent failed to appear at hearings and scheduled conferences on behalf of his clients. Respondent failed to turn over files to clients in a timely manner. Respondent delayed in responding and did not fully cooperate with the State Bar's inquiries.</p> <p>ER 1.3 ER 1.4 ER 1.15 ER 1.16(d) ER 3.3 ER 8.1(b) ER 8.4 SCR 43 SCR 44 SCR 51(h) SCR 51(i)</p>	<p>1 year Suspension (retro) + Restitution + Professionalism Course + upon reinstatement 2 years of Probation (LOMAP with PM and MAP)</p>	<p>1 year Suspension (retro) + Restitution + Professionalism Course + upon reinstatement 2 years of Probation (LOMAP with PM and MAP) + compliance with Rule 45 prior to Reinstatement</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>In aggravation: 9.22(a) (c) (d) and (i); In mitigation: 9.32(b) (c) (d) (e) (g) and (l); Mental State: Knowingly; Actual injury; Prior Censure</p>
<p><u>Clark, Carroll A.</u></p> <p>2/13/02 DC No. 99-2285 SB-02-0017-D</p> <p>(By Judgment)</p>	<p>Respondent engaged in a conflict of interest without discussing the potential conflict with his clients or other concerned parties. Respondent further provided an incomplete and inaccurate explanation of services to the client and misrepresented the extent of his representation when questioned by the State Bar.</p> <p>ER 1.7 ER 8.1 ER 8.4(c) ER 8.4(d)</p>	<p>N/A</p>	<p>Accept Agreement for Censure</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>In aggravation: 9.22(a) (b) and (i); In mitigation: 9.32(l) and (m).</p>

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<u>Clarke, Robert F.</u> 2/22/02 DC No. 99-0849 SB-01-0192-D (By Judgment)	Upon noticing that he had overdrawn his trust account, Respondent commingled funds in order to cover any shortfalls. After being questioned by the State Bar concerning some discrepancies, Respondent self-reported other trust account discrepancies as well as the fact that he had converted client trust account funds for personal use. ER 1.15 SCR 43 SCR 44	3 month Suspension + 2 years of Probation (MAP) (LOMAP) (PM) (TAEEP) (CLE) (Small Firm Practitioners Section)	6 months Suspension + 2 years of Probation (MAP) (LOMAP and PM) (periodic trust account audits) (TAEEP) (CLE)	No discretionary or <i>sua sponte</i> review.	In aggravation: 9.22(b) (c) (d) and (i); In mitigation: 9.32(a) (c) (d) (e) (g) and (l). Mental State: Knowingly; Potential injury.
<u>Coker, Tim D.</u> 3/05/02 DC No. 00-0066 SB-02-0045-D (By Judgment)	Respondent falsely accused the commissioner, judge, guardian ad litem and his client's previous attorney of accepting bribes from opposing counsel in a matter involving his client. Respondent based his action on information provided by the client, and conducted only minimal further inquiry or investigation of his own. Respondent later acknowledged the improper nature of his action and filed a letter of apology. ER 3.1 ER 8.2(a) ER 8.4(d)	N/A	Accept Agreement for Censure	No discretionary or <i>sua sponte</i> review.	In aggravation: 9.22(a) and (i); In mitigation: 9.32(d) (e) and (l). Prior IR.
<u>Condos, Leonidas G.</u> 12/26/02 DC No. 00-1764 SB-02-0152-D (By Judgment)	Respondent represented a client in Indiana with regard to an injury claim, and settled the claim with the liability/underinsured insurance carrier. The checks were deposited into Respondent's trust account; however, \$25,000 should have been held in Respondent's account to pay the client's medical insurance provider. When Respondent tried to pay the insurance provider, the checks were returned for insufficient funds. On at least six occasions, Respondent's trust account balance was less than \$25,000. A formal complaint was filed against Respondent in Indiana and he subsequently resigned	N/A	Accept Agreement for Censure + 1 year of Probation (TAEEP and MAP)	No discretionary or <i>sua sponte</i> review.	In aggravation: 9.22(i); In mitigation: 9.32(a) (c) (d) (e) and (l); Mental State: Negligent; Potential injury.

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	in lieu of discipline. ER 1.15 SCR 43 SCR 44				
<u>Dalke, Terry J.</u> 10/24/02 DC Nos. 98-0586, 99-0850 SB-02-0142-D (By Judgment)	Respondent represented two individuals as parents of minor children in juvenile court dependency and severance matters. Parental rights of the mothers were severed and both requested Respondent appeal the severances. Respondent miscalculated the dates that the notices of appeal were due and both appeals were dismissed. Respondent then tried to remedy the situation by filing Petitions for Review in both the matters; however the documents did not conform with the procedural rules and were not timely filed. Both appeals were dismissed and the orders of severance became final. In Count Two, Respondent overdrew her trust account on two separate occasions. She further delegated trust account duties and failed to properly supervise employees. ER 1.1 ER 1.3 ER 1.15(a) SCR 43(d) SCR 44(b)	N/A	Accept Amended Agreement for Censure + 2 years of Probation (LOMAP and TAEPP)	No discretionary or <i>sua sponte</i> review.	In aggravation: 9.22(a) (d) and (i); In mitigation: 9.32(b) and (m). Mental State: Negligently; Potential injury in trust account matter; Prior IR.

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<p><u>Davidon, Alan D.</u></p> <p>02/13/02 DC No. 99-1324 SB-02-0015-D</p> <p>(By Judgment)</p>	<p>Respondent failed to cooperate with opposing counsel during discovery by refusing to send information that opposing counsel was entitled to receive. ER 3.4(a) ER 3.4(c) ER 3.8(d) ER 8.4(d)</p>	<p>N/A</p>	<p>Accept Agreement for Censure</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>In aggravation: 9.22(e) and (i); In mitigation: 9.32(a).</p>
<p><u>Distel, Eddie G.</u></p> <p>12/04/02 DC Nos. 97-2568, 98-1281, 98-1565, 99-0262, 99-0695, 99-1439, 99-1613, 00-0053, 00-0352, 00-1149, and 00-1681 SB-02-0131-D</p> <p>(By Judgment)</p>	<p>Respondent's misconduct involved not having the legal knowledge or skill to represent his clients; not communicating to clients the status of their cases; failing to be diligent and expedite litigation for his clients; not being truthful to a tribunal and the State Bar; assisting in the unauthorized practice of law; failing to maintain complete records of the handling, maintenance and disposition of client and/or third party trust account funds; failing to maintain client property separate from his own property; failing to preserve complete trust account records for five years; failing to safeguard client funds; failing to abide by client's requests regarding the pursuit of the case objectives; failing to provide accountings to clients when requested; charging an unreasonable fee; and failing to notify clients that he was summarily suspended from the practice of law.</p> <p>ER 1.1 ER 1.2 ER 1.3 ER 1.4 ER 1.5 ER 1.15 ER 1.16 ER 3.1 ER 3.2 ER 3.3 ER 3.4 ER 5.5 ER 8.1 ER 8.4(c) ER 8.4(d) SCR 43 SCR 44 SCR 51 SCR 63</p>	<p>Disbarment + Restitution</p>	<p>Disbarment + Restitution</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>In aggravation: 9.22 (c) (d) (e) (i) and (j); No factors found in mitigation; Mental State: Intentional; Actual and potential injury.</p>

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<u>Donahoe, J. Michael</u> 10/31/2002 DC No. 02-1864 SB-02-0135-D (By Order)	Placed on Interim Suspension 10/31/02 by Order of the Supreme Court.	N/A	N/A	Interim Suspension	
<u>Edleman, Sanford J.</u> 08/07/02 DC No. 00-0216 SB-02-0095-D (By Judgment)	Respondent failed to communicate with his clients; failed to post payments and dates of disbursements, thereby causing a client to be paid twice and which resulted in improper disbursement of other client funds; and failed to disburse funds in a timely manner. Additionally, Respondent failed to perform monthly reconciliations and unearned fees were removed from the trust account without Respondent's knowledge. ER 1.3 ER 1.4 ER 1.15 SCR 43(d)	30 day Suspension + upon reinstatement, 2 years of Probation (LOMAP and TAEPP)	30 day Suspension + upon reinstatement, 2 years of Probation (LOMAP and TAEPP)	No discretionary or <i>sua sponte</i> review	In aggravation: 9.22(c); In mitigation: 9.32(a) (b) (d) (e) and (l); Mental State: Knew or should have known; Actual injury.
<u>Estrada, Lionel C.</u> 3/05/02 DC No. 99-0358, 99-1280, 99-1593, 00-0930, 00-1970 and 00-1238 SB-02-0044-D (By Judgment)	Respondent failed to diligently represent and communicate with one client; failed to respond to status inquiries of medical providers; and failed to advise medical providers that cases had settled in approximately 33 matters. Respondent further failed to timely pay medical providers; and failed to respond to State Bar investigation in three matters. Although Respondent was hospitalized or seriously ill during this time, as a partner he had a duty to advise third party medical providers that the cases had settled and to be aware of the functioning of his firm. ER 1.3 ER 1.4 ER 1.15 ER 1.16 ER 5.1 ER 8.1	N/A	Accept Modified Agreement for Censure + 1 year of Probation (LOMAP) (EEP)	No discretionary or <i>sua sponte</i> review.	In aggravation: 9.22(d) (e) and (i); In mitigation: 9.32(a) (b) (h) and (l).

