

Shauna R. Miller, Bar No. 015197
Senior Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
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OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

JUL 06 2012

FILED
BY J. Dixon

William F. Doran, Bar No. 014400
Phoenix, AZ 85078-4099
Telephone: 602-971-1775
Email: wdoransr@aol.com
Respondent

**BEFORE THE PRESIDING DISCIPLINARY JUDGE
OF THE SUPREME COURT OF ARIZONA**

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

WILLIAM F. DORAN
Bar No. 014400

Respondent.

PDJ-2012- 9066

[State Bar File Nos. 11-1605 and 11-3102]

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

The State Bar of Arizona, through undersigned bar counsel, and Respondent William F. Doran, who has chosen not to seek the assistance of counsel, hereby submit their Tender of Admissions and Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. Respondent voluntarily waives the right to an adjudicatory hearing, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, if the conditional admission and proposed form of discipline is approved. A formal complaint has not been filed.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, Ariz. R. Sup. Ct. specifically ER(s) 1.2, 1.3, 1.4, 1.15(a), 8.1(b), and Rule 43(b) and (d), and 54(d) Ariz. R. Sup. Ct. Upon acceptance of this agreement,

Respondent agrees to accept imposition of the following discipline: Reprimand and two years of probation. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding.¹ The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit "A."

FACTS

GENERAL ALLEGATIONS

1. At all times relevant, Respondent was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice in Arizona on October 24, 1992.

COUNT ONE (File no. 11-1605/Galvao)

2. In July 2010, Louis A. Galvao (Mr. Galvao) hired Respondent to prepare three letters for him.
3. Two letters were concerning collection efforts against Mr. Galvao, and one letter was concerning a matter with Verizon Wireless.
4. A few months passed and Mr. Galvao had not received anything from Respondent. Mr. Galvao started calling Respondent's office, but he was never available and he never returned any of Mr. Galvao's phone calls.
5. Mr. Galvao finally sent Respondent a certified letter, but again did not receive a response.
6. On August 5, 2011, the State Bar sent Respondent a screening letter, to which he failed to respond.

¹ Respondent understands that the costs and expenses of the disciplinary proceeding include the costs and expenses of the State Bar of Arizona, the Disciplinary Clerk, the Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

7. On September 2, 2011, the State Bar sent Respondent a warning letter indicating failure to respond to the State Bar could lead to his deposition being taken or an order of probable cause being entered. Respondent failed to respond.
8. Staff investigator Marlene Cartusciello attempted to contact Respondent on October 5, 2011, and October 11, 2011. Respondent finally returned Ms. Cartusciello's phone calls on October 12, 2011.
9. Respondent said he was finishing his response and would mail it no later than October 17, 2011.
10. When Respondent failed to respond, bar counsel obtained a subpoena for Respondent's deposition.
11. Respondent appeared at his deposition on November 15, 2011, and said he did not deny any of Mr. Galvaos' allegations and had no good reason for failing to respond to the State Bar.

COUNT TWO (File no. 11-3102/Trust Account)

12. The State Bar received an insufficient funds notice on Respondent's client trust account. On September 20, 2011, check number 2478 for \$250.00 attempted to pay against the account when the balance was \$150.00. The bank paid the check and did not charge an overdraft fee leaving the account with an available balance of negative \$100.00.
13. On September 30, 2011, the State Bar received another insufficient funds notice. On September 23, 2011, check number 2483 for \$500.00 attempted to pay against the account when the available balance was \$400.00. The bank

paid the check and did not charge an overdraft fee, leaving the account with an available balance of negative \$100.00.

14. The State Bar's trust account examiner sent Respondent a copy of the overdraft notices and requested an explanation and copies of the related mandatory records.
15. Respondent failed to provide any of the requested information.
16. The State Bar subpoenaed a year's worth of Respondent's trust account records from Chase Bank in order to reconstruct Respondent's trust account.
17. After receiving the documents from Chase Bank, the trust account examiner spoke with Respondent to request additional information. Respondent stated that the overdraft was caused by a garnishment that was issued against his client trust account.
18. After reconstructing Respondent's records, it was discovered that Respondent deposited his \$1,809.00 social security check on January 25, 2011, into the client trust account. Respondent never provided an explanation as to why he put the money in his trust account.
19. On November 15, 2011, the State Bar deposed Respondent. Respondent testified that he would search his records and send the trust account documents the State Bar had requested.
20. Respondent failed to produce any trust account records for his client trust account.

