

IN THE  
**SUPREME COURT OF THE STATE OF ARIZONA**  
BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE  
1501 W. WASHINGTON, SUITE 102, PHOENIX, AZ 85007-3231

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

**W. BLAKE SIMMS,**  
**Bar No. 021595**

Respondent.

**No. PDJ-2013-9087**

**REPORT AND ORDER IMPOSING  
SANCTIONS**

[State Bar Nos. 13-0380; 13-  
0552]

**FILED: February 3, 2014**

On January 2, 2014, the Hearing Panel ("Panel") composed of Patricia Ellyn Studley, a public member from Cochise County, Judge Penny L. Willrich (retired), an attorney member from Maricopa County, and the Presiding Disciplinary Judge ("PDJ") held a one day hearing pursuant to Supreme Court Rule 58(j), Ariz. R. Sup. Ct. Nicole S. Kasetta appeared on behalf of the State Bar of Arizona ("State Bar"). Mr. Simms failed to appear. The Panel carefully considered the Complaint, Response, and admitted exhibits. The Panel now issues the following "Report and Order Imposing Sanctions," pursuant to Supreme Court Rule 58(k), Ariz. R. Sup. Ct.

**I. SANCTION IMPOSED:**

**MR. SIMMS IS SUSPENDED FOR NINE MONTHS AND PAYMENT OF COSTS OF THESE DISCIPLINARY PROCEEDINGS IMPOSED.**

## **II. BACKGROUND AND PROCEDURAL HISTORY**

A Probable Cause Order was filed on September 17, 2013. The Complaint was filed on September 23, 2013, and served by mail on September 26, 2013, pursuant to Supreme Court Rule 47(c). Mr. Simms response was due October 21, 2013. Mr. Simms sought an extension of time to file his response just five days before the response was due. [Request for Extension, filed October 16, 2013.] The PDJ filed an Order Extending the Effective Date of Default on the basis that Mr. Simms failed to establish good cause for the request having only noted "various personal matters which he need[ed] to attend in the next few weeks." [Order Extending Effective Date of Default, filed October 18, 2013.] The Order noted the extensive allegations of failure to respond to the bar charge and other requests of the State Bar during the investigatory period in balance with the absence of detail in the request for an extension. [Id.] Due to the State Bar not objecting to the request, the PDJ ordered that default be entered on October 22, 2013, but that the effective date of the default not be until noon, November 15, 2013, allowing Mr. Simms the opportunity to file his response. [Id.] Mr. Simms filed his Response on November 15, 2013. [Response, filed November 15, 2013.]

The Complaint contained two counts alleging violations of ER 1.2(a), ER 1.3 (diligence), ER 1.4 (communication), ER 1.5(a) (fees), ER 3.2 (expediting litigation), ER 8.1(d) (knowingly failing to respond to a demand for information from disciplinary authority), and Rule 54(d) of the Arizona Rules of the Supreme Court. [Complaint, filed Sept. 23, 2013.] Mr. Simms response admitted "as true all factual assertions in the Complaint" but denied "there exists in the Complaint grounds for discipline." [Response, paras. 1-2.]

On December 2, 2013, the Initial Case Management Conference was held and the matter was set for a one-day hearing. No prehearing memoranda were filed by the parties.

The State Bar requested suspension for six months and one day and restitution in the amount of \$2,000. Mr. Simms did not appear at the hearing. The State Bar sought a recess to attempt to call Mr. Simms and to check email to determine if Mr. Simms had attempted some last minute communication regarding his presence.

### **III. FINDINGS OF FACT**

The Panel hereby adopts and incorporates by reference the stipulated facts of this case as detailed in the Complaint and admitted by Mr. Simms in his Response. At all times relevant, Mr. Simms was a lawyer licensed to practice law in the state of Arizona, having been first admitted to practice in Arizona on May 24, 2002.