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	SCR 51(h) SCR 51(i)				
<u>Garcia, Maximiliano S.</u> 07/10/02 DC No. 02-0920 SB-02-087-D (By Order)	Placed on Interim Suspension 7/10/02 by Order of the Supreme Court.	N/A	N/A	Interim Suspension	
<u>Gatti, Daniel J.</u> 09/12/02 DC No. 02-4002 SB-02-0128-D (By Judgment)	Respondent was reprimanded by the Oregon Supreme Court for falsely holding himself out as a chiropractor to a California company hiring medical reviewers to review medical claims. Respondent was informed about the company by a chiropractor who believed that the company was using non-medical personnel to make the evaluations. As a result of his investigation, Respondent filed a lawsuit against the company and one of the insurance companies for fraud	N/A	Censure	No discretionary or <i>sua sponte</i> review	Reciprocal discipline

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	and intentional interference with contractual relations. This action was then commenced as a Reciprocal Discipline matter under Rule 58.				
<u>Gertell, Michael L.</u> 05/28/02 DC Nos. 98-1952, 98-2503 SB-02-0016-D (By Judgment)	Respondent failed to maintain proper client ledgers, duplicate deposit slips or the equivalent, failed to maintain clear client descriptions on the trust account ledger, failed to wait for funds to be collected in the account before drawing corresponding disbursements and engaged in improper telephonic transfers. Respondent failed to hold client funds separate from his own, failed to keep complete records of client funds and failed to preserve records on client files for the required five years. These actions were in violation of the trust account guidelines and resulted in overdrafts of Respondent's trust account. Respondent also failed to provide regular billing statements during his representation of another client. ER 1.4 ER 1.15 SCR 43 SCR 44	N/A	Accept Agreement for 4 months Suspension + 2 years of Probation (LOMAP) (TAEPP)	No discretionary or <i>sua sponte</i> review.	In aggravation: 9.22(b) (c) (d) and (i); In mitigation: 9.32(a) (d) (e) and (l); Mental State: Knowingly; Potential injury.

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<p><u>Giles, Charles M.</u></p> <p>11/01/02 DC Nos. 96-1471, 98-2582, 99-1564 SB-02-0116-D</p> <p>(By Judgment)</p>	<p>Respondent's misconduct arose from his actions as a commercial collection attorney for whom he had a long-time working relationship. When management changed, Respondent failed to timely cease work on some of the collections against the instructions of his client, failed to withdraw as attorney of record, failed to promptly and diligently account for prior and current collection matters that resulted in the failure to promptly deliver client funds, and failure to provide a timely, full and complete accounting of his trust account pursuant to the Trust Account Guidelines.</p> <p>ER 1.2 ER 1.3 ER 1.4 ER 1.15 ER 8.4(d) SCR 43 SCR 44</p>	<p>N/A</p>	<p>Accept Agreement for a 120-day Suspension + upon reinstatement 2-years of Probation (LOMAP) + Restitution</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>In aggravation: 9.22(a) (c) (d) (h) and (i); In mitigation: 9.32(e) (j) (k) (l) and (m); Mental State: knew or should have known; Potential injury.</p>
<p><u>Griffiths, Marsha L.</u></p> <p>10/31/02 DC No. 00-1981 SB-02-0114-D</p> <p>(By Judgment)</p>	<p>Respondent represented a defendant in a civil matter. Respondent joined in a co-defendant's motion for summary judgment and then failed to appear at the hearing. Respondent also failed to appear at a status conference and settlement conference; failed to submit settlement memoranda; failed to file her joint pre-trial statement; failed to inform her client about the missed court dates; and failed to inform the court, opposing counsel and the State Bar of her new address. In addition, Respondent was administratively suspended on April 28, 2000 and September 15, 2000 and was not reinstated until October 20, 2000, yet she appeared at the pre-trial conference on September 6, 2000.</p> <p>ER 1.1 ER 3.2 ER 3.4(c)</p>	<p>6 month + 1 day Suspension</p>	<p>6 month + 1 day Suspension</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>Conduct deemed admitted by default. In aggravation: 9.22(a) (c) and (i); In mitigation: 9.32(b).</p>

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	ER 5.5 SCR 51(e)	ER 8.4(d) SCR 51(k)	SCR 31(c)(3)				
<u>Hall, Dennis L.</u> 09/12/02 DC No. 00-0610 SB-02-0122-D (By Judgment)	Respondent's trust account procedure was to pay all client costs from the trust account. In order to do so, he requested his clients pay their fees and costs by separate checks. In some instances, clients did not provide separate checks and did not always make payment for their costs in a timely manner. When clients did not have sufficient funds in the trust account, Respondent would advance funds from his firm's operating account, thereby commingling his funds with his clients' funds. The State Bar received four trust account overdraft notices from Respondent's bank between October 1999 and February 2000. ER 1.15 SCR 43- Guidelines 1(a) (c) (e), 2(c) and (e); SCR 44(a)			Censure + 1 year of Probation (TAEPP)	Censure + 1 year of Probation (TAEPP)	No discretionary or <i>sua sponte</i> review.	In aggravation: 9.22 (i); In mitigation: 9.32 (a) (b) (d) (e) (h) and (l); Mental State: Negligent; Potential injury

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<p><u>Hansen, Theodore E.</u></p> <p>07/09/02 DC Nos. 00-0842, 00-0850, 00-1217, 00-1303, 00-2300, 00-2388, 99-1734, 99-1824</p> <p>(By Judgment)</p>	<p>Respondent failed to perform contracted services involving the incorporating of several companies; failed to file affidavits and publish articles of incorporation/organization and IRS forms necessary for one client's corporation to be treated as a subchapter S corporation; caused clients to incur additional expenses to have their corporations reinstated; failed to obey court orders to repay his clients; practiced law while summarily suspended; Respondent further deposited client funds into his general operating account instead of his trust account and failed to respond to the State Bar's inquiries of some of these matters until a formal complaint was filed.</p> <p>ER 1.3 ER 1.4 ER1.15 ER 1.16(d) ER 5.5 ER 8.1(b) SCR 31(a)(3) SCR 33(c) SCR 43 SCR 44 SCR 51(h) SCR 51(i)</p>	<p>18 month Suspension (retro) + Restitution</p>	<p>18 months Suspension + Restitution + 2 years of Probation (MAP) during the suspension period and upon reinstatement, (LOMAP)</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>In aggravation: 9.22(a) (b) (c) (d) (e) (i) and (j); In mitigation: 9.32(l); Mental State: Knew or should have known; Actual and potential injury.</p>
<p><u>Harrison, Latonya, R.</u></p> <p>07/03/02 DC Nos. 00-1910, 00-2176, 00-2337, 00-2615, 01-0007, 01-0057, 01-0271, 01-0281, 01-0737, 01-0814</p> <p>(By Judgment)</p>	<p>Respondent abandoned clients; failed to perform services for which she was paid; failed to communicate with numerous clients; and failed to advise clients of case status. In addition, Respondent repeatedly practiced law while summarily suspended; used her IOLTA account to pay for MCLE materials; overdrew the trust account on one occasion; and failed to respond to the State Bar's inquiries and request for financial records.</p> <p>ER 1.1 ER 1.2 ER 1.3 ER 1.4 ER 1.5 ER 1.15 ER 5.5 ER 8.1(b) ER 8.4(d) SCR 43 SCR 44 SCR 51(e) SCR 51(f) SCR 51(h) SCR 51(i)</p>	<p>Disbarment + Restitution</p>	<p>Disbarment + Restitution</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>Conduct deemed admitted by default. In aggravation: 9.22(b) (c) (d) (e) (f) (g) (h) (i) and (j); No factors in mitigation: Mental State: Knowingly; Actual injury.</p>

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<p><u>Hart, Barry H.</u></p> <p>11/01/02 DC Nos. 96-1547, 96-2121, 97-1282, 97-1311, 98-1741, 98-1869, 99-0779, 99-1215, 99-1391</p> <p>(By Judgment)</p>	<p>Respondent failed to diligently represent his clients, failed to adequately communicate with his clients, failed to provide an accounting when requested by a client, failed to take the steps necessary upon termination of representation to protect his clients' interests, mishandled trust account funds, commingled personal funds with client funds in his trust account, failed to keep accurate trust account records and failed to respond to bar counsel's inquiries during the State Bar's investigation.</p> <p>ER 1.1 ER 1.2 ER 1.3 ER 1.4 ER 1.15(a) ER 1.15(b) ER 1.16(d) ER 8.1(a) ER 8.1(b) ER 8.4(d) SCR 43(a) SCR 43(d) SCR 44(a) SCR 51(h) SCR 51(i)</p>	<p>N/A</p>	<p>Accept Agreement for a 2-year Suspension + 2-years of Probation (fee arbitration and MAP) + Restitution</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>In aggravation: 9.22(b) (c) (d) (e) and (f); In mitigation: 9.32(a) (c) and (l); Mental State: knows or should have known; Potential injury in trust matter.</p>
<p><u>Hegberg, Jeffrey J.</u></p> <p>07/03/02 DC Nos. 00-1626, 00-1665, 00-1784, 00-2306 SB-02-0089-D</p> <p>(By Judgment)</p>	<p>Respondent misappropriated client funds in excess of \$150,000; fraudulently drew checks in an approximate amount of \$100,000 for which insufficient funds existed; and failed to respond to the State Bar's investigation of these matters.</p> <p>ER 1.4 ER 1.5 ER 1.15 ER 1.16 ER 8.1(b) ER 8.4 SCR 51(h) SCR 51(i)</p>	<p>Disbarment + Restitution</p>	<p>Disbarment + Restitution</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>Conduct deemed admitted by default. In aggravation: 9.22(b) (c) (d) (e) (g) and (k); In mitigation: 9.32(a) and (f).</p>