CONDITIONAL ADMISSIONS

Respondent's admissions are being tendered in exchange for the form of discipline stated below and is submitted freely and voluntarily and not as a result of

coercion or intimidation. Respondent conditionally admits that his conduct violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.2, 1.3, 1.4, 1.15, 8.1, and Rules 43 and 54 as follows:

COUNT ONE (File no. 11-1605/Galvao)

21. Respondent violated ER 1.2 – Respondent failed to perform the work for Mr. Galvaos that he was hired to perform.
22. Respondent violated ER 1.3 – Respondent was not diligent in his representation of Mr. Galvaos.
23. Respondent violated ER 1.4 – Respondent failed to properly communicate with Mr. Galvaos.
24. Respondent violated ER 8.1(b) and Rule 54(d) – Respondent knowingly failed to respond to the State Bar's requests for information.

COUNT TWO (File no. 11-3102/Trust Account)

25. Respondent violated ER 1.15(a) – Respondent deposited personal funds into his client trust account and failed to keep and preserve complete records of such account funds and other property for a period of five years.
26. Respondent violated Rule 43(b)(2)(A), (B), (C), (D) – Respondent failed to maintain on a current basis, complete records of the handling, maintenance, and disposition of all funds, securities, and other property belonging in whole or in part to a client/third person in connection with a representation; failed to maintain or cause to be maintained an account ledger or the equivalent for each client, person, or entity; failed to make or cause to be made a monthly three-way reconciliation; failed to retain, in accordance with this rule, all trust account documents;

27. Respondent failed to safeguard client or third party funds. Rule 43(d)(3), Rebuttable Presumption. If a lawyer fails to maintain trust account records required by Rule 43 and ER 1.15, or fails to provide trust account records to the state bar upon request or as ordered by a panelist, a hearing officer, the commission or the court, there is a rebuttable presumption that the lawyer failed to properly safeguard client/third person's funds or property, as required by this rule and ER 1.15.
28. Respondent violated ER 8.1(b) and Rule 54(d) – Respondent knowingly failed to respond to the State Bar's requests for information.

RESTITUTION

Restitution is not an issue in this matter.

SANCTION

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter, as set forth above, the following sanction is appropriate: Reprimand and two years of probation.

Respondent shall contact the State Bar's Law Office Management Assistance Program (LOMAP), at 602-340-7332, within 30 days of the filing of the judgment and order in this matter. Respondent shall submit to a LOMAP examination of his office's procedures, including, but not limited to, compliance with ERs 1.2, 1.3, 1.4, 1.15 and Supreme Court Rule 43. LOMAP personnel shall develop "Terms and Conditions of Probation," and those terms shall be incorporated herein by reference. The probation period will commence at the time of the entry of the judgment and order and will conclude two years from that date. Respondent shall be responsible for any costs associated with LOMAP.

In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof is received by the State Bar of Arizona, bar counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence

LEGAL GROUNDS IN SUPPORT OF SANCTION

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E). The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various types of misconduct. *Standards* 1.3, Commentary. The *Standards* provide guidance with respect to an appropriate sanction in this matter. *In re Peasley*, 208 Ariz. 27, 33, 35, 90 P.3d 764, 770 (2004); *In re Rivkind*, 162 Ariz. 154, 157, 791 P.2d 1037, 1040 (1990).

In determining an appropriate sanction consideration is given to 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. *Peasley*, 208 Ariz. at 35, 90 P.3d at 772; *Standard* 3.0.

The parties agree that *Standards* 4.1, 4.4 and 8.4 are the appropriate *Standards* given the facts and circumstances of this matter. *Standard 4.14* provides that admonition is generally appropriate when a lawyer is negligent in dealing with client property and causes little or no actual or potential injury to a client. *Standard 4.43* provides that reprimand is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes injury or potential injury to a client. *Standard 8.4* provides that an admonition is generally not an appropriate sanction when a lawyer has engaged in the same or similar misconduct in the past.

Respondent was assigned as the attorney for a client who had a legal plan. All Respondent was asked to do was write three letters. Respondent failed to perform these services. Respondent also received two overdraft notices on his client trust account. Although Respondents conduct would normally considered minor misconduct and would normally result in diversion, Respondent has been sanctioned for the same misconduct in the past, and therefore a reprimand is appropriate in this situation².

The duty violated

As described above, Respondent's conduct violated his duty to his client and the profession.

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent negligently failed to perform his duties to his client and negligently overdrew his client trust account and that his conduct was in violation of the Rules of Professional Conduct.

² See aggravating factors below.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree that there was potential or no harm to client or the profession.

Aggravating and mitigating circumstances

The presumptive sanction in this matter is reprimand. The parties conditionally agree that the following aggravating and mitigating factors should be considered. Aggravating and mitigating circumstances are any considerations or factors that may justify an increase or decrease in the degree of discipline to be imposed.

In aggravation:

Standard 9.22:

- (a) Prior disciplinary offenses: File no. 05-1126, admonition (IR) – ERs 1.1, 1.2, 1.3, 1.4, 1.5, 1.16, 8.4(d) and \$800.00 restitution. Probation.