#### **Count One (Ms. Leone)**

Ms. Leone hired Mr. Simms to represent her in relation to her termination from Sprouts where she worked as a paralegal. [Complaint, para 2.] Ms. Leone broke her ankle as a result of a fall. She was terminated the day after she was injured. [Id. at para. 3.] Ms. Leone executed a contingency fee agreement for "\$2,000 plus 20% of any gross recovery" and paid Mr. Simms the \$2,000 fee. [Id. at paras. 5-7; Ex. 17, Bates 41; Ex. 19, Bates 49, 52-53; Ex. 20, Bates 54-55; Ex. 21.] Initially, Mr. Simms and Ms. Leone communicated and acted together to draft a settlement letter in a fairly rapid pace, between November 12 and November 29, 2012. [Complaint at paras. 5-11; Ex. 13-32.] After Ms. Leone made suggested revisions to a draft settlement letter and sent those revisions to Mr. Simms with

approval for forwarding to Sprouts, he sent a letter dated November 29, 2013, and indicated he would contact Ms. Leone when he heard from Sprouts. [Complaint, paras. 10-11; Ex. 8, Bates 12; Ex. 11, Bates 25-28; Ex. 32.] That was the last contact Ms. Leone had with Mr. Simms until January 7, 2013.

Ms. Leone had made multiple attempts via email and voice mail messages to contact Mr. Simms. [Complaint at paras. 12-23; Ex. 34.] On December 13, 2012, she inquired as to whether Mr. Simms had heard from Sprouts and made a second request for a "fully executed fee agreement" for her file. [Complaint at para. 16; Ex. 34.] After no response, she then called and left a voicemail message on December 19 or 20, 2012. [Complaint at para. 17.] Mr. Simms finally responded by email on January 7, 2013, stating he had not heard from Sprouts, even though Sprouts had sent a response on December 10, 2012, rejecting the offer to settle. Mr. Sims stated he had mail that was "misplaced" by his former office and he would check if there was a response in that mail when he obtained it. [Id. at para. 18; Ex. 11, Bates 29-31; Ex. 35.] We do not find this plausible. After a week of no communication from Mr. Simms, Ms. Leone again emailed him. [Ex. 36.] A week later, she emailed Mr. Simms again. [Ex. 37.] Neither of these emails prompted a response from Mr. Simms. Mr. Simms has not communicated with Ms. Leone since his January 7, 2013, email. [Complaint at paras. 18-23.; Ex. 46, deposition, Bates 153-155.]

The State Bar received a charge from Ms. Leone in February 2013, and attempted to telephonically contact Mr. Simms regarding the matter. As that telephonic effort was unsuccessful, a letter was sent to him by the bar on February 25, 2013. [Ex. 1.] He did not respond. After review by the State Bar Intake

Department it was determined that the matter warranted a screening investigation. On March 25, 2013, the State Bar wrote Mr. Sims of this fact and enclosed the correspondence which Ms. Leone filed with the State Bar against Mr. Simms. The letter informed Mr. Sims that he needed to respond within 20 days of the letter. [Ex. 2.] Mr. Simms contacted the State Bar on April 16, 2013, *after* his response was due, seeking an extension until May 6, 2013, which was granted the same day. [Ex. 3.] Again, after the extended due date passed, Mr. Simms made an email request for an extension of time to respond to the bar charge. [Ex. 4.]

On May 8, Mr. Simms was informed by email second requests had to be addressed to Chief Bar Counsel and was informed that time was of the essence and suggested he make his formal request "as soon as possible." Mr. Simms did not file a formal request until May 15, 2013. [Ex. 6.] On May 8, 2013, Mr. Simms was also notified by letter of his ethical obligation to cooperate with a disciplinary investigation and that failure to do so was grounds for discipline itself. [Ex. 5.] Mr. Simms was ultimately granted an extension until May 20, 2013, to file his response. [Ex. 7.] He responded with a letter dated May 20, 2013. [Ex. 8.] In that letter he stated he thought he had written Ms. Leone but may have erroneously sent that email to another client. He then outlined mitigation factors that he stated he would share with Ms. Leone.

On June 3, 2013, the State Bar requested a copy of Ms. Leone's file from Mr. Simms as part of a continued investigation. [Ex. 9.] Mr. Simms was given two weeks to provide the file. [Id.] His deposition was taken on June 13, 2013. [Ex. 46.] He was granted an extension of an additional week, but still failed to timely provide the file. The State Bar again made the request and again reminded Mr.