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<u>Herbert, Joseph A.</u> 03/05/02 DC No. 00-0241 SB-02-0041-D (By Judgment)	Respondent negligently allowed a forcible detainer complaint to be filed without substantial justification and engaged in a conflict of interest at a time when he was limited by his own interests. Respondent admits the forcible detainer action was frivolous and prejudicial to the administration of justice. ER 1.7(b) ER 3.1 ER 8.4(d)	N/A	Accept Agreement for Censure + 6 months Probation (EEP and CLE)	No discretionary or <i>sua sponte</i> review.	In aggravation: 9.22(a) and (i); In mitigation: 9.32(e). 2 prior IRs and a 30 day Suspension.
<u>Hovell, William P.</u> 03/28/02 DC Nos. 99-0939, 99-1328, 99-2153, 00-1359, and 00-1683 SB-02-0020-D (By Judgment)	Respondent settled a claim without authorization from his client; failed to respond to reasonable client requests for information; failed to give clients their share of settlement proceeds or continue to communicate with his clients after settlement; failed to provide an accounting, failed to honor an agreement with another attorney to account for fees and costs on cases that were settled or terminated; withdrew funds owed another attorney; failed to pay for services performed in connection with expert testimony; failed to disburse settlement funds to expert witnesses; and failed to respond to State Bar inquiries. ER 1.2 ER 1.3 ER 1.4 ER 1.15 ER 1.16 ER 8.1(b) ER 8.4(c) ER 8.4(d) SCR 43 SCR 44 SCR 51(h) SCR 51(i)	Disbarment + 6 months Probation (LOMAP audit) + Restitution	Disbarment + 6 months Probation (LOMAP audit) + Restitution	No discretionary or <i>sua sponte</i> review.	Conduct deemed admitted by default due to failure to file a disclosure statement; In aggravation: 9.22(b) (c) (d) (e) (i) and (j); In mitigation: 9.32(a) and (c); Mental State: Intentional and knowingly; Serious injury.

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<p><u>Inserra, Daniel</u></p> <p>10/24/02 DC Nos. 00-1982, 00-2433 SB-02-0144-D</p> <p>(By Judgment)</p>	<p>Respondent admitted that he was negligent in failing to conduct monthly reconciliations of his trust account; he failed to utilize only pre-numbered checks drawn on his trust account; he was negligent in his accounting and record keeping practices; failed to maintain complete trust account records for a period of five years; failed to exercise due professional care in the maintenance of his client trust account; he was unable to identify clients affiliated with each trust account transaction; and he failed to keep his own funds separate from his clients by occasionally depositing earned fees into his trust account.</p> <p>ER 1.15 SCR 43 SCR 44</p>	<p>N/A</p>	<p>Accept Agreement for Censure + 2 years of Probation (LOMAP & TAEPP)</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>In aggravation: 9.22(d); In mitigation: 9.32(a) (b) (d) (e) and (l); Mental State: Negligent; Potential injury.</p>
<p><u>Johnson, Lee Allen</u></p> <p>1/11/02 DC Nos. 00-0847 and 00-1761 SB-02-0005-D</p> <p>(By Judgment)</p>	<p>Respondent failed to properly safeguard funds in his trust account; failed to follow the trust account rules and guidelines; failed to adequately communicate with a client; failed to file suit within the time frame requested by the client; failed to respond to any case status inquiries; failed to refund the client's retainer until after the client filed a bar charge; failed to abide by the client's objectives concerning representation; failed to diligently represent the client; failed to adequately communicate with the client; and failed to cooperate with the State Bar.</p> <p>ER 1.2 ER 1.3 ER 1.4 ER 1.15 ER 8.1(b) SCR 43 SCR 44 SCR 51(h) SCR 51(i)</p>	<p>N/A</p>	<p>Accept Agreement for Censure + 2 years of Probation (LOMAP and PM) (MAP) (TAEPP)</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>In aggravation: 9.22(e) and (i); In mitigation: 9.32(a) (b) (c) and (l); Mental State: Negligent; Potential injury in trust account matter.</p>

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<p><u>Keith, Brian M.</u></p> <p>12/05/02 DC No. 02-4000 SB-02-0133-RD</p> <p>(By Judgment)</p>	<p>Respondent was suspended by the Supreme Court of California in February 2001. Respondent represented an insurance company in a subrogation lawsuit and received two settlement checks in February 1997, of which he was entitled to one-third for his fees; two-thirds was due to his client. Respondent failed to deposit the checks into his trust account and allowed his balance to fall below the appropriate level. Respondent failed to respond to his client's request for the funds until October 1997 when he sent the client two checks, one of which was dishonored. Respondent finally paid client in three installments completing payment in June 1998. This action was then commenced as a Reciprocal Discipline matter under Rule 58.</p>	<p>N/A</p>	<p>90-day Suspension + Probation (as ordered by the State of California)</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>Reciprocal Discipline</p>
<p><u>Kerrin, Najia M.</u></p> <p>10/23/02 DC No. 99-2145 SB-02-0140-D</p> <p>(By Judgment)</p>	<p>Respondent failed to maintain trust account records in compliance with the State Bar's Trust Account Guidelines and she inadvertently failed to safeguard client property particularly during maternity leave. No actual harm ever resulted to any clients and when Respondent became aware of the problem, she engaged a CPA to fully review and reconcile her trust account.</p> <p>ER 1.15 SCR 43 SCR 44</p>	<p>N/A</p>	<p>Accepted Agreement for Censure + 1 year of Probation (TAEPP)</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>In aggravation: 9.22(i); In mitigation: 9.32(a) (b) (c) (d) and (l); Mental State: Knowingly-mitigation justified reduction in presumptive sanction; Potential injury.</p>

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<p><u>Kirkland, Charles Saint George</u></p> <p>2/13/02 DC Nos. 98-1746, 98-2263, 99-1151 SB-02-0018-D</p> <p>(By Judgment)</p>	<p>Respondent made negligent misrepresentations to the State Bar; failed to keep his law firm separate from his other business, which gave the false appearance that he was practicing under a trade name; and filed an inappropriate suit against another attorney. In addition, the bank incorrectly designated Respondent's operating account as an IOLTA account and the bar received NSF notice</p> <p>ER 1.15 ER 3.1 ER 5.4(b) ER 7.1(f) ER 7.5 ER 8.4(a) ER 8.4(c) ER 8.4(d)</p>	<p>N/A</p>	<p>Accept Agreement for Censure + 2 years of Probation (LOMAP and PM)</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>In aggravation: 9.22(c) and (d); In mitigation: 9.32(a) (d) (e) and (f).</p>
<p><u>Kistler, James O.</u></p> <p>2/26/02 DC No. 00-0395 SB-01-0189-D</p> <p>(By Judgment)</p>	<p>Respondent failed to diligently represent his clients; failed to communicate on several occasions; failed to abide by his client's objectives of representation; engaged in the unauthorized practice of law; and failed to fully participate in disciplinary proceedings.</p> <p>ER 1.2 ER 1.3 ER 1.4 ER 5.5 ER 8.1(b) ER 8.4(d) SCR 51(e) SCR 51(f) SCR 51(h) SCR 51(i) SCR 51(k)</p>	<p>1 year Suspension (retroactive) + 2 years of Probation (LOMAP and PM) + Restitution</p>	<p>1 year Suspension + 2 years of Probation (LOMAP and PM) + Restitution</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>In aggravation: 9.22(a) (c) (e) and (i); In mitigation: 9.32(b). Prior Censure.</p>

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<u>Klahr, Gary P.</u> 02/15/02 DC No. 02-0100 SB-02-0008-D (By Order)	Respondent was placed on Interim Suspension by order dated 02/15/02	N/A	N/A	Interim Suspension	
<u>Klahr, Gary P.</u> 05/01/02 DC Nos. 98-0492, 98-1425, 98-1773, 98-2540, 99-0187, 99-0629, 99-2400, 00-0246, 00-0318 SB-02-0036-D (By Order)	Respondent agreed to represent clients in various legal matters and then assigned those cases to other attorneys who would perform services on a contract basis for his clients. The client was billed at the rate of \$150.00 per hour on behalf of Respondent, and the contract attorney was paid \$50.00 an hour. Respondent allowed the client's legal interests to be adversely affected by his failure and/or the failure of a contract attorney to perform legal services as retained. On various occasions, Respondent instructed staff to stop performing services for clients when their retainer funds were close to being entirely expended, to contact the clients and inform them that if further payment was not made, no further services would be performed, and to threaten clients with legal action to force payment of additional retainer funds. Respondent also entered into "non-refundable" fee contracts with clients. Respondent failed to return the unearned portion of the retainer funds to several	Disbarment + Restitution	Disbarment + Restitution	No discretionary or <i>sua sponte</i> review.	In aggravation: 9.22(a) (b) (c) (d) (h) (i) and (j); In mitigation: 9.32(g). Five prior informal reprimands for conduct similar in nature to instant matter.