Although diversion is not a sanction, it should be considered as evidence of prior knowledge of the ethical rules violated in these matters. File no. 04-1597, diversion – ERs 1.2, 1.3, 1.4, 8.4(d); File no. 01-0082, diversion – ERs 1.2, 1.3, 1.4, 8.4(d).

- (e) Failure to respond to the State Bar's request for information.
- (i) Substantial experience in the practice of law. Respondent has been a lawyer for almost twenty years.

In mitigation:

Standard 9.32:

- (b) absence of a dishonest or selfish motive;

(m) remoteness of prior offenses.

Discussion

The parties have conditionally agreed that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter. This agreement was based on the following: The misconduct was minor and no actual harm occurred. Although Respondent failed to respond to the State Bar, during his deposition he was very forth coming and admitted his short comings. However, this should serve a wakeup call for Respondent, because he understands that if he engages in further misconduct, regardless of how minor, he could be subjected to a greater sanction.

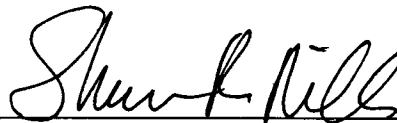
Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of a reprimand and two years of probation and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit "B."

DATED this 6th day of July, 2012.

STATE BAR OF ARIZONA



Shauna R Miller
Senior Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. [I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property and other rules pertaining to suspension.]

DATED this _____ day of _____, 2012.

William F Doran
Respondent

Approved as to form and content



Maret Vessella
Chief Bar Counsel

Original filed with the Disciplinary Clerk
of the Office of the Presiding Disciplinary Judge
this 6th day of July, 2012.

Copies of the foregoing mailed/emailed
this 6th day of July, 2012, to:

William F Doran
Phoenix, AZ 85078-4099
Email:
Respondent

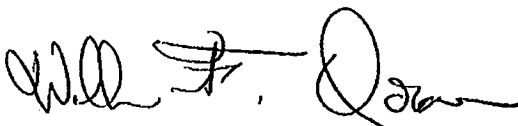
DATED this _____ day of _____, 2012.

STATE BAR OF ARIZONA

Shauna R Miller
Senior Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. [I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property and other rules pertaining to suspension.]

DATED this 6TH day of JULY, 2012.



William F Doran
Respondent

Approved as to form and content

Maret Vessella
Chief Bar Counsel

Original filed with the Disciplinary Clerk
of the Office of the Presiding Disciplinary Judge
this _____ day of _____, 2012.

Copies of the foregoing mailed/emailed
this _____ day of _____, 2012, to:

William F Doran
Phoenix, AZ 85078-4099
Email:
Respondent

Copies of the foregoing mailed/emailed
this 6th day of July, 2012, to:

William F. Doran
PO Box 54099
Phoenix, AZ 85078-4099
Email: wdoransr@aol.com
Respondent

Copy of the foregoing emailed
this 6th day of July, 2012, to:

William J. O'Neil
Presiding Disciplinary Judge
Supreme Court of Arizona
Email: officepdj@courts.az.gov
lhopkins@courts.az.gov

Copy of the foregoing ~~hand~~-delivered
this 6th day of July, 2012, to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266

By: *Angie Perry*

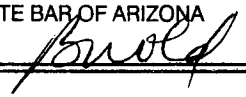
SRM/amp

**BEFORE THE ATTORNEY DISCIPLINE
PROBABLE CAUSE COMMITTEE
OF THE SUPREME COURT OF ARIZONA**

FILED

JUN 11 2012

STATE BAR OF ARIZONA

BY 

**IN THE MATTER OF A MEMBER OF THE
STATE BAR OF ARIZONA**

No. 11-3102

**WILLIAM F. DORAN
Bar No. 014400**

PROBABLE CAUSE ORDER

Respondent

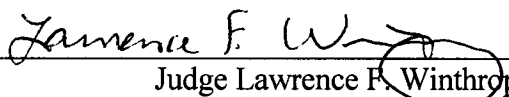
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on June 8, 2012, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 9-0, the Committee finds probable cause exists to file a complaint against Respondent in File No. 11-3102.

IT IS THEREFORE ORDERED pursuant to Rules 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing State Bar Counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

DATED this 8 day of June, 2012.