Simms of his obligation to cooperate in the investigative process. Mr. Simms failed to mail a copy of the file until July 3, 2013. [Ex. 11.] The file merely contained notes and copies of the letter sent to Ms. Leone's employer and their response. [Id. at Bates 20-32.] The file did not contain the fully executed fee agreement nor evidence of any correspondence to Ms. Leone after the employer's response.

### **Count Two (Mr. Vickery)**

Mr. Vickery retained Mr. Simms, after consulting with him, to address having been placed on paid administrative leave from his employer. No fee agreement was drafted or signed or provided to Mr. Vickery. Instead, Mr. Simms sent an email stating: "Thank you for allowing me to represent you. I want to confirm you are going to provide an initial retainer tomorrow of \$2,500. You are going to make a second payment of \$1,500 on or before March 14, 2013." [Complaint, p. 7, para. 46; Ex. 40, Bates 106.]

When Mr. Vickery asked when he needed to sign the retainer Mr. Simms replied that there was "no formal fee agreement to sign" and reiterating much of the language from the email above. [Complaint, p. 7, para. 48; Ex. 40, Bates 105-107.] In addition, Mr. Simms clarified he was being paid the sums listed (\$4,000) to write a letter to Mr. Vickery's employer "to attempt to save [his] position with the company," and that he billed at a rate of \$350 per hour. [Id.]

Mr. Vickery paid the initial \$2,500 and on that same date Mr. Simms sent a draft of the letter addressed to Mr. Vickery's employer, which included a claim of age discrimination. [Ex. 40, bates 107-111.] Mr. Vickery was not satisfied with the letter. He did not agree there was any issue of age discrimination and he indicated to Mr. Simms that the "letter needs a lot of work" and that he would make the

corrections and send to Mr. Simms. [Id. at Bates 112.] Mr. Vickery did return the letter with edits several hours later and asked that Mr. Simms send the next draft for review before forwarding to the employer and indicated he was "a little concerned" about not just the quality of the first draft of the letter, but about the level of representation Mr. Simms was providing. [Complaint, p. 8, paras. 49-54; Ex. 40, Bates 112, 114.]

Mr. Simms did not respond, nor did he respond to two other emails sent the following day by Mr. Vickery. [Id. at Bates 115-116, 118.] As such, Mr. Vickery placed a stop payment on the \$2,500 retainer check. Mr. Simms did not communicate with Mr. Vickery for several days. His response was not to send Mr. Vickery a copy of the latest draft of the letter, or to otherwise communicate with Mr. Vickery about the content of the letter or his representation of Mr. Vickery, but instead to bill Mr. Vickery for \$3,115 and demand payment of reduced amount of \$2000 by a date certain under threat of "formal" proceedings to collect. [Complaint, p. 9, paras. 58-59; Ex 40, Bates 117, 119-130.]

Mr. Vickery disputed that the draft letter Mr. Simms sent him warranted fees of \$3,115. Mr. Simms responded by forwarding an attached complaint against Mr. Vickery for the unpaid fees. That complaint revealed privileged information about the employment dispute between Mr. Vickery and his employer. [Id. paras. 59-60; Ex. 40, Bates 120, 123-130.] Mr. Vickery again resisted indicating that he would not yield to Mr. Simms efforts to use threat of revealing privileged information in order to obtain an unwarranted fee. [Id. p. 10, para. 61; Ex. 40, Bates 131.] Mr. Simms persisted on asserting that he would pursue the matter in court. [Ex. 40, Bates 132-135.]

As a result of this fee dispute, Mr. Vickery filed a bar charge with the State Bar. On May 21, 2013 and again on June 25, 2013, the State Bar sent letters to Mr. Simms informing him of the allegations and seeking a response as well as requesting he provide a copy of his file to the Bar. [Ex. 41.] Mr. Simms requested an extension to respond after the second letter, but the State Bar did not grant the request. [Ex. 43.] As of the date of hearing in this matter, Mr. Simms had not responded to any of the State Bar's requests.

#### **IV. CONCLUSIONS OF LAW AND DISCUSSION OF DECISION**

The Panel finds clear and convincing evidence that Mr. Simms violated ERs ER 1.2(a) (scope of representation), ER 1.3 (diligence), ER 1.4 (communication), ER 1.5(a) (fees), ER 3.2 (expediting litigation), ER 8.1(b) (failure to cooperate with State Bar), and Rule 54(d) of the Arizona Rules of the Supreme Court.