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	<p>clients. In addition, Respondent knowingly allowed unlawful drugs and other criminal activity to occur in his office on numerous occasions.</p> <p>ER 1.3 ER 1.4(a) ER 1.4(b) ER 1.5 ER 1.5(a) ER 1.16(d) ER 5.1 ER 5.3(a) ER 8.4(a) ER 8.4(b) ER 8.4(c) ER 8.4(d) SCR 44(b)(4)</p>				
<p><u>Lamb, Raymond P.</u></p> <p>06/26/02 DC Nos. 00-1499, 00-2116 SB-02-0098-D</p> <p>(By Judgment)</p>	<p>Respondent was appointed to represent a client in a criminal matter regarding an aggravated DUI. The client was convicted and sentenced in September 1999. Respondent filed a notice of appeal but thereafter failed to file the appeal. Respondent was also hired in an action against Motel Six as a result of a theft of a U-Haul trailer that occurred while the client was a guest. Respondent failed to diligently pursue the client's interest and also failed to adequately communicate with the client. The case was dismissed for lack of prosecution. Respondent also failed to cooperate with the State Bar in its investigation of these allegations.</p> <p>ER 1.2 ER 1.3 ER 1.4 ER 8.1(b) ER 8.4(d) SCR 51(h) SCR 51(i)</p>	Censure + 18-months of Probation (LOMAP with a PM)	Censure + 18-months of Probation (LOMAP with a PM)	No discretionary or <i>sua sponte</i> review.	Conduct deemed admitted by default. In aggravation: 9.22(d) and (i); In mitigation: 9.32(e) and (l). Had the Respondent participated in the proceedings, an informal reprimand may have been appropriate.

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<p><u>Leon, Julia L.</u></p> <p>04/25/02 DC Nos. 99-2029, 99-2225, 00-1467, 00-1648, 00-1783, 00-1886, 00-1908, 00-2157 SB-02-0037-D (By Judgment)</p>	<p>Respondent received money to perform services then converted the money for her own use; failed to provide legal services; failed to communicate with her clients; failed to respond to client inquiries; failed to make restitution to clients; and failed to cooperate with the State Bar in their investigation. Additionally while summarily suspended, Respondent failed to notify clients of her suspension and practiced law while suspended.</p> <p>ER 1.2 ER 1.3 ER 1.4 ER 1.5 ER 1.15 ER 1.16(d) ER 4.1 ER 5.5 ER 8.1(b) ER 8.4 SCR 43 SCR 44 SCR 51(h) SCR 51(i)</p>	<p>Disbarment + Restitution</p>	<p>Disbarment + Restitution</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>Conduct deemed admitted by default. In aggravation: 9.22(a) (c) (d) (e) (h) (i) and (j); In mitigation: 9.32(e); Mental State: Intentional/knowingly; Actual injury.</p>
<p><u>Levenson, Clifford I.</u></p> <p>12/04/02 DC Nos. 00-1622, 00-1624, 01-0034, 01-0722 SB-02-0130-D (By Judgment)</p>	<p>Respondent received retainers from clients and then failed to adequately communicate with his clients; failed to act with reasonable diligence on their matters; failed to refund unearned fees to his clients; engaged in conduct that was prejudicial to the administration of justice and failed to promptly respond to the inquiries and requests for information received from the State Bar regarding the matters.</p> <p>ER 1.2 ER 1.3 ER 1.4 ER 1.5 ER 1.16(d) ER 3.4 ER 8.1(b) ER 8.4(d) SCR 51(h) SCR 51(i)</p>	<p>N/A</p>	<p>Accepted Agreement for a 1 year Suspension, retroactive to October 16, 2000 + 2 years of Probation (MAP) + Restitution</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>In aggravation: 9.22(d) (h) and (i); In mitigation: 9.32(a) (b) (i) and (l). Respondent voluntarily ceased practice and entered into a drug rehabilitation facility in Southern California in October 2000.</p>

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<p><u>Levy, Bryan K.</u></p> <p>01/15/02 DC. No. 00-1095</p> <p>(By Order)</p>	<p>Respondent brought about and pursued an action without substantial justification after being advised by opposing counsel of the circumstances. ER 3.1</p>	<p>N/A</p>	<p>Accept Agreement for an Informal Reprimand</p>	<p>N/A</p>	<p>In aggravation: 9.22(i); In mitigation: 9.32(a) (e) (k) and (l).</p>
<p><u>Magid, Lawrence</u></p> <p>09/12/02 DC No. 02-4001 SB-02-0129-D</p> <p>(By Judgment)</p>	<p>Respondent was reprimanded by the New Jersey Supreme Court on June 7, 2001. Mr. Magid represented a client in an administrative personnel matter. After moving to Arizona, Respondent failed to file the motion to withdraw within the allotted thirty days and the case was dismissed without prejudice. Respondent also failed to file an emergency writ of habeas corpus in another matter. As a result, the client served five-years and was ineligible for parole. Respondent then assured the client that he had prepared an appeal notice, request for emergency relief, writ of habeas corpus and a request of stay of the Parole Board's order; but failed to file same. This action was then commenced as a Reciprocal Discipline matter under Rule 58.</p>	<p>N/A</p>	<p>Censure</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>Reciprocal discipline</p>

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<u>Marchosky, Ruben J.</u> 1/14/02 DC Nos. 00-0571, 00-1018, 00-1457, 00-1836, 00-1945, 00-1975, and 00-2000 SB-01-0174-D (By Judgment)	Respondent failed to send monthly checks to his clients upon receipt of funds owed them; failed to communicate with such clients; and failed to respond to State Bar inquiries. ER 1.3 ER 1.4 ER 1.15 ER 1.16(d) ER 8.1 ER 8.4 SCR 51(h) SCR 51(i)	Disbarment + Restitution	Disbarment	No discretionary or <i>sua sponte</i> review.	In aggravation: 9.22(a) (b) (c) (d) (e) (h) (i) and (j); No mitigating factors. Prior IRs
<u>Martin, David J.</u> 04/17/02 DC No. 00-0300 SB-02-0061-D (By Judgment)	Respondent failed to properly reconcile his client trust account. Respondent and his partner did not have an adequate agreement or understanding that delineated what each person's specific trust account responsibilities were. In addition, Respondent wrote a check to a client prior to the client's funds clearing the trust account. ER 1.15 SCR 43(d) - Guidelines 1(a) and 2(e)	Censure + 1 year of Probation (TAEPP)	Censure + 1 year of Probation (LOMAP & TAEPP)	No discretionary or <i>sua sponte</i> review.	In aggravation: 9.22(i); In mitigation: 9.32(a) (b) (d) (e) (g) and (l); Mental State: Negligent; Potential injury
<u>McAlister, Jamie</u> 10/31/02 DC Nos. 00-1720, 01-0464 SB-02-0123-D (By Judgment)	Respondent represented a client in a criminal matter. The fee agreement was for a flat fee of \$1,000.00 plus costs if the matter resulted in a plea agreement, and \$5,000.00 plus costs if the matter went to trial. Respondent received approximately \$4,400.00 in fees. When the client retained new counsel and the new counsel requested the name of the investigator that Respondent hired for the case, Respondent would not release the name. New counsel filed a motion to compel	N/A	Accept Agreement for a 6 month and 1 day suspension + 2 years of Probation (MAP, PM and random audits)	No discretionary or <i>sua sponte</i> review.	In aggravation: 9.22(b) (h) and (i); In mitigation: 9.32(a) (c) (d) (e) (h) and (l); Mental State: Knowingly; Conduct would ordinarily warrant disbarment but for mitigation.

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	<p>and the name of the investigator was eventually turned over to new counsel. In addition, from December 1999 through December 2000, Respondent converted approximately \$28,000.00 from her trust account for her personal use.</p> <p>ER 1.15 ER 1.16(d) ER 8.4 SCR 43 SCR 44</p>				
<p><u>McCormick, James E.</u></p> <p>4/25/02 DC Nos. 99-0859, 99-1407, 99-2146, 99-2371, 00-1705, 01-0219 SB-02-0029-D (By Judgment)</p>	<p>Respondent commingled earned and unearned fees in his client trust account; failed to maintain complete records of handling, maintenance and disposition of client and/or third party trust funds and overdrew his trust account on several occasions. Overall he failed to safeguard client funds and exercise due professional care in the performance of his duties pursuant to the trust account guidelines. Respondent wrote checks on the trust account to pay for personal expenses. In addition, Respondent abandoned his clients. He failed to diligently represent and communicate with them. He failed to provide an accounting of services provides and failed to refund unused portions of retainers upon the client's request. Respondent further did not protect the client's interests upon termination of the representation and failed to comply with the court's order regarding discovery.</p> <p>ER 1.2 ER 1.3 ER 1.4 ER 1.8(e) ER 1.15 ER 1.16</p>	N/A	Accept Agreement for 6 months + 1 day Suspension + Restitution	No discretionary or <i>sua sponte</i> review.	<p>In aggravation: 9.22(b) (c) and (d); In mitigation: 9.32(a) (c) (e) (f) and (l); Mental State: Knowingly; Actual injury.</p>

