

In the Matter of Nancy D. Petersen, Bar No.017025, File No. PDJ-2011-9007, effective 06/06/2011. Attorney Suspended for 90 days, Two years of continued Probation, and Costs Ordered.

Pursuant to Rule 57(a)(4)(A), Ariz.R.Sup.Ct., the PDJ approved the Agreement for Discipline by Consent submitted by the parties and suspended Nancy D. Peterson for a period of 90 days. Additionally, two years of continued probation (participation in the State Bar's Law Office Management Assistance Program and Member Assistance Program), and the payment of costs were ordered.

In Count One, Respondent was retained in May of 2008 to handle a post-decree support modification. Respondent thereafter, failed to adequately communicate and diligently represent her client. Respondent failed to timely send the Complainant a fee agreement, failed to communicate in writing the scope of the representation, failed to abide by the client's decisions concerning the objectives of representation, and failed to expedite the matter. Specifically, Respondent falsely represented she filed and served the Request to Modify, failed to file the Stipulation re: Order of Assignment to effectuate the wage assignment, and failed to follow-up with the ex-husband and his employer regarding the Stipulation.

In Count Two, Respondent was retained in dissolution of marriage. Respondent failed to adequately communicate, consult and diligently represent the client. Respondent failed to timely file a QDRO and to expedite the litigation, failed to provide a signed notice substituting counsel, failed to furnish the client's file to new counsel, and failed to protect the client's interest upon termination of the representation.

In Count Three, Respondent failed to comply with trust account rules. Respondent deposited client funds into her general business account instead of her client trust account, failed to maintain duplicate deposit slips, and misrepresented her compliance with trust account rules on her 2009 member fees statement.

Respondent's misconduct was knowing and cause actual injury to the client and potential harm to the legal system. Respondent's misconduct constituted grounds for the imposition of discipline pursuant to the Rules of the Supreme Court of Arizona and violated Supreme Court Rule 42, ERs 1.2, 1.4, 1.5, 1.15(a), 1.16(d), 3.2, 8.4(c), 8.4(d) and Rules 43(a), 43(b)2.D and 43(c).

In evaluating aggravating and mitigating factors, the following factors were found: In aggravation: 9.22(a) (prior disciplinary offenses), 9.22(c) (pattern of misconduct), 9.22(d) (multiple offenses), 9.22(g) (refusal to acknowledge wrongful nature of conduct, 9.22(h) vulnerability of victim, and 9.22(i) (substantial experience in the practice of law).

In mitigation: 9.32(b) absence of a dishonest or selfish motive, 9.32(c) (personal or emotional problems), 9.32(e) full and free disclosures to disciplinary board or cooperative attitude toward proceedings, 9.32(g) character or reputation; and 9.32(l) remorse.

The agreement is accepted and costs awarded in the amount of \$1,605.65. The proposed final judgment and order is reviewed, approved and signed.