The Panel finds there is clear and convincing evidence that Mr. Simms violated ER 1.2(a) requiring a lawyer to abide by a client's decisions concerning objectives of representation as long as those objectives are meritorious and lawful, ER 1.3 requiring that a lawyer act with reasonable diligence and promptness in representing a client, and ER 3.2 requiring a lawyer to make reasonable efforts to expedite litigation consistent with the interests of the client.

Ms. Leone retained Mr. Simms to represent her in relation to her termination from her employer, Sprouts. The evidence shows that entire fee was contingent upon recovery. [Ex. 19.] It is titled in bold capital letters, "CONTINGENT FEE AGREEMENT." It states in paragraph two that Mr. Simms would "charge you a contingent fee of \$2,000, plus 20% of any gross recovery." Any costs and expenses were the responsibility of Ms. Leone. The scope of the representation, as



agreed to by Ms. Leone and Mr. Simms, was limited to Mr. Simms "trying to settle your claims."

Mr. Simms did meet the scope of representation with diligence and promptness as to the drafting and sending of the settlement demand letter. However, he abandoned the case by not taking any further action in the matter after his letter dated was sent. Mr. Simms failed to provide Ms. Leone with a copy of the finalized letter he sent. He failed to diligently watch for the response from Sprouts and to inform Ms. Leone that Sprouts declined to settle and indicated that they believed their termination of Ms. Leone was lawful and not actionable. He alleged his prior office had "found a pile of my mail they misplaced." We do not find his statement credible. Regardless, Mr. Simms knew Ms. Leone wished to file a formal action against Sprouts if the settlement letter failed. The fee agreement drafted by him required that "If we are unsuccessful in reaching a settlement, we will confer and decide how to proceed." We find he failed to follow through with both the first and the second stage of his representation obligations.

Mr. Simms actions were such that potential serious harm could have occurred to Ms. Leone in the form of potentially losing the ability to bring suit against Sprouts and formally litigate the matter. Fortunately, Ms. Leone was diligent in seeking alternative representation and protecting her cause of action; however, this does not excuse the actions of Mr. Simms. We find his actions caused potential harm to his client and that he abandoned her.

The Panel finds clear and convincing evidence that Mr. Simms violated ER 1.4 which requires a lawyer to promptly inform a client of any decision or circumstance in the case, to keep the client reasonably informed about the status of a matter,

and to promptly comply with reasonable requests for information. Mr. Simms also failed to communicate with Ms. Leone. He did not respond to numerous emails and voicemails and failed to provide information that he indicated he would provide. After sending the letter to Ms. Leone's employer, he had only one other communication with Ms. Leone, leaving her in the dark as to Sprouts reply and as to whether he was continuing to represent her and abandoning his client.

The Panel finds clear and convincing evidence that Mr. Simms violated ER 1.5(a) which prohibits lawyers from charging or collecting an unreasonable fee or an unreasonable amount for expenses. Mr. Simms violated ER 1.5(a) in the first instance by contingently charging Ms. Leone \$2,000 to draft and send a settlement demand letter to which she not only provided the bulk of the information for, but for which she also conducted edits and revisions for. Other than to draft the list of information he needed from Ms. Leone to draft the letter, Mr. Simms provided no information demonstrating he conducted any other work on the case. It appears the correspondence he sent was cut and pasted from another client's file. [Ex. 39, second paragraph.] More significantly, Mr. Simms admitted each and every paragraph of the complaint and did not contest that he charged Ms. Leone \$2,000 for drafting a list of questions and drafting and sending a letter that incorporated those responses.

In the second instance, Mr. Simms violated ER 1.5(a) when he charged Mr. Vickery \$3,115 for drafting a three-page letter that was a form letter containing information provided by Mr. Vickery.

The Panel finds clear and convincing evidence that Mr. Simms violated ER 8.1(d) and Rule 54 of the Arizona Rules of the Supreme Court by knowingly failing

to respond to the State Bar's demands for responses to the bar charges in both counts herein, as well as failing to provide additional information sought by the State Bar during the course of their investigation of both matters making up the Complaint before this Panel.