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	ER 3.2 SCR 43	ER 8.4(c) SCR 44	ER 8.4(d)				
<u>Mettler, William R.</u> 06/14/02 DC Nos. 99-2390, 00-1400 SB-02-0094-D (By Judgment)	Respondent failed to file a joint pretrial statement timely as ordered by the Court and failed to timely respond to discovery requests. A judgment was entered against the clients. Thereafter, Respondent failed to inform them of the dismissal and award of judgment against them. In a separate matter, after meeting with and taking payment from a client, Respondent failed to adequately communicate with the client and failed to file a notice of appearance or an answer on behalf of the client. Respondent further failed to inform the client of a hearing and therefore neither appeared. Default was entered against the client and as a result, the client lost a unique piece of property in New Mexico.			N/A	Accept Agreement for Censure + 2-years of Probation	No discretionary or <i>sua sponte</i> review.	In aggravation: 9.22(a) (b) and (c); In mitigation 9.32 (e).
	ER 1.3 ER 3.2	ER 1.4 ER 8.4(d)	ER 1.16(d) SCR 51(e)				

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<p><u>Miranda, Victoria R.</u></p> <p>06/10/02 DC No. 00-0474 SB-02-0090-D</p> <p>(By Judgment)</p>	<p>In her response to the State Bar complaint filed by the client, Respondent provided inaccurate information when she indicated that the client had signed various documents in her office. Respondent later admitted that she had signed the client's name to each of the verifications and notarized the documents because the verifications previously signed by the client were misplaced.</p> <p>ER 3.3 ER 8.1 ER 8.4(c) ER 8.4(d) SCR 51(h) SCR 51(i)</p>	<p>Accept Agreement for Censure + 6 months of Probation (LOMAP)</p>	<p>Accept Agreement for Censure + 6 months of Probation (LOMAP)</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>In aggravation: 9.22(c) and (f); In mitigation: 9.32(a) (b) (e) (f) (g) and (l).</p>
<p><u>Morrison, Michael B.</u></p> <p>09/12/02 DC No. 01-1134 SB-02-0125-D</p> <p>(By Judgment)</p>	<p>While summarily suspended for non-compliance with MCLE, Respondent filed a Notice of Appearance of Counsel and a Motion to Stay Effective Date of Order of Protection in a dissolution matter.</p> <p>ER 5.5</p>	<p>N/A</p>	<p>Accept Agreement for a Censure</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>In aggravation: 9.22(i); In mitigation: 9.32(a) (b) and (l).</p>
<p><u>Moore, John P.</u></p> <p>3/05/02 DC No. 00-1461 SB-02-0043-D</p> <p>(By Judgment)</p>	<p>Respondent made persistent comments and extended invitations of a sexual nature to his client during the course of representation.</p> <p>ER 1.7 SCR 41(g)</p>	<p>N/A</p>	<p>Accept Agreement for Censure</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>In aggravation: 9.22(b) and (i); In mitigation: 9.32(a) (e) and (l).</p>

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<p><u>Niemeir, Thomas A.</u></p> <p>3/28/02 DC No. 99-0946 SB-01-0194-D</p> <p>(By Judgment)</p>	<p>Respondent withdrew funds from his trust account that did not represent earned fees a total of nineteen times over a ten month period. Despite attempts to rectify the situation, Respondent failed to safeguard client property.</p> <p>ER 1.15 SCR 43 SCR 44</p>	<p>30 days Suspension + 2 years of Probation (LOMAP) (TAEPP) (State Bar's Solo Law Office Section) (CLE)</p>	<p>Accept Amended Agreement for Censure + 2 years of Probation (LOMAP) (TAEPP)</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>In aggravation: 9.22(c) and (i); In mitigation: 9.32(a) (b) (c) (d) (e) (g) and (l) Mental State: knew or should have known; Potential injury.</p>
<p><u>Oakley, J.J.</u></p> <p>04/19/02 DC No. 99-1186 SB-02-0075-D</p> <p>(By Judgment)</p>	<p>Respondent represented two parents that had previously obtained and recorded three judgments against their son. Two of the judgments had been satisfied and Respondent was to attempt collection of the third judgment. The clients provided Respondent with an initial retainer; however, he failed to act diligently on their behalf and failed to completely follow the directions of his clients. Although the clients provided Respondent with additional funds, he failed to adequately communicate with them and failed to respond/cooperate with the State Bar's inquiries</p> <p>ER 1.2 ER 1.3 ER 1.4 ER 1.5 ER 8.1(b) ER 8.4(d) SCR 51(h) SCR 51(i)</p>	<p>Accept stipulation for Censure</p>	<p>Accept stipulation for Censure</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>Conduct deemed admitted by default. In aggravation: 9.22(a) (d) and (i); In mitigation: 9.32(l).</p>

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<p><u>Odneal, Sara J.</u></p> <p>07/03/02 DC Nos. 00-2016, 00-2154, 00-2325 SB-02-0085-D</p> <p>(By Judgment)</p>	<p>Respondent failed to communicate with her clients; failed to provide an accounting; failed to respond to reasonable requests for information; failed to return unused retainers in a timely manner; made false statements in her Answer and misrepresented facts in her motion to extend time; and failed to cooperate with the State Bar's inquiries of these matters.</p> <p>ER 1.4 ER 1.15 ER 1.16(d) ER 8.1(a) ER 8.1(b) ER 8.4(c) SCR 51(h) SCR 51(i)</p>	<p>90 day Suspension + upon reinstatement, 2 years of Probation (LOMAP) + MPRE</p>	<p>90 day Suspension + upon reinstatement, 2 years of Probation (LOMAP)</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>In aggravation: 9.22(a) (b) (c) (d) (e) (f) and (i); In mitigation: 9.32(l); Prior Censure and Probation involving similar misconduct; however, instant violation occurred prior to imposition of censure and probation; Mental State: Knew or should have known; Actual injury.</p>
<p><u>Phillips, James R.</u></p> <p>DC Nos. 00-0919, 00-1235, 00-1255, 00-1299, 00-1941, 00-2198, 00-2201, 00-2206, 00-2457, 01-0012, 01-0038, 01-0091, 01-0252 SB-02-0060-D</p> <p>(By Judgment)</p>	<p>Respondent's consolidated Complaints contain fifteen counts alleging multiple instances of misconduct including abandonment of clients; failure to provide clients with competent and diligent representation; failure to maintain communication with clients; failure to respond to their requests for information; failure to appear at scheduled court hearings on behalf of clients; making misstatements to the court; failure to respond to an order from the court; and failure to return client files and/or the unearned portion of fees advanced. Additionally Respondent failed to respond to a number of the charges and in other cases failed to cooperate with the State Bar's investigation of these matters.</p> <p>ER 1.1 ER 1.2 ER 1.3 ER 1.4 ER 1.5 ER 1.15 ER 1.16 ER 1.16(d) ER 3.1</p>	<p>Disbarment + Restitution</p>	<p>Disbarment + Restitution</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>Conduct deemed admitted by default. In aggravation: 9.22(a) (b) (c) (d) (e) (g) (h) (i) and (j); No factors were found in mitigation; Mental State: Knowingly; Actual injury.</p>

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	ER 3.2 ER 3.3 ER 3.4(a) ER 3.4(c) ER 4.1 ER 8.1 ER 8.1(b) ER 8.4(b) ER 8.4(c) ER 8.4(d) SCR 43 SCR 44 SCR 51(e) SCR 51(f) SCR 51(g) SCR 51(h) SCR 51(i)				
<u>Phillips, Jeffrey L.</u> 09/13/02 DC Nos. 98-2204, 99-0389 99-0455, 99-0571, 99-0610, 99-0983, 99-1208, 99-2151, 99-2084, 99-2233, 99-2291, 00-0005, 00-0024, 00-0041, 00-0045, 00-0098, 00-0110, 00-0348 00-2560, 01-0574 (By Judgment)	Respondent failed to adequately supervise subordinate attorneys and non-lawyer assistants. Specifically, intake personnel failed to affirmatively identify themselves as non-attorneys and failed to affirmatively offer or provide adequate information concerning limitations of the applicability of the firm's advertised "little or no money down" payment plans. ERs 5.1 ER 5.3 ER 7.1	N/A	Accept Agreement for Censure + 2 years of Intensive Probation (LOMAP)	No discretionary or <i>sua sponte</i> review	In aggravation: 9.22(c) and (d); In mitigation: 9.32 (a) (b) (d) (e) (l).