Judge Lawrence F. Winthrop
Chair, Attorney Discipline Probable Cause
Committee of the Supreme Court of Arizona

Original filed this 15th day
of June, 2012, with:

Lawyer Regulation Records Department
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Copy mailed this 15th day
of June, 2012, to:

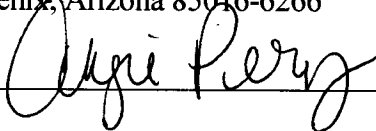
William F. Doran
Post Office Box 54099
Phoenix, Arizona 85078-4099
Respondent

Copy emailed this 15th day
of June, 2012, to:

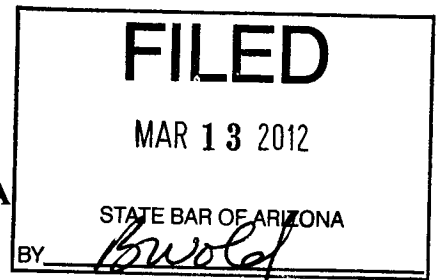
Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona
1501 West Washington Street, Suite 104
Phoenix, Arizona 85007
ProbableCauseComm@courts.az.gov

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266

by:



**BEFORE THE ATTORNEY DISCIPLINE
PROBABLE CAUSE COMMITTEE
OF THE SUPREME COURT OF ARIZONA**



**IN THE MATTER OF A MEMBER OF THE
STATE BAR OF ARIZONA**

No. 11-1605

**WILLIAM F. DORAN
Bar No. 014400**

PROBABLE CAUSE ORDER

Respondent

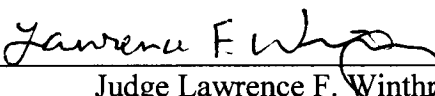
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on March 9, 2012, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 8-0-1,¹ the Committee finds probable cause exists to file a complaint against Respondent in File No. 11-1605.

IT IS THEREFORE ORDERED pursuant to Rules 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing State Bar Counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

DATED this 9 day of March, 2012.



Judge Lawrence F. Winthrop
Chair, Attorney Discipline Probable Cause
Committee of the Supreme Court of Arizona

Original filed this 13th day
of March, 2012, with:

Lawyer Regulation Records Department
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, Arizona 85016-6288

¹ Committee member Ben Harrison did not participate in this matter.

Copy mailed this 13th day
of March, 2012, to:

William F. Doran
Post Office Box 54099
Phoenix, Arizona 85078-4099
Respondent

Copy emailed this 13th day
of March, 2012, to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, Arizona 85016-6288

Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona
1501 West Washington Street, Suite 104
Phoenix, Arizona 85007
ProbableCauseComm@courts.az.gov

by: 

EXHIBIT "A"

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
William F Doran, Bar No. 014400, Respondent

File No(s). 11-1605 and 11-3102

Administrative Expenses

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

General Administrative Expenses for above-numbered proceedings

\$1,200.00

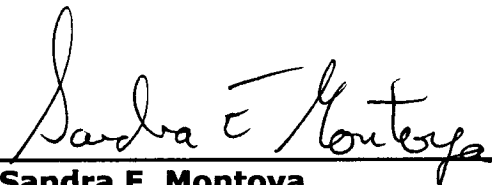
Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

Staff Investigator/Miscellaneous Charges

11/15/10	Alliance Reporting, Deposition of Respondent	\$ 60.00
Total for staff investigator charges		\$ 60.00

TOTAL COSTS AND EXPENSES INCURRED

\$1,260.00



Sandra E. Montoya
Lawyer Regulation Records Manager

5-31-12

Date

EXHIBIT "B"

**BEFORE THE PRESIDING DISCIPLINARY JUDGE
OF THE SUPREME COURT OF ARIZONA**

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

WILLIAM F DORAN
Bar No. 014400

Respondent.

PDJ- 2012-

[State Bar File Nos. 11-1605 and 11-3102]

FINAL JUDGMENT AND ORDER

The undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on _____, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED that Respondent, **William F Doran**, is hereby reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that Respondent shall be placed on probation for a period of two years.

IT IS FURTHER ORDERED that Respondent shall contact the State Bar's Law Office Management Assistance Program (LOMAP), at 602-340-7332, within 30 days of the date of the final judgment and order. Respondent shall submit to a LOMAP examination of his office's procedures, including, but not limited to, compliance with ERs 1.2, 1.3, 1.4, 1.15, and Rule 43, Ariz. R. Sup. Ct. The LOMAP personnel shall develop "Terms and Conditions of Probation", and those terms shall

be incorporated herein by reference. The probation period will commence at the time of the entry of the judgment and order and will conclude two years from that date. Respondent shall be responsible for any costs associated with LOMAP.

In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$ _____.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings in the amount of \$ _____.

DATED this _____ day of _____, 2012.

The Honorable 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 ____ day of _____, 2012.

Copies of the foregoing mailed/emailed
this ____ day of _____, 2012, to:

William F. Doran
PO Box 54099
Phoenix, AZ 85078-4099
Email: wdoransr@aol.com
Respondent

Copy of the foregoing hand-delivered/emailed
this ____ day of _____, 2012, to:

Shauna R. Miller
Senior Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: lro@staff.azbar.org

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266

by: _____