## **V. SANCTIONS**

In determining an appropriate sanction, the Panel considered the American Bar Association's *Standards for Imposing Lawyer Sanctions* ("Standards") as a guideline. Rule 58(k), Ariz. R. Sup. Ct. The appropriate sanction turns on the unique facts and circumstances of each case. *In re Wolfram*, 174 Ariz. 49, 59, 847 P.2d 94, 104 (1993).

### **Analysis under the ABA Standards**

Generally, when weighing what sanction to impose, the Panel considers the duty violated, the lawyer's mental state, the actual or potential injury caused by the misconduct, and the existence of aggravating and mitigating factors. *In re Peasley*, 208 Ariz. 27, 33, 35, 90 P.3d 764, 770 (2004). *See also Standard 3.0.*

Although the *Standards* do not account for multiple charges of lawyer misconduct, the sanction imposed should at least be consistent with the sanction for the most serious misconduct that has been found. *Theoretical Framework*, p. 7. Consideration is also given to the degree of harm caused by the misconduct. *Matter of Scholl*, 200 Ariz. 222, 224-225, 25, P.3d 710 (2001).

In these matters, Mr. Simms knowingly violated his duties owed to his former clients and as a professional.

*Standard 4.4*, Lack of Diligence, is applicable to Mr. Simms violation of ERs 1.2(a), 1.3, and 1.4. *Standard 4.42(a)* provides that:

Suspension is generally appropriate when:  
(a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client.

Mr. Simms knowingly violated ERs 1.2(a), 1.3, and 1.4 when he failed to represent Ms. Leone in the manner that he agreed. Specifically, Mr. Simms failed to communicate with Ms. Leone, provide her with information and documents she requested, inform her of Sprouts response to the settlement demand letter sent by Mr. Simms and failure to file a complaint against Sprouts once their response was received. In effect, Mr. Simms abandoned his client causing actual and potential injury.

*Standard 7.0, Violation of Duties Owed as a Professional* is applicable to Mr. Simms violation of ERs 1.5(a), 8.1(b) and Rule 54. *Standard 7.2* provides that:

Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

Mr. Simms violated ERs 1.5(b) in both matters before this Panel by charging unreasonable fees for the work actually performed. Further, Mr. Simms violated ER 8.1(b) and Rule 54 of the Arizona Rules of the Supreme Court by knowingly, if not intentionally, failing to respond to requests for information from bar counsel related to the misconduct in both counts before this Panel.

Given the facts of this matter and upon consideration of the *Standards* applied to Mr. Simms' most serious misconduct, the Panel determined that the presumptive sanction is suspension. Mr. Simms misconduct was knowing if not intentional, and caused actual injury to his clients.

***Standard 9.0, Aggravating and Mitigating Factors***

In attorney discipline proceedings, aggravating factors need only be supported by reasonable evidence. *In re Matter of Peasley*, 208 Ariz. 27, 90 P.3d 764 (2004). The Panel finds the evidence supports the existence of the following aggravating factors: 9.22(a) prior disciplinary offense.

Mr. Simms was placed on probation for one year as a result of an order of admonishment entered by the Attorney Discipline Probable Cause Committee on March 14, 2013. Mr. Simms knew of the admonition. In his deposition of June 13, 2013, he testified he knew of the terms of that admonition and did not comply with them despite repeated opportunities to do so. [Ex. 46, beginning page 9, Ln. 5 through page 18, Ln. 8. Bates 150-153.]

On July 16, 2013, the Office of the PDJ reprimanded Mr. Simms for failure to comply with the terms of that probation and ordered probation for two years as a result of the misconduct. Although Mr. Simms was able to begin compliance with the terms of the initial one year probationary term during a two week period of advisement while the PDJ evaluated the proper sanction for Mr. Simms' non-compliance, the State Bar asserted at the hearing before this Panel that Mr. Simms had begun to fall out of compliance and that they were having difficulty obtaining regular and timely reports from Mr. Simms.

No evidence of mitigation was offered by Mr. Simms or the State Bar, nor does the Panel find evidence in support of mitigation.