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<p><u>Piatt, IV, William M.</u></p> <p>08/12/02 DC Nos. 02-1022 SB-02-0092-D</p> <p>(By Order)</p>	<p>Placed on Interim Suspension 8/12/02 by Order of the Supreme Court.</p>	<p>N/A</p>	<p>N/A</p>	<p>Interim Suspension</p>	
<p><u>Piatt, IV, William M.</u></p> <p>10/31/02 DC Nos. 95-0031, 95-0563 95-0891, 96-1785 98-0201, 98-1752 99-1796, 99-2405 SB-02-0107-D</p> <p>(By Judgment)</p>	<p>Respondent failed to abide by client's decisions regarding the scope of representation and to diligently pursue cases. On multiple occasions Respondent breached his duty of preserving client confidences and despite being censured for similar misconduct, engaged in a conflict of interest and sexual misconduct. Additionally, Respondent failed to safeguard and return client property; protect client interests upon termination of representation; filed unmeritorious claims and contentions; failed to expedite litigation; knowingly made false statements of material fact and false statements during disciplinary proceedings; engaged in conduct involving dishonesty, fraud and misrepresentation; and engaged in conduct prejudicial to the administration of justice.</p> <p>ER 1.3 ER 1.4 ER 1.5 ER 1.6 ER 1.15 ER 3.1 ER 3.2 ER 8.4(d)</p>	<p>Disbarment + Restitution</p>	<p>Disbarment + Restitution</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>In aggravation: 9.22(a) (b) (c) (d) (e) (f) (g) (h) and (i); In mitigation : 9.32(d) and (i).</p>

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<p><u>Randall, Richard D.</u></p> <p>11/14/02 DC No. 00-1861 SB-02-0146-D</p> <p>(By Judgment)</p>	<p>Respondent was negligent in his trust account procedures. He failed to perform monthly reconciliations; failed to make disbursements by pre-numbered checks, commingled funds; failed to maintain adequate funds in the account; and failed to safeguard client funds causing potential harm to clients.</p> <p>ER 1.15 SCR 43 SCR 44</p>	<p>Censure</p>	<p>Censure</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>In aggravation: 9.22(i); In mitigation: 9.32(a) (d) (e) (g) and (l); Mental State; Negligent; Potential injury.</p>
<p><u>Reilly, Stuart J.</u></p> <p>2/26/02 DC Nos. 94-0924, 95-0772, 96-0748, 96-2328 97-1334 SB-01-0190-D</p> <p>(By Judgment)</p>	<p>Respondent failed to diligently represent clients in a matter, which resulted in the dismissal of their cases. Respondent then misled his clients concerning the status of their cases. Respondent also failed to communicate with his clients, combined a client's case with a similar case without obtaining client consent and ceased performing work for a client prior to filing a motion to withdraw. Respondent converted funds through his capacity as a conservator for a minor, misled the minor as to the source of the misappropriation, withdrew his fee from a settlement fund prior to receiving a written order allowing such action, borrowed funds from a client without providing the client the opportunity to seek the advice of independent counsel and without obtaining his client's written consent. Finally, Respondent failed to comply with deadlines and court orders regarding discovery.</p> <p>ER 1.1 ER 1.3 ER 1.4 ER 1.4(a) ER 1.8(a) ER 1.8(e)</p>	<p>3 month Suspension + 2 years of Probation (MAP) (LOMAP/PM)</p>	<p>6 months Suspension + 2 years of Probation (MAP) (LOMAP/PM)</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>In aggravation: 9.22(b) (c) (d) (h) and (i); In mitigation: 9.32(a) (c) (e) (g) (i) (j) and (l).</p>

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	ER 1.15 ER 3.2 ER 8.4 ER 8.4(c)				
<u>Richardson, Jon Michelle</u> 11/14/02 DC Nos. 00-1877 & 00-2378 SB-02-0145-D (By Judgment)	Respondent held herself out to be an AZ attorney, took fees and then failed to perform services or communicate with her clients. Respondent further failed to return unearned fees and failed to respond and cooperate with the State Bar's inquires. ER 1.1 ER 1.2 ER 1.3 ER 1.4 ER 4.1 ER 1.15 ER 1.16(d) ER 8.1(b) ER 8.4 ER 8.4(d) SCR 51(h) SCR 51(i)	Censure + Restitution	Censure + Restitution	No discretionary or <i>sua sponte</i> review.	Non-Member of the State Bar. HO found suspension of 6 months appropriate if member. Conduct deemed admitted by default. SB dismissed violations of ER 5.5 and SCR 31(c)3. In aggravation: 9.22(c) (d) and (e); In mitigation: 9.32(a).
<u>Ruiz, Jr., Peter R.</u> 05/24/02 DC Nos. 00-2239 SB-02-0064-D (By Judgment)	Respondent failed to complete or file his client's bankruptcy petition and as a result, one of the creditors garnished the client's wages. Respondent also failed to return his client's phone calls; failed to advise the client he had not filed the petition; failed to advise the client of his new address and phone number; failed to advise the client of his summary suspension; failed to return the client's documents and unearned fees; and failed to respond or cooperate with the State	N/A	Accept Agreement for 6 months Suspension (retro) + Restitution	No discretionary or <i>sua sponte</i> review	In aggravation: 9.22(a) (c) and (i); In mitigation: 9.32(b) (c) (e) (h) and (l).

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	<p>Bar's inquiries.</p> <p>ER 1.2 ER 1.3 ER 1.4</p> <p>ER 1.5 ER 1.15(b) ER 1.16(b)</p> <p>ER 1.16(d) ER 3.2 ER 8.4(d)</p> <p>SCR 63 (a) SCR 63(b)</p>				
<p><u>Ryan, Michael T.</u></p> <p>01/14/02</p> <p>DC No. 01-1084</p> <p>SB-01-0180-RD</p> <p>(By Judgment)</p>	<p>The Supreme Court of Oregon determined that Respondent engaged in the unauthorized practice of law while suspended for failure to pay his Professional Liability Fund premium and he neglected a bankruptcy matter, which included a failure to deliver funds.</p>	N/A	180 day Suspension	No discretionary or <i>sua sponte</i> review	Reciprocal discipline.
<p><u>Saper, Ronald A.</u></p> <p>1/4/02</p> <p>DC Nos. 94-2163, 96-0587, 96-1089, 97-1186, and 98-1370</p> <p>SB-01-0196-D</p> <p>(By Judgment)</p>	<p>Respondent entered into a fee agreement with a client, but the client cancelled services and stopped payment on her check, agreeing only to pay for services actually rendered. Respondent and the client disagreed as to the amount owed. When the State Bar became involved, Respondent failed to cooperate. Additionally, Respondent failed to competently represent a client by failing to read correspondence informing him of actions that should have been pursued in</p>	Censure + 2 years of Probation (LOMAP)	Censure + 2 years of Probation (LOMAP)	No discretionary or <i>sua sponte</i> review.	<p>In aggravation: 9.22(a) (b) (d) (g) (h) and (i);</p> <p>In mitigation: 9.32(j) and (l).</p> <p>Prior IRs</p>

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	<p>an earlier proceeding. Respondent also communicated with a client he knew was represented by an attorney and threatened the attorney with a bar complaint in order to gain an advantage in litigation</p> <p>ER 1.1 ER 1.5 ER 1.16(d) ER 3.1 ER 3.3(a)(1) ER 4.1(a) ER 4.2 ER 4.4 ER 8.1(a) ER 8.4(c)</p>				
<p><u>Schlievert, Scott W.</u></p> <p>08/01/02 DC Nos. 00-0476, 00-0497, 00-0665 SB-02-0110-D (By Judgment)</p>	<p>In two separate matters, Respondent failed to adequately communicate with his clients concerning the objectives of the representation, failed to return one client's file, failed to promptly make an agreed upon refund of a disputed fee after termination of representation. Respondent further engaged in a conflict of interest by representing one client in a dissolution of marriage while pursuing a collection claim against the same client on behalf of a second client.</p> <p>ER 1.2 ER 1.4 ER 1.7 ER 1.15(b) ER 1.15(c) ER 1.16(d) ER 8.4(d) SCR 44(b) SCR 44(c)</p>	N/A	Accept Agreement for Censure + 1 year of Probation (LOMAP) + Restitution	No discretionary or <i>sua sponte</i> review	<p>In aggravation: 9.22(a) (c) (d) and (i); In mitigation: 9.32(b) (c) (e) (l) and (m) Mental State: Negligent; Actual injury.</p>

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<p><u>Seplow, Philip A.</u></p> <p>10/08/02 DC Nos. 98-0438, 98-0780, 98-2527, 99-0506, 99-0657, 99-0841, 99-0953, 99-1090, 99-1180, 99-1754, 99-1827, 99-2176 SB-02-0108-D (By Judgment)</p>	<p>Respondent employed a convicted felon as a legal assistant and permitted him to meet and accept clients and to accept retainers and filing fees. Respondent failed to adequately supervise the legal assistant and aided in the unauthorized practice of law. Respondent also failed to provide competent representation, failed to communicate with his clients, and failed to diligently pursue their legal matters.</p> <p>ER 1.1 ER 1.2 ER 1.3 ER 1.4 ER 1.15 ER 3.2 ER 3.3 ER 3.4(c) ER 5.3 ER 5.5 ER 8.4(a) ER 8.4(d) ER 8.4(e) SCR 51(h)</p>	<p>Censure + Suspension + 1 year of Probation</p>	<p>Censure + 2 years of Probation (LOMAP/EEP)</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>In aggravation: 9.22 (a) (c) (d) (e) (h) and (i); In mitigation: 9.32(c) (d) (e) (g) and (l).</p>
<p><u>Shaw, Alan B.</u></p> <p>06/06/02 DC No. 00-1445 (By Order)</p>	<p>Respondent accepted a retainer fee and obtained a signed fee agreement for representation then failed to adequately communicate with his clients and failed to perform the services agreed to in the agreement. In addition, Respondent failed to return the unearned fees to his clients and failed to respond to the State Bar's investigation into the matter.</p> <p>ER 1.2 ER 1.3 ER 1.4 ER 1.15 ER 3.2 ER 8.1(b) ER 8.4 SCR 51(h) SCR 51(i)</p>	<p>N/A</p>	<p>Accept Agreement for an Informal Reprimand + 1 year of Probation (LOMAP and MAP) + Restitution</p>	<p>N/A</p>	<p>In aggravation: 9.22(e); In mitigation: 9.32(a) and (b).</p>

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<p><u>Silkey, Sr., John P.</u></p> <p>07/03/02 DC Nos. 99-1688, 99-2078, 99-2092, 99-2180, 99-2190, 00-0504, 00-0784, 00-0972, 00-1103, 00-1236 00-1345, 00-1360 00-1529, 00-1679, 00-1791, 00-2022, 00-2192, 01-0338 01-0476, 01-0542 SB-02-0084-D</p> <p>(By Judgment)</p>	<p>Respondent took retainers from clients and performed little or no work on their behalf. Respondent essentially abandoned his clients and failed to provide notification to his clients that his office had moved.</p> <p>ER 1.1 ER .12 ER 1.3 ER 1.4 ER 1.5 ER 1.15 ER 1.16 ER 1.16(d) ER 3.2 ER 8.1(b) ER 8.4 ER 8.4(c) ER 8.4(d) SCR 51(h) SCR 51(i)</p>	<p>N/A</p>	<p>Accept Agreement for 4 year Suspension + Restitution</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>In aggravation: 9.22(a) (c) (d) (e) (i); In mitigation 9.32 (c) (h) and (i).</p>
<p><u>Sivic, Cheryl L.</u></p> <p>04/25/02 DC Nos. 99-0987, 00-1141, 00-1364, 00-1440, 00-1508, 00-1595, 00-1721, 00-1747, 00-1797, 00-1992, 00-2311 SB-02-0034-D</p> <p>(By Judgment)</p>	<p>Respondent filed a motion to disqualify opposing counsel, which the court deemed was without merit and attorney fees were awarded the opposing party. Respondent willfully and maliciously caused damage to the house she was renting and a judgment was entered against her. Respondent further engaged in the unauthorized practiced law while summarily suspended for nonpayment of bar dues and MCLE requirements. Respondent failed to advise clients of her suspension and failed to respond to clients' requests for the return of retainers and files. Respondent also failed to abide by clients' instructions and failed to file the proper documents with the courts. Respondent failed to respond to the State Bar's inquiries of these matters.</p> <p>ER 1.1 ER 1.2 ER 1.3</p>	<p>Disbarment + Restitution</p>	<p>Disbarment + Restitution</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>Conduct deemed admitted by default. In aggravation: 9.22 (c) (d) (e) (h) (i) and (j); In mitigation: 9.32(a)</p>

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	ER 1.4 ER 1.5 ER 1.16(d) ER 3.1 ER 3.3 ER 3.4 ER 3.4(c) ER 4.2 ER 5.5 ER 7.1(a) ER 7.5(a) ER 8.1 ER 8.4 SCR 51(e) ER 51(f) SCR 51(h) SCR 51(i) SCR 51(k) SCR 63				
<u>Smith, Brian Edward</u> 9/03/02 DC No. 98-1257 SB-02-0121-D (By Judgment)	Respondent used his trust account as an operating account and attempted to pay his MCLE late fees and purchase an audiotape with two checks from his trust account. Respondent advised the funds represented earned fees but was unable to produce trust account records to support this, as his vehicle which temporarily housed his records, was stolen. Respondent attempted to recreate his trust account records and produced some records for review by the State Bar. ER 1.15 SCR 43 SCR 44	30 day Suspension and (TAEPP) if return to private practice)	Original Agreement for 30 day Suspension rejected; <i>sua sponte</i> review declined and matter remanded to the Hearing Officer; modify sanction to reflect Censure and (TAEPP) if return to private practice	No discretionary or <i>sua sponte</i> review	In aggravation: 9.22 (i); In mitigation: 9.32(a) (b) (c) (d) (e) and (l); Mental State: Knew or should have known; Potential injury.

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<p><u>Smith, Lawrence B.</u></p> <p>07/09/02 DC No. 97-2117 SB-</p>	<p>Respondent was disbarred from the federal courts of the District of Arizona for filing a frivolous lawsuit. Respondent further disobeyed a prior injunction precluding him from filing similar lawsuits against the FAA without approval from the court. Respondent also made material misrepresentations to the court.</p>	<p>N/A</p>	<p>1 year Suspension</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>Imposing reciprocal discipline would be a grave injustice because disbarment can be cured if Respondent demonstrates rehabilitation.</p>
<p><u>Sodaro, Jennifer P.</u></p> <p>08/01/02 DC No. 00-1860 SB-02-0111-D (By Judgment)</p>	<p>Respondent provided legal services to a client in Arizona and sent letters to potential dealers of the client's swimming pool chlorination system on letterhead that included an Arizona address, thereby engaging in the unauthorized practice of law. ER 5.5 ER 7.1(a) ER 7.5(b) SCR 31(a)(3) SCR 33(c)</p>	<p>N/A</p>	<p>Accept Agreement for Censure</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>Non-Member of the State Bar. In aggravation: 9.32(c) (d) and (i); In mitigation: 9.32 (a) (b) (e) and (l).</p>
<p><u>Sproull, J. Ruth</u></p> <p>3/28/02 DC Nos. 97-0992, 97-1376, 97-1809 SB-02-0004-D (By Judgment)</p>	<p>Respondent tape-recorded opposing counsel without the other attorney's consent. Respondent engaged in a conflict of interest when she represented a client company and engaged in a romantic relationship with one of the company's executive directors. After termination of the relationship Respondent further engaged in a conflict of interest by suing the client, executive directors of the client and others and by revealing confidential information</p>	<p>5 year Suspension (retroactive) + 2 years of Probation (MAP and PM) (EEP)</p>	<p>5 year Suspension + 2 years of Probation (MAP and PM) (EEP)</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>In aggravation: 9.22(b) (c) (d) (e) (g) and (i); In mitigation: 9.32(a) and (c).</p>

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	<p>concerning the client in order to disadvantage the client. Respondent also settled a separate claim on behalf of a client for an amount she was not authorized to settle and removed a pleading from her office after being taken off the case. Respondent further filed this pleading by misrepresenting that she had the authority to file the pleading.</p> <p>ER 1.2 ER 1.4 ER 1.6 ER 1.9 ER 3.3 ER 4.1 ER 4.2 ER 8.4 ER 8.4(c)</p>				
<p><u>Stompoly, John G. and Karnas, M. David</u></p> <p>12/06/02 DC No. 98-0615</p> <p>(By Order)</p>	<p>Respondents represented clients in what was thought to be a class action lawsuit. Respondents co-counseled the case with other larger out of state firms, and Respondents were responsible for communication with the local clients. The trial court denied the application to certify the case as a class action lawsuit and individual claims had to be made. Respondents made the decision to withdraw from 292 of the 489 cases while pursuing settlement. A letter was sent to the 292 individuals and they were advised not to contact the office. Forty of the 292 claimants objected and the trial court refused to grant the motion to withdraw from their cases. The Respondents sought reversal of this ruling by filing discretionary review of the decision. A Petition for Review was also filed with the Supreme Court which was denied. The firms were all fined for their conduct and the matter was referred to the State Bar.</p> <p>ER 1.4 ER 3.1 ER 8.4(d)</p>	N/A	Accept Agreement for Informal Reprimand + 1 year Probation (additional CLE)	N/A	<p>In aggravation: 9.22(a) and (i); In mitigation: 9.32(a) (b) (f) (g) (i) and (k).</p>

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<p><u>Tucker, Mark A.</u></p> <p>09/04/02 DC No. 01-0194 SB-02-0120-D</p> <p>(By Judgment)</p>	<p>Respondent made booking errors by not adequately tracking receipts and disbursements from his trust account, thereby causing the account to become overdrawn on two occasions. He failed to safeguard client funds, failed to consistently perform monthly reconciliations and to maintain records as required by trust account guidelines. Additionally, Respondent commingled client and personal funds.</p> <p>ER 1.15 SCR 43 SCR 44</p>	<p>N/A</p>	<p>Accept Agreement for Censure + 1 year of Probation (LOMAP/TAEPP)</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>No factors in aggravation; In mitigation: 9.32 (a) (e) (l); Mental State: Negligent; Potential injury.</p>
<p><u>Turley, Mark E.</u></p> <p>05/13/02 DC No. 00-0608 SB-02-0042-D</p> <p>(By Judgment)</p>	<p>Respondent failed to properly maintain his IOLTA account. Respondent commingled personal funds with client trust account funds. Respondent additionally misappropriated and converted client funds for the benefit of other clients and for himself. Respondent failed to respond to or cooperate with the State Bar's request for additional information.</p> <p>ER 1.15 ER 8.1(b) SCR 43 SCR 44 SCR 51(h) SCR 51(i)</p>	<p>Disbarment + Probation (trust account audit)</p>	<p>6 months + 1 day Suspension + 2 years of Probation (LOMAP with PM/TAEPP/ MAP)</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>Conduct deemed admitted by default. In aggravation: 9.22 (b) (c) (e) (g) and (i); In mitigation: 9.32 (a); Mental State: Knew or should have known; Potential injury.</p>