Notwithstanding, the hearing panel also reviewed the exhibits to determine whether there was any mitigation. To administer proceedings fairly; we weigh evidence "to the end of ascertaining the truth and securing a just determination." Rule 102 of the Rules of Evidence. In general, litigants can be eager to rationalize.

Feelings can overcome a sense of objectivity. It can be a natural human tendency to be subjective rather than objective. Evidence should be disclosed and tested to better enable a proper determination of evidentiary claims. As pointed out in the notes to Rule 401 of the Rules of Evidence by the Advisory Committee on Proposed Rules, the question must be "does the item of evidence tend to prove the matter sought to be proved?" Lay opinion evidence regarding the health condition of an individual offers little reliability in the absence of any medical records or testimony. See rule 701 Rules of Evidence.

By his nondisclosure, Mr. Simms increased the difficulty of our weighing any potentiality of mitigation regarding the severe health concerns raised in his deposition regarding his family and stated in his response to the State Bar. Medical records or medical testimony offer more objective time frames for the events and conclusions reached which he alleges. They would offer far better proof of what, when and even if certain described events occurred. We are left with only his statements regarding these events. The hearing panel strongly considered a suspension of at least a year. However, in this instance, while unable to find mitigation based upon the scarcity of the evidentiary record, choose instead to defer more towards the recommendation of the State Bar.

## **VI. CONCLUSION**

The Panel has weighed the facts and circumstances in this matter and has considered the applicable *Standards* including the aggravating and mitigating factors.

**IT IS ORDERED** suspending W. Blake Simms, Bar No. 021595, effective the date of this order for a period of nine (9) months.

**IT IS FURTHER ORDERED** that Mr. Simms shall pay restitution in the amount of \$2,000 to Ms. Leone.

**IT IS FURTHER ORDERED** that Mr. Simms shall comply with all provisions of Rule 72, Ariz. R. Sup. Ct., including notice to clients and others.

**IT IS FURTHER ORDERED** that Mr. Simms shall pay the costs associated with these disciplinary proceedings in the amount of \$4,021.40.

**DATED** this 3rd day of February, 2014.

*William J. O'Neil*

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**William J. O'Neil, Presiding Disciplinary Judge**

**CONCURRING**

*Patricia Ellyn Studley*

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Patricia Ellyn Studley, Volunteer Public Member

*Penny L. Willrich*

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Judge Penny L. Willrich (retired), Volunteer Attorney Member

Original filed with the Disciplinary Clerk  
of the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this 3rd day of February 2014

Copies of the foregoing mailed/emailed  
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by: MSmith



IN THE  
**SUPREME COURT OF THE STATE OF ARIZONA**  
BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE  
1501 W. WASHINGTON, SUITE 102, PHOENIX, AZ 85007-3231

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

**W. BLAKE SIMMS,**  
**Bar No. 021595**

Respondent.

**PDJ-2013-9087**

**FINAL JUDGMENT AND ORDER**

[State Bar No. 13-0380, 13-0552]

**FILED FEBRUARY 26, 2014**

This matter having come before the Hearing Panel of the Supreme Court of Arizona, the Hearing Panel having duly rendered its decision, and no appeal having been filed pursuant to Rule 59(a), Ariz.R.Sup.Ct., accordingly:

**IT IS HEREBY ORDERED** that Respondent, **W. Blake Simms**, is hereby suspended for nine (9) months for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the Report and order Imposing Sanctions, effective February 3, 2014.

**IT IS FURTHER ORDERED** that Respondent shall pay restitution to Donna Leone in the amount of \$2,000.00.

**IT IS FURTHER ORDERED** that, pursuant to Rule 72 Ariz. R. Sup. Ct., Respondent shall immediately comply with the requirements relating to notification of clients and others.

**IT IS FURTHER ORDERED** that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$4,021.40. There are no costs or

expenses incurred by the disciplinary clerk and/or the Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings.

**DATED** this 26th day of February, 2014.

*William J. O'Neil*

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**William J. O'Neil, Presiding Disciplinary Judge**

Original filed with the Disciplinary Clerk  
of the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this 26th day of February, 2014.

Copies of the foregoing mailed/emailed  
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