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<p><u>Velez, Joseph A.</u></p> <p>09/27/02 DC Nos. 98-2507, 00-1309, 00-1882, 00-1927 SB-02-0096-D</p> <p>(By Judgment)</p>	<p>Respondent failed to properly maintain his IOLTA account. He deposited all monies from clients into the account regardless of whether funds were earned or not and deposited personal funds into the account. Respondent failed to maintain trust account records for 5 years, failed to maintain client ledgers, failed to perform a monthly reconciliation, and to consistently use pre-numbered checks. Respondent also failed to advise the court of an associates suspension status; discussed settlement directly with a client who was represented by counsel; and lastly, submitted a request for attorney fees to the court without advising the court about his reduced rate or contingency fee portion of the fee agreement.</p> <p>ER 1.4 ER 1.15 ER 5.5 ER 4.2 ER 8.4 ER 8.4(c) SCR 43 SCR 44</p>	<p>N/A</p>	<p>Accept Agreement for 3 months Suspension + 2 years of Probation (EEP/LOMAP/Fee Arbitration)</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>In aggravation: 9.22 (d); In mitigation: 9.32(a) (b) (e) and (l); Mental State: Knew or should have known; Potential injury.</p>
<p><u>Vice, George III</u></p> <p>3/28/02 DC No. 00-0170 SB-02-0007-D</p> <p>(By Judgment)</p>	<p>Respondent knowingly made a false statement of material fact in connection with a disciplinary matter, committed a criminal act that reflects adversely on his honesty, trustworthiness and fitness as a lawyer and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation.</p> <p>ER 8.1(a) ER 8.4(b) ER 8.4(c)</p>	<p>6 months Suspension + 1 year Probation (MAP)</p>	<p>6 months Suspension + 1 year of Probation (MAP)</p>	<p>No discretionary or <i>sua sponte</i> review.</p>	<p>In aggravation: 9.22(b) (f) (g) and (k); In mitigation: 9.32(a) and (k).</p>

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<p><u>West, David W.</u></p> <p>10/24/02 DC No. 99-1131 SB-02-0143-D</p> <p>(By Judgment)</p>	<p>Respondent failed to maintain disputed settlement funds in his IOLTA account and the account fell below the disputed amount of funds on 10 occasions.</p> <p>ER 1.15 SCR 43 SCR 44</p>	<p>N/A</p>	<p>Accept Agreement for Censure + 1 year of Probation (LOMAP/TAEPP)</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>No aggravating factors; In mitigation: 9.32(b) (e) (g) and (m); Mental State: Negligent; Potential injury.</p>
<p><u>Willis, Deann</u></p> <p>09/27/02 DC Nos. 00-2027, 00-2533 SB-02-0112-D</p> <p>(By Judgment)</p>	<p>Respondent represented a client in a severance proceedings and failed to abide by the client's decision concerning the objectives of representation; failed to consult with the client as to the means by which objectives were to be pursued, failed to act with reasonable diligence and to inform the client as to the status of her matter, failed to appear for scheduled court proceedings; and failed to protect the client's interests and allow time for the client to employ new counsel.</p> <p>ER 1.2 ER 1.3 ER 1.4 ER 1.15(b) ER 1.16(b) ER 1.16(d) ER 3.2 ER 3.4(c) ER 8.1(b) ER 8.4(d) SCR 33(d) SCR 44(b) SCR 51(e) SCR 51(h) SCR 51(i)</p>	<p>1 year Suspension</p>	<p>1 year Suspension</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>Conduct deemed admitted by default. In aggravation: 9.22(d) (h) and (i); In mitigation: 9.32(a) (b) (c) and (d).</p>

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<p><u>Weinert- Landrith, Diana</u></p> <p>05/01/02 DC No. 99-0044 SB-02-0024-D</p> <p>(By Judgment)</p>	<p>Respondent was grossly negligent in her accounting procedures and in maintaining her trust account, thus allowing the trust account to be overdrawn on two occasions. Respondent also failed to safeguard client property and keep separate from her own, failed to close her trust account even though she believed a burglary occurred; failed to provide trust account documents and a reconstructed account register as requested by the State Bar.</p> <p>ER 1.15 ER 8.1(b) SCR 43 SCR 44 SCR 51(h) SCR 51(i)</p>	<p>30 day Suspension + 2 years of Probation (LOMAP, MAP and TAEPP)</p>	<p>6 month Suspension + 2 years of Probation (LOMAP, MAP and TAEPP)</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>In aggravation: 9.22(a) (c) (d) (g) and (i); In mitigation: 9.32(b) and (c). Mental State: grossly negligent; Potential injury. Respondent maintained the funds represented earned fees. No evidence found that Respondent intentionally converted client funds therefore disbarment not appropriate. 2 Prior IRs.</p>
<p><u>Winemiller, Mark D.</u></p> <p>06/14/02 DC Nos. 98-1283, 98-1754 SB-02-0068-D</p> <p>(By Judgment)</p>	<p>Respondent mismanaged his IOLTA account and noticed was received regarding insufficient funds. Respondent failed to maintain complete trust account records and his IOLTA account had a negative balance at various times. Respondent also failed to maintain sufficient client ledgers and on a routine basis utilized his IOLTA account as a general operating account and for personal use.</p> <p>ER 1.15(a) SCR 43(a) SCR 43(d) SCR 44(a)</p>	<p>30 day Suspension + 2 years of Probation (LOMAP/TAEPP)</p>	<p>30 day Suspension + 2 years of Probation (LOMAP/TAEPP)</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>In aggravation: 9.22 (a) (d) (g) and (i); In mitigation: 9.32(b) (e) (j) and (m); Mental State: knew or should have known; Potential injury.</p>

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<u>Winski, Brian R.</u> 09/30/02 DC Nos. 96-2051, 98-0579 99-0559, 99-1077, 99-1145, 00-0194, 00-0210, 00-0992, 00-1678, 00-2113, 01-0273, 01-0074, 01-0439 SB-02-0105-D (By Judgment)	Respondent pled guilty to two counts of Facilitation of Theft, a class 6 felony. In another matter, Respondent made false statements to the tribunal regarding the receipt of the opposing party's motion to strike. Additionally, Respondent failed to properly supervise employees who held themselves out as attorneys and who contacted represented parties directly. Respondent also shared fees with these employees. Additionally, his contingency fee agreement contained an improper provision stating that court awarded fee did not belong to the client, and the funds were retained by the firm as part of the attorney fees. Respondent also improperly retained escrow fees for attorney fees and misrepresented to the court that the fees would go to the client; recorded a judgment for purposes of harassment; engaged in the unauthorized practice of law while suspended; failed to diligently represent a client, and failed to expedite litigation and to inform the client of the status of the matter. ER 1.2 ER 1.3 ER 1.4 ER 1.5 ER 1.15 ER 3.1 ER 3.2 ER 3.4 ER 4.1 ER 4.2 ER 5.1 ER 5.3 ER 5.4 ER 5.5 ER 8.4 SCR 43 SCR 44 SCR 51 SCR 57 SCR 63	N/A	Accept Amended Agreement for 4 years + 11 months Suspension	No discretionary or <i>sua sponte</i> review	In aggravation: 9.22(a) (c) (d) (e) (h) (i); In mitigation: 9.32(c) (k) and (l); Mental State and injury not specifically addressed.
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<p><u>Yates, Robert M.</u></p> <p>05/24/02 DC Nos. 00-1293, 00-1416 SB-02-0069-D</p> <p>(By Judgment)</p>	<p>Respondent engaged in the unauthorized practice of law while summarily suspended for non-payment of bar dues and made false statements concerning his status to the tribunal. Respondent also failed to notify clients and opposing parties of his suspension and failed to respond to or cooperate with the State Bar's inquiry of this matter.</p> <p>ER 1.4(b) ER 3.3 ER 3.4(c) ER 4.1 ER 5.5 ER 8.1(b) ER 8.4(c) ER 8.4(d) SCR 31(a)(3) SCR 51(e) SCR 51(f) SCR 51(h) SCR 51(k)</p>	<p>3 year Suspension + 2 years of Probation (LOMAP)</p>	<p>3 year Suspension + 2 years of Probation (LOMAP)</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>Conduct deemed admitted by default. In aggravation: 9.22(a) (b) (c) (d) (e) (i); No factors present in mitigation:</p>
<p><u>Zarkou, Russell J.</u></p> <p>06/26/02 DC No. 99-1816 SB-02-0059-D</p> <p>(By Judgment)</p>	<p>Respondent misappropriated client trust account funds and failed to maintain proper trust account records. Respondent deposited client funds into his general operating account instead of his IOLTA account and then failed to remit the funds to the client for five months. Respondent further failed to comply with the State Bar's request for trust account records, failed to file a timely disclosure statement and failed to answer non-uniform interrogatories.</p> <p>ER 1.15 ER 8.1(b) SCR 43 SCR 44 SCR 51(h) SCR 51(i)</p>	<p>6 months Suspension (retro)</p>	<p>30 day Suspension + 1 year of Probation (LOMAP/TAEPP)</p>	<p>No discretionary or <i>sua sponte</i> review</p>	<p>In aggravation: 9.22(i); In mitigation: 9.32(a) (g).</p>

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<u>Ziman, Meyer L.</u> 02/26/02 DC No. 99-1931 SB-01-0195-D (By Judgment)	Respondent assumed the representation from another attorney of a case. Although receiving the settlement proceeds from such case, Respondent failed to disburse the funds to the other attorney for approximately 16 months. When Respondent finally paid the other attorney, the payment did not include accrued interest. ER 1.15(b)	N/A	Accept Agreement for 30 days Suspension	No discretionary or <i>sua sponte</i> review.	In aggravation: 9.22(a) (b) and (i); In mitigation: 9.32(e) and (m). Prior Suspension, Censure, Probations, and Order of Restitution